GENERAL LAWS
OF THE
STATE OF IDAHO

PASSED BY
THE SECOND REGULAR SESSION OF THE
FIFTY-FIRST IDAHO LEGISLATURE
Convened January 6, 1992
Adjourned April 3, 1992

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

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SECRETARY OF STATE

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

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CHAPTER 1
(S.B. No. 1254)

AN ACT
RELATING TO CONGRESSIONAL DISTRICTS; AMENDING SECTION 34-1902, IDAHO CODE, TO PROVIDE FOR THE FIRST CONGRESSIONAL DISTRICT; AMENDING SECTION 34-1903, IDAHO CODE, TO PROVIDE FOR THE SECOND CONGRESSIONAL DISTRICT; PROVIDING AN EFFECTIVE DATE FOR PURPOSES OF THE CURRENT CONGRESSIONAL DISTRICTS; AND DECLARING AN EMERGENCY FOR PURPOSES OF CREATING FUTURE CONGRESSIONAL DISTRICTS.

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

SECTION 1. That Section 34-1902, Idaho Code, be, and the same is hereby amended to read as follows:

34-1902. FIRST CONGRESSIONAL DISTRICT. The names, numbers and boundaries of the counties and precincts herein referred to in describing the area included within the first congressional district shall be as the same existed on November 4, 1988 for the general election of 1988. The first congressional district comprises the counties of Adams, Benewah, Boise, Bonner, Boundary, Canyon, Clearwater, Gem, Idaho, Kootenai, Latah, Lewis, Nez Perce, Owyhee, Payette, Shoshone, Valley, Washington and counties hereafter created therefrom and the following precincts within Ada County and precincts hereafter created therefrom: No. 2, No. 8, No. 12, No. 15, No. 16, No. 17, No. 20, No. 24, No. 28, No. 29, No. 32, No. 34, No. 36, No. 38, No. 39, No. 42, No. 43, No. 48, No. 49, No. 50, No. 51, No. 52, No. 53, No. 54, No. 55, No. 56, No. 57, No. 58, No. 59, No. 60, No. 63, No. 65, No. 66, No. 67, No. 68, that portion of No. 69 lying south and west of Interstate Highway No. 84, No. 70, No. 71, No. 72, No. 75, No. 76, No. 77, No. 78, No. 81, No. 82, No. 84, No. 85, No. 86, No. 87, No. 88, No. 89, No. 90, No. 91, No. 92, No. 93, No. 94, No. 95, No. 96, No. 97, No. 98, No. 99, No. 100, No. 101, No. 102, No. 103, No. 104, No. 105, No. 106, No. 107, No. 108, No. 109, that portion of No. 111 lying south and west of Interstate Highway No. 84, No. 112, No. 116, No. 117, No. 118, No. 119, No. 120, No. 122 and No. 123.

SECTION 2. That Section 34-1903, Idaho Code, be, and the same is hereby amended to read as follows:

34-1903. SECOND CONGRESSIONAL DISTRICT. The names, numbers and boundaries of the counties and precincts herein referred to in describing the area included within the second congressional district shall be as the same existed on November 4, 1988 for the general election of 1988. The second congressional district comprises the counties of Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Camas, Caribou, Cassia, Clark, Custer, Elmore, Franklin, Fremont, Gooding, Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Oneida, Power, Teton, Twin Falls, and counties hereafter created therefrom, and the following precincts within Ada County and precincts hereafter created
therefrom: No. 1, No. 3, No. 4, No. 5, No. 6, No. 7, No. 9, No. 10, No. 11, No. 13, No. 14, No. 18, No. 19, No. 21, No. 22, No. 23, No. 24, No. 25, No. 26, No. 27, No. 30, No. 31, No. 33, No. 35, No. 37, No. 40, No. 41, No. 43, No. 44, No. 45, No. 46, No. 47, No. 48, No. 51, No. 61, No. 62, No. 64, No. 77 that portion of No. 69 lying north and east of Interstate Highway No. 84, No. 79, No. 80, No. 83, No. 85, No. 87, No. 88, No. 89, No. 90, No. 91, No. 92, No. 93, No. 94, No. 95, No. 96, No. 97, No. 98, No. 99, No. 101, No. 103, No. 105, No. 107, No. 109, No. 110, No. 111, No. 112, No. 113, No. 114, No. 115, and No. 121.

SECTION 3. The congressional districts as they existed for the general election of 1990 shall continue in full force and effect for all purposes of the One Hundred Second Congress.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, the provisions of Section 1 and Section 2 of this act shall be in full force and effect on and after passage and approval for all purposes of the One Hundred Third and succeeding Congresses.


CHAPTER 2
(H.B. No. 435)

AN ACT
RELATING TO REAL ESTATE LICENSE EXAMINATION FEES; AMENDING SECTION 54-2029, IDAHO CODE, TO ESTABLISH REAL ESTATE LICENSE EXAMINATION FEES IN AMOUNTS WHICH ARE SUFFICIENT TO MANAGE AND ADMINISTER THE REAL ESTATE EXAMINATION PROGRAM.

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 misde-
meanor 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 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;
(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 as provided for in subsection B(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 fifty one hundred dollars ($5100.00) 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 sixty one hundred ten dollars ($6110.00) shall be charged to the applicant. The exact examination fee shall be determined by the commission at the conclusion of a hearing called for such purpose to be conducted pursuant to notice. The fee shall be that amount which, in the discretion of the commission, is sufficient to raise the revenue required to administer the examination. The fee so established shall remain effective from year to year and further hearing shall be required only in the event an increase or other alteration in the fee is proposed by the commission.
(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 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, 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, provided, that after December 31, 1988, the requirement shall be ninety (90) hours, 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; fundamentals of obligations between principal and agent; and applied skills; 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 advanced classroom instruction, or equivalent correspondence hours, in real estate courses which courses shall include, but not be limited to: advanced principles of real estate practice, real estate office management and supervision of associates.

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 one hundred dollars ($100) 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 pursuant to notice. The commission shall establish fees which, in its discretion are sufficient when added to the other fees charged and collected as authorized by law, to raise that revenue required to administer the provisions of this chapter. Fees established as herein provided shall remain effective from year to year and further hearing shall be required only in the event an increase or other alteration in the fees is proposed by the commission.

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 shall be for a two (2) year period and the license fee therefor shall be in an amount not to exceed two hundred dollars ($200).
F. 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 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 two hundred dollars ($200) 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.

G. Subsections G, H, I and J of this section shall apply to both an applicant for a renewal of a license which expires after June 30, 1989, and an applicant for a change in status from inactive licensure to active licensure after June 30, 1989.

Each individual applicant for renewal of an active license shall, on or before the expiration date of the license, submit satisfactory proof to the commission of successful completion of not less than twelve (12) classroom hours of approved course work in addition to any other requirements for renewal.

The twelve (12) hours of course work shall apply to each license renewal period, and hours in excess shall not be accumulated or credited for the purposes of subsequent license renewals.

Inactive licensees may renew their licenses at the end of the license period without having completed the twelve (12) hours of course work required in this section. However, a license of an inactive licensee shall not be activated until the licensee has satisfactorily completed the total number of deficient hours of course work and filed evidence of such completion with the commission, except that no inactive licensee shall be required to make up more than the number of hours of course work required by this section for one (1) license period.

H. The commission may substitute all or a portion of the course work required by subsection G of this section when a licensee shows evidence of passing an approved challenge exam or of completing equiv-
alent education determined by the commission to be in full compliance with such education requirements.

I. An extension of the time for completing the education requirements in accordance with subsection G of this section may be obtained by submitting with the regular renewal application, or application to activate, evidence showing that the applicant was unable to comply with such education requirements. Such evidence may be:

(1) Bona fide hardship preventing completion of the reinstatement requirements of an inactive license;
(2) Health reasons preventing attendance;
(3) Active duty in the military service with assignment to a permanent duty station outside of the state during the last twelve (12) months of a license period; or
(4) Other compelling cause beyond the control of the applicant while engaged in the real estate business.

J. Failure to provide the commission evidence of meeting the education requirement as set forth in subsection G of this section shall constitute grounds for denying an application for a renewal of an active license or denying an application for a change in licensure status from inactive to active.

Approved February 11, 1992.

CHAPTER 3
(H.B. No. 436)

AN ACT
RELATING TO THE STATE BOARD OF DENTISTRY; AMENDING CHAPTER 9, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-916A, IDAHO CODE, TO ALLOW FOR LICENSURE BY CREDENTIALS FOR DENTAL HYGIENISTS BASED ON BOARD APPROVED EXAMINATION TAKEN IN OTHER STATES.

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

SECTION 1. That Chapter 9, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 54-916A, Idaho Code, and to read as follows:

54-916A. DENTAL HYGIENE APPLICANTS LICENSED IN OTHER STATES. The board may issue a license to applicants licensed to practice dental hygiene in another state upon evidence that:

(1) The applicant is currently an active dental hygienist who holds a valid license in another state.
(2) The applicant has been licensed for at least one (1) year and the hygienist has practiced a minimum of one thousand (1000) hours in the year immediately preceding the date of application.
(3) No disciplinary proceeding or unresolved complaint is pending at the time a license is to be issued by this state.
(4) The applicant has successfully completed a clinical examina-
tion which is at least equivalent to that required by this state, as determined by the board.

Approved February 19, 1992.

CHAPTER 4
(H.B. No. 475)

AN ACT
RELATING TO LIBRARY DISTRICTS; AMENDING SECTION 33-2717, IDAHO CODE, TO PROVIDE ADDITIONAL CONDITIONS UNDER WHICH NO ELECTION FOR LIBRARY DISTRICT TRUSTEE SHALL BE HELD; AMENDING CHAPTER 27, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-2717A, IDAHO CODE, TO PROVIDE THAT A WRITE-IN CANDIDATE FOR THE OFFICE OF LIBRARY DISTRICT TRUSTEE MUST HAVE FILED A DECLARATION OF INTENT IN ORDER TO BE A VALID CANDIDATE, AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-2717, Idaho Code, be, and the same is hereby amended to read as follows:

33-2717. BOARD OF TRUSTEES -- ONE NOMINATION -- NO ELECTION. In any election for trustees if, after the expiration of the date for filing written nominations for the office of trustee, it appears that only one (1) qualified candidate has been nominated for each position to be filled and if no declaration of intent has been filed as provided in section 33-2717A, Idaho Code, it shall not be necessary to hold an election, and the board of trustees shall within three (3) no later than seven (7) days after expiration of the date for filing written nominations before the scheduled date of the election declare such candidate elected as trustee, and the secretary shall immediately make and deliver to such person a certificate of election. The procedure set forth in this section shall not apply to any other library district election.

SECTION 2. That Chapter 27, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-2717A, Idaho Code, and to read as follows:

33-2717A. DECLARATION OF INTENT FOR WRITE-IN CANDIDATE. No write-in vote for library district trustee in a library district election shall be counted unless a declaration of intent has been filed indicating that the person desires the office and is legally qualified to assume the duties of library trustee if elected. The declaration of intent shall be filed with the library district clerk not later than eleven (11) days before the day of election.

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 19, 1992.

CHAPTER 5  
(H.B. No. 470)

AN ACT  
RELATING TO INCOME TAX; AMENDING SECTION 63-3004, IDAHO CODE, TO UPDATE REFERENCES TO THE INTERNAL REVENUE CODE; DECLARING AN EMERGENCY AND PROVIDING A RETROACTIVE EFFECTIVE DATE.

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

SECTION 1. That Section 63-3004, Idaho Code, be, and the same is hereby amended to read as follows:


(b) Provisions of the Internal Revenue Code amended, deleted, or added prior to the effective date of the latest amendment to this section shall be applicable for Idaho income tax purposes on the effective date provided for such amendments, deletions, or additions, including retroactive provisions.

(c) The amendments to section 7508, Internal Revenue Code, as enacted by public law 102-23, 105 Stat. 5 (1991), shall be in full force and effect as of the second day of August, 1990.

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, 1992.

Approved February 21, 1992.

CHAPTER 6  
(H.B. No. 471)

AN ACT  
RELATING TO COUNTY EXPENDITURES AND BIDS; AMENDING SECTION 31-4004, IDAHO CODE, TO PROVIDE PUBLICATION OF NOTICES PRIOR TO THE OPENING OF BIDS.

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

SECTION 1. That Section 31-4004, Idaho Code, be, and the same is hereby amended to read as follows:
31-4004. NOTICE INVITING BIDS -- CONTENTS -- PUBLICATION. 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—in the case of personal property—and shall be at least thirty (30) days before the date for opening bids for the construction of a public facility. Notice shall be published at least twice, not less than one three (1½) weeks 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 county. The notice shall succinctly set forth the project to be done. The following documents shall be made available by the county commissioners, free of charge, to any interested bidder: bid form, bidder's instructions, contract documents with general and special instructions, when appropriate, drawings and specifications, when appropriate.

Approved February 21, 1992.

CHAPTER 7
(H.B. No. 480)

AN ACT RELATING TO USE TAX ON TRANSIENT EQUIPMENT; AMENDING SECTION 63-3621, IDAHO CODE, TO PROVIDE THAT NONRESIDENTS MAY USE MOTOR VEHICLES IN IDAHO NINETY DAYS IN ANY TWELVE MONTH PERIOD RATHER THAN FOR THREE MONTHS WITHOUT PAYING IDAHO SALES OR USE TAX; AND AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3621A, IDAHO CODE, TO PROVIDE THAT BUSINESS EQUIPMENT IN IDAHO FOR NO MORE THAN NINETY DAYS IN ANY TWELVE MONTH PERIOD MAY BE TAXED BASED UPON ITS FAIR RENTAL VALUE.

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

SECTION 1. That Section 63-3621, Idaho Code, be, and the same is hereby amended to read as follows:

63-3621. IMPOSITION AND RATE OF THE USE TAX -- EXEMPTIONS. 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 five per cent (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 seller 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 seller 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 63-3620B or 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, and every seller required to collect tax under this chapter shall file with the state tax commission an application for a seller's permit as provided in section 63-3620, Idaho Code, and in addition to the requirements of that section, 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 unless the person who makes the sale obtains from the purchaser the documentation required by section 63-3620B(d), Idaho Code.

(f) It shall be presumed that tangible personal property shipped or brought to this state by the purchaser was purchased from a seller, for storage, use or other consumption in this state.

(g) It shall be presumed that tangible personal property delivered outside this state to a purchaser known by the seller to be a resident of this state was purchased from a seller 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.

(h) 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 or a vessel as defined in section 67-7003, Idaho Code, shall be sufficient evidence of payment of a general retail sales or use tax.

(i) 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 a cumulative period of time totaling ninety (90) days in any consecutive twelve (12) 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.

The use tax herein imposed shall not apply to the storage, use or other consumption of tangible personal property which is or will be incorporated into real property and which has been donated to and has become the property of:

(1) A nonprofit organization as defined in section 63-36220, Idaho Code; or
(2) The state of Idaho; or
(3) Any political subdivision of the state.

This exemption applies whether the tangible personal property is incorporated in real property by the donee, a contractor or subcontractor of the donee, or any other person.

SECTION 2. That Chapter 36, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 63-3621A, Idaho Code, and to read as follows:

63-3621A. USE TAX ON TRANSIENT EQUIPMENT. (a) As used in this section, the term "transient equipment" means tangible personal property which is:

(1) Subject to use tax in this state; and
(2) Eligible for depreciation under the federal internal revenue code and actually depreciated on the owner's federal income tax return; and
(3) Present in this state for a cumulative period of time totaling not more than ninety (90) days in any consecutive twelve (12) months. For purposes of this subsection, any part of a day is one day.

(b) In the case of transient equipment owned and operated by a nonresident of this state, the use tax imposed by section 63-3621, Idaho Code, may be the lesser of the amount of tax computed upon:

(1) The value of the property. A recent sales price shall be presumptive evidence of the value of the property. If there is no recent sales price, the value shall be the fair market value of the property on the date the property is first brought into Idaho; or
(2) The fair rental value of the property during the time the property is located in Idaho. Fair rental value is the amount for which the same or similar property could be leased or rented by the taxpayer from another, unrelated person in the business of leasing or renting such equipment for profit. A taxpayer electing to pay use tax on the fair rental value must establish the value by clear and convincing evidence. Any allowable credit for sales or use taxes paid to another state shall be first exhausted before
any tax becomes due under this section.

(c) If transient equipment taxed upon its fair rental value ceases to qualify as transient equipment, it shall be taxed as provided in section 63-3621, Idaho Code, based upon the value at the time the equipment ceased to qualify.

(d) A taxpayer may elect to pay tax on the fair rental value on or before the due date of the first tax return on which the use tax is due. The election need not be filed with the state tax commission but must be reflected in the records supporting the computation of the tax shown to be due on the return. After the due date of the first tax return on which the use tax is due, an election may only be made with the written approval of the state tax commission. The commission shall grant approval only upon evidence establishing that at the time the equipment first became subject to use tax in this state, the taxpayer intended a use for the equipment which would have qualified the property as transient equipment.

(e) Upon discovery of property subject to use tax in this state in regard to which no use tax has been reported, the state tax commission may assert use tax in the manner provided in section 63-3629, Idaho Code, based upon the fair rental value if the commission finds that at the time the equipment first became subject to use tax in this state, the taxpayer intended a use for the equipment which would have qualified the property as transient equipment.

Approved February 21, 1992.

CHAPTER 8
(H.B. No. 535)

AN ACT
APPROPRIATING MONEYS FROM THE GENERAL ACCOUNT TO SATISFY THE REQUIREMENTS OF A LAST WILL AND TESTAMENT; AND DECLARING AN EMERGENCY.

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

SECTION 1. (1) There is hereby appropriated from the General Account to the State Treasurer the sum of $80,000, or so much thereof as may be necessary, to satisfy the requirements of the last will and testament of one FILLMORE L. MURPHY, of Kootenai County, Idaho, dated October 31, 1983, with codicil attached, dated January 24, 1984. According to said requirements, an amount representing the total residue of his estate, $76,153.73, was deposited into the General Account on May 8, 1991, in trust for final disposition according to his wishes that all proceeds are to be used exclusively in the County of Kootenai, State of Idaho.

(2) Upon the effective date of this appropriation, the state treasurer is authorized to pay the amount of $76,153.73, plus accrued earnings, to Kootenai County.

(3) Upon application for the release of funds according to subsections (1) and (2), the board of county commissioners of Kootenai County shall submit a plan for the expenditure of such moneys consis-
tent with the requirements of the last will and testament of the late Mr. Fillmore L. Murphy.

(4) As trustee of the estate, the state treasurer reserves the right to hold funds unless or until the plan submitted by the board of commissioners of Kootenai County includes a commitment to a lasting memorial to the late Mr. Murphy, such as a plaque, cornerstone or other physical evidence of his gift to the 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 February 21, 1992.

CHAPTER 9
(H.B. No. 479)

AN ACT
RELATING TO INCOME AND PROPERTY TAXES; AMENDING SECTION 63-3077, IDAHO CODE, TO PERMIT THE STATE TAX COMMISSION TO DISCLOSE TO COUNTIES INFORMATION RELEVANT TO THE DETERMINATION OF A HOMEOWNER'S RESIDENCE OR DOMICILE FOR THE PURPOSE OF DETERMINING A HOMEOWNER'S ENTITLEMENT TO THE EXEMPTION PROVIDED IN SECTION 63-105DD, IDAHO CODE, BUT TO OTHERWISE PROTECT SUCH INFORMATION FROM PUBLIC DISCLOSURE.

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

SECTION 1. That Section 63-3077, Idaho Code, be, and the same is hereby amended to read as follows:

63-3077. INFORMATION FURNISHED TO CERTAIN OFFICIALS. (a) The state tax commission, under such rules as it may prescribe, may permit, notwithstanding the provisions of this act as to secrecy, the commissioner of internal revenue of the United States or his delegate or the proper officer of any state imposing a tax on or according to income or the multistate tax commission or its delegate to inspect the income tax returns of any taxpayer making returns under this act, or may furnish to such officer or his authorized representative an abstract of any income tax return or any matter contained in any affidavit, statement, or certificate made or filed in connection with any return or any tax or credit claimed as an offset against any tax or any information disclosed by the report of any investigation relating to the income or tax of any taxpayer; but such permission shall be granted or information furnished to such officer or his representatives only if the statutes of the United States or such other state, as the case may be, grant substantially similar privileges to the proper officer of this state charged with the administration of this act.

(b) Notwithstanding the provisions of this act as to secrecy, any duly constituted committee of either branch of the state legislature
shall have the right to inspect returns upon request.

(c) Nothing in this act shall prohibit a taxpayer, or his authorized representative, upon proper identification, from inspecting or copying his own income tax returns.

(d) Any resident or part-year resident individual taxpayer making a return, whether accrual or cash basis, shall furnish the state tax commission with the figure-or-figures representing the value of his inventory of stock of goods in-trade; in the event the taxpayer shall have more than one place of business, then and in that event the taxpayer shall give the amount of inventory of each separate place of business; separately location of any residential property owned by the taxpayer and occupied by the taxpayer as his primary dwelling place on the first day of January of the year following the year to which the tax return relates. The state tax commission is hereby authorized and empowered to deliver to the county assessor of any county of the state of Idaho the amount of inventory claimed by the taxpayer in any year in a place of business located in the county whose assessor requested such information relating to a taxpayer's place of residence or domicile. The information may be used by county assessors and boards of equalization to assist in determining the validity of any homeowner's entitlement to the exemption provided in section 63-105DD, Idaho Code. Information disclosed to county officials under this subsection may be used only to determine the validity of any homeowner's entitlement to the exemption provided in section 63-105DD, Idaho Code, and is not otherwise subject to public disclosure.

(e) The state tax commission additionally is authorized to utilize any centralized state computer facility.

Approved February 21, 1992.

CHAPTER 10
(H.B. No. 518)

AN ACT
RELATING TO INCOME TAX CREDITS FOR CHARITABLE INSTITUTIONS; AMENDING SECTION 63-3029A, IDAHO CODE, TO PROVIDE THAT CHARITABLE CONTRIBUTIONS TO THE IDAHO HISTORICAL SOCIETY OR ITS FOUNDATION SHALL BE ELIGIBLE FOR THE CREDIT AGAINST THE TAXPAYER'S STATE INCOME TAX OBLIGATIONS; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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 chari-
table contributions made by such taxpayer during the year to a non-
profit 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 educa-
tion public broadcast system foundations within the state of Idaho, to
the Idaho state historical society or its foundation, and to public
libraries or their foundations and library districts or their founda-
tions 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 meet-
ing all of the following requirements:
(a) It maintains a regular faculty and curriculum and has a regu-
larly 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 sec-
ondary 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 Col-
leges, or by the state board of education. A nonprofit private insti-
tution 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. An emergency existing 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,

Approved February 21, 1992.
TAX ACT; AMENDING SECTION 63-3021, IDAHO CODE, TO RESOLVE AMBIGUITIES IN THE DEFINITION OF THE TERM "NET OPERATING LOSS"; AMENDING SECTION 63-3022, IDAHO CODE, TO CLARIFY THE DEFINITION OF THE IDAHO TAXABLE INCOME AND TO CORRECT REFERENCES TO THE INTERNAL REVENUE CODE; AMENDING SECTION 63-3024, IDAHO CODE, TO CLARIFY THE IMPOSITION OF INCOME TAX ON RESIDENT AND NONRESIDENT INDIVIDUALS, TRUSTS AND ESTATES; AMENDING SECTION 63-3027A, IDAHO CODE, TO DEFINE THE COMPUTATION OF TAXABLE INCOME OF NONRESIDENT AND PART YEAR RESIDENT INDIVIDUALS, TRUSTS AND ESTATES; DECLARING AN EMERGENCY AND PROVIDING A RETROACTIVE EFFECTIVE DATE.

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

SECTION 1. That Section 63-3003, Idaho Code, be, and the same is hereby amended to read as follows:

63-3003. DEFINITIONS. When used in this act, the terms defined in the following sections--63-3004--to-63-3023, inclusive, this chapter shall have the meanings respectively ascribed to them.

SECTION 2. That Section 63-3021, Idaho Code, be, and the same is hereby amended to read as follows:

63-3021. NET OPERATING LOSS. (a) The term "net operating loss" means the amount by which taxable income as defined in section 63-3022, Idaho Code, with this chapter, after making the modifications as specified in subsection (b) of this section, is less than zero.

(b) Modifications Add the following amounts:
(1) The amount of any net operating loss deduction included in taxable income shall be added back to taxable income.
(2) In the case of a taxpayer other than a corporation:
   (i) Any amount deductible on account of losses in excess of gains from sales or exchanges of capital assets shall not exceed the amount includable on account of gains from sales or exchanges of capital assets; and
   (ii) Any deduction for long-term capital gains provided by this chapter shall be added to taxable income.
(3) Any deduction allowed under section 151 of the Internal Revenue Code (relating to personal exemption) or any deduction in lieu of any such deduction shall be added back to taxable income.
(4) Any deduction for the standard or itemized deductions provided for in sections 63(c) and (d) of the Internal Revenue Code, or section 63-3022(1), Idaho Code, except for any deduction allowable under section 165(c)(3) of the Internal Revenue Code (relating to casualty losses) shall be added back to taxable income. Casualty losses for property physically located inside Idaho at the time of the casualty may be deducted from Idaho taxable income.

SECTION 3. 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 provided in this chapter:

(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) A net operating loss for any taxable year commencing on or after January 1, 1983, but prior to January 1, 1990, 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, but prior to January 1, 1990, may, at the election of the taxpayer, be carried back to the three (3) immedi-
ately 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. A net operating loss for any taxable year commencing on and after January 1, 1990, shall be a net operating loss carryback not to exceed one hundred thousand dollars ($100,000) to the three (3) immediately preceding taxable years, and any loss not entirely absorbed by the income of those years may be subtracted from taxable years arising in the next fifteen (15) years succeeding the taxable year in which the loss arises in order until exhausted. At the election of the taxpayer, the three (3) year carryback may be foregone and the loss subtracted from taxable years arising in the next fifteen (15) years succeeding the taxable year in which the loss arises in order until exhausted. The election shall be made as under section 172(b)(3)(c) of the Internal Revenue Code. 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, but prior to January 1, 1990, any loss not exhausted may be subtracted from taxable income arising in the next succeeding ten (10) taxable years in order until exhausted.

(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 sections 243(a) and (c) and 244 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 the percentage determined under section 246(b)(3) of the Internal Revenue Code 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, only to the extent such income is included in "taxable income," as defined in section 63 of the Internal Revenue Code, and provided that appropriate adjustments shall be made in his standard deduction amount and exemptions as described in section 63-3027A, Idaho Code.

(k) In the case of a corporation, add any capital loss deducted which loss was incurred during any year in which such corporation had no Idaho business situs. In the case of persons, other than corporations, add any capital loss deducted which was incurred in business activities not taxable by Idaho at the time such loss was incurred. In the case of a corporation having income from Idaho sources and having elected to file federal income tax returns thereon pursuant to Subchapter-S of the Internal Revenue Code, or a partnership having income from Idaho sources, salaries, wages, fees, and other compensation paid to nonresident shareholders or partners, and the items of income, loss, deduction, and credit allocated to each nonresident shareholder or partner shall be treated as 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 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 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 standard deduction as defined by section 63, Internal Revenue Code, plus 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
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 56, 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 56, title 39, Idaho Code; in order for the deduction under this paragraph 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 of the Internal Revenue Code (except state income taxes as specified in subsection (b) of this section),--165,--166,--170,--171, 211,--212,--213 and--216, 164 of the 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 56, title 39, Idaho Code, but the cared for member need not be medicaid eligible for the purposes of this section only, if he sub-
substantially meets all of the other requirements of chapter 56, 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 amounts added to gross income under section 87 of the Internal Revenue Code for tax credits allowable to the taxpayer under section 40 of the Internal Revenue Code.

(n) Add the taxable amount of any lump sum distribution deducted from gross income pursuant to section 402(e)(3) of the Internal Revenue Code. The taxable amount will include the ordinary income portion and the amount eligible for the capital gain election.

(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.

(p) In the case of a self-employed individual, deduct the actual cost of premiums paid to secure worker's compensation insurance for coverage in Idaho, if such cost has not been deducted in arriving at taxable income.

(q) Add the amount claimed as a credit under section 63-3029G, Idaho Code, if previously deducted in arriving at taxable income.

SECTION 4. 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, 1987,--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 63-302?A.; Idaho Code. For each taxable year, a tax measured by taxable income as defined in this chapter is hereby imposed upon every individual, trust, or estate required by this chapter to file a return.

(a) The tax imposed upon individuals, trusts and estates shall be computed at the following rates:

<table>
<thead>
<tr>
<th>When the taxable income is:</th>
<th>The rate is:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than $1,000</td>
<td>Two percent (2.0%)</td>
</tr>
<tr>
<td>$1,000 but less than $2,000</td>
<td>$20, plus four percent (4.0%) of the amount over $1,000</td>
</tr>
<tr>
<td>$2,000 but less than $3,000</td>
<td>$60, plus four and one-half percent (4.5%) of the amount over $2,000</td>
</tr>
<tr>
<td>$3,000 but less than $4,000</td>
<td>$105, plus five and one-half percent (5.5%) of the amount over $3,000</td>
</tr>
<tr>
<td>$4,000 but less than $5,000</td>
<td>$160, plus six and one-half percent (6.5%) of the amount over $4,000</td>
</tr>
<tr>
<td>$5,000 but less than $7,500</td>
<td>$225, plus seven and one-half percent (7.5%) of the amount over $5,000</td>
</tr>
<tr>
<td>$7,500 but less than $20,000</td>
<td>$412.50, plus seven and eight-tenths percent (7.8%) of the amount over $7,500</td>
</tr>
<tr>
<td>Over $20,000</td>
<td>1,387.50, plus eight and two-tenths percent (8.2%) of the amount over $20,000</td>
</tr>
</tbody>
</table>
(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(a) of the Internal Revenue Code, and a head of household, as defined in section 2(b) 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 5. That Section 63-3027A, Idaho Code, be, and the same is hereby amended to read as follows:

63-3027A. COMPUTING TAXABLE INCOME OF PART-YEAR OR NONRESIDENT INDIVIDUALS, TRUSTS AND ESTATES. (a) For tax years beginning on or after January 1, 1988 The taxable income of nonresident individuals, trusts, or estates includes only those components of Idaho taxable income as computed for a resident, derived from or related to sources within Idaho. This is to be computed without the deductions for either the standard deduction or itemized deductions or personal exemptions except as provided in subsection (d) of this section.

(b) The taxable income of part-year resident individuals, trusts and estates shall include taxable income wherever derived for the portion of the tax period during which a taxpayer is a resident of Idaho and those components of income and deductions which are derived from or related to sources within Idaho during that portion of the tax period during which a taxpayer is a nonresident of Idaho. This is to be computed without the deductions for either the standard deduction or itemized deductions or personal exemptions except as provided in subsection (d) of this section.

(c) For the purposes of subsection (a) and (b) of this section, income and deductions derived from or related to sources within Idaho shall be computed in the manner prescribed in the regulations of the state tax commission. Such regulations shall be based upon:

(1) Whether or not the items are related to the production of income reportable to Idaho; or
(2) Whether or not the income was received, the expenses were paid, or the event of tax consequence occurred during a portion of a taxable year that a person was a resident of Idaho; or
(3) Any other appropriate basis for making the adjustment. An "appropriate basis" is one which the state tax commission finds is needed to insure that the amount of taxable income subject to tax under this chapter is fairly and reasonably related to a
taxpayer's activities in this state.

(1d) In computing the taxable income of a part-year or nonresident individual, trust, or estate, the standard deduction or nonbusiness itemized deductions, as allowed defined by the internal revenue code section 63-3022(1), Idaho Code, if applicable, and the exemptions, as defined in section 151 of the internal revenue code or any allowance in lieu of such deduction, shall be allowed in the proportion that the Idaho-adjusted-gross paragraph (1) of this subsection bears to paragraph (2) of this subsection:

(1) The taxable income of the taxpayer, as computed under this chapter bears to the total-adjusted-gross-income-from-all-sources before any deductions therefrom. The adjusted-gross-income, as used in this section, shall mean adjusted-gross-income, as defined in section 62 of the internal revenue code.

(2) The adjustments to income necessary in computing Idaho adjusted-gross-income shall be based on:

(i) Whether or not the adjustments are related to the production of income reported in Idaho;

(ii) Whether or not the income was received, the expenses were paid, or the event of tax consequence occurred while a part-year-resident of Idaho;

(iii) Any other appropriate basis for making the adjustment.

The specific adjustments necessary under this section shall be detailed and explained in regulations adopted by the state tax commission modified as follows:

(i) No allowance shall be made for either the standard deduction or itemized deductions;

(ii) No deduction shall be made for personal exemptions or any allowance in lieu of such deduction.

(2) The taxable income as would be calculated for a resident of Idaho modified as follows:

(i) No allowance shall be made for either a standard deduction or itemized deductions;

(ii) No deduction shall be made for personal exemptions or any allowance in lieu of such deduction;

(iii) Compensation for active military duty shall not be deducted;

(iv) Income earned within the original exterior boundaries of any federally created Indian reservation by an enrolled Indian in a federally recognized Indian tribe on a federally recognized Indian reservation shall be added if not otherwise included.

(e) An adjustment may be made to eliminate distortions in the amount of net income attributable to a taxpayer's activities within the state of Idaho. Such deductions shall be limited to circumstances involving itemized deductions as referred to in subsection (d) of this section and which reflect:

(1) A failure to reflect the net income or deduction after reimbursements have been received; or

(2) A failure to reflect the net amount of mortgage interest income or expense from activities within Idaho.

(ef) For tax years beginning after December 31, 1984, and before January 1, 1988, only:
(1) 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 equal to the tax computed upon total taxable income in the same manner as a resident and then multiplied by the proportion that the adjusted gross income of the taxpayer from Idaho sources bears to the total adjusted gross income from all sources, which factor shall not be greater than one hundred percent (100%).

(2) In the case of a nonresident or part-year resident individual, trust or estate, the apportionment factor calculated in paragraph (1) of this subsection (b) 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 in section 63-3022, Idaho Code.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 1992.

Approved February 27, 1992.

CHAPTER 12
(S.B. No. 1300)

AN ACT
RELATING TO THE EMPLOYMENT SECURITY LAW; AMENDING SECTION 72-1367A, IDAHO CODE, TO PROVIDE THAT THE GOVERNOR MAY TRIGGER OFF A PERIOD OF EXTENDED UNEMPLOYMENT COMPENSATION BENEFITS IN ORDER TO PERMIT THE PAYMENT OF UNEMPLOYMENT BENEFITS FINANCED ENTIRELY BY THE FEDERAL GOVERNMENT, AND TO PROVIDE THAT THE GOVERNOR MAY TRIGGER EXTENDED UNEMPLOYMENT COMPENSATION BENEFITS ON FOLLOWING A PERIOD OF FEDERAL BENEFITS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 72-1367A, Idaho Code, be, and the same is hereby amended to read as follows:

72-1367A. EXTENDED UNEMPLOYMENT COMPENSATION BENEFITS. The state of Idaho hereby adopts an extended unemployment compensation benefits program to be governed by and interpreted by the provisions of this section.

(a) Definitions. As used in this section, unless the context clearly requires otherwise:

(1) "Extended benefit period" means a period which
(A) Begins with the third week after a week for which there is a state "on" indicator; and
(B) Ends with either of the following weeks, whichever occurs later:
   1. The third week after the first week for which there
is a state "off" indicator; or
2. The thirteenth consecutive week of such period;
providing, that no extended benefit period may begin by
reason of a state "on" indicator before the fourteenth
week following the end of a prior extended benefit
period which was in effect with respect to this state.

(2) For weeks beginning after September 26, 1982, there is a
"state 'on' indicator" for this state for a week if the director
determines, in accordance with the regulations of the United
States secretary of labor, that for the period consisting of such
week and the immediately preceding twelve (12) weeks, the rate of
insured unemployment, not seasonally adjusted, under this act:
(A) Equaled or exceeded one hundred twenty percent (120%) of
the average of such rates for the corresponding thirteen (13)
week period ending in each of the preceding two (2) calendar
years; and
(B) Equaled or exceeded five percent (5%); and
(C) Provided that with respect to benefits for weeks of
unemployment beginning after September 26, 1982, the determi-
nation of whether there has been a state "on" or "off" indi-
cator beginning or ending any extended benefit period shall
be made under this subsection as if it did not contain para-
graph (A), and the figure "5" contained in paragraph (B) were
"6" except that, notwithstanding any such provision of this
subsection, any week for which there would otherwise be a
state "on" indicator shall continue to be such a week and
shall not be determined to be a week for which there is a
state 'off' indicator.

(3) There is a "state 'off' indicator" for this state for a week
if the director determines, in accordance with the regulations of the United
States secretary of labor, that for the period consist-
ing of such week and the immediately preceding twelve (12) weeks, the rate of
insured unemployment, not seasonally adjusted, under this act:
(A) Was less than one hundred twenty percent (120%) of the
average of such rates for the corresponding thirteen (13)
week period ending in each of the preceding two (2) calendar
years; or
(B) Was less than five percent (5%).

(4) "Rate of insured unemployment," for purposes of paragraphs
(2) and (3) of this section, means the percentage derived by
dividing:
(A) The average weekly number of individuals filing claims
for regular compensation in this state for weeks of unemploy-
ment with respect to the most recent thirteen (13) consecu-
tive week period, as determined by the director on the basis
of his reports to the United States secretary of labor; by
(B) The average monthly employment covered under this act
for the first four (4) of the most recent six (6) completed
calendar quarters ending before the end of such thirteen (13)
week period.

(5) "Regular benefits" mean benefits payable to an individual
under this act or under any other state law (including benefits
payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than extended benefits.

(6) "Extended benefits" means benefits (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) payable to an individual under the provisions of this section for weeks of unemployment in his eligibility period.

(7) "Eligibility period" of an individual means the period consisting of the weeks in his benefit year which begin in an extended benefit period and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such period.

(8) "Exhaustee" means an individual who, with respect to any week of unemployment in his eligibility period:

(A) Has received, prior to such week, all of the regular benefits that were available to him under this act or any regular or extended benefits available to him under any other state law (including benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his current benefit year that includes such week; provided that for the purposes of this subparagraph, an individual shall be deemed to have received all of the regular benefits that were available to him although as a result of a pending appeal with respect to wages that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits; or

(B) His benefit year having expired prior to such week, has no or insufficient wages on the basis of which he could establish a new benefit year that would include such week; and

(C) Has no right to unemployment benefits or allowances, as the case may be, under the railroad unemployment insurance act, the trade expansion act of 1962, the automotive products trade act of 1965 and such other federal laws as are specified in regulations issued by the United States secretary of labor; and has not received and is not seeking unemployment benefits under the unemployment compensation law of the Virgin Islands or of Canada; but if he is seeking such benefits and the appropriate agency finally determines that he is not entitled to benefits under such law he is considered an exhaustee. Provided, however, that this provision shall not be applicable to individuals seeking benefits under the unemployment compensation laws of the Virgin Islands on the day after the day on which the secretary of labor approves an unemployment compensation law submitted to him by the Virgin Islands for approval under the provisions of section 3304(a) of the Internal Revenue Code of 1954.

(9) "State law" means the unemployment insurance law of any state, approved by the United States secretary of labor under section 3304 of the Internal Revenue Code of 1954.

(10) For purposes of this section only, the term "suitable work" means, with respect to any individual, any work which is within
such individual's capabilities; except that, if the individual furnishes evidence satisfactory to the department that such individual's prospects for obtaining work in his customary occupation within a reasonably short period are good, the determination of whether any work is suitable work with respect to such individual shall be made in accordance with the applicable state law.

(b) Effect of state law provisions relating to regular benefits on claims for, and the payment of, extended benefits. Except when the result would be inconsistent with the other provisions of this section, as provided in the regulations of the director, the provisions of this act which apply to claims for, or the payment of, regular benefits shall apply to claims for, and the payment of, extended benefits.

(c) Eligibility requirements for extended benefits. An individual shall be eligible to receive extended benefits with respect to any week of unemployment in his eligibility period only if the director finds that with respect to such week:

(1) He is an "exhaustee" as defined in subsection (a)(8);
(2) He has satisfied the requirements of this act for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits;
(3) He has earned wages for services performed for covered employers during his base period equal to at least one and one-half (1 1/2) times his high quarter wages.

(4) (A) Notwithstanding the provisions of this section, payment of extended compensation under this act shall not be made to any individual for any week of unemployment in his eligibility period:
   1. During which he fails to accept any offer of suitable work, as defined in subsection (a)(10), or fails to apply for any suitable work to which he was referred; or
   2. During which he fails to actively engage in seeking work.

(B) If any individual is ineligible for extended compensation for any week by reason of a failure described in subsection (c)(4)(A) 1 or (c)(4)(A) 2 hereof, the individual shall be ineligible to receive extended compensation for any week which begins during a period which:
   1. Begins with the week following the week in which such failure occurs; and
   2. Does not end until such individual has been employed during at least four (4) weeks which begin after such failure and the total of the remuneration earned by the individual for being so employed is not less than the product of four (4) multiplied by the individual's average weekly benefit amount.

(C) Extended compensation shall not be denied under subsection (c)(4)(A) 1 to any individual for any week by reason of a failure to accept an offer of, or apply for, suitable work:
   1. If the gross average weekly remuneration payable to such individual for the position does not exceed the sum of:
a. The individual's average weekly benefit amount, as determined for purposes of subsection (b)(1)(C) of section 202 of the federal-state extended unemployment compensation act of 1970, for his benefit year; plus
b. The amount, if any, of supplemental unemployment compensation benefits, as defined in section 501 (c)(17)(D) of the Internal Revenue Code of 1954, payable to such individual for such week.

2. If the position was not offered to such individual in writing or was not listed with the state employment service;
3. If such failure would not result in a denial of compensation under the provisions of the applicable state law to the extent that such provisions are not inconsistent with the provisions of subsections (a)(10) and (c)(4)(D) of this section; or
4. If the position pays wages less than the higher of:
   a. The minimum wage provided by section 6(a)(1) of the fair labor standards act of 1938, without regard to any exemption; or
   b. Any applicable state or local minimum wage.

(D) For purposes of this paragraph, an individual shall be treated as actively engaged in seeking work during any week if:
1. The individual has engaged in a systematic and sustained effort to obtain work during such week; and
2. The individual provides tangible evidence to the state agency that he has engaged in such an effort during such week.

(E) For purposes of this section only, the department shall refer applicants for extended benefits to any suitable work to which paragraphs 1, 2, 3, and 4 of subsection (c)(4)(C) would not apply.

(d) (1) Except as provided in paragraph (2) below, payment of extended compensation shall not be made to any individual for any week if:
(A) Extended compensation would, but for this subsection have been payable for such week pursuant to an interstate claim filed in any state under the interstate benefit payment plan; and
(B) An extended benefit period is not in effect for such week in such state.

(2) Paragraph (1) shall not apply with respect to the first two weeks for which extended compensation is payable, determined without regard to this subsection, pursuant to an interstate claim filed under the interstate benefit payment plan to the individual from the extended compensation account established for the benefit year.

(3) Section 3304 (a)(9)(A) of the Internal Revenue Code of 1954 shall not apply to any denial of compensation required under this subsection.

(e) Weekly extended benefit amount. The weekly extended benefit
amount payable to an individual for a week of total unemployment in his eligibility period shall be an amount equal to the weekly benefit amount payable to him during his applicable benefit year.

(f) Total extended benefit amount. The total extended benefit amount payable to an eligible individual with respect to his applicable benefit year shall be at the least of the following amounts:

(1) Fifty percent (50%) of the total amount of regular benefits which were payable to him under this act in his applicable benefit year;
(2) Thirteen (13) times his weekly benefit amount which was payable to him under this act for a week of total unemployment in the applicable benefit year;
(3) Provided that the amount so determined shall be reduced by the total amount of extended benefits paid, or being paid, to the individual under the provisions of this section prior to the effective date of this act, for weeks of extended unemployment in the individual's benefit year which began prior to the effective date of the federal-state extended benefit period which is current in the week for which the individual first claims such benefits.

(4) Notwithstanding any other provisions of this chapter, if the benefit year of any individual ends within an extended benefit period, the remaining balance of extended benefits that such individual would, but for the provisions of this section, be entitled to receive in that extended benefit period, with respect to weeks of unemployment beginning after the end of the benefit year, shall be reduced, but not below zero, by the product of the number of weeks for which the individual received any amounts as trade readjustment allowances within that benefit year, multiplied by the individual's weekly benefit amount for extended benefits.

(g) (1) Beginning and termination of extended benefit period. Whenever an extended benefit period is to become effective in this state as a result of a state "on" indicator, or an extended benefit period is to be terminated in this state as a result of a state "off" indicator, the director shall make an appropriate public announcement;
(2) Computations required by the provisions of subsection (a)(4) shall be made by the director, in accordance with regulations prescribed by the United States secretary of labor.

(h) Irrespective of any of the other provisions of this act, none of the benefits paid pursuant to the provisions of this section shall be charged to an employer's account for purposes of experience rating.

(i) Whenever a program of unemployment compensation becomes available that is financed entirely by the federal government, and such program will not allow payments to individuals who are entitled to extended benefits pursuant to this section, the governor may, by executive order, trigger off an extended benefit period as defined in subsection (a)(1) of this section in order to provide payment of such federal benefits to individuals who have exhausted their right to regular benefits. When the federal benefits are exhausted, or if the director determines that payment of extended benefits would be more economically advantageous to the state of Idaho, the governor shall, by executive order, trigger extended benefits on if the criteria of
subsection (a)(2) of this section are otherwise met.

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 27, 1992.

CHAPTER 13
(H.B. No. 760)

AN ACT
RELATING TO LEGISLATIVE DISTRICTS; REPEALING SECTIONS 67-202 AND 67-202A, IDAHO CODE, RELATING TO LEGISLATIVE DISTRICTS; AMENDING CHAPTER 2, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-202, IDAHO CODE, TO PROVIDE THIRTY-FIVE LEGISLATIVE DISTRICTS; PROVIDING THAT THE REQUIREMENTS OF SECTION 34-301, IDAHO CODE, ARE WAIVED IN SO FAR AS THE PROVISIONS OF THIS ACT MAY REQUIRE A PRECINCT BOUNDARY TO BE ADJUSTED TO MEET THE REQUIREMENTS OF THIS ACT; PROVIDING FOR THE CONTINUATION OF EXISTING DISTRICTS FOR ALL NECESSARY PURPOSES OF THE FIFTY-FIRST IDAHO LEGISLATURE THROUGH NOVEMBER 30, 1992, AND DECLARING AN EMERGENCY.

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

SECTION 1. That Sections 67-202 and 67-202A, Idaho Code, be, and the same are hereby repealed.

SECTION 2. That Chapter 2, 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 67-202, Idaho Code, and to read as follows:

67-202. LEGISLATIVE DISTRICTS -- SENATORS ELECTED -- REPRESENTATIVES ELECTED. The state is divided into thirty-five (35) legislative districts. One (1) senator shall be elected from each legislative district. Two (2) representatives shall be elected from each legislative district. The names, numbers and boundaries of the precincts and counties herein referred to in describing the area included within the legislative districts shall be as the same existed for the general election of 1988. The counties and precincts constituting the legislative district areas follow:

(1) Legislative District No. 1 shall include all the area contained within Boundary County; and all the area contained within the following precincts of Bonner County: No. 1, No. 2, No. 3, that portion of No. 4 lying east of Lake Pend Oreille, No. 5, No. 7, No. 8, No. 9, that portion of No. 10 lying north of the Pend Oreille River, No. 12, No. 14, No. 15, No. 16, No. 17, No. 18, No. 20, No. 21, No. 23, No. 24, that portion of No. 25 lying north of the Pend Oreille River, No. 26, No. 27, No. 28, No. 29, No. 30, No. 32, No. 33, that portion of No. 34 lying north and east of a line beginning at the
intersection of Westmond Road with S. Sagle Road, west and south on Westmond Road to U.S. Highway 95, north on U.S. Highway 95 to Cocolalla Loop Road, then on Cocolalla Loop Road to Cocolalla Creek, then along Cocolalla Creek to the intersection with the western boundary of the precinct, No. 35 and No. 36.

(2) Legislative District No. 2 shall include all the area contained within the following precincts of Bonner County: that portion of No. 4 lying west of Lake Pend Oreille, No. 6, that portion of No. 10 lying south of the Pend Oreille River, No. 11, No. 13, No. 22, that portion of No. 25 lying south of the Pend Oreille River, No. 31, and that portion of No. 34 lying south and west of a line beginning at the intersection of Westmond Road with S. Sagle Road, west and south on Westmond Road to U.S. Highway 95, north on U.S. Highway 95 to Cocolalla Loop Road, then on Cocolalla Loop Road to Cocolalla Creek, then along Cocolalla Creek to the intersection with the western boundary of the precinct; and all the area contained within the following precincts of Kootenai County: that portion of No. 12 lying south of a line beginning at the intersection of East Pole Line Avenue and N. Heutter Road, west to N. Meyer Road, then south and west on N. Meyer Road and E. 16th Avenue to the Ross Point Rathdrum Highway, No. 13, No. 14, No. 15, No. 16, No. 17, No. 18, No. 19, No. 21, No. 22 and No. 30.

(3) Legislative District No. 3 shall include all the area contained within the following precincts of Kootenai County: No. 1, No. 3, No. 4, No. 5, No. 6, No. 7, No. 8, No. 10, No. 11, that portion of No. 12 lying north of a line beginning at the intersection of East Pole Line Avenue and N. Heutter Road, then west to N. Meyer Road, then south and west on N. Meyer Road and E. 16th Avenue to the Ross Point Rathdrum Highway, that portion of No. 20 lying west of a line beginning at the intersection of Lancaster Road and N. Strahorn Road, south on N. Strahorn Road to E. Miles Road, east on E. Miles Road to N. Lakeview Drive, southwest on N. Lakeview Drive to E. Hayden Avenue, east on E. Hayden Avenue to the intersection with the city boundary of Hayden Lake before reaching East Street, then north and east following the city boundary to its extension into Hayden Lake, following a nonvisible line through Hayden Lake to the mouth of Windy Bay, following Windy Creek and its extension to its intersection with the boundary of Precinct 31, and No. 32.

(4) Legislative District No. 4 shall include all the area contained within Shoshone County; all the area contained within the following precincts of Benewah County: Plummer and Tensed; and all of the area contained within the following precincts of Kootenai County: No. 2, No. 9, that portion of No. 20 lying east of a line beginning at the intersection of Lancaster Road and N. Strahorn Road, south on N. Strahorn Road to E. Miles Road, east on E. Miles Road to N. Lakeview Drive, southwest on N. Lakeview Drive to E. Hayden Avenue, east on E. Hayden Avenue to the intersection with the city boundary of Hayden Lake before reaching East Street, then north and east following the city boundary to its extension into Hayden Lake, following a nonvisible line through Hayden Lake to the mouth of Windy Bay, following Windy Creek and its extension to its intersection with the boundary of Precinct 31, No. 23, No. 24, No. 25, No. 26, No. 27, No. 28, No. 29 and No. 31.
(5) Legislative District No. 5 shall include all the area contained within the following precincts of Latah County: No. 1, No. 2, No. 3, No. 4, No. 5, No. 6, No. 7, No. 8, No. 9, No. 10, No. 11, No. 12, No. 13, No. 14, No. 15, No. 16, No. 17, No. 18, No. 19, No. 20, No. 21, No. 23, No. 24, No. 26, No. 27, No. 28, No. 29, No. 30 and No. 31.

(6) Legislative District No. 6 shall include all the area contained within the following precincts of Nez Perce County: Hatwai, Lewiston No. 1, Lewiston No. 2, Lewiston No. 3, Lewiston No. 4, Lewiston No. 5, Lewiston No. 6, Lewiston No. 7, Lewiston No. 8, Lewiston No. 9, Lewiston No. 10, Lewiston No. 11, Lewiston No. 12, Lewiston No. 13, Lewiston No. 14, Lewiston No. 15, Lewiston No. 16, Lewiston No. 17, Lewiston No. 18, Lewiston No. 19, Lewiston No. 20, Lewiston No. 21, Lewiston No. 22, Lewiston No. 23, Lewiston No. 24, Lewiston No. 25, Lewiston No. 26, Rimrock, Tammany and Webb.

(7) Legislative District No. 7 shall include all the area contained within Clearwater and Lewis Counties; all the area contained within the following precincts of Benewah County: Benewah, Center, College, Emida, Fernwood, Santa, St. Joe, St. Maries and Towsite; all the area contained within the following precincts of Idaho County: Big Butte, Clearwater, Cottonwood No. 1, Cottonwood No. 2, Elk City, Ferdinand, Glover, Harpster, Joseph, Kamiah, Keuterville, Kooskia, Lowell, Stites and Woodland; all the area contained within the following precincts of Latah County: No. 22, No. 25 and No. 32; and all the area contained within the following precincts of Nez Perce County: Culdesac, Gifford, Lapwai, Leland, Lenore, Peck and Spaulding.

(8) Legislative District No. 8 shall include all the area contained within Adams, Boise and Valley Counties; all the area contained within the following precincts of Gem County: Bench, Brick, Butte, Central Emmett, Emerson, Montour/Sweet, North Emmett, Ola, South Emmett and West Emmett; and all the area contained within the following precincts of Idaho County: Fenn, Grangeville No. 1, Grangeville No. 2, Grangeville No. 3, Grangeville No. 4, Grangeville No. 5, Greencreek, Pollock, Riggins, Slatecreek and Whitebird.

(9) Legislative District No. 9 shall include all the area contained within Payette and Washington Counties; and all the area contained within the following precincts of Gem County: Hanna, Letha and Lincoln.

(10) Legislative District No. 10 shall include all the area contained within the following precincts of Canyon County: No. 1, No. 4, No. 5, No. 6, No. 7, No. 8, No. 9, No. 10, No. 12, No. 15, No. 27, No. 29, No. 51, No. 52, No. 57 and No. 62.

(11) Legislative District No. 11 shall include all the area contained within the following precincts of Canyon County: No. 3, No. 18, No. 20, No. 22, No. 28, No. 32, No. 33, No. 34, No. 35, No. 36, No. 42, No. 54, No. 56, No. 58 and all of No. 59 except that block bounded by Crestview and New York Avenue and that block of No. 59 bounded by S. Florence Street.

(12) Legislative District No. 12 shall include all the area contained within the following precincts of Canyon County: No. 19, No. 21, No. 23, No. 25, No. 30, No. 38, No. 40, No. 44, No. 45, No. 46, No. 47, No. 49, No. 50, No. 55, that block of No. 59 bounded by Crestview and New York Avenue, and that block of No. 59 bounded by S.
Florence Street, No. 60 and No. 61.  
(13) Legislative District No. 13 shall include all the area contained within the following precincts of Ada County: No. 3, No. 4, No. 9, that portion of No. 12 lying east and north of Gowen Road and Pleasant Valley Road, No. 26, No. 27, No. 33, No. 35, No. 37, No. 45, No. 61, No. 62, No. 64, that portion of No. 69 lying east of Pleasant Valley Road, that portion of No. 79 lying east of Owyhee Street, No. 111, No. 113, No. 114 and No. 121.  
(14) Legislative District No. 14 shall include all the area contained within the following precincts of Ada County: No. 29, No. 52, that portion of No. 63 lying west of Cloverdale Road, No. 65, No. 67, No. 71, No. 72, No. 73, No. 74, No. 88, that portion of No. 90 lying north of Amity Road, No. 94, No. 95, No. 96, No. 97, No. 98, No. 100, No. 105, No. 106, and that portion of No. 122 lying west of Eagle Road.  
(15) Legislative District No. 15 shall include all the area contained within the following precincts of Ada County: No. 15, No. 16, No. 55, that portion of No. 63 lying east of Cloverdale Road, No. 75, No. 76, No. 86, No. 87, No. 104, No. 119, No. 120, that portion of No. 122 lying east of Eagle Road and No. 123.  
(16) Legislative District No. 16 shall include all the area contained within the following precincts of Ada County: No. 8, that portion of No. 17 lying west of N. Milwaukee Street, No. 20, No. 23, No. 32, No. 38, No. 42, No. 49, No. 50, No. 54, No. 58, No. 59, No. 82, No. 89, No. 107, No. 117 and No. 118.  
(17) Legislative District No. 17 shall include all the area contained within the following precincts of Ada County: No. 2, No. 10, No. 13, No. 14, that portion of No. 17 lying west of N. Milwaukee Street, No. 36, No. 39, No. 40, No. 43, No. 44, No. 48, No. 51, No. 53, No. 56, No. 57, No. 60, No. 78, that portion of No. 79 lying west of Owyhee Street, No. 81 and No. 84.  
(18) Legislative District No. 18 shall include all the area contained within the following precincts of Ada County: that portion of No. 12 lying west of Gowen Road and Pleasant Valley Road, No. 66, No. 68, that portion of No. 69 lying west of Pleasant Valley Road, No. 70, No. 85, that portion of No. 90 lying south of Amity, No. 91, No. 92, No. 93, No. 99, No. 101, No. 102, No. 103, No. 109, No. 112 and No. 116.  
(19) Legislative District No. 19 shall include all the area contained within the following precincts of Ada County: No. 1, No. 5, No. 6, No. 7, No. 11, No. 18, No. 19, No. 21, No. 22, No. 24, No. 25, No. 28, No. 30, No. 31, No. 34, No. 41, No. 46, No. 47, No. 77, No. 80, No. 83, No. 108, No. 110 and No. 115.  
(20) Legislative District No. 20 shall include all the area contained within Owyhee County; and all the area contained within the following precincts of Elmore County: Chattin Flats, Glenns Ferry No. 1, Glenns Ferry No. 2, Hammett, Mayfield, Mountain Home No. 1, Mountain Home No. 2, Mountain Home No. 3, Mountain Home No. 4, Mountain Home No. 5, Mountain Home No. 6, Mountain Home No. 7 and Mountain Home No. 8.  
(21) Legislative District No. 21 shall include all the area contained within Blaine, Camas and Lincoln Counties; all the area contained within the following precincts of Elmore County: Atlanta,
Camas, King Hill, Pine and Prairie; and all the area contained within the following precincts of Gooding County: Bliss, Gooding East, Gooding Northeast, Gooding Northwest, Gooding West, Tuttle, Wendell East, Wendell Rural and Wendell West.

(22) Legislative District No. 22 shall include all the area contained within the following precincts of Gooding County: Hagerman, Orchard Valley and West Point; and all the area contained within the following precincts of Twin Falls County: Buhl No. 1, Buhl No. 2, Buhl No. 3, Buhl No. 4, Buhl No. 5, Buhl No. 6, Buhl No. 7, Castleford, Clover, Deep Creek, Filer No. 1, Filer No. 2, Filer No. 3, Maroa, Twin Falls No. 3, Twin Falls No. 4, Twin Falls No. 5, Twin Falls No. 7, Twin Falls No. 18, Twin Falls No. 20, Twin Falls No. 23 and Twin Falls No. 24.

(23) Legislative District No. 23 shall include all the area contained within the following precincts of Twin Falls County: Hansen, Hollister, Kimberly No. 1, Kimberly No. 2, Kimberly No. 3, Twin Falls No. 1, Twin Falls No. 2, Twin Falls No. 6, Twin Falls No. 8, Twin Falls No. 9, Twin Falls No. 10, Twin Falls No. 11, Twin Falls No. 12, Twin Falls No. 13, Twin Falls No. 14, Twin Falls No. 15, Twin Falls No. 16, Twin Falls No. 17, Twin Falls No. 19, Twin Falls No. 21 and Twin Falls No. 22.

(24) Legislative District No. 24 shall include all the area contained within Jerome County; and all the area contained within the following precincts of Minidoka County: Acequia, Emerson, Paul, Pio­neer, Rupert No. 1, Rupert No. 3, that portion of Rupert No. 4 lying north of State Highway No. 25, east of 100 E. Road and north of 100 North Road, and Rupert No. 5.

(25) Legislative District No. 25 shall include all the area contained within Cassia County; all the area contained within the following precincts of Minidoka County: Heyburn No. 1, Heyburn No. 2, Rupert No. 2, and that portion of Rupert No. 4 lying south of State Highway No. 25, east of 100 E. Road and north of 100 North Road; and all the area contained within the following precinct of Twin Falls County: Murtaugh.

(26) Legislative District No. 26 shall include all the area contained within Clark, Custer, Jefferson and Lemhi Counties.

(27) Legislative District No. 27 shall include all the area contained within Madison County; and all the area contained within the following precincts of Fremont County: Egin, Island Park, Newdale, Parker, Teton and Wilford.

(28) Legislative District No. 28 shall include all the area contained within Teton County; all the area contained within the following precincts of Fremont County: Ashton No. 1, Ashton No. 2, Chester, Drummond, Lamont, St. Anthony No. 1, St. Anthony No. 2, St. Anthony No. 3, Squirrel, Twin Groves and Warm River/Green Timber; and all the area contained within the following precincts of Bonneville County: No. 21, No. 23, No. 40, No. 43, No. 44, No. 45, No. 46, No. 47, No. 52, No. 53, No. 54 and No. 55.

(29) Legislative District No. 29 shall include all the area contained within the following precincts of Bonneville County: No. 1, No. 2, No. 3, No. 4, No. 5, No. 6, No. 7, No. 8, No. 9, No. 13, No. 14, No. 22, No. 36, No. 37, No. 38, No. 39 and No. 41.

(30) Legislative District No. 30 shall include all the area con-
tained within the following precincts of Bonneville County: No. 10, No. 11, No. 12, No. 15, No. 16, No. 17, No. 18, No. 19, No. 20, No. 24, No. 25, No. 26, No. 42, No. 48, No. 49, No. 50, No. 51, No. 56 and No. 57.

(31) Legislative District No. 31 shall include all the area contained within Butte County; and all the area contained within the following precincts of Bingham County: that portion of Blackfoot No. 1 lying outside the Fort Hall Indian Reservation, that portion of Blackfoot No. 2 lying north of Mitchell Street, Fisher Avenue and E. Alice Street, Blackfoot No. 5, that portion of East Firth lying outside the Fort Hall Indian Reservation, East Shelley, Groveland, Jamestown, Moreland, Pingree, Riverside, Rockford, Shelley, Wapello, West Shelley and West Firth.

(32) Legislative District No. 32 shall include all the area contained within Bear Lake, Caribou, Franklin and Oneida Counties; and all the area contained within the following precincts of Bannock County: that portion of Arimo lying west of a line beginning at the intersection of Smith Canyon Road with the railroad tracks and a road running parallel to the tracks on the west, north on this road into Arimo on S. Front Street to Woodland Avenue, west on Woodland Avenue to Old Highway 91 and north on Old Highway 91 to the precinct boundary, and Downey.

(33) Legislative District No. 33 shall include all the area contained within the following precincts of Bannock County: No. 1, No. 2, No. 3, No. 4, No. 5, No. 6, No. 7, No. 8, No. 9, No. 10, No. 11, No. 12, No. 21, No. 22, that portion of No. 28 lying outside the Pocatello City limits, No. 29, No. 33, that portion of No. 34 lying outside the Chubbuck City limits, No. 50, that portion of Arimo lying east of a line beginning at the intersection of Smith Canyon Road with the railroad tracks and a road running parallel to the tracks on the west, north on this road into Arimo on S. Front Street to Woodland Avenue, west on Woodland Avenue to Old Highway 91 and north on Old Highway 91 to the precinct boundary, Inkom, Lava Hot Springs and McCammon.

(34) Legislative District No. 34 shall include all the area contained within the following precincts of Bannock County: No. 13, No. 14, No. 15, No. 16, No. 17, No. 18, No. 19, No. 20, No. 23, No. 24, No. 25, No. 26, No. 27, that portion of No. 28 lying within the Pocatello City limits, No. 30, No. 31, No. 32, No. 51, No. 52, No. 53, No. 82, that portion of No. 85 lying east of U.S. Highway 91, and that portion of No. 87 lying east of U.S. Highway 91 and south of Reservation Road.

(35) Legislative District No. 35 shall include all the area contained within Power County; all the area contained within the following precincts of Bannock County: that portion of No. 34 lying within the Chubbuck City limits, No. 81, No. 83, No. 84, that portion of No. 85 lying west of U.S. Highway 91, No. 86 and that portion of No. 87 lying west of U.S. Highway 91 and north of Reservation Road; and all the area contained within the following precincts of Bingham County: Aberdeen, that portion of Blackfoot No. 1 lying within the Fort Hall Indian Reservation, that portion of Blackfoot No. 2 lying south of Mitchell Street, Fisher Avenue and E. Alice Street, Blackfoot No. 3, Blackfoot No. 4, Blackfoot No. 6, that portion of East Firth lying within the Fort Hall Indian Reservation, Fort Hall and
Sterling/Springfield.

SECTION 3. The time sequence provided in section 34-301, Idaho Code, which requires the establishment of precinct boundaries prior to January 15 in a general election year, is specifically waived for the purposes of this act insofar as the provisions of this act may require a precinct boundary to be adjusted to meet the requirements of this act. Any precinct boundary adjustments required by this act shall be accomplished by the county commissioners as soon as is practicable.

SECTION 4. (1) The legislative districts as they existed for the general election of 1990 shall continue in full force and effect for all purposes of the Fifty-first Idaho Legislature through November 30, 1992.

(2) An emergency existing therefor, which emergency is hereby declared to exist, the provisions of Sections 1, 2 and 3 of this act shall be in full force and effect on and after passage and approval for all purposes of the Fifty-second and succeeding Idaho Legislatures.

Approved March 2, 1992.

CHAPTER 14
(H.B. No. 476)

AN ACT
RELATING TO HOMESTEADS; AMENDING SECTION 55-1003, IDAHO CODE, TO INCREASE THE MAXIMUM VALUE OF A HOMESTEAD FOR EXEMPTION.

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

SECTION 1. That Section 55-1003, Idaho Code, be, and the same is hereby amended to read as follows:

55-1003. HOMESTEAD EXEMPTION LIMITED. A homestead may consist of lands, as described in section 55-1001, Idaho Code, regardless of area, but the homestead exemption amount shall not exceed the lesser of (i) the total net value of the lands, mobile home, and improvements as described in section 55-1001, Idaho Code; or (ii) the sum of thirty fifty thousand dollars ($350,000).

Approved March 2, 1992.

CHAPTER 15
(H.B. No. 552)

AN ACT
RELATING TO AUDITORIUM DISTRICTS; AMENDING SECTION 67-4909, IDAHO CODE, TO CHANGE THE DATE OF PUBLICATION OF A DISTRICT'S FINANCIAL STATEMENT AND TO PROVIDE FOR PAYMENT OF COMPENSATION TO BOARD MEMBERS.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. 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 to all 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.


CHAPTER 16
(H.B. No. 597)

AN ACT
RELATING TO THE SALES TAX; AMENDING SECTION 63-3614, IDAHO CODE, TO REDEFINE "SELLER"; AMENDING SECTION 63-3620, IDAHO CODE, TO PROVIDE THAT THE RETAILER SHALL HAVE THE BURDEN OF PROOF OF EXCLUSION FROM SALES TAX LIABILITY UNLESS THE PURCHASER PROVIDES A RESALE
CERTIFICATE TO THE RETAILER; REPEALING SECTION 63-3620B, IDAHO CODE; AMENDING SECTION 63-3621, IDAHO CODE, TO PROVIDE THAT THE RETAILER SHALL HAVE THE BURDEN OF PROOF GIVING RISE TO A CLAIM FOR EXEMPTION FROM SALES OR USE TAX LIABILITY UNLESS THE PURCHASER PROVIDES A RESALE CERTIFICATE TO THE RETAILER; REPEALING SECTION 63-3622, IDAHO CODE; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3622, IDAHO CODE, TO PROVIDE THAT THE RETAILER SHALL HAVE THE BURDEN OF PROOF GIVING RISE TO A CLAIM FOR EXEMPTION FROM THE SALES TAX UNLESS THE PURCHASER PROVIDES AN EXEMPTION CERTIFICATE TO THE RETAILER; AMENDING SECTION 63-3624, IDAHO CODE, TO PROVIDE FOR IMPOSITION OF PENALTIES FOR IMPROPER USE OF EXEMPTION CLAIMS; AMENDING SECTION 63-3626, IDAHO CODE, TO DELETE CERTAIN REFUND AND CREDIT PROCEDURES; AMENDING SECTION 63-3631, IDAHO CODE, TO PROVIDE FOR PRODUCTION OF DOCUMENTATION ON EXEMPTION CLAIMS; AMENDING SECTION 63-3634, IDAHO CODE, TO DELETE PROVISIONS FOR RELEASE OF INFORMATION UNDER CERTAIN CONDITIONS; REPEALING SECTION 63-3636, IDAHO CODE; APPROPRIATING MONEYS FROM THE GENERAL ACCOUNT TO MAKE REFUNDS; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-3614, Idaho Code, be, and the same is hereby amended to read as follows:

63-3614. SELLER. The term "seller" means every person making sales at retail or retail sales to a buyer or consumer, whether as agent, broker or principal.

SECTION 2. That Section 63-3620, Idaho Code, be, and the same is hereby amended to read as follows:

63-3620. SELLER'S PERMITS -- ISSUANCE -- REVOCATION -- RESALE CERTIFICATES -- PENALTIES. (a) Every person desiring to engage in or conduct business as a seller within this state shall file with the state tax commission an application for a seller's permit for each place of business. Every application for a seller's permit shall be made upon a form prescribed by the state tax commission and shall set forth the name under which the applicant transacts or intends to transact business, the location of his place or places of business, and such other information as the state tax commission may require. The applications, or any information contained thereon, may be made available by the tax commission to authorized representatives of state or federal agencies. The application shall be signed by the owner if he is a natural person; in the case of an association or partnership by a member or partner; in the case of a corporation, by an executive officer or other person authorized by the corporation to sign the application. Initial seller's permits shall be issued without charge.

(b) The person signing the application shall certify that the applicant will actively engage in or conduct a business making sales subject to tax under this chapter.

(c) After compliance by the applicant with the requirements set out above and in section 63-3625, Idaho Code, the state tax commission
shall grant and issue to each applicant a separate seller's permit for each place of business within the state. A seller's permit shall not be assignable, and shall be valid only for the person in whose name it is issued and for the transaction of business at the place designated therein. It shall at all times be conspicuously displayed at the place for which issued.

(d) A seller whose seller's permit has been previously suspended or revoked shall pay the state tax commission a fee of ten dollars ($10.00) for the renewal or issuance of a seller's permit in the event of a first revocation and twenty-five dollars ($25.00) for renewal after each successive revocation unless the suspension or revocation is for inactivity pursuant to section 63-3620A, Idaho Code.

(e) Whenever any person fails to comply with any provision of this act relating to the sales tax or any rules or regulations of the state tax commission relating to the sales tax prescribed and adopted under this act, the state tax commission, upon hearing, after giving the person ten (10) days notice in writing specifying the time and place of hearing and requiring him to show cause why his seller's permit or permits should not be revoked, may revoke or suspend any one or more of the seller's permits held by the person. The state tax commission shall give to the person written notice of the suspension or revocation of any of his seller's permits. The notices may be served personally or by mail in the manner prescribed for service of notice of a deficiency determination. The state tax commission shall not issue a new seller's permit after the revocation of a permit unless the commission is satisfied that the former holder of the permit will comply with the provisions of this act relating to the sales tax and the regulations of the state tax commission.

(f) A person who engages in business as a seller in this state without a seller's permit or permits, or after a seller's permit has been suspended, and each officer of any corporation which so engages in business is guilty of a misdemeanor punishable by a fine not in excess of one hundred dollars ($100), and each day shall constitute a separate offense.

(g) (i) For the purpose of the proper administration of this act and to prevent evasion of the sales tax, it shall be presumed that all sales are sales-at-retail subject to the tax unless the burden of proving that a sale is not a sale at retail is upon the person who makes the sale unless he obtains from the purchaser the documentation required by section 63-3620B(d), Idaho Code a resale certificate, or has a resale certificate on file from the purchaser, to the effect that the property is purchased for resale. It shall be presumed that sales made to a person who has completed a resale certificate for the seller's records are not taxable and the seller need not collect sales or use taxes unless the tangible personal property or services purchased are taxable to the purchaser as a matter of law in the particular instance claimed on the resale certificate.

(ii) A seller may accept a resale certificate from a purchaser prior to the time of sale, at the time of the sale, or at any reasonable time after the sale when necessary to establish the privilege of the exemption. The resale certificate relieves the seller from the burden of proof only if taken from a person who is
engaged in the business of selling or renting tangible personal property and who holds a permit provided for in this section, or who is a retailer not engaged in business in this state, 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. Other than as provided elsewhere in this section, when a resale certificate, properly executed, is presented to the seller, the seller has no duty or obligation to collect sales or use taxes in regard to any sales transaction so documented regardless of whether the purchaser properly or improperly claimed an exemption. A seller so relieved of the obligation to collect tax is also relieved of any liability to the purchaser for failure to collect tax or for making any report or disclosure of information required or permitted under this chapter.

(iii) The resale certificate shall be signed by and bear the name and address of the purchaser or his agent, shall indicate the number of the permit issued to the purchaser or that the purchaser is an out-of-state retailer, and shall indicate the general character of the tangible personal property sold or rented by the purchaser in the regular course of business. The certificate shall be substantially in such form as the state tax commission may prescribe.

(h) If a purchaser who gives a resale certificate makes any use of the property other than retention, demonstration or display while holding it for sale or rent in the regular course of business, the use shall be taxable to the purchaser as of the time the property is first used by him, and the sales price of the property to him shall be deemed the measure of the tax.

(i) Any person who gives a resale certificate for property which he knows at the time of purchase is not to be resold or rented by him in the regular course of business for the purpose of evading payment to the seller of the amount of the tax applicable to the transaction is guilty of a misdemeanor and punishable by a fine not exceeding one thousand dollars ($1,000), or by imprisonment for a period not in excess of one (1) year, or by both such fine and imprisonment.

(j) If a purchaser gives a resale certificate with respect to the purchase of fungible goods and thereafter commingles these goods with other fungible goods not so purchased but with 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.

SECTION 3. That Section 63-3620B, Idaho Code, be, and the same is hereby repealed.

SECTION 4. 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 -- EXEMPTIONS. 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 five per cent (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 seller 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 seller 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 63-3620B or 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 and every seller required to collect tax under this chapter shall file register with the state tax commission an application for a seller's permit as provided in section 63-3620B--Idaho Code, and in addition to the requirements of that section, and give the name and address of all agents operating in this state, the location of all distribution 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 unless. The burden of proving the sale is tax exempt is upon the person who makes the sale unless he obtains from the purchaser the documentation required by section 63-3620B(d) Idaho Code a resale certificate to the effect that the property is purchased for resale or rental. It shall be presumed that sales made to a person who has completed a resale certificate for the seller's records are not taxable and the seller need not collect sales or use taxes unless the tangible personal property purchased is taxable to the purchaser as a matter of law in the particular instance claimed on the resale certificate.

A seller may accept a resale certificate from a purchaser prior to the time of sale, at the time of sale, or at any reasonable time after the sale when necessary to establish the privilege of the exemption. The resale certificate relieves the person selling the property from the burden of proof only if taken 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, or who is a retailer not engaged in business in this state, 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. Other than as provided elsewhere in this section, when a resale certificate, properly executed, is presented to the seller, the seller has no duty or obligation to collect sales or use taxes in regard to any sales transaction so documented regardless of whether the purchaser properly or improperly claimed an exemption. A seller so relieved of the obligation to collect tax is also relieved of any liability to the purchaser for failure to collect tax or for making any report or disclosure of information required or permitted under this chapter.

The resale certificate shall bear the name and address of the purchaser, shall be signed by the purchaser or his agent, shall indicate the number of the permit issued to the purchaser, or that the purchaser is an out-of-state retailer, and shall indicate the 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 resale 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.

(g) If a purchaser gives a resale 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 provision 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.

(zi) It shall be presumed that tangible personal property shipped or brought to this state by the purchaser was purchased from a seller retailer, for storage, use or other consumption in this state.

(zi) It shall be presumed that tangible personal property delivered outside this state to a purchaser known by the seller retailer to be a resident of this state was purchased from a seller 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.

(hk) 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 or a vessel as defined in section 67-7003, Idaho Code, shall be sufficient evidence of payment of a general retail sales or use tax.

(ii) 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.

(jm) The use tax herein imposed shall not apply to the storage, use or other consumption of tangible personal property which is or will be incorporated into real property and which has been donated to and has become the property of:

(1) A nonprofit organization as defined in section 63-36220, Idaho Code; or
(2) The state of Idaho; or
(3) Any political subdivision of the state.

This exemption applies whether the tangible personal property is incorporated in real property by the donee, a contractor or subcontractor of the donee, or any other person.

SECTION 5. That Section 63-3622, Idaho Code, be, and the same is hereby repealed.

SECTION 6. 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 63-3622, Idaho Code, and to read as follows:

63-3622. EXEMPTIONS — EXEMPTION CERTIFICATES — PENALTY. (a) To prevent evasion of the sales and use tax, it shall be presumed that all articles are subject to the taxes imposed by the provisions of this chapter and the retailer shall have the burden of establishing the facts giving rise to such exemption unless the purchaser delivers to the retailer, or has on file with the retailer, an exemption certificate. The exemption certificate shall show the purchaser's name, business name and address (if any), address, and signature and the reason for and nature of the claimed exemption. It shall be presumed that sales made to a person who has completed an exemption certificate for the seller's records are not taxable and the seller need not collect sales or use taxes unless the tangible personal property or services purchased are taxable to the purchaser as a matter of law in the particular instance claimed on the exemption certificate.
A seller may accept an exemption certificate from a purchaser prior to the time of sale, at the time of the sale, or at any reasonable time after the sale when necessary to establish the privilege of the exemption. Other than as provided elsewhere in this section, when an exemption certificate, properly executed, is presented to or is on file with the seller, the seller has no duty or obligation to collect sales or use taxes in regard to any sales transaction so documented regardless of whether the purchaser properly or improperly claimed an exemption. A seller so relieved of the obligation to collect tax is also relieved of any liability to the purchaser for failure to collect tax or for making any report or disclosure of information required or permitted under this chapter. A seller need not accept an exemption certificate that is not readable, legible or copyable.

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

(c) The claim for the exemption may be a part of the documentation on a sales invoice, purchase order, or other documentation retained by the retailer with regard to the sale. The claim shall be in substantially the same form as required by the tax commission. Unless the purchaser has an exemption certificate on file with the seller, the purchaser or his agent must sign the exemption claim, which shall be in addition to any other signature which the seller normally requires on sales invoices, purchase orders, or other sales documentation.

SECTION 7. That Section 63-3624, Idaho Code, be, and the same is hereby amended to read as follows:

63-3624. ADMINISTRATION. (a) The state tax commission shall enforce the provisions of this act and may prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of this act. The state tax commission may prescribe the extent to which any ruling or regulation shall be applied without retroactive effect.

(b) The state tax commission shall employ qualified auditors for examination of taxpayers' records and books. The state tax commission shall also employ such accountants, investigators, regional supervisors, assistants, clerks, and other personnel as are necessary for the efficient administration of this act, and may delegate authority to its representatives to conduct hearings, or perform any other duties imposed by this act.

(c) Every seller, every retailer, and every person storing, using, or otherwise consuming in this state tangible personal property purchased from a seller retailer shall keep such records, receipts, invoices and other pertinent papers as the state tax commission may require. Every such seller, retailer or person who files the returns required under this act shall keep such records for not less than four (4) years from the making of such records unless the state tax commission in writing sooner, authorizes their destruction.

(d) Retail food stores may petition to the state tax commission
to be relieved from the responsibility of retaining detailed invoices of nontaxed sales for which the documentation required in sections 63-3620B(d), 63-3621, or 63-3622(d), Idaho Code, and any other documentation which may be required by the tax commission, has been obtained by the store from the purchaser. The tax commission shall review each petition and may examine the books and records of the petitioner to insure that the products sold by the petitioner are those sold by a retail food store. The tax commission shall give written notice of its determination to the petitioner as soon as practicable after receiving the written request, but in no event later than sixty (60) days after receiving the petition. As used in this section, "retail food stores" shall mean those retail stores primarily engaged in selling food for home preparation and consumption described in major group 54 of the standard industrial classification manual (SIC) of 1987, as amended, published by the office of management and budget of the executive office of the president of the United States.

(e) The state tax commission, or any person authorized in writing by it, may examine the books, papers, records, and equipment of any person selling tangible personal property and any person liable for the use tax and may investigate the character of the business of the person in order to verify the accuracy of any return made, or, if no return is made by the person, to ascertain and determine the amount required to be paid.

(f) Purchasers claiming exemption from tax and sellers retailers whose pertinent records are kept outside of the state must bring the records to Idaho for examination by the state tax commission upon request of the latter, or, by agreement with the state tax commission, permit an auditor designated by the state tax commission to visit the place where the records are kept, and there audit such records.

(g) In the administration of the use tax, the state tax commission may require the filing of reports by any purchaser to whom a tax exemption certificate has been issued or by any person or class of persons having in his or their possession or custody information relating to sales of tangible personal property the storage, use, or other consumption of which is subject to the tax. The reports shall be filed when the state tax commission requires and shall set forth the names and addresses of purchasers of tangible personal property, the sale price of the property, the date of sale, and such other information as the state tax commission may require.

(h) When the tax commission determines that a retail sale claimed exempt under any of the provisions of this chapter is not exempt and the purchaser has failed to voluntarily report and pay use tax in regard to the property purchased on a use tax return, the tax commission may collect the sales tax which was due at the time of the sale or the use tax due at the time of storage, use or other consumption of the taxable goods by issuing to the purchaser a notice of deficiency determination, asserting tax together with interest, at the rate provided in section 63-3045, Idaho Code, and may assert penalties found elsewhere in this chapter.

(i) If the tax commission determines that the purchaser has repeatedly or intentionally made purchases claimed to be exempt that are not exempt, and the purchaser has failed to voluntarily report and pay use tax in regard to those purchases, or the commission determines
that the purchaser has repeatedly or intentionally made purchases claimed to be exempt that are not exempt and has removed the goods from this state, the commission may assert a penalty equal to five percent (5%) of the sales price of the property or two hundred dollars ($200), whichever is greater. The tax commission may abate the penalty when the purchaser establishes during a proceeding for redetermination that there was reasonable grounds for believing that the purchase was properly exempt from tax.

SECTION 8. That Section 63-3626, Idaho Code, be, and the same is hereby amended to read as follows:

63-3626. REFUNDS, LIMITATIONS, INTEREST. (a) Any purchaser who is required to file a sales tax return who has paid tax with regard to property purchased for resale and any purchaser who is required to file a use tax return who has paid tax with regard to property purchased which is exempt from or not subject to the tax shall apply for credit of the tax so paid against the sales and use tax due on the returns required in Section 63-3623, Idaho Code, in the event the amount of credit applied for exceeds the amount of tax due upon the return; credit will be allowed against future taxes due unless the amount of credit exceeds two hundred fifty dollars ($250), in which case the purchaser may request, in such form as the tax commission may require by regulation, that the tax commission issue a refund.

(b) Any purchaser other than a purchaser described in subsection (a) of this section who has paid the tax imposed in this chapter to a seller in regard to a sale which is exempt from or not subject to the tax may file a claim for refund with the tax commission in such form as the commission may require by regulation. Refund claims for two hundred fifty dollars ($250) or less shall be filed no more frequently than quarterly. Refund claims for amounts more than two hundred fifty dollars ($250) may be filed at any time within the limitations provided in this section.

(c) All other claims for refund, including claims for refunds arising from bad debts, shall be in a form and manner prescribed by regulation of the tax commission.

(d) If the tax commission determines that any amount due under this chapter has been paid more than once or has been erroneously or illegally collected or computed, has been paid by a purchaser in regard to any purchase which is exempt from the tax or has been paid by a purchaser for resale, 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.

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

(f) 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—except with regard to refunds claimed under subsections (a) and (b) of this section—in which case interest shall only apply to any amount not refunded and due thirty (30) days after receipt by the tax commission of the claim for refund.

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

SECTION 9. That Section 63-3631, Idaho Code, be, and the same is hereby amended to read as follows:

63-3631. REDETERMINATION. (a) Any person against whom a deficiency determination is made under section 63-3629, Idaho Code, or any person directly interested, may petition for a redetermination within thirty (30) days after service upon the person of notice thereof. If a petition for redetermination is not filed within the thirty (30) day period, the determination becomes final at the expiration of the period.

(b) If a petition for redetermination is filed within the thirty (30) day period, the state tax commission shall reconsider the determination and, if the person has so requested in his petition, shall grant the person an oral hearing and shall give him ten (10) days' notice of the time and place of the hearing personally or by mail as provided in section 63-3629, Idaho Code. The state tax commission may continue the hearing from time to time as may be necessary.

(c) The state tax commission may decrease or increase the amount of the determination before it becomes final, but the amount may be increased only if a claim for the increase is asserted by the state tax commission at or before the hearing.

(d) A person petitioning for a redetermination under subsection (a) of this section may, in support of his petition, submit resale certificates as provided in section 63-3620 or section 63-3621, Idaho Code, or an exemption certificate as provided in section 63-3622, Idaho Code, only if such certificates are presented to the tax commission within ninety (90) days of the date of the notice of deficiency determination to which the petition relates.

SECTION 10. That Section 63-3634, Idaho Code, be, and the same is hereby amended to read as follows:

63-3634. ADDITIONS AND PENALTIES. The additions, penalties and requirements provided by the Idaho Income Tax Act, sections 63-3046, 63-3075, 63-3076 and 63-3077, Idaho Code, shall apply in the same manner and to the same extent to this act as to the Idaho Income Tax Act and shall cover acts, omissions, and delinquencies under this act similar to acts, omissions and delinquencies under the Idaho Income Tax
Act and such additions, penalties and requirements shall, for this purpose, be described as and be for acts, omissions, delinquencies and requirements under the Idaho Sales Tax Act; provided, however, that the provisions of section 63-3076, Idaho Code, shall not prevent the release of information about a specific transaction to any party to such transaction, including the tax exemption certificate holder, the seller, and any individual signing an exemption claim relating to the transaction; nor shall the provisions of section 63-3076, Idaho Code, prevent release by the tax commission of the names, identifying numbers, and expiration date of persons holding valid, revoked, or expired tax exemption certificates. The tax commission may release such information only when it determines that the release will benefit the enforcement of this chapter, and not otherwise.

SECTION 11. That Section 63-3636, Idaho Code, be, and the same is hereby repealed.

SECTION 12. The tax commission is authorized and directed to refund the fee imposed and collected for purchase of a tax exemption certificate under sections 63-3620B and 63-3622, Idaho Code, as those sections existed on January 1, 1992, and the amount necessary to make such refunds is hereby appropriated from the general account.

SECTION 13. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to December 31, 1991.


CHAPTER 17
(H.B. No. 483)

AN ACT
RELATING TO THE PUBLIC WORKS CONTRACTOR BONDING REQUIREMENTS; AMENDING SECTION 54-1926A, IDAHO CODE, TO PROVIDE TECHNICAL CORRECTION AND CLARIFICATION THAT GOVERNMENT OBLIGATIONS ARE TO BE AT A FAIR MARKET AMOUNT EQUAL TO A PENAL SUM OF A BOND.

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

SECTION 1. That Section 54-1926A, Idaho Code, be, and the same is hereby amended to read as follows:

54-1926A. USE OF GOVERNMENT OBLIGATIONS INSTEAD OF SURETY BONDS. (a) If a person is required under a law of the state of Idaho to give a surety bond, the person may give a government obligation, as defined in subsection (h) of section 54-1901, Idaho Code. The government obligation shall:

(1) Be given to the official having authority to approve the
surety bond, or its authorized custodian;
(2) Be in an amount equal at par-value fair market value to the
amount penal sum of the required surety bond; and
(3) Authorize the official receiving the obligation to collect or
sell the obligation if the person defaults on a required condi-
tion.

(b) (1) An official receiving a government obligation under sub-
section (a) of this section may deposit it with:
1. The state treasurer;
2. A national or state chartered bank; or
3. A depository designated by the state treasurer.
(2) The state treasurer, bank, or depository shall issue a safe-
keeping receipt that describes the obligation deposited.

(c) Using a government obligation instead of a surety bond for
security is the same as using:
(1) A corporate surety bond;
(2) A certified check;
(3) A bank draft;
(4) A post office money order; or
(5) Cash.

(d) When security is no longer required, a government obligation
given instead of a surety bond shall be returned to the person giving
the obligation. If a person supplying labor or material to a contrac-
tor defaulting under the public contracts bond act, sections 54-1925
through 54-1930, Idaho Code, files with the contracting body the
application and affidavit provided under section 54-1927, Idaho Code,
the contracting body:
(1) May return to the contractor the government obligation given
as security or proceeds of the government obligation given under
the public contracts bond act, sections 54-1925 through 54-1930,
Idaho Code, only after the ninety (90) day period for bringing a
civil action under section 54-1927, Idaho Code;
(2) Shall hold the government obligation or the proceeds subject
to the order of the court having jurisdiction of the action if a
civil action is brought in the ninety (90) day period.

(e) The provisions of this section do not affect the:
(1) Priority of a claim of the contracting body against a govern-
ment obligation given under this section;
(2) Right or remedy of the contracting body for default on an
obligation provided under this section;
(3) Authority of a court over a government obligation given as
security in a civil action; and
(4) Authority of an official of the state of Idaho authorized by
another law to receive a government obligation as security.

(f) To avoid frequent substitution of government obligations, the
state treasurer may promulgate rules and regulations limiting the
effect of the provisions of this section, to a government obligation
maturing more than one (1) year after the date the obligation is given
as security.

Approved March 5, 1992.
CHAPTER 18  
(H.B. No. 551)

AN ACT
RELATING TO TAXATION OF FOREST LANDS; AMENDING SECTION 63-1701, IDAHO CODE, TO DEFINE "DESIGNATION PERIOD"; AND AMENDING SECTION 63-1703, IDAHO CODE, TO CLARIFY THE PROCEDURE UNDER WHICH A LAND-OWNER MAY CHANGE THE DESIGNATION OF HIS FOREST LANDS FOR TAXATION PURPOSES AND TO PROVIDE FOR ACCRUAL OF DEFERRED TAXES.

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

SECTION 1. That Section 63-1701, Idaho Code, be, and the same is hereby amended to read as follows:

63-1701. DEFINITIONS. As used in this chapter, unless the context requires otherwise:

(1) "Average annual net wood production" means the average net usable volume of wood one (1) acre of forest land will grow in one (1) year under average current and actual forest conditions and under current and reasonable management practices for each forest value zone.

(2) "Designation period" means any one (1) ten (10) year period in a sequence of ten (10) year periods which begin January 1, 1983.

(3) "Forest" means forest land and the timber thereon.

(34) "Forest land" means privately owned land being held and used primarily for the continuous purpose of growing and harvesting trees of a marketable species. Having met the above criteria, forest land may be further identified by the consideration of any of the following criteria:

(a) Forest land is land evidenced by present use and silvicultural treatment.

(b) Forest land is land which has a dedicated use that is further evidenced by a forest land management plan that includes eventual harvest of the forest crop.

(c) Forest land is land bearing forest growth or land which has not been converted to another use.

(d) Forest land is land which has had the trees removed by man through harvest, including clear-cuts or by natural disaster, such as but not limited to fire, and which within five (5) years after harvest or initial assessment will be reforested as specified in the forest practices act (chapter 13, title 38, Idaho Code).

(45) "Forest landowner" means the legal entity which holds the property rights under law to the forest land surface.

(56) "Forest products" mean any forest crop harvested from forest land.

(67) "Forest products yield tax" means a tax levied on a proportion of the value of forest product harvested.

(78) "Forest value" means the market value for assessment purposes as determined only on the basis of its ability to produce timber, other forest products, and associated agricultural products through an income approach as prescribed by section 63-1705, Idaho Code.
(89) "Stumpage value" means the value of timber, whether standing or downed by other than an intentional act of severance, expressed in terms of dollars per unit of measure.

(910) "Timber" means wood growth, of any species and of any size, standing or down on privately owned lands.

(191) "Bare land value" means the value of forest land exclusive of the value of timber and other products growing or being thereon.

(192) "Stumpage owner" means the legal entity which holds the property rights under law to the timber growing on private lands.

SECTION 2. That Section 63-1703, Idaho Code, be, and the same is hereby amended to read as follows:

63-1703. CERTAIN FOREST LANDS TO BE DESIGNATED FOR TAXATION BY OWNER -- LIMITATIONS. For the purposes of appraisal, assessment and taxation under the provisions of this chapter, all forest lands in parcels of five (5) or more acres but less than two thousand (2,000), whether contiguous or not, as long as such parcels are held in common ownership, must be designated by the forest landowner to be subject to the provisions of either paragraph subsection (a) or (b) of this section. A forest landowner cannot have parcels designated under the provisions of both subsections (a) and (b) of this section at one (1) time. If the forest landowner fails to make a designation, his forest lands shall be subject to appraisal, assessment and taxation under the provisions of section 63-1702, Idaho Code. Once a designation is made by the forest landowner, such designation must remain in effect for a minimum period of ten (10) years until the designation period expires, unless the forest lands are transferred to another owner in using a different taxing category; in such case, the taxing category of the transferred forest lands shall be the same as that maintained by the new owner.

A forest landowner may change the designation of all forest lands in common ownership at the end of any designation period, subject to the recapture of any deferred taxes due as a result of such change. After January 1 and by December 31 of the tenth year of each designation period the forest landowner must notify the county assessor of any change in forest land designation. Failure to notify the county assessor will result in the continuation of the landowner's present designation until the end of the next designation period.

Any substantial change in the use of forest lands not conforming with the definition of forest land in section 63-1701, Idaho Code, during such ten (10) year period under the designations made by paragraph in subsection (a) or (b) shall be reported by the landowner to the county assessor within thirty (30) days of the change in use. Upon notification of the change in use, the assessor shall appraise, assess and tax those acres as provided by applicable laws, rules and regulations. Failure to notify the assessor of the change in use when forest lands have been designated as subject to the provisions of paragraph subsection (a) or (b) shall cause forfeiture of such designation, and cause that property to be appraised, assessed and taxed as provided in section 63-1702, Idaho Code.

Forest lands designated for assessment pursuant to the provisions of section 63-1706, Idaho Code, shall be subject to the recapture of
deferred taxes upon removal of such designation, a substantial change in use, or ownership transfer, except that there shall be no recapture initiated upon ownership transfer of forest lands designated as subject to the provisions of section 63-1706, Idaho Code, to a landowner with forest lands already designated as subject to the provisions of section 63-1706, Idaho Code, prior to the transfer, or who so designates his lands to be subject to the provisions of section 63-1706, Idaho Code.

The dollar amount of deferred taxes subject to recapture shall be determined by the county assessor by applying current tax levies against the current values that would have been in effect if the lands were subject to appraisal and assessment during the current year under the provisions of section 63-1705 or section 63-1702, Idaho Code, which amount shall be multiplied by the number of years that the lands have been subject to the designation under section 63-1706, Idaho Code. The amount of the deferred tax shall accrue through designation periods, up to a maximum of ten (10) years, and shall apply to the most recent ten (10) years in which the parcel has been designated under the provisions of section 63-1706, Idaho Code. A credit shall be allowed for taxes actually paid under the provisions of section 63-1706, Idaho Code, if such taxes are less than the for an identical ten (10) year period, up to the total amount of the deferred taxes. All deferred amounts shall be a lien against the land. The county recorder shall certify the amount of any deferred taxes to the treasurer for collection.

(a) A forest landowner may choose to have his forest land assessed, appraised and taxed under the provisions of section 63-1705, Idaho Code, by filing such choice with the county assessor on a form prescribed by the state tax commission. Designation filed pursuant to section 63-1705, Idaho Code, shall become effective the first day of January following the year of designation.

(b) A forest landowner may choose to have his forest land assessed, appraised and taxed under the provisions of section 63-1706, Idaho Code, by filing such choice with the county assessor on a form prescribed by the state tax commission. Designation filed pursuant to section 63-1706, Idaho Code, shall become effective the first day of January following the year of designation.

(c) All forest products or timber harvested from investment lands not designated as subject to the provisions of section 63-1702, 63-1705 or 63-1706, Idaho Code, and delivered to a point of utilization as logs or semiprocessed forest products (except those forest products harvested for the domestic use of the landowner under the provisions of section 63-1708, Idaho Code) shall be subject to the yield tax at the time of harvest in the same manner provided for in section 63-1706, Idaho Code.

Approved March 5, 1992.
CHAPTER 19
(H.B. No. 458)

AN ACT
RELATING TO THE RACING COMMISSION; AMENDING SECTION 54-2502, IDAHO CODE, TO PROVIDE PROPER NOMENCLATURE AND TO STRIKE OBSOLETE REFERENCES; AMENDING SECTION 54-2507, IDAHO CODE, TO PROVIDE PROPER NOMENCLATURE; AMENDING SECTION 54-2513, IDAHO CODE, TO PROVIDE PROPER NOMENCLATURE, TO STRIKE OBSOLETE REFERENCES, TO PROVIDE PROPER TIMES FOR PAYMENTS TO BE MADE, AND TO REMOVE REFERENCES TO DOG RACING FROM THE PROVISIONS FOR HORSE RACING; AMENDING CHAPTER 25, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2514, IDAHO CODE, TO PROVIDE PROVISIONS FOR DOG RACING SEPARATE AND DISTINCT FROM THE PROVISIONS FOR HORSE RACING; AMENDING SECTIONS 54-2514, 54-2515 AND 54-2516, IDAHO CODE, TO REDESIGNATE AND TO PROVIDE PROPER CODE REFERENCES; DECLARING AN EMERGENCY, PROVIDING A RETROACTIVE EFFECTIVE DATE FOR CERTAIN DISTRIBUTION REQUIREMENTS, AND DECLARING AN EMERGENCY FOR THE BALANCE OF THE ACT.

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

SECTION 1. 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 racing commission, herein-after created.

"Host facility" means the racetrack at which the race is run, or the facility which is designated as the host facility if the race is run in a jurisdiction which is not participating in the interstate combined wagering pool.

"Host jurisdiction" means the jurisdiction in which the host facility is located.

"Interstate combined common wagering pool" means a pari-mutuel pool established in one (1) jurisdiction which is combined with comparable pari-mutuel pools from one (1) or more racing jurisdictions. Such pool is established for the purpose of establishing pay-off prices in the various jurisdictions.

"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, 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.

"Racing jurisdiction" or "jurisdiction" means a governmental jurisdiction responsible for the regulation of pari-mutuel racing in that jurisdiction and which is a member of the association of racing commissioners international.

"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.

Idaho-centennial-futurity shall mean those races to be held in Idaho to promote Idaho-bred horses and the centennial celebration. The races to be approved as centennial-futurity shall be those futurity and stakes races as are approved by the Idaho-racing-commission.

SECTION 2. That Section 54-2507, Idaho Code, be, and the same is hereby amended to read as follows:

54-2507. AUTHORITY OF COMMISSION. (1) The commission created by this act is hereby authorized and it shall be its duty to license, regulate, and supervise all race meets held in this state under the terms of this act, and to cause the various places where race meets are held to be visited and inspected at least once a year.

(2) Notwithstanding any other provision of this chapter, the commission may authorize any licensee to participate in an interstate combined common wagering pool with one (1) or more other racing jurisdictions. Anytime that a licensee participates in an interstate pool, the licensee may adopt, with the authorization of the commission, the take-out of the host jurisdiction or facility.

(3) The commission may permit a licensee to use one (1) or more of its races for an interstate combined common wagering pool at locations outside its jurisdiction, and may allow pari-mutuel pools in other states to be combined with pari-mutuel pools in its jurisdiction for the purpose of establishing an interstate combined common wagering pool.

SECTION 3. That Section 54-2513, Idaho Code, be, and the same is hereby amended to read as follows:

54-2513. HORSE RACING -- DISTRIBUTIONS OF DEPOSITS -- BREAKAGE. (A) Each licensee conducting the pari-mutuel system for live horse races having an average daily handle in excess of one hundred thousand dollars ($100,000) shall distribute all sums deposited in any pool as follows:

(1) Seventy-nine and eighty per cent (79.80%) of any win, place or show pool to the winner thereof, one-per-cent-(1%) to-the-racing commission for deposit in the Idaho-centennial-futurity-account, and twenty per cent (20%) to the licensee;

(2) Seventy-eight-nine and one-quarter per cent (78.925%) of any daily-double-exacta-or-trifecta all other pool to the winner thereof, one-per-cent-(1%) to-the-racing-commission for deposit in the Idaho-centennial-futurity-account; three-quarters of one per cent (.75%) to the racing commission for deposit in the racing commission account, and twenty per cent (20%) to the licensee.

(3) Seventy-nine per cent (79%) of any quinella pool to-the-winner-whereof, one-per-cent-(1%) to-the-racing-commission for deposit in the Idaho-centennial-futurity-account; and twenty-per-cent-(.20%) to-the-licensee.
(B) Each licensee conducting the pari-mutuel system for live 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 racing commission, for deposit in the 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 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 but not later than December 15.

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 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 quarterly.

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 and the equine education account shall each receive one-eighth of one per cent (.125%), 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 and the equine education account shall
each receive sixty-two and one-half hundredths per cent (0.625%), 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 and the equine education account shall each receive one and one-eighth per cent (1.125%), and the licensee shall retain fifteen and one-half per cent (15.50%).

The public schools' and the equine education account's share shall be paid by the licensee to the racing commission for deposit in the public school income fund or the equine education account as appropriate. The licensee's percentage shall be retained by the licensee.

(C) Each licensee conducting the pari-mutuel system for live horse races having an average daily handle of one hundred thousand dollars ($100,000) or less shall distribute all sums deposited in any pool as follows:

(1) Seventy-sixseven per cent (76.7%) of any win, place or show pool to the winner thereof, one-per-cent-(1%) to-the-racing-com­mission-for-deposit-in-the--Idaho-centennial-futurity-account, and twenty-three per cent (23%) to the licensee;

(2) Seventy-fivesix and one-quarter per cent (75.625%) of any daily-double,-exacta-or-trifecta all other pools to the winner thereof, one-per-cent-(1%) to-the-racing-commission-for-deposit-in the--Idaho-centennial-futurity-account, three-quarters of one per cent (.75%) to the racing commission for deposit in the racing account, and twenty-three per cent (23%) to the licensee;

(3) Seventy-six per cent (76%) of any quinella pool to the winner thereof, one-per-cent-(1%) to-the-racing-commission-for-deposit-in the--Idaho-centennial-futurity-account, and twenty-three per cent (23%) to-the-licenset.

(D) Each licensee conducting the pari-mutuel system for live horse races shall retain twenty-three per cent (23%) 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—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 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 annually but not later than December 15.
(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 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 quarterly.

(4) Twenty and three-quarters per cent (20.75%) 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 twenty and three-quarters per cent (20.75%);
   b. From the next $10,000 of gross daily receipts (gross daily receipts between $20,000 and $30,000), the public school income fund and the equine education account shall each receive one-twentieth of one per cent (.05%), and the licensee shall retain twenty and one-half per cent (20.50%);
   c. From the next $10,000 of gross daily receipts (gross daily receipts between $30,000 and $40,000), the public school income fund and the equine education account shall each receive one-and-one-quarter sixty-two and one-half hundredths per cent (1.625%), and the licensee shall retain nineteen and one-half percent (19.50%);
   d. From all amounts of over $40,000 of gross daily receipts, the public school income fund and the equine education account shall each receive two-and-one-quarter one and one-eighth per cent (2.125%), and the licensee shall retain eighteen and one-half per cent (18.50%).

The public schools' share and the equine education account's share shall be paid by the licensee to the racing commission for deposit in the public school income fund or the equine education account as appropriate. The licensee's percentage shall be retained by the licensee.

(8) Each licensee--conducting--the--pari-mutuel--system--for--dog racing--shall--retain--twenty--and--one--half--per--cent--(20.5%)--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
(3) One-half of one per cent (0.50%) of gross daily receipts, separately stated, shall be paid to the Idaho State Racing Commission for deposit in the Idaho horse-breeders' and owners' award account, which is hereby created in the dedicated fund for further distribution as follows:

a. Fifty per cent (50%) of all moneys deposited in the Idaho horse-breeders' and owners' award account shall be distributed by the racing commission annually but not later than December 15, to the breeders of Idaho-bred winners of each approved horse race in Idaho in proportion to the handle generated by each breed and

b. Fifty per cent (50%) of all moneys deposited in the Idaho horse-breeders' and owners' award account shall be distributed by the racing commission annually but not later than December 15, in equal amounts to the owners of Idaho-bred horse race winners.

(4) During calendar years 1988, 1989, and 1990, by not later than December 15, each licensee conducting the pari-mutuel system for dog racing shall pay one hundred thousand dollars ($100,000) to the racing commission for deposit in the track improvement and industry promotion account, which is hereby created in the dedicated fund. Moneys in the account shall be distributed by the racing commission as soon as possible after receipt as follows:

a. The sum of fifty thousand dollars ($50,000) each year for the years 1988 and 1989 shall be paid to the Idaho horse council for the purpose of conducting an Idaho horse census and for the purpose of promoting the Idaho horse industry, subject to the approval of the Idaho racing commission.

b. The balance of all such moneys shall be paid to owners of horse racing tracks in the state of Idaho in proportion to the number of racing commission approved horse race days actually raced in the year in which the commission receives moneys at each horse-racing track, subject to the rules and regulations promulgated by the Idaho racing commission. Each commission approved horse-racing track shall receive that proportion of the moneys in the track improvement and industry promotion account as is equal to that track's percentage of the total horse-racing tracks days held in Idaho during that calendar year. The moneys to be paid to each horse-racing track shall be used solely for the purpose of improvement, repair, maintenance and upkeep of each such horse-racing track, grandstands, horse buildings, barns and stables, lighting and horse-racing track equipment, subject to the rules and regulations of the racing commission.

(5) 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
(c) From the next $10,000 of gross dairy receipts, the public school income fund shall receive one and one-quarter per cent (1.25%) and the licensee shall retain seventeen and one-half per cent (17.50%).

d) From all amounts in excess of $40,000 of gross dairy 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 school's 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.

(f) Moneys paid to the 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, 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 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 racing commission for such purposes.

(g) 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.

(h) Following the last Idaho centennial futurity race in 1998, 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 the winner's pool for that race.

(i) 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 4. That Chapter 25, Title 54, Idaho Code, be, and the same is amended by the addition thereto of a NEW SECTION, to be known and designated as Section 54-2514, Idaho Code, be, and to read as follows:

54-2514. DOG RACING -- DISTRIBUTIONS OF DEPOSITS -- BREAKAGE. (A) Each licensee conducting the pari-mutuel system for dog racing shall retain twenty and one-half per cent (20.50%) 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) One-half of one per cent (.50%) of gross daily receipts, separately stated, shall be paid to the Idaho state racing commission for deposit in the Idaho horse breeders' and owners' award account, which is hereby created in the dedicated fund for further distribution as follows:

a. Fifty per cent (50%) of all moneys deposited in the Idaho horse breeders' and owners' award account shall be distributed by the racing commission annually but not later than December 15, to the breeders of Idaho bred winners of each approved horse race in Idaho in proportion to the handle generated by each breed; and

b. Fifty per cent (50%) of all moneys deposited in the Idaho horse breeders' and owners' award account shall be distributed by the racing commission annually but not later than December 15, in equal amounts to the owners of Idaho bred horse race winners.

(4) 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.

(B) 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.

(C) 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 5. That Section 54-2514, Idaho Code, be, and the same is hereby amended to read as follows:

54-25145. EXEMPTION FROM FEE PAYMENT -- PAYMENT OF SUMS DUE COMMISSION -- PAYMENT TO PUBLIC SCHOOL INCOME FUND. Fair boards or fair districts which conduct race meets in connection with regularly scheduled annual fairs shall be exempt from payment of the fees provided in section 54-2508, Idaho Code. All sums due the commission from the licensee shall be paid to and retained by the commission for the payment of salaries, travel, operating costs and any other expenses necessary to carry out the provisions of this act, except that no payment need be made for office accommodations furnished by the state: provided, however, that no salary, wages, expenses or compensation of any kind shall be paid by the state of Idaho for, or in connection with, the work of the commission in carrying out the provisions of this act. All sums due the public school income fund shall be collected by the commission, and, on the next business day following the receipt thereof, shall be paid to the state treasurer for deposit in the public school income fund of the state treasury.

SECTION 6. That Section 54-2515, Idaho Code, be, and the same is hereby amended to read as follows:

54-25156. LICENSEE'S RIGHT TO WITHHOLD DEPOSITS. (1) In the event any government or governmental agency imposes a levy on a licensee, by a special tax on the money so deposited under the pari-mutuel system, or upon or against his receipts therefrom, the said licensee may withhold in addition to the aforesaid per centum and breakage, as provided in section 54-2513 or section 54-2514, Idaho Code, the amount of the tax so levied.

(2) Breakage for interstate combined wagering pools shall be calculated in accordance with the statutes or rules of the host jurisdiction, and must be distributed among the participating jurisdictions in a manner agreed to among the jurisdictions.

SECTION 7. That Section 54-2516, Idaho Code, be, and the same is hereby amended to read as follows:

54-25167. BOND REQUIREMENT. Every race meet licensee shall provide and deliver to the commission a bond signed by a surety company licensed to do business in this state in such form and in the sum as may be required by the commission, and conditioned that said licensee will pay to the state of Idaho all moneys due the state under the provisions of this act.

SECTION 8. (1) An emergency existing therefor, which emergency is hereby declared to exist, those portions of section 54-2513(D)(4), Idaho Code, as amended by this act which affect the distribution of revenues to the equine education account, shall be in full force and effect on and after passage and approval, and retroactively to July 1,

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

Approved March 6, 1992.

CHAPTER 20
(H.B. No. 493)

AN ACT
RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT; AMENDING SECTION 37-2732, IDAHO CODE, TO INCREASE PENALTIES FOR CERTAIN FELONY VIOLATIONS OF THE UNIFORM CONTROLLED SUBSTANCES ACT, AND TO CORRECT CODE CITATIONS.

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

SECTION 1. That Section 37-2732, Idaho Code, be, and the same is hereby amended to read as follows:

37-2732. PROHIBITED ACTS A -- PENALTIES. (a) Except as authorized by this chapter, it is unlawful for any person to manufacture or deliver, or possess with intent to manufacture or deliver, a controlled substance.

(1) Any person who violates this subsection with respect to:
(A) a controlled substance classified in schedule I which is a narcotic drug or a controlled substance classified in schedule II, is guilty of a felony and upon conviction may be imprisoned for a term of years not to exceed life imprisonment, or fined not more than twenty-five thousand dollars ($25,000), or both;
(B) any other controlled substance which is a nonnarcotic drug classified in schedule I, or a controlled substance classified in schedule III, is guilty of a felony and upon conviction may be imprisoned for not more than five (5) years, fined not more than fifteen thousand dollars ($15,000), or both;
(C) a substance classified in schedule IV, is guilty of a felony and upon conviction may be imprisoned for not more than three (3) years, fined not more than ten thousand dollars ($10,000), or both;
(D) a substance classified in schedules V and VI, is guilty of a misdemeanor and upon conviction may be imprisoned for not more than one (1) year, fined not more than five thousand dollars ($5,000), or both.

(b) Except as authorized by this chapter, it is unlawful for any person to create, deliver, or possess with intent to deliver, a counterfeit substance.

(1) Any person who violates this subsection with respect to:
(A) a counterfeit substance classified in schedule I which...
is a narcotic drug, or a counterfeit substance classified in schedule II, is guilty of a felony and upon conviction may be imprisoned for not more than fifteen (15) years, fined not more than twenty-five thousand dollars ($25,000), or both;
(B) any other counterfeit substance classified in schedule I which is a nonnarcotic drug contained in schedule I or a counterfeit substance contained in schedule III, is guilty of a felony and upon conviction may be imprisoned for not more than five (5) years, fined not more than fifteen thousand dollars ($15,000), or both;
(C) a counterfeit substance classified in schedule IV, is guilty of a felony and upon conviction may be imprisoned for not more than three (3) years, fined not more than ten thousand dollars ($10,000), or both;
(D) a counterfeit substance classified in schedules V and VI or a noncontrolled counterfeit substance, is guilty of a misdemeanor and upon conviction may be imprisoned for not more than one (1) year, fined not more than five thousand dollars ($5,000), or both.

(c) It is unlawful for any person to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this chapter.

(1) Any person who violates this subsection and has in his possession a controlled substance classified in schedule I which is a narcotic drug or a controlled substance classified in schedule II, is guilty of a felony and upon conviction may be imprisoned for not more than three seven (37) years, or fined not more than five fifteen thousand dollars ($15,000), or both.
(2) Any person who violates this subsection and has in his possession lysergic acid diethylamide is guilty of a felony and upon conviction may be imprisoned for not more than three (3) years, or fined not more than five thousand dollars ($5,000) or both.
(3) Any person who violates this subsection and has in his possession a controlled substance which is a nonnarcotic drug classified in schedule I except lysergic acid diethylamide, or a controlled substance classified in schedules III, IV, V and VI is guilty of a misdemeanor and upon conviction thereof may be imprisoned for not more than one (1) year, or fined not more than one thousand dollars ($1,000), or both.
(d) It shall be unlawful for any person to be present at or on premises of any place where he knows illegal controlled substances are being manufactured or cultivated, or are being held for distribution, transportation, delivery, administration, use, or to be given away. A violation of this section shall deem those persons guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than three hundred dollars ($300) and not more than ninety (90) days in the county jail, or both.
(e) If any person is found to possess marijuana, which for the purposes of this subsection shall be restricted to all parts of the plants of the genus Cannabis, including the extract or any preparation of cannabis which contains tetrahydrocannabinol, in an amount greater
than three (3) ounces net weight, it shall be a felony and upon conviction may be imprisoned for not more than five (5) years, or fined not more than ten thousand dollars ($10,000), or both.

(f) If two (2) or more persons conspire to commit any offense defined in this act, said persons shall be punishable by a fine or imprisonment, or both, which may not exceed the maximum punishment prescribed for the offense, the commission of which was the object of the conspiracy.

(g) (1) It is unlawful for any person to manufacture or distribute a "simulated controlled substance," or to possess with intent to distribute, a "simulated controlled substance." Any person who violates this subsection shall, upon conviction, be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars ($1,000) and not more than one (1) year in the county jail, or both.

(2) It is unlawful for any person to possess a "simulated controlled substance." Any person who violates this subsection shall, upon conviction, be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than three hundred dollars ($300) and not more than six (6) months in the county jail, or both.

(h) It is unlawful for any person to cause to be placed in any newspaper, magazine, handbill, or other publication, or to post or distribute in any public place, any advertisement or solicitation offering for sale simulated controlled substances. Any person who violates this subsection is guilty of a misdemeanor and shall be punished in the same manner as prescribed in subsection (g) of this section.

(i) No civil or criminal liability shall be imposed by virtue of this chapter on any person registered under the Uniform Controlled Substances Act who manufactures, distributes, or possesses an imitation controlled substance for use as a placebo or other use by a registered practitioner, as defined in section 37-2701(12), Idaho Code, in the course of professional practice or research.

(j) No prosecution under this chapter shall be dismissed solely by reason of the fact that the dosage units were contained in a bottle or other container with a label accurately describing the ingredients of the imitation controlled substance dosage units. The good faith of the defendant shall be an issue of fact for the trier of fact.

(k) Upon conviction of a felony violation under this chapter, the court may order restitution for costs incurred by law enforcement agencies in investigating the violation. Law enforcement agencies shall include, but not be limited to, the department of law enforcement, county and city law enforcement agencies and county and city prosecuting attorney offices. Costs shall include, but not be limited to, those incurred for the purchase of evidence, travel and per diem for law enforcement officers and witnesses throughout the course of the investigation, hearings and trials, and any other investigative or prosecution expenses actually incurred, including regular salaries of employees. In the case of reimbursement to the department of law enforcement, those moneys shall be paid to the department of law enforcement for deposit into the drug enforcement donation account created in section 63-30676 57-816, Idaho Code. A conviction for the purposes of this section means that the person has pled guilty or has
been found guilty, notwithstanding the form of the judgment(s) or withheld judgment(s).

Approved March 9, 1992.

CHAPTER 21
(H.B. No. 497)

AN ACT
RELATING TO UNCLAIMED PROPERTY; AMENDING SECTION 14-502, IDAHO CODE, TO SHORTEN THE GENERAL HOLDING PERIOD FROM SEVEN TO FIVE YEARS; AMENDING SECTION 14-510, IDAHO CODE, TO SHORTEN THE HOLDING PERIOD FOR STOCK AND OTHER INTANGIBLE INTERESTS IN BUSINESS ASSOCIATIONS FROM SEVEN TO FIVE YEARS; AMENDING SECTION 14-519, IDAHO CODE, TO REQUIRE UNCLAIMED PROPERTY BE REMITTED AT THE TIME IT IS REPORTED AND TO DELETE A REQUIREMENT FOR WRITTEN VERIFICATION OF ERROR IN PRESUMPTION OF ABANDONMENT; AMENDING SECTION 14-529, IDAHO CODE, TO CREATE A STATUTE OF LIMITATIONS ON ENFORCEMENT OF THE UNCLAIMED PROPERTY ACT BY THE STATE TAX COMMISSION; REPEALING SECTION 14-533, IDAHO CODE, RELATING TO PENALTIES; AMENDING CHAPTER 5, TITLE 14, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 14-533, IDAHO CODE, TO PROVIDE PENALTIES AND INTEREST FOR A HOLDER'S FAILURE TO COMPLY WITH THE UNCLAIMED PROPERTY ACT; AMENDING SECTION 15-2-105, IDAHO CODE, TO PROVIDE THAT WHEN NO TAKER EXISTS FOR PROPERTY DISPOSED OF UNDER THE UNIFORM PROBATE CODE, THAT THE PROPERTY ESCHEATS TO THE STATE OF IDAHO FIVE YEARS AFTER THE DATE OF DEATH RATHER THAN FIVE YEARS AFTER THE PROPERTY IS PAID OVER TO THE STATE TAX COMMISSION UNDER THE UNCLAIMED PROPERTY ACT; AMENDING SECTION 15-3-914, IDAHO CODE, TO PROVIDE THAT WHEN NO TAKER EXISTS FOR PROPERTY DISPOSED OF UNDER THE UNIFORM PROBATE CODE, THAT THE PROPERTY ESCHEATS TO THE STATE OF IDAHO FIVE YEARS AFTER THE DATE OF APPOINTMENT OF THE PERSONAL REPRESENTATIVE RATHER THAN FIVE YEARS AFTER THE PROPERTY IS PAID OVER TO THE STATE TAX COMMISSION UNDER THE UNCLAIMED PROPERTY ACT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 14-502, Idaho Code, be, and the same is hereby amended to read as follows:

14-502. PROPERTY PRESUMED ABANDONED -- GENERAL RULE. (1) Except as otherwise provided by this chapter, all intangible property, including any income or increment derived therefrom, less any lawful charges, that is held, issued, or owing in the ordinary course of a holder's business and has remained unclaimed by the owner for more than seven-47 five (5) years after it became payable or distributable is presumed abandoned.

(2) Property is payable or distributable for the purpose of this chapter notwithstanding the owner's failure to make demand or to present any instrument or document required to receive payment.
SECTION 2. That Section 14-510, Idaho Code, be, and the same is hereby amended to read as follows:

14-510. STOCK AND OTHER INTANGIBLE INTERESTS IN BUSINESS ASSOCIATIONS. (1) Except as provided in subsections (2) and (5) of this section, stock or other intangible ownership interest in a business association, the existence of which is evidenced by records available to the association, is presumed abandoned and, with respect to the interest, the association is the holder, if a dividend, distribution, or other sum payable as a result of the interest has remained unclaimed by the owner for seven-five (5) years and the owner, within seven-five (5) years, has not communicated in writing with the association regarding the interest or a dividend, distribution, or other sum payable as a result of the interest.

(2) At the expiration of a seven-five (5) year period following the failure of the owner to claim a dividend, distribution, or other sum payable to the owner as a result of the interest, the interest is not presumed abandoned unless there have been at least seven-five (5) dividends, distributions, or other sums paid during the period, none of which has been claimed by the owner. If seven-five (5) dividends, distributions, or other sums are paid during the seven-five (5) year period, the period leading to a presumption of abandonment commences on the date payment of the first such unclaimed dividend, distribution, or other sum became due and payable. If seven-five (5) dividends, distributions, or other sums are not paid during the presumptive period, the period continues to run until there have been seven-five (5) dividends, distributions, or other sums that have not been claimed by the owner.

(3) The running of the seven-five (5) year period of abandonment ceases immediately upon the occurrence of a communication referred to in subsection (1) of this section. If any future dividend, distribution, or other sum payable to the owner as a result of the interest is subsequently not claimed by the owner, a new period of abandonment commences and relates back to the time a subsequent dividend, distribution, or other sum became due and payable.

(4) At the time an interest is presumed abandoned under this section, any dividend, distribution, or other sum then held for or owing to the owner as a result of the interest, and not previously presumed abandoned, is presumed abandoned.

(5) This chapter does not apply to any stock or other intangible ownership interest enrolled in a plan that provides for the automatic reinvestment of dividends, distributions, or other sums payable as a result of the interest unless the records available to the administrator of the plan show, with respect to any intangible ownership interest not enrolled in the reinvestment plan, that the owner has not within seven-five (5) years communicated in any manner described in subsection (1) of this section. The holder shall maintain the record of such communications.

SECTION 3. That Section 14-519, Idaho Code, be, and the same is hereby amended to read as follows:

14-519. PAYMENT OR DELIVERY OF ABANDONED PROPERTY. (1) Except as
otherwise provided in subsections (2) and (3) of this section, a person who is required to file a report under section 14-517, Idaho Code, within six months after the final date for filing the report, as required by section 14-517, Idaho Code, shall pay or deliver to the administrator all abandoned property required to be reported together with the report required under section 14-517, Idaho Code.

(2) If the owner establishes the right to receive the abandoned property to the satisfaction of the holder before the property has been delivered or it appears that for some other reason the presumption of abandonment is erroneous, the holder need not pay or deliver the property to the administrator, and the property will no longer be presumed abandoned. In that case, the holder shall file with the administrator a verified written explanation of the proof of claim or of the error in the presumption of abandonment.

(3) Property reported under section 14-517, Idaho Code, for which the holder is not required to report the name of the apparent owner must be delivered to the administrator at the time of filing the report.

(4) The holder of an interest under section 14-510, Idaho Code, shall deliver a duplicate certificate or other evidence of ownership if the holder does not issue certificates of ownership to the administrator. Upon delivery of a duplicate certificate to the administrator, the holder and any transfer agent, register, registrar, or other person acting for or on behalf of a holder in executing or delivering the duplicate certificate is relieved of all liability of every kind in accordance with the provisions of section 14-520, Idaho Code, to every person, including any person acquiring the original certificate or the duplicate of the certificate issued to the administrator, for any losses or damages resulting to any person by the issuance and delivery to the administrator of the duplicate certificate.

SECTION 4. That Section 14-529, Idaho Code, be, and the same is hereby amended to read as follows:

14-529. PERIODS OF LIMITATION. (1) The expiration, before or after the effective date of this act, of any period of time specified by contract, statute, or court order, during which a claim for money or property can be made or during which an action or proceeding may be commenced or enforced to obtain payment of a claim for money or to recover property, does not prevent the money or property from being presumed abandoned or affect any duty to file a report or to pay or deliver abandoned property to the administrator as required in this chapter except as provided in subsection (2) of this section.

(2) No action or proceeding may be commenced by the administrator with respect to any duty of a holder under this act more than ten (10) years after the duty arises.

SECTION 5. That Section 14-533, Idaho Code, be, and the same is hereby repealed.

SECTION 6. 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 14-533, Idaho Code, and to read as
follows:

14-533. INTEREST AND PENALTIES. (1) A holder who fails to pay or deliver property within the time prescribed in this chapter shall pay to the administrator interest at the annual rate of twelve percent (12%) on the property or value thereof from the date the property should have been paid or delivered until actual delivery is made.

(2) A holder who negligently fails to pay or deliver property within the time prescribed in this chapter shall pay to the administrator a penalty at the annual rate of five percent (5%) on the property or value thereof from the date the property should have been paid or delivered until actual delivery is made unless the holder demonstrates to the satisfaction of the administrator that the failure was due to reasonable cause and not neglect.

(3) A holder who willfully refuses after written demand by the administrator to pay or deliver property as required under this chapter shall be guilty of a misdemeanor and upon conviction may be punished by a fine of not less than three hundred dollars ($300) nor by more than ($3,000).

SECTION 7. That Section 15-2-105, Idaho Code, be, and the same is hereby amended to read as follows:

15-2-105. NO TAKER. If there is no taker under the provisions of this chapter, the intestate estate passes to the state of Idaho, subject to administration by the public administrator. After deducting the expenses of administration and causing these to be paid to the county in which such administration occurred, the public administrator shall file the report of abandoned property required by section 14-517, Idaho Code, and proceed to dispose of the property in the manner set forth in the "unclaimed property act", provided, however, that if such money is not claimed within eighteen hundred and twenty-seven (1827) days (approximately five (5) years) from the day--upon--which such--property--is--paid--to--the--state--tax--commission date of the decedent's death, it shall escheat to the state and be apportioned to the public school fund without regard to the provisions of said act.

SECTION 8. That Section 15-3-914, Idaho Code, be, and the same is hereby amended to read as follows:

15-3-914. DISPOSITION OF UNCLAIMED ASSETS. If an heir, devisee or claimant cannot be found, the personal representative shall distribute the share of the missing person to his trustee if one has been appointed; or, if no trustee has been appointed, shall file the report of abandoned property required by section 14-517, Idaho Code, and proceed to dispose of the property in the manner set forth in the "unclaimed property act," provided, however, that in the event no person appears to claim such property within eighteen hundred and twenty-seven (1827) days (approximately five (5) years) of-the-time-such moneys-or-property-is-deposited-with-the-state-tax-commission from the date of the appointment of the personal representative, the moneys or property so deposited shall accrue and be set over to the general account.
SECTION 9. An emergency existing therefor, 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, 1992.

CHAPTER 22
(H.B. No. 461)

AN ACT
RELATING TO BOARDS OF COMMUNITY GUARDIANS; AMENDING SECTION 15-5-601, IDAHO CODE, BY CLARIFYING THAT A BOARD OF COUNTY COMMISSIONERS MAY BUDGET FOR A BOARD OF COMMUNITY GUARDIANS.

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 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 board of county commissioners may create and budget for, within the county, a board of community guardian. The board of county commissioners of one or more counties within a judicial district may jointly create within a judicial district and budget for a board of community guardian within that district.

Approved March 11, 1992.

CHAPTER 23
(H.B. No. 466)

AN ACT
RELATING TO PRISONER OF WAR MOTOR VEHICLE LICENSE PLATES; AMENDING SECTION 49-415, IDAHO CODE, TO PROVIDE FOR PAYMENT OF PLATE FEES.

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

SECTION 1. That Section 49-415, Idaho Code, be, and the same is hereby amended to read as follows:

49-415. SPECIAL PLATES -- POW. (1) Any veteran, who was a prisoner of war (POW) of an armed enemy of the United States during active service in the armed forces of the United States, that service occurring during any portion of a recognized war period enumerated in this section, and who has been released or discharged from the armed forces under other than dishonorable conditions, may upon application to the
department, register and receive for not more than one (1) motor vehicle, special POW number plates in lieu of regular number plates.

(2) In addition to the regular annual registration fee, the applicant shall be charged an initial one-time fee of ten dollars ($10.00) for issuance of such plates the plate fee as provided in section 49-450, Idaho Code. Whenever a qualifying former POW transfers or assigns his title or interest to a vehicle especially registered under this section the registration shall expire, but the former POW may hold his special plates which he may have reissued to him upon the payment of the required transfer fees. He may only display those plates after receipt of new registration from the department.

(3) POW plates shall bear the letters "POW" followed by three (3) numerals, and shall in all other respects be as provided by law.

(4) Recognized war periods for the purpose of this section shall be any period of war recognized by the United States department of veterans affairs for the purpose of awarding federal veterans benefits as may be defined in title 38, U.S. code, chapter 1, section 101(11).

Approved March 11, 1992.

CHAPTER 24
(H.B. No. 533)

AN ACT
RELATING TO CONTROLLED SUBSTANCES; AMENDING SECTIONS 37-2707, 37-2709 AND 37-2711, IDAHO CODE, TO CONFORM WITH FEDERAL REGULATIONS.

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

SECTION 1. 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, dextorphan, nalbuphine, nalmefene, naloxone, 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) Methylbenzoylcegonine (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) Alfentanil;  
(2) Alphaprodine;  
(3) Anileridine;  
(4) Bezitramide;  
(5) Bulk Dextropropoxyphene (nondosage forms);  
(6) Dihydrocodeine;  
(7) Diphenoxylate;  
(8) Fentanyl;  
(9) Isomethadone;  
(10) Levomethorphan;  
(11) Levorphanol;  
(12) Metazocine;  
(13) Methadone;  
(14) Methadone -- Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;  
(15) Moramide -- Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl propane-carboxylic acid;  
(16) Pethidine (meperidine);  
(17) Pethidine--Intermediate--A, 4-cyano-1-methyl-4-phenyl-piperidine;  
(18) Pethidine--Intermediate--B, ethyl-4-phenylpiperidine-4[-] carboxylate;
(19) Pethidine--Intermediate--C, 1-methyl-4-phenylpiperidine-4[-]carboxylic acid;
(20) Phenazocine;
(21) Piminodine;
(22) Racemethorphan;
(23) Racemorphan;
(24) 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) Glutethimide;
(3) Pentobarbital;
(35) Phencyclidine;
(45) Secobarbital;
(f) Hallucinogenic substances.
(1) 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)).
(2) Nabiline .................. (another name for nabilone: (+)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenz[o,b]pyran-9-one) (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) Anthranilic acid
(b) Ephedrine
(c) Lead acetate
(d) Methylamine
(e) Methyl formamide
(f) N-methylephedrine
(g) Phenylacetic acid
(h) Phenylacetone
(i) Pseudoephedrine.
Except that any combination or compound containing ephedrine, or any of its salts and isomers, or pseudoephedrine, or any of its salts and isomers which is prepared for dispensing or over-the-counter dis-
(2) Immediate precursors to phencyclidine (PCP):
   (a) 1-phenylcyclohexylamine;
   (b) 1-piperidinocyclohexanecarbonitrile (PCC).

SECTION 2. That Section 37-2709, Idaho Code, be, and the same is hereby amended to read as follows:

37-2709. SCHEDULE III. (a) Schedule III shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.
   (b) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, (whether optical or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
      (1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in schedule II which compounds, mixtures, or preparations were listed on August 25, 1971, as excepted compounds under C.F.R. Sec. 308.32, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances.
      (2) Benzphetamine;
      (3) Chlorphentermine;
      (4) Clortermine;
      (5) Mazindol;
      (6) Phendimetrazine.
   (c) Depressants. Unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:
      (1) Any compound, mixture or preparation containing:
         i. Amobarbital;
         ii. Secobarbital;
         iii. Pentobarbital or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule.
      (2) Any suppository dosage form containing:
         i. Amobarbital;
         ii. Secobarbital;
         iii. Pentobarbital or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository.
      (3) Any substance which contains any quantity of a derivative of barbituric acid or any salt thereof;
      (4) Chlorhexadol;
      (5) Glutethimide;
      (6) Lysergic acid;
      (7) Lysergic acid amide;
(87) Methyprylon;
(98) Sulfondiethylmethane;
(109) Sulfonethylmethane;
(110) Sulfomethane.

(d) Nalorphine.

(e) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

(1) Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(2) Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(3) Not more than 300 milligrams of dihydrocodeinone, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(4) Not more than 300 milligrams of dihydrocodeinone, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(5) Not more than 1.8 grams of dihydrocodeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(6) Not more than 300 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more ingredients in recognized therapeutic amounts;

(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(8) Not more than 50 milligrams of morphine, or any of its salts, per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(f) Anabolic steroids and human growth hormones. Any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins and corticosteroids) that promotes muscle growth including any salt, ester or isomer of a drug or substance listed in this paragraph, if that salt, ester or isomer promotes muscle growth.

(1) Boldenone;
(2) Chlorotestosterone (4-chlorotestosterone);
(3) Chorionic gonadotropin;
(4) Clostebol;
(5) Dehydrochlormethyltestosterone;
(6) Dihydrotestosterone (4-dihydrotestosterone);
(7) Drostanolone;
Anabolic steroids that are expressly intended for administration through implants to cattle or other nonhuman species, and that are approved by the federal Food and Drug Administration for such use, shall not be classified as controlled substances under this act and shall not be governed by its provisions.

In addition to the penalties prescribed in article IV of the uniform controlled substances act, any person shall be guilty of a felony who prescribes, dispenses, supplies, sells, delivers, manufactures or possesses with the intent to prescribe, dispense, supply, sell, deliver or manufacture anabolic steroids or any other human growth hormone for purposes of enhancing performance in an exercise, sport or game or hormonal manipulation intended to increase muscle mass, strength or weight without a medical necessity as determined by a physician.

(g) The board may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in subsections (b) and (c) of this section from the application of all or any part of this act if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

SECTION 3. That Section 37-2711, Idaho Code, be, and the same is hereby amended to read as follows:

37-2711. SCHEDULE IV. (a) Schedule IV shall consist of the drugs
and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(b) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(1) No more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit;
(2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane).

(c) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Alprazolam;
(2) Barbital;
(3) Bromazepam;
(4) Camazepam;
(5) Choral betaine;
(6) Choral hydrate;
(7) Chlordiazepoxide;
(8) Clobazam;
(9) Clonazepam;
(10) Clorazepate;
(11) Clotiazepam;
(12) Cloxazolam;
(13) Delorazepam;
(14) Diazepam;
(15) Estazolam;
(16) Ethchlorvynol;
(17) Ethinamate;
(18) Ethyl loflazepate;
(19) Fludiazepam;
(20) Flunitrazepam;
(21) Flurazepam;
(22) Halazepam;
(23) Haloxazolam;
(24) Ketaizolam;
(25) Loprazolam;
(26) Lorazepam;
(27) Lorazepam;
(37) Oxazepam;
(38) Oxazolam;
(39) Paraldehyde;
(40) Petrichloral;
(41) Phenobarbital;
(42) Pinazepam;
(43) Prazepam;
(44) Temazepam;
(45) Tetrazepam;
(46) Triazolam;
(47) Quazepam.

(d) Fenfluramine - Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible:

(1) Fenfluramine.

(e) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Diethylpropion;
(2) Mazindol;
(3) Pemoline (including organometallic complexes and chelates thereof);
(4) Phentermine;
(5) Pipradrol;
(6) SPA ((-)-1-dimethylamino-1,2-diphenylethane).

(f) Anabolic-steroids-and-human-growth-hormones-unless--specifically--excepted--or--unless--listed--in--another--schedule,--any--of--the--following--or--any--material,--compound,--mixture,--preparation,--isomer,--ester,--salt--or--derivative--containing--an--anabolic--steroid--or--human--growth--hormone--that--acts--in--the--same--manner--on--the--human--body:

{1}---Glucocorticoids
{2}---Gonadotropins
{3}---Dehydrochlormethyltestosterone
{4}---Ethylestrenol
{5}---Fluoxymesterone
{6}---Human-growth-hormones
{7}---Mesterolone
{8}---Methandienone
{9}---Methandrostenolone
{10}---Methenolone
{11}---Methyltestosterone
{12}---Nandrolone
{13}---Nandrolone-phenpropionate
{14}---Norethandrolone
{15}---Oxandrolone
{16}---Oxymesterone
{17}---Oxymetholone
Anabolic--steroids--that-are-expressly-intended-for-administration through-implants-to-cattle-or-other-nonhuman-species;--and--that--are approved--by-the--federal-food-and-drug-administration-for-such-use; shall-not-be-classified-as-controlled-substances-under--this--act--and shall-not-be-governed-by-its-provisions.

In--addition-to-the-penalties-prescribed-in-article-IV-of-the-uniform-controlled-substances-act;-any-person-shall-be-guilty-of-a-felony who-prescribes;--dispenses;--supplies;--sells;--delivers;--manufactures--or possesses--with--the-intent--to-prescribe;--dispense;--supply;--sell; deliver-or-manufacture-anabolic-steroids-or--any--other--human--growth hormone-for-purposes-of-enhancing-performance-in-an-exercise;--sport-or game--or--hormonal-manipulation-intended-to--increase--muscle-mass; strength-or-weight-without-a-medical-necessity-as-determined-by-a-physician;

(g) Other substances. Unless specifically excepted, or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including its salts:

(1) Cathine ((+-)-norpseudoephedrine)
(2) Fencamfamin
(3) Fenproporex
(4) Mefenorex
(5) Pentazocine.

(h) The board may except by rule any compound, mixture, or preparation containing any depressant substance listed in subsection (c) of this section from the application of all or any part of this act if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

Approved March 11, 1992.

CHAPTER 25
(S.B. No. 1438)

AN ACT
APPROPRIATING MONEYS TO THE IDAHO CERTIFIED SHORTHAND REPORTERS BOARD IN ADDITION TO THE APPROPRIATION MADE IN SECTION 1, CHAPTER 54, LAWS OF 1991; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 54, Laws of 1991, there is hereby appropriated to the Idaho
Certified Shorthand Reporters Board the following amount to be expended according to the designated expenditure classes from the listed account for the period July 1, 1991, through June 30, 1992:

<table>
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<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
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<tr>
<td>State Certified Shorthand Reporters Account</td>
<td>$5,000</td>
<td>$2,000</td>
<td>$3,000</td>
</tr>
</tbody>
</table>

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

Approved March 11, 1992.

CHAPTER 26
(H.B. No. 467)

AN ACT RELATING TO PURPLE HEART RECIPIENT AND PEARL HARBOR SURVIVOR MOTOR VEHICLE LICENSE PLATES; AMENDING SECTION 49-403A, IDAHO CODE, TO PROVIDE FOR PAYMENT OF PLATE FEES; AND AMENDING SECTION 49-415B, IDAHO CODE, TO PROVIDE FOR PAYMENT OF PLATE FEES.

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

SECTION 1. That Section 49-403A, Idaho Code, be, and the same is hereby amended to read as follows:

49-403A. PURPLE HEART RECIPIENT -- LICENSE PLATES. (1) Purple heart recipient license plates are available to any applicant who is a veteran or an active or retired member of any of the armed forces of the United States, reserve forces or Idaho national guard, and who furnishes proof of entitlement by providing one of the following documents:

(a) A copy of form DD214 or equivalent document showing an award of the purple heart medal;
(b) A copy of the certificate presented with the medal; or
(c) A copy of the military order describing the award of the medal to the applicant.

(2) In addition to the regular operating fee, the applicant shall be charged a fee of twenty-five dollars ($25.00) for the initial issuance of plates, and fifteen dollars ($15.00) upon each succeeding annual registration. The initial fee and the annual fee shall be deposited in the state highway account and shall be used to fund the cost of administration of this special license plate program which is provided to the public as a personal alternative to the stan-
standard license plate requirement. Whenever title or interest in a vehicle registered under the provisions of this section is transferred or assigned, the registration shall expire, but the purple heart recipient may transfer his plates to another vehicle upon payment of the required transfer fees. He may only display the plates after receipt of new registration from the department. A purple heart recipient shall not register more than two (2) vehicles under the provisions of this section.

(3) The purple heart recipient license plates shall be of a color and design acceptable to the military order of the purple heart association and approved by the department, utilizing a numbering system as determined by the department.

SECTION 2. That Section 49-415B, Idaho Code, be, and the same is hereby amended to read as follows:

49-415B. PEARL HARBOR SURVIVOR SPECIAL PLATES. (1) Any veteran who was on active duty in the armed forces of the United States and assigned or stationed at Pearl Harbor, Hawaii, on December 7, 1941, and who has been released or discharged from the armed forces under other than dishonorable conditions, may upon application to the department, register and receive for not more than one (1) motor vehicle, special Pearl Harbor survivor number plates in lieu of regular number plates.

(2) In addition to the regular annual registration fee, the applicant shall be charged an initial fee of twenty-five dollars ($25.00) for the issuance of the plates and an annual renewal fee of fifteen dollars ($15.00). The initial fee and the annual plate fee as provided in section 49-450, Idaho Code, except that the fee shall be deposited in the state highway account and shall be used to fund the cost of administration of this special license plate program which is provided to the public as a personal alternative to the standard license plate requirement. Whenever a qualifying survivor of the Japanese attack on Pearl Harbor on December 7, 1941, transfers or assigns his title or interest to a vehicle especially registered under this section, the registration shall expire, but the Pearl Harbor survivor may hold his special plates which he may have reissued to him upon the payment of the required transfer fees. He may only display those plates after receipt of a new registration from the department.

(3) Pearl Harbor survivor plates shall bear the characters: "Pearl Harbor Survivor" followed by three (3) numerals, and shall in all other respects be as provided by law.

SECTION 3. This act shall be in full force and effect on and after January 1, 1993.

Approved March 12, 1992.
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CHAPTER 27
(H.B. No. 525)

AN ACT
RELATING TO TELEPHONE SOLICITATIONS; AMENDING TITLE 48, IDAHO CODE, BY
THE ADDITION OF A NEW CHAPTER 10, TITLE 48, IDAHO CODE, TO PROVIDE
A STATEMENT OF LEGISLATIVE FINDINGS AND INTENT; TO PROVIDE DEFINITIONS;
TO PROVIDE FOR CONTROL OF UNLAWFUL ACTS; TO PROVIDE FOR
TELEPHONE SOLICITOR DUTIES; TO PROVIDE FOR EXEMPTIONS; TO PROVIDE
FOR AUTHORITY OF THE ATTORNEY GENERAL AND DISTRICT COURT; TO PROVIDE
FOR PRIVATE CAUSES OF ACTION; TO PROVIDE FOR NONLIABILITY OF
MINORS; TO PROVIDE FOR CONSUMER NOTIFICATION; AND TO PROVIDE FOR
LIMITATION OF ACTIONS.

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

SECTION 1. That Title 48, Idaho Code, be, and the same is hereby
amended by the addition thereto of a NEW CHAPTER, to be known and desig-
nated as Chapter 10, Title 48, Idaho Code, and to read as follows:

CHAPTER 10
IDAHO TELEPHONE SOLICITATION ACT

48-1001. LEGISLATIVE FINDINGS AND INTENT. (1) The use of tele-
phones for commercial solicitation is rapidly increasing. This form of
communication offers unique benefits, but also entails special risks
and the potential for abuse. Many Idaho residents and businesses have
lost money or suffered harm primarily as a result of out-of-state
telemarketing abuse. For the general welfare of the public and in
order to protect the integrity of the telemarketing industry, the fol-
lowing provisions of law are deemed necessary.

(2) It is the intent of the legislature in enacting this chapter
to safeguard the public against deceit and financial hardship, to
insure, foster and encourage competition and fair dealings among tele-
phone solicitors by requiring adequate disclosure, and to prohibit
representations that have the capacity, tendency, or effect of mis-
leading a purchaser. The provisions of this chapter are remedial, and
shall be construed and applied liberally to accomplish the above-
stated purposes.

(3) This chapter shall be known and may be cited as the "Idaho
Telephone Solicitation Act."

48-1002. DEFINITIONS. In this chapter:
(1) "Business days" mean all days of the week except Saturdays
and Sundays and all other legal holidays as defined in section 73-108,
Idaho Code.
(2) "Conducting business" means making telephone solicitations
either to or from locations within the state of Idaho.
(3) "Goods" mean any property, tangible or intangible, real, per-
sonal or mixed, and any other article, commodity, or thing of value.
(4) "Minor" means any person less than eighteen (18) years of age.
(5) "Newspaper of general circulation" means a newspaper which holds a second class mailing permit from the United States postal service, has at least two hundred (200) subscribers, is made up of at least four (4) pages of at least five (5) columns, is not produced through any type of mimeographing process, and has been published or distributed within the state of Idaho on a weekly basis for at least seventy-eight (78) consecutive weeks, or on a daily basis, which is defined to be no less than five (5) days of any one (1) week, at least twelve (12) months immediately preceding any telephone solicitation done by or on behalf of such newspaper.

(6) "Person" means natural persons, partnerships, both limited and general, corporations, both foreign and domestic, companies, trusts, business entities, associations, both incorporated and unincorporated, and any other legal entity or any group associated in fact although not a legal entity, or any agent, assign, heir, servant, employee or representative thereof.

(7) "Purchaser" means a person who is solicited to become or does become obligated to a telephone solicitor.

(8) "Services" mean any work, labor, help, assistance or instruction wherever performed.

(9) "Telephone directory of general circulation" means a directory containing telephone numbers of individual residents and/or businesses which is published on a community-wide or regional basis and which is widely available to persons residing in such community or region through free distribution or direct purchase of said directory without the requirement of other purchases or affiliations.

(10) "Telephone solicitation" means:
(a) Any unsolicited telephone call or facsimile transmission to a purchaser for the purpose of asking, inducing, inviting, requesting, or encouraging the purchaser to purchase or invest in goods or services; or
(b) Any communication in which:
   (i) A free gift, award, or prize is offered, or in which it is represented or implied that goods or services are offered below the regular price of the goods or services; and
   (ii) A return telephone call is invited or the communication is followed up by a call to the purchaser by the telephone solicitor; and
   (iii) It is intended during the course of the return or follow-up call with the purchaser that an agreement to purchase, or a purchase be made.

(c) For purposes of this subsection, "communication" means a written or oral statement or notification or advertisement transmitted to the purchaser through any means.

(11) "Telephone solicitor" means any person who, on his own behalf or through other persons or through use of an automatic dialing-announcing device, engages in a telephone solicitation.

(12) "Written confirmation" means a writing that includes the following information: the date of purchase, the telephone solicitor's complete address and registration number, a listing of all goods and/or services purchased, a listing of the price of each good and/or service purchased, the total obligation incurred by the purchaser, and the notice of cancellation as set forth in subsection (2).
of section 48-1004, Idaho Code.

48-1003. UNLAWFUL ACTS. (1) It is an unlawful act for a telephone solicitor to:
(a) Intimidate or torment any person of normal and reasonable sensitivities in connection with a telephone solicitation;
(b) Refuse to hang up and free the purchaser's line immediately once requested to do so by the purchaser;
(c) Misrepresent the price, quality, or availability of the goods or services being offered to the purchaser, or not to disclose all material matters relating directly or indirectly to the offered goods or services;
(d) Advertise, represent, or imply that the person has the approval or endorsement of any government, governmental office, or agency, unless such is the fact;
(e) Advertise, represent, or imply that the person has a valid registration number when the person does not;
(f) Fail to comply with the provisions of section 48-603A, Idaho Code; and
(g) Violate any applicable provision or requirement of this chapter.
(2) Any violation of the provisions of this chapter is an unlawful, unfair, and deceptive act or practice in trade or commerce for the purpose of applying the Idaho consumer protection act, chapter 6, title 48, Idaho Code.

48-1004. TELEPHONE SOLICITOR DUTIES. (1) Telephone solicitors shall:
(a) Register with the attorney general at least ten (10) days prior to conducting business in Idaho. All registrations shall be valid for a period of one (1) year from the effective date of the registration. Any information reported in the application which has changed during the year shall be reported within two (2) weeks of such change to the attorney general and shall be included in an amended registration form filed at the time the telephone solicitor renews his registration. Registrations may be renewed annually by applying to the attorney general and paying a registration renewal fee;
(b) File with the attorney general an irrevocable consent appointing the attorney general as an agent to receive civil process in any action, suit, or proceeding brought under this chapter;
(c) Provide his registration number to any purchaser who requests the registration number;
(d) Orally inform the purchaser at the time the purchase is completed of his right to cancel as provided in subsection 48-1004(2), Idaho Code, and state the telephone solicitor's registration number issued by the attorney general;
(e) Provide accurate and complete information when making a registration application and possess and maintain a valid registration as required in this chapter; and
(f) Give the full street address, including the telephone number, of the telephone solicitor if a sale or purchase is completed.
(2) Unless the purchaser has an unqualified right to return the
goods or cancel the services and receive a full refund, the telephone solicitor shall send a written confirmation to the purchaser, which shall contain the following statement in ten (10) point bold face type, which sets forth a purchaser's right to cancel any agreement made pursuant to a telephone solicitation under this section:

NOTICE OF CANCELLATION

You may cancel this transaction, without any penalty or obligation whatsoever, within three business days of the date in which you receive this written confirmation.

If you cancel, all payments or other consideration which may have already been made by you will be returned within ten business days following receipt by the telephone solicitor of your cancellation notice.

If you cancel, you must return the goods to the telephone solicitor at the address listed below and at the telephone solicitor's risk and expense within twenty-one days of the date you receive back from the telephone solicitor the payments or consideration you have already made.

To cancel this transaction, deposit in the mail or deliver a signed and dated copy of this cancellation notice or any other written notice to (Name of telephone solicitor), at (Address of seller's place of business) not later than midnight of the third business day after which you received this notice.

I hereby cancel this transaction.

(Date)
(Buyer's signature)

48-1005. EXEMPTIONS. (1) The following telephone solicitors are exempt from the provisions of section 48-1004, Idaho Code:

(a) A person engaging in telephone solicitations where:
   (i) The solicitation is an isolated transaction and not done in the course of a pattern of repeated transactions of like nature; or
   (ii) Less than sixty percent (60%) of such person's prior year's sales were made as a result of telephone solicitations as defined in this chapter.

(b) A person making a telephone solicitation where the purchaser contacted has previously purchased goods or services from the person or the business entity for which the person is calling.

(c) A person making a telephone solicitation:
   (i) Without the intent to make or obtain provisional acceptance of a purchase during the telephone solicitation; and
   (ii) Who only arranges for the major sales presentation to be made at a later face-to-face meeting between the person and the purchaser, and the later face-to-face meeting is not for the purpose of collecting the payment or delivering any item purchased.

(d) A person whose business is licensed by any federal or state governmental agency, except the secretary of state office, which has the power to revoke any license issued by the agency.

(e) A person making a telephone solicitation solely for purposes of selling a subscription to or advertising in a newspaper or
telephone directory of general circulation.

(f) A person making a telephone solicitation solely for purposes of selling a magazine, periodical, book, or musical or video recording:

(i) Under which the telephone solicitor provides the purchaser with a form which the purchaser may use to instruct the telephone solicitor not to ship the merchandise; and

(ii) Which complies with the federal trade commission's "use of negative option plans by sellers in commerce rule," 16 CFR 425, regulation concerning "use of negative option plans by sellers in commerce" or a continuity plan, subscription arrangement, series arrangement or single purchase under which the telephone solicitor ships goods to a purchaser who has consented in advance to receive such goods and the purchaser is given the opportunity to review goods for at least seven (7) days and to receive a full refund for return of undamaged goods.

(g) A person who has at least one (1) business location in the state under the same name as that used in connection with telephone solicitations and ninety percent (90%) of the person's business involves the purchaser's obtaining services and products at the person's business location.

(h) An issuer or subsidiary of an issuer that has a class of securities which is subject to section 12 of the securities exchange act of 1934 (15 USC sec. 781) and which is either registered or exempt from registration under paragraphs (A), (B), (C), (E), (F), (G) or (H) of subsection (g)(2) of that section.

(i) A person who solicits sales by periodically publishing and delivering a catalog of the person's merchandise to purchasers if the catalog:

(i) Contains a written description or illustration of each item offered for sale;

(ii) Includes the business address or home office address of the telephone solicitor;

(iii) Includes at least twenty-four (24) pages of written material and illustrations and are distributed in more than one state; and

(iv) Has an annual circulation by mailing of not less than two hundred fifty thousand (250,000).

(2) In any action, suit, or proceeding to enforce the provisions of this chapter, the burden of proving an exemption is upon the person claiming it.

48-1006. AUTHORITY OF THE ATTORNEY GENERAL AND DISTRICT COURT.

(1) The attorney general and the district court shall have the same authority in enforcing and carrying out the provisions of this chapter as is granted the attorney general and district courts under the Idaho consumer protection act, chapter 6, title 48, Idaho Code.

(2) All penalties, costs and fees received or recovered by the attorney general shall be remitted to the consumer protection account and expended pursuant to subsection (5) of section 48-606, Idaho Code.

(3) The attorney general shall also have the following authority:

(a) To require the registering telephone solicitor to submit
information necessary to assist the attorney general in enforcing the provisions of this section;
(b) To require each registering telephone solicitor to remit a registration fee of fifty dollars ($50.00) or a registration renewal fee of twenty-five dollars ($25.00);
(c) To send to each registrant a certificate or other appropriate document demonstrating registration compliance which shall be prominently posted in a publicly accessible place at the telephone solicitor's principal business location; and
(d) To accept service for those telephone solicitors who are required to register and appoint the attorney general as agent to receive civil process. Service may be effected by leaving a copy of the summons and complaint in the office of the attorney general, but it is not effective and complete until five (5) days after:
  (i) The plaintiff forthwith sends notice of the service and a copy of the summons and complaint by registered mail to the telephone solicitor at its last address on file with the attorney general; and
  (ii) The plaintiff files an affidavit of compliance with the provisions of this section within the district court.

48-1007. PRIVATE CAUSES OF ACTION AND REMEDIES. (1) Any person who purchases goods or services pursuant to a telephone solicitation and thereby suffers damages as a result of any act, conduct, or practice declared unlawful in this chapter shall have the same rights and remedies in seeking and obtaining redress under this chapter as those granted under the Idaho consumer protection act, chapter 6, title 48, Idaho Code.
(2) If a telephone solicitor violates any applicable provision of this chapter, any contract of sale or purchase is null and void and unenforceable.
(3) If a telephone solicitor fails to deliver the goods or services contracted for, pursuant to the federal trade commission's "mail order merchandise rule," 16 CFR 435, the contract to purchase is null and void.
(4) Any contract, agreement to purchase, or written confirmation executed by a purchaser which purports to waive any of the purchaser's rights under this chapter is against public policy and shall be null and void and unenforceable.
(5) The remedies provided for in this chapter are not exclusive, and shall be in addition to any other procedures or remedies for any violation or conduct provided for in any other law.

48-1008. LIABILITY OF MINORS. (1) Any minor who purchases goods or services pursuant to any telephone solicitation may disaffirm the purchase within a reasonable time after the purchase is made.
(2) No parent or legal guardian, having legal custody of a minor who is a purchaser pursuant to a telephone solicitation, shall be liable to a telephone solicitor for the purchase of goods or services pursuant to any telephone solicitation.

48-1009. CONSUMER NOTIFICATION -- RULE MAKING BY THE IDAHO PUBLIC
UTILITIES COMMISSION. (1) Telephone corporations providing basic local exchange service, as defined in section 62-603, Idaho Code, shall inform customers of the provisions of this chapter. Publication of such notification in an annual insert in a billing statement mailed to customers or by conspicuous publication in the consumer information pages of local telephone directories shall relieve telephone corporations of any and all liability under this chapter to purchasers or others claiming to have suffered harm from telephone solicitors or by operation of the provisions of this chapter.

(2) The public utilities commission shall by rule prescribe the form of such notice.

48-1010. LIMITATION OF ACTION. (1) No private action may be brought under the provisions of this chapter more than two (2) years after the cause of action accrues.

(2) A cause of action shall be deemed to have accrued when the party bringing an action under the provisions of this chapter knows or in the exercise of reasonable care should have known about the violation of the provisions of this chapter.

Approved March 12, 1992.

CHAPTER 28
(H.B. No. 572)

AN ACT RELATING TO NONEXEMPT LOAN BROKERS; AMENDING SECTION 26-2503, IDAHO CODE, TO PROHIBIT LOAN BROKER FEES UNTIL A LOAN OR A WRITTEN COMMITMENT TO LOAN OR EXTEND CREDIT IS MADE; AMENDING SECTION 26-2504, IDAHO CODE, TO PROVIDE THAT A PERSON DAMAGED AS A RESULT OF A VIOLATION MAY RECOVER FROM THE LOAN BROKER THE AMOUNT OF THE FEE THUS PAID, PLUS DAMAGES IN THE AMOUNT OF TWICE THE FEE; AND AMENDING SECTION 26-2505, IDAHO CODE, TO DELETE CONTRACTING TO RECEIVE A FEE AS BEING A VIOLATION OF THE LOAN BROKER LAW.

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

SECTION 1. That Section 26-2503, Idaho Code, be, and the same is hereby amended to read as follows:

26-2503. FEES PROHIBITED UNLESS UNTIL A LOAN IS MADE. No loan broker shall directly or indirectly receive or contract to receive any fee, interest or other charge of any nature unless until a loan or extension of credit is made or unless a written commitment to loan or extend credit is made by any person exempt under section 26-2502, Idaho Code.

SECTION 2. That Section 26-2504, Idaho Code, be, and the same is hereby amended to read as follows:

26-2504. FEES RECOVERABLE. The--contracting-to-receive-any-fee,
interest; or other charge in violation of this chapter shall result in forfeiture by the loan broker to the benefit of the aggrieved person of the entire fee plus damages in the amount of twice the fee. In case the fee has been paid, the person by whom it has been paid a person damaged as a result of a violation of the provisions of this chapter may recover from the loan broker the amount of the fee thus paid, plus damages in the amount of twice the fee.

SECTION 3. That Section 26-2505, Idaho Code, be, and the same is hereby amended to read as follows:

26-2505. ACTIONS FOR MONETARY RELIEF. The receiving of or--contracting--to-receive any fee, interest or other charge in violation of this chapter shall also be deemed an unfair and deceptive practice in violation of the Idaho Consumer Protection Act; provided however, no person aggrieved by a violation of this chapter can recover or attempt to recover monetary relief under both this chapter and the Idaho Consumer Protection Act, but rather such person must elect whether to file an action pursuant to this chapter or the Idaho Consumer Protection Act.

Approved March 12, 1992.

CHAPTER 29
(H.B. No. 595)

AN ACT RELATING TO PAY-PER-TELEPHONE CALL SERVICES; AMENDING TITLE 48, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 11, TITLE 48, IDAHO CODE, TO PROVIDE A STATEMENT OF LEGISLATIVE FINDINGS AND INTENT; TO PROVIDE DEFINITIONS; TO PROVIDE FOR A PREAMBLE MESSAGE; TO PROVIDE REQUIREMENTS FOR ADVERTISEMENTS; TO PROVIDE FOR REMEDIES; TO PROVIDE FOR THE AUTHORITY OF THE ATTORNEY GENERAL AND THE DISTRICT COURT; AND TO PROVIDE FOR LIMITATION OF ACTIONS.

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

SECTION 1. That Title 48, 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 48, Idaho Code, and to read as follows:

CHAPTER 11
IDAHO PAY-PER-TELEPHONE CALL ACT

48-1101. LEGISLATIVE FINDINGS AND INTENT. (1) The use of pay-per-telephone call services for commercial solicitation is rapidly increasing. This form of communication offers unique benefits, but also entails special risks and the potential for abuse. Many consumers of goods and services have suffered serious losses because of misrepresentations and failures to disclose material facts. For the general welfare of the public and in order to protect the integrity of the
pay-per-telephone call service industry, the following provisions of law are deemed necessary.

(2) It is the intent of the legislature in enacting this chapter to safeguard the public against deceit and financial hardship, to insure, foster and encourage competition and fair dealings among information providers by requiring adequate disclosure. The provisions of this chapter are remedial, and shall be construed and applied liberally to accomplish these purposes.

(3) This chapter shall be known and may be cited as the "Idaho Pay-Per-Telephone Call Act."

48-1102. DEFINITIONS. In this chapter:

(1) "Information provider" means any person, company, or corporation that controls the content of a pay-per-telephone call service. Any telephone corporation that provides basic local exchange service or message telecommunication service, as defined in section 62-603, Idaho Code, which transmits pay-per-telephone call service but does not control the content of the information transmitted is not included within this definition.

(2) "Pay-per-telephone call service" means any telecommunications service which permits simultaneous calling by a number of callers to a single telephone number and for which the calling party is assessed, by virtue of completing the call, a charge that is not dependent on the existence of a presubscription relationship and for which the caller pays a per-call or per-time-interval charge that is greater than, or in addition to, the charge for transmission of the call.

48-1103. PREAMBLE MESSAGE. (1) An information provider that offers pay-per-telephone call services in this state shall include at the beginning of its service a preamble message. No preamble message shall be required for pay-per-telephone call service for which the total charge for such service is two dollars ($2.00) or less.

(2) The preamble message shall be clearly understandable and audible and state the cost of the call. The preamble must disclose all per-call charges. If the call is billed on a usage sensitive basis, the preamble must state all rates, by minute or other unit of time, any minimum charges and the total cost for calls to that service if the duration of the service can be determined.

(3) The preamble must state the name of the information provider and accurately describe the information, product, or service that the caller will receive for the fee.

(4) The preamble must inform the caller that billing will begin only after a specific identified event following the disclosure message, such as a signal tone, and must provide a reasonable opportunity for the caller to disconnect before that event.

(5) Any preamble message associated with a pay-per-telephone call service that is aimed at or likely to be of interest to children under the age of eighteen (18) must contain a statement that the caller should hang up unless he has parental permission.

(6) A caller may be provided the means to bypass the preamble message on subsequent calls, provided that the caller has sole control of that capability, except that any bypass device shall be disabled for a period of thirty (30) days following the effective date of a
price increase for the service. Instructions on how to bypass must either be at the end of the preamble message or at the end of the service.

(7) If the pay-per-telephone call service originates and terminates within local exchange areas served by the same telephone corporation within the state of Idaho, the information provider may apply to the Idaho attorney general for permission to modify the preamble message. The attorney general may grant such permission if the attorney general is satisfied that the modified message will adequately disclose sufficient material facts which will safeguard the public against deceit and financial hardship. Such decision shall be final and nonappealable.

48-1104. ADVERTISEMENTS. If the total charge for the pay-per-telephone call service is more than two dollars ($2.00), advertisements by information providers for pay-per-telephone call services must clearly and conspicuously disclose, as that term is defined by the Idaho consumer protection act and regulations promulgated thereunder, the price or cost of the service being advertised, and contain the information required to be set forth in subsection (2) of section 48-1103, Idaho Code.

48-1105. REMEDIES. (1) When an information provider has failed to comply with any provision of this chapter, any obligation by a consumer that may have arisen from the dialing of a pay-per-telephone call service is void and unenforceable.

(2) Any failure to comply with any provision of this chapter is an unfair and deceptive act or practice. Any person aggrieved by a violation of this chapter shall be entitled to all available remedies against the information provider, pursuant to the Idaho consumer protection act, chapter 6, title 48, Idaho Code.

(3) The remedies provided for in this chapter are not exclusive, and shall be in addition to any other procedures or remedies for any violation or conduct provided for in any other statute.

48-1106. AUTHORITY OF THE ATTORNEY GENERAL AND DISTRICT COURT. The attorney general and district court shall have the same authority in enforcing and carrying out the provisions of this chapter as is granted the attorney general and district court under the Idaho consumer protection act, chapter 6, title 48, Idaho Code.

48-1107. LIMITATIONS OF ACTION. (1) No private action may be brought under the provisions of this chapter more than two (2) years after the cause of action accrues.

(2) A cause of action shall be deemed to have accrued when the party bringing an action under the provisions of this chapter knows or in the exercise of reasonable care should have known about the violation of the provisions of this chapter.

Approved March 12, 1992.
CHAPTER 30
(H.B. No. 703)

AN ACT
APPROPRIATING MONEYS FOR THE IDAHO STATE HISTORICAL SOCIETY IN ADDI-
TION TO THE APPROPRIATION MADE IN SECTION 2, CHAPTER 96, LAWS OF
1991; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 2,
Chapter 96, Laws of 1991, there is hereby appropriated to the State
Board of Education for the Idaho State Historical Society the follow-
ing amount, to be expended for the designated program, according to
the designated expense classes from the listed funds for the period
from the effective date of this act through June 30, 1993:

<table>
<thead>
<tr>
<th>FOR Personnel Costs</th>
<th>FOR Operating Expenditures</th>
<th>For Trustee and Beneficiary Payments</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. HISTORICAL PRESERVATION AND EDUCATION</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
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<td></td>
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<tr>
<td>General Fund</td>
<td>$62,000</td>
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<tr>
<td>Miscellaneous Revenue Fund</td>
<td>$21,600</td>
<td>16,000</td>
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<td>TOTAL</td>
<td>$21,600</td>
<td>$78,000</td>
<td>$10,500</td>
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SECTION 2. An emergency existing therefor, which emergency is
hereby declared to exist, this act shall be in full force and effect
on and after its passage and approval.

Approved March 12, 1992.

CHAPTER 31
(H.B. No. 732)

AN ACT
RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF CORRECTION; AMEND-
ING SECTION 2, CHAPTER 94, LAWS OF 1991; AND DECLARING AN EMER-
GENCY.

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

SECTION 1. That Section 2, Chapter 94, Laws of 1991, be, and the
same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the Department of Cor-
rection the following amount, to be expended for designated programs
according to designated expense classes from the listed accounts for
the period July 1, 1991, through June 30, 1992:
<table>
<thead>
<tr>
<th>Section</th>
<th>Account</th>
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<th>Description</th>
<th>Size</th>
<th>Description</th>
<th>Size</th>
<th>Description</th>
<th>Size</th>
<th>Description</th>
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<tr>
<td>A. ADMINISTRATION AND INSTITUTIONAL SUPPORT:</td>
<td>General Account</td>
<td>$4,469,300</td>
<td>PERSONNEL COSTS</td>
<td>$2,832,600</td>
<td>OPERATING EXPENDITURES</td>
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<td>TRUSTEE AND BENEFIT</td>
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<td>Job Training Partnership Account</td>
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<td>On the Job Training Account</td>
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**B. IDAHO STATE CORRECTIONAL INSTITUTION - BOISE:**

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<th>Account</th>
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<th>Description</th>
<th>Size</th>
<th>Description</th>
<th>Size</th>
<th>Description</th>
<th>Size</th>
<th>Description</th>
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<td>PERSONNEL COSTS</td>
<td>$1,217,900</td>
<td>OPERATING EXPENDITURES</td>
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<td>Penitentiary Income Account</td>
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<tr>
<td>Interagency Billing and Receipts Account</td>
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<td>97,400</td>
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**C. IDAHO CORRECTIONAL INSTITUTION - OROFINO:**

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<tr>
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<th>Size</th>
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<th>Size</th>
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<td>OPERATING EXPENDITURES</td>
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**D. NORTH IDAHO CORRECTIONAL INSTITUTION - COTTONWOOD:**

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<th>Size</th>
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<td>OPERATING EXPENDITURES</td>
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<td>TRUSTEE AND BENEFIT</td>
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**E. SOUTH IDAHO CORRECTIONAL INSTITUTION - BOISE:**

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<td>TRUSTEE AND BENEFIT</td>
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**F. IDAHO MAXIMUM SECURITY INSTITUTION - BOISE:**

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<th>Description</th>
<th>Size</th>
<th>Description</th>
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### FOR PERSONNEL COSTS

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<tr>
<th>Item</th>
<th>For Operating Expenditures</th>
<th>For Capital Outlay</th>
<th>For Trustee and Benefit Payments</th>
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<td>G. ST. ANTHONY WORK CAMP:</td>
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<td>$1,227,600</td>
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<td>Interagency Billing and Receipts</td>
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<td>H. FIELD AND COMMUNITY SERVICES:</td>
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<td>General Account</td>
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<td>606,700</td>
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<td>Law Enforcement Grants</td>
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<td>Interagency Billing and Receipts</td>
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<td>Account</td>
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<td>I. PAROLE COMMISSION:</td>
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<td></td>
<td></td>
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<tr>
<td>General Account</td>
<td>$165,000</td>
<td>$69,800</td>
<td>$1,700</td>
<td>$236,500</td>
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**GRAND TOTAL**: $27,733,900 $9,815,600 $2,613,800 $834,700 $40,749,100

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 12, 1992.

### CHAPTER 32
(S.B. No. 1370)

**AN ACT**

RELATING TO THE SALES TAX; AMENDING SECTION 63-36220, IDAHO CODE, TO PROVIDE THAT SALES OF CLOTHES TO, DONATIONS OF CLOTHES TO AND PURCHASES OF CLOTHES BY NONSALE CLOTHIERS ARE EXEMPT FROM THE SALES
TAX AND TO PROVIDE DEFINITIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 63-36220, Idaho Code, be, and the same is hereby amended to read as follows:

63-36220. NONPROFIT ORGANIZATIONS. There are exempted from the taxes imposed by this chapter sales to, donations to, and purchases by food banks or soup kitchens, sales of clothes to, donations of clothes to and purchases of clothes by nonsale clothiers, and sales to or 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 and nonresident nonprofit colleges, universities, primary and secondary schools which have a branch campus, or facility located in this state, 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.

(f) "Food banks or soup kitchens" shall mean the Idaho foodbank warehouse, inc. and any nonprofit corporation or association one of whose primary purposes is the furnishing or providing of food or food products to others without charge.

(g) "Nonsale clothier" shall mean any nonprofit corporation or association one of whose primary purposes is the furnishing or provid-
ing of clothes to others without charge.

(h) "Clothes" shall mean garments in general, designed or intended to be worn by humans and shall include footwear in addition to wearing apparel.

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

Approved March 12, 1992.

CHAPTER 33
(S.B. No. 1319)

AN ACT
RELATING TO THE PUNISHMENT FOR MANSLAUGHTER; AMENDING SECTION 18-4007, IDAHO CODE, TO INCREASE THE MAXIMUM PENALTIES FOR VEHICULAR MANSLAUGHTER.

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

SECTION 1. That Section 18-4007, Idaho Code, be, and the same is hereby amended to read as follows:

18-4007. PUNISHMENT FOR MANSLAUGHTER. Manslaughter is punishable as follows:

1. Voluntary--by a fine of not more than fifteen thousand dollars ($15,000), or by a sentence to the custody of the state board of correction not exceeding fifteen (15) years, or by both such fine and imprisonment.

2. Involuntary--by a fine of not more than ten thousand dollars ($10,000), or by a sentence to the custody of the state board of correction not exceeding ten (10) years, or by both such fine and imprisonment.

3. Vehicular--in the operation of a motor vehicle:
   (a) For a violation of section 18-4006 3. (a) or (b), Idaho Code, by a fine of not more than seven ten thousand dollars ($710,000), or by a sentence to the custody of the state board of correction not exceeding seven ten (710) years, or by both such fine and imprisonment.
   (b) For a violation of section 18-4006 3. (c), Idaho Code, by a fine of not more than two thousand dollars ($2,000), or by a jail sentence not exceeding one (1) year, or by both such fine and jail sentence.

Approved March 12, 1992.
AN ACT
APPROPRIATING MONEYS FOR GENERAL EDUCATION PROGRAMS AT BOISE STATE UNIVERSITY, IDAHO STATE UNIVERSITY, LEWIS-CLARK STATE COLLEGE, THE UNIVERSITY OF IDAHO AND FOR THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 1993; LIMITING THE APPROPRIATION FOR THE OFFICE OF THE STATE BOARD OF EDUCATION; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO THE AMOUNT OF THE GENERAL ACCOUNT APPROPRIATION THAT IS TO BE SPENT FOR RESEARCH; MAKING CERTAIN CODE PROVISIONS SPECIFICALLY AVAILABLE TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES.

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, the University of Idaho, and the Office of the State Board of Education the following amount, to be expended for the designated program from the listed accounts for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FOR: General Education Programs</th>
<th>$172,631,700</th>
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<tbody>
<tr>
<td>FROM: General Account</td>
<td>$139,000,000</td>
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<tr>
<td>State Endowment Funds</td>
<td>6,547,100</td>
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<tr>
<td>Interagency Billing and Receipts Account</td>
<td>27,084,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$172,631,700</td>
</tr>
</tbody>
</table>

SECTION 2. The appropriation for the Office of the State Board of Education in Section 1 of this act is to be used for system-wide needs and shall not exceed $100,000 of the General Account for the period July 1, 1992, through June 30, 1993.

SECTION 3. It is legislative intent that $2,500,000 within the General Account appropriation be limited to specific research funding, matching awards, research centers and infrastructure, with commercial application as a goal.

SECTION 4. The provisions of Sections 67-3608, 67-3609, 67-3610 and 67-3611, Idaho Code, are hereby specifically made available to the State Board of Education and the Board of Regents of the University of Idaho for the period of July 1, 1992, through June 30, 1993, the provisions of Section 67-3516(1), (3) and (4), Idaho Code, notwithstanding.

SECTION 5. 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 Col-
lege and the University of Idaho, any unexpended and unencumbered bal-
ances of the moneys appropriated by Section 1, Chapter 112, Laws of
1991, to be used for nonrecurring expenditures only, for the period

Approved March 12, 1992.

CHAPTER 35
(H.B. No. 485)

AN ACT
RELATING TO THE MOTOR VEHICLE CODE; AMENDING SECTION 49-117, IDAHO
CODE, TO BRING THE DEFINITION OF PRECEDING YEAR UP TO DATE WITH
THE PROPORTIONAL REGISTRATION AGREEMENT; AMENDING SECTION 49-119,
IDAHO CODE, TO DEFINE REVOCATION OF VEHICLE REGISTRATION; AMENDING
SECTION 49-120, IDAHO CODE, TO DEFINE SPECIAL LICENSE PLATE AND
SUSPENSION OF VEHICLE REGISTRATION; AMENDING SECTION 49-121, IDAHO
CODE, TO DEFINE TRACTOR AND TO REDEFINE TRUCK TRACTOR; AMENDING
SECTION 49-201, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT OF
PARKS AND RECREATION IS RESPONSIBLE FOR PROCURING AND PROVIDING
THE RECREATIONAL VEHICLE ANNUAL LICENSE STICKER, AND TO PROVIDE
THE TRANSPORTATION BOARD THE AUTHORITY TO EXEMPT CERTAIN OUT OF
STATE NONPROFIT ENTITIES FROM PAYMENT OF FEES WHEN DETERMINED TO
BE IN THE PUBLIC INTEREST; AMENDING SECTION 49-202, IDAHO CODE, TO
CHANGE THE TERM DUPLICATE TO REPLACEMENT TO BE CONSISTENT WITH
CURRENT PRACTICES, TO CORRECT A REFERENCE, TO PROVIDE THAT THE
DEPARTMENT CANNOT RENEW A DRIVER'S LICENSE OR REGISTRATION WHEN
THERE ARE PAST DUE FEES, AND TO REVISE TERMS FOR UNIFORMITY;
AMENDING SECTION 49-401, IDAHO CODE, TO CHANGE OPERATING FEES TO
REGISTRATION FEE FOR UNIFORMITY; AMENDING CHAPTER 4, TITLE 49,
IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-401A, IDAHO CODE,
TO IDENTIFY THE REGISTRATION PROGRAMS THAT ARE HANDLED BY THE
COUNTY ASSESSOR AND THOSE THAT ARE HANDLED BY THE DEPARTMENT;
AMENDING CHAPTER 4, TITLE 49, BY THE ADDITION OF A NEW SECTION
49-401B, IDAHO CODE, TO PROVIDE FOR REGISTRATION OF VEHICLES;
AMENDING SECTION 49-402, IDAHO CODE, TO ALLOW FOR STAGGERED REGIS-
TRATION ON MOTORCYCLES, HEARSE, AMBULANCES AND WRECKERS, TO
REMOVE THE PROVISIONS FOR MULTIPLE YEAR REGISTRATIONS, TO CLARIFY
THAT REGISTRATION FEES ARE NOT SUBJECT TO REFUND, TO STRIKE A REFER-
ENCE ON CHANGE OF ADDRESS ON REGISTRATION, AND TO PROVIDE THAT A
REPOSSESSION SERVICE CONTRACTED TO A FINANCIAL INSTITUTION MAY
OBTAIN AND USE A REPOSSESSION LICENSE PLATE; AMENDING SECTION
49-403, IDAHO CODE, TO DELETE OBSOLETE LANGUAGE; AMENDING SECTION
49-410, IDAHO CODE, TO CORRECT REFERENCES AND TO DELETE THE EXPI-
RATION AND RENEWAL REQUIREMENT OF THE SPECIAL HANDICAPPED CARD;
AMENDING SECTION 49-416, IDAHO CODE, TO DELETE OBSOLETE INFORMA-
TION; AMENDING SECTION 49-419, IDAHO CODE, TO PROVIDE FOR CURRENT
REGISTRATION PRACTICES, TO PROVIDE THAT THE OWNER IS REQUIRED TO
SIGN THE REGISTRATION CERTIFICATE AS PROOF OF COMPLIANCE WITH THE
MOTOR VEHICLE INSURANCE REQUIREMENTS, AND TO PROVIDE FOR CHANGE OF
ADDRESS REQUIREMENT ON VEHICLE REGISTRATIONS; AMENDING SECTION
49-422, IDAHO CODE, TO PROVIDE A REFERENCE AND TO PROVIDE THAT THE RECREATIONAL VEHICLE ANNUAL LICENSE REQUIREMENT IS IN ADDITION TO THE VEHICLE REGISTRATION; AMENDING SECTION 49-425, IDAHO CODE, TO PROVIDE FOR FEES FOR DUPLICATE OR REPLACEMENT LICENSE PLATES AND CARDS; AMENDING SECTION 49-426, IDAHO CODE, TO CLARIFY THAT WHEEL MOUNTED TAR BUCKETS, PORTABLE CONCRETE AND/OR MORTAR MIXERS, WHEEL MOUNTED COMPRESSORS, TOW DOLLIES, PORTABLE TOILET TRAILERS, STREET SWEEPERS, AND SIMILAR DEVICES AS DETERMINED BY THE DEPARTMENT ARE EXEMPT FROM REGISTRATION REQUIREMENTS; AMENDING SECTION 49-428, IDAHO CODE, TO PROVIDE DISPLAY REQUIREMENTS OF LICENSE PLATES; AMENDING SECTION 49-431, IDAHO CODE, TO CORRECT REFERENCES AND TO STRIKE OBSOLETE LANGUAGE; AMENDING SECTION 49-433, IDAHO CODE, TO STRIKE OBSOLETE LANGUAGE; AMENDING SECTION 49-434, IDAHO CODE, TO STRIKE OBSOLETE LANGUAGE, TO CORRECT AN ERROR IN THE FEE SCHEDULE FOR COMMERCIAL TRUCKS, AND TO CORRECT TERMS FOR UNIFORMITY; AMENDING SECTION 49-436, IDAHO CODE, TO PROVIDE A STATUTE OF LIMITATIONS ON MAINTAINING RECORDS FOR AUDIT PURPOSES ON THE MILEAGE USE FEE; AMENDING SECTION 49-437, IDAHO CODE, TO PROVIDE UNIFORM LANGUAGE; REPEALING SECTION 49-441, IDAHO CODE; REPEALING SECTION 49-442, IDAHO CODE; AMENDING SECTION 49-443, IDAHO CODE, TO STRIKE OBSOLETE LANGUAGE, AND TO PROVIDE A REFERENCE; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-443B, IDAHO CODE, TO PROVIDE FOR LICENSE PLATES FOR STATE TAXING DISTRICT OWNED MOTOR VEHICLES; AMENDING SECTION 49-447, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT OF PARKS AND RECREATION IS RESPONSIBLE FOR PROVIDING THE RECREATIONAL VEHICLE ANNUAL LICENSE STICKER, AND TO PROVIDE UNIFORM LANGUAGE; AMENDING SECTION 49-449, IDAHO CODE, TO STRIKE OBSOLETE LANGUAGE; AMENDING SECTION 49-453, IDAHO CODE; AND AMENDING SECTION 49-456, IDAHO CODE, TO PROVIDE CORRECT REFERENCES AND TO STRIKE OBSOLETE LANGUAGE.

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

SECTION 1. That Section 49-117, Idaho Code, be, and the same is hereby amended to read as follows:

49-117. DEFINITIONS -- P.
(1) "Park" or "parking" means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.
(2) "Park trailer." (See "Trailer", section 49-121, Idaho Code)
(3) "Part-time salesman" means any person employed as a vehicle salesman on behalf of a dealer less than thirty (30) hours per week.
(4) "Peace officer." (See section 19-5101(d), Idaho Code)
(5) "Pedestrian" means any person afoot and any person operating a wheelchair or a motorized wheelchair.
(6) "Pedestrian path" means any path, sidewalk or way set aside and used exclusively by pedestrians.
(7) "Person" means every natural person, firm, fiduciary, copartnership, association, corporation, trustee, receiver or assignee for the benefit of creditors, political subdivision, state or federal governmental department, agency, or instrumentality, and for the purposes of chapter 22 of this title shall include a private, common or con-
tract carrier operating a vehicle on any highway of this state.

(8) "Pneumatic tire." (See "Tires", section 49-121, Idaho Code)
(9) "Pole trailer." (See "Trailer", section 49-121, Idaho Code)
(10) "Possessory lien" means a lien dependent upon possession for compensation to which a person is legally entitled for making repairs or performing labor upon, and furnishing supplies or materials for, and for the towing, storage, repair, or safekeeping of, any vehicle of a type subject to registration.
(11) "Possessory lien holder" means any person claiming a lien, that lien claimed to have accrued on a basis of services rendered to the vehicle which is the subject of the lien.
(12) "Preceding year" means, for the purposes of section 49-435, Idaho Code, a period of twelve (12) consecutive months fixed by the department, which period shall be within the eighteen (18) months prior to July 1 of the year immediately preceding the commencement of the registration or license year for which proportional registration is sought. The department in fixing the period shall make it conform to the terms, conditions and requirements of any applicable agreement or arrangement for the proportional registration of vehicles.
(13) "Principal place of business" means an enclosed commercial structure located within the state, easily accessible and open to the public at all reasonable times, with an improved display area large enough to display five (5) or more vehicles of the type the dealer is licensed to sell, immediately adjoining the building, and at which the business of a dealer, including the display and repair of vehicles, may be lawfully carried on in accordance with the terms of all applicable building codes, zoning and other land-use regulatory ordinances, and in which building the public shall be able to contact the dealer or his salesmen in person or by telephone at all reasonable times, and at which place of business shall be kept and maintained the books, records and files necessary to conduct the business. The principal place of business shall display an exterior sign permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic. In no event shall a room or rooms in a hotel, rooming house, or apartment house building or a part of any single or multiple unit dwelling house be considered a "principal place of business" within the terms and provisions of this title unless the entire ground floor of that hotel, apartment house, or rooming house building or dwelling house be devoted principally to and occupied for commercial purposes, and the office or offices of the dealer be located on the ground floor. In no event shall premises devoted principally to the business of a gasoline service station be considered a "principal place of business" within the terms and provisions of this title.
(14) "Private property open to the public" means real property not owned by the federal government or the state of Idaho or any of its political subdivisions, but is available for vehicular traffic or parking by the general public with the permission of the owner or agent of the real property.
(15) "Private road" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.
(16) "Proof of financial responsibility" means proof of ability
to respond in damages for liability, on account of accidents occurring subsequent to the effective date of the proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of twenty-five thousand dollars ($25,000) because of bodily injury to or death of one (1) person in any one (1) accident, and, subject to the limit for one (1) person, in the amount of fifty thousand dollars ($50,000) because of bodily injury to or death of two (2) or more persons in any one (1) accident, and in the amount of fifteen thousand dollars ($15,000) because of injury to or destruction of property of others in any one (1) accident.


SECTION 2. That Section 49-119, Idaho Code, be, and the same is hereby amended to read as follows:

49-119. DEFINITIONS -- R.
(1) "Racing" means the use of one or more vehicles in an attempt to outgain, outdistance, or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle, or to test the physical stamina or endurance of drivers over long-distance driving routes.
(2) "Radio operator, amateur" means any person licensed by the Federal Communications Commission to engage in private and experimental two-way radio operation and holding a conditional class license or higher.
(3) "Railroad" means a carrier of persons or property upon cars operated upon stationary rails.
(4) "Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.
(5) "Railroad sign" or "signal" means any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.
(6) "Recreational vehicle" means a motor home, travel trailer, truck camper or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy. It does not include pick-up hoods, shells, or canopies designed, created or modified for occupational usage. School buses or van type vehicles which are converted to recreational use, are defined as recreational vehicles.
(7) "Registered owner" means any person required to register a vehicle, whether or not a lien holder appears on the title in the records of the department.
(8) "Registration" means the registration certificate or certificates and license plate or plates issued under the laws of this state pertaining to the registration of vehicles.
(9) "Rental utility trailer" means a utility trailer offered for hire to the general public for private or commercial use.
(10) "Rescission of sale." (See section 28-2-608, Idaho Code)
(11) "Resident" means a person who resides within Idaho and who has declared Idaho to be his state of residence. A resident shall be considered in violation of laws relating to vehicle registration,
vehicle titling and licensing of drivers, where applicable, subsequent to ninety (90) days of continuous residence within the state.

(12) "Residential district." (See "District", section 49-105, Idaho Code)

(13) "Residential neighborhood" for purposes of this chapter, is an area abutting a highway which is used primarily for nontransient human habitation, parks and churches.

(14) "Revocation of driver's license" means the termination by formal action of the department or as otherwise provided in this title of a person's driver's license or privilege to operate a motor vehicle on the highways, which terminated driver's license or privilege shall not be subject to renewal or restoration except that an application for a new driver's license may be presented and acted upon by the department after the expiration of the applicable period of time prescribed in this title.

(15) "Revocation of vehicle registration" means the termination by formal action of the department or as otherwise provided in this title of a person's vehicle registration or, in the case of fleets of vehicles, all vehicle registrations in each fleet operated by a company. Upon revocation, the privileges of operating the vehicles on Idaho highways is terminated until the difficulty that caused the revocation is corrected and an application for new registration is presented and acted upon.

(16) "Ridesharing arrangement" means the nonprofit transportation in a passenger motor vehicle with a seating capacity not exceeding fifteen (15) people including the driver, which is not otherwise used for commercial purposes or as a public conveyance, whereby a fixed group, not exceeding fifteen (15) people including passengers and driver, is transported between their residences or nearby termini, and their places of employment or educational or other institutions or termini near those places, in a single daily round trip where the driver is also on the way to or from his place of employment or education or other institution.

(161) "Right-of-way" means the right of one (1) vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other. The term shall not be interpreted to mean that a highway user is relieved from the duty to exercise reasonable care at all times and from doing everything to prevent an accident. Failure to yield right-of-way shall not be construed as negligence per se or as prima facie evidence of negligence.

(178) "Roadway" means that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of sidewalks, shoulders, berms and rights-of-way.

SECTION 3. That Section 49-120, Idaho Code, be, and the same is hereby amended to read as follows:

49-120. DEFINITIONS -- S.

(1) "Safety glazing materials" mean glazing materials so constructed, treated or combined with other materials as to reduce substantially, in comparison with ordinary sheet glass or plate glass,
the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.

(2) "Safety zone" means the area or space officially set apart within a highway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(3) "Salvage pool" means a licensed vehicle dealer engaged primarily in the business of disposing of salvage vehicles, recovered stolen vehicles, or both.

(4) "School bus" means every motor vehicle that complies with the color and identification requirements set forth in the most recent edition of "Minimum Standards for School Buses" and is used to transport children to or from school or in connection with school approved activities and includes buses operated by contract carriers.

(5) "Secretary" means the secretary of transportation of the United States.

(6) "Security agreement." (See section 28-9-105, Idaho Code)

(7) "Security interest." (See section 28-1-201, Idaho Code)

(8) "Sell," "sold," "buy," and "purchase," mean and include, as used in sections 49-2401 through 49-2406, Idaho Code, exchange, barter, gift, and offer or contract to sell or buy.

(9) "Semitrailer." (See "Trailer", section 49-121, Idaho Code)

(10) "Serious traffic violation" means conviction of an offense specified in 49 CFR part 383 while operating a commercial motor vehicle.

(11) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for use by pedestrians.

(12) "Signal." (See "Railroad sign", section 49-119, Idaho Code)

(13) "Slow moving vehicle" means any vehicle not normally operated upon the highways.

(14) "Snow tire." (See "Tires", section 49-121, Idaho Code)

(15) "Sold." (See "Sell", "buy", and "purchase", this section)

(16) "Solid rubber tire." (See "Tires", section 49-121, Idaho Code)

(17) "Special license plate" means a license plate that is made available to the public as a personal alternative to the standard issue license plate. This definition shall not include the plates issued under sections 49-403 and 49-410, Idaho Code.

(18) "Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including: ditch-digging apparatus, well-boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditches, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carry-alls and scrapers, power shovels and drag lines, and self-propelled cranes, and earth moving equipment. The term does not include travel trailers, dump trucks, truck mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

(189) "Specially constructed vehicle." (See "Vehicle", section
"Stand" or "standing" means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

"State" means a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of Canada.

"Stop" means the act of or complete cessation from movement.

"Stopping" means the act of any halting even momentarily of a vehicle.

"Street." (See "Highways", section 49-109, Idaho Code)

"Street rod" means any pre-1949 vehicle which has had a significant drive train update from a more modern vehicle. Changes may include engine, transmission, rear axle, and other suspension components. The body will be, or resemble the same as the manufacturer's original issue after its first sale after manufacture.

"Studded tire." (See "Tires", section 49-121, Idaho Code)

"Substandard width lane" means a lane that is too narrow for a bicycle and a motor vehicle to travel safely side by side within the lane.

"Supplemental lot" means a physically separate location owned and maintained by a licensed dealer or manufacturer within the same or adjacent county as the principal place of business which meets all the requirements for a principal place of business.

"Suspension of driver's license" means the temporary withdrawal by formal action of the department or as otherwise provided in this title of a person's driver's license or privilege to operate a motor vehicle on the public highways, which temporary withdrawal shall be for a period specifically designated by the department.

"Suspension of vehicle registration" means the temporary withdrawal by formal action of the department or as otherwise provided in this title of a person's vehicle registration or, in the case of fleets of vehicles, all vehicle registrations in each fleet operated by a company. Upon suspension, the privileges of operating the vehicle or vehicles on Idaho highways is terminated until the difficulty that caused the suspension is corrected and notification is provided that the suspension has been lifted.

SECTION 4. That Section 49-121, Idaho Code, be, and the same is hereby amended to read as follows:

49-121. DEFINITIONS -- T.

(1) "Temporary supplemental lot" means a location other than the principal place of business, or supplemental lot within the same or adjacent county as the principal place of business, or where a licensed dealer may secure a license to conduct the business and is licensed for a period of time not to exceed ten (10) days for a specific purpose such as auto shows, auctions, shopping center promotions, tent sales, etc. Temporary supplemental lots shall meet all local zoning and building codes for the type of business being conducted. The requirements for a principal place of business shall not be applicable to temporary supplemental lot locations.
(2) "Tires" mean:
(a) Metal. Every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.
(b) Pneumatic. Every tire in which compressed air is designed to support the load.
(c) Snow tire. Every rubber tire with tread design or material embedded in the tire to improve winter traction except studded tires.
(d) Solid rubber. Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.
(e) Studded tire. Every tire with built-in lugs of tungsten carbide or other suitable material designed to contact the road surface for improved winter traction.

(3) "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any highway for purposes of travel.
(4) "Traffic lane" or "lane of travel" means that portion of the roadway for movement of a single line of vehicles.
(5) "Traffic-control device" means any device, whether manually, electrically or mechanically operated, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.
(6) "Trailer" means:
(a) General. Every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.
(b) Fifth-wheel trailer. A vehicular unit equipped in the same manner as a travel trailer but constructed with a raised forward section that allows a bi-level floor plan. This style is designed to be towed by a vehicle equipped with a device known as a fifth-wheel hitch, which is typically installed in the bed of a pickup truck.
(c) Fold down camping trailer. A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls, which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters, for recreational, camping or travel use.
(d) Park trailer. A trailer designed to be towed by a motorized vehicle, and of such size and weight as not to require a special highway movement permit. It is designed for seasonal or temporary living quarters and may be connected to utilities necessary for operation of installed fixtures and appliances. It is built on a single permanent chassis and constructed to permit set up by persons without special skills.
(e) Pole trailer. Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams
between the supporting connections.
(f) Semitrailer. Every vehicle without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by the towing vehicle.
(g) Travel trailer. A vehicular unit, mounted on wheels designed to provide temporary living quarters for recreational, camping, travel or emergency use and of such size or weight as not to require special highway movement permits when towed by a motorized vehicle.
(h) Utility trailer. (See "Utility Trailer", section 49-122, Idaho Code)
(7) "Transportation", for the purposes of chapter 22 of this title, means the movement of any regulated quantity of hazardous material or hazardous waste within, through, or to any destination in this state upon the highways of this state.
(8) "Transporter" means every person engaged in the business of delivering vehicles of a type required to be registered from a manufacturing, assembling or distributing plant to dealers or sales agents of a manufacturer, except in chapter 22, where it means any person who transports a hazardous material or hazardous waste within, through, or to any destination upon the highways of this state.
(9) "Triple saddlemount vehicle" means a combination of four (4) truck-tractors where the front axle of second truck-tractor is mounted on the fifth wheel of the lead truck-tractor, the front axle of the third truck-tractor is mounted on the fifth wheel of the second truck-tractor, and the front axle of the fourth truck-tractor is mounted on the fifth wheel of the third truck-tractor; and with the rear wheels of the second, third, and fourth truck-tractors and trailing on the ground behind the operating motor unit.
(10) "Truck" means:
(a) General. Every motor vehicle exceeding eight thousand (8,000) pounds gross weight designed, used or maintained primarily for the transportation of property.
(b) Pickup truck. Every motor vehicle eight thousand (8,000) pounds gross weight or less which is designed, used or maintained primarily for the transportation of property.
(c) Tractor. Every motor vehicle designed and used primarily for drawing other vehicles but not so constructed as to carry a load other than part of the weight of the vehicle and load so drawn.
(d) Truck camper. A portable unit constructed to provide temporary living quarters for recreational, travel or camping use, consisting of a roof, floor, and sides, designed to be loaded onto and unloaded from the bed of a pickup truck.
(de) Truck tractor. Every motor vehicle designed and used primarily for drawing other vehicles but so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.
(11) "True mileage driven" means the mileage of the vehicle as registered by the odometer within the manufacturer's designed tolerance.

SECTION 5. That Section 49-201, Idaho Code, be, and the same is
hereby amended to read as follows:

49-201. DUTIES OF BOARD. (1) With the exception of requirements for sections 49-217 and 49-218 and chapters 6 and 9, title 49, Idaho Code, which shall be the responsibility of the director of the department of law enforcement, and section 49-447, Idaho Code, which shall be the responsibility of the director of the department of parks and recreation, the board shall adopt and enforce administrative rules and regulations and designate agencies as may be necessary to carry out the provisions of this title. It shall also provide suitable forms for applications, registration cards, vehicle licenses, and all other forms requisite for the purpose of the provisions of this title, and shall prepay all transportation charges.

(2) The board may enter into agreements, compacts or arrangements with other jurisdictions on behalf of Idaho for the purpose of conforming procedures for proportional registration of commercial vehicles and other types of reciprocal agreements. Copies of agreements, compacts or arrangements shall be placed on file in the department and the board shall, as to all filings and adoption, conform with the provisions of chapter 52, title 67, Idaho Code. The board may approve, on a case by case basis, exemption from operating fees for private non-profit entities who are bringing public interest programs into the state. These entities may not be in competition with companies who transport goods and services for hire.

(3) The board shall adopt a manual and specifications for a uniform system of traffic-control devices consistent with the provisions of this title for use upon highways within the state. The uniform system shall correlate with, and so far as possible, conform to the system set forth in the most recent edition of the manual on uniform traffic control devices for streets and highways and other standards issued or endorsed by the federal highway administrator.

(4) Whenever the board shall determine upon the basis of an engineering and traffic investigation that any maximum speed 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 sixty-five (65) miles per hour, which shall be effective when appropriate signs giving notice are erected. The speed limit may be declared to be effective at all times or at the times as indicated upon the signs. 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.

(5) The board shall adopt and enforce rules as may be consistent with and necessary to determine the classification of and the basis on which operating fees shall be computed on specialty-constructed or reconstructed vehicles not otherwise provided for in this title, as nearly as possible to conform to the fees provided for similar vehicles.

SECTION 6. That Section 49-202, Idaho Code, be, and the same is hereby amended to read as follows:
49-202. DUTIES OF DEPARTMENT. (1) All registration and driver's license records in the office of the department shall be public records and open to inspection by the public during normal business hours.

(2) In addition to other fees required by law to be collected by the department, the department shall collect the following:

(a) For certifying a copy of any record pertaining to any vehicle license, any certificate of title, or any driver's license. $8.00
(b) For issuing every Idaho certificate of title. $8.00
(c) For furnishing a duplicate copy of any Idaho certificate of title. $8.00
(d) For issuance or transfer of every certificate of title on a new or used vehicle or other titled vehicle in an expedited manner (rush titles), in addition to any other fee required by this section. $15.00
(e) For furnishing a duplicate-copy replacement of any receipt of registration. $3.00
(f) For answering inquiries as to registration or ownership of motor vehicles or driver's license records, per vehicle registration, title or per driver's license record. $4.00
(g) For services in furnishing copies of files of vehicle or other registrations, vehicle titles, or driver's licenses per hour. $10.00
(h) Placing "stop" cards in vehicle registration or title files, each. $12.00
(i) For issuance of an assigned or replacement vehicle identification number (VIN). $10.00
(j) For a vehicle identification number (VIN) inspection whether conducted by a city or county peace officer or any other peace officer or designated agent of the state of Idaho, per inspection. $3.00
(k) For all duplicate replacement registration stickers, each. $1.00
(l) For issuing letters of temporary vehicle clearance to Idaho based motor carriers. $10.00
[m](n) For all sample license plates, each. $12.00

(3) The fees required in this section shall not apply when the service is furnished to any federal, state, county or city peace officer when such service is required in the performance of their duties as peace officers.

(4) The department shall pay three dollars ($3.00) of the fee collected by a county assessor or other agent of the department as provided in subsection (2)(a) through (f) of this section, to the county assessor of the county or agent collecting such fee, which shall be deposited with the county treasurer and credited to the county current expense fund. The remainder of the fees collected as provided in that subsection shall be paid by the department to the state treasurer and placed in the state highway account. The fee collected under subsection (2)(kj) of this section for a VIN inspection shall be placed in the city general fund if conducted by a city peace officer, in the county current expense fund if conducted by a county peace officer, or paid to the state treasurer and placed to the credit of the department of law enforcement if conducted by the Idaho state
police or in the state highway account if conducted by the department.

(5) The department as often as practicable may provide to law enforcement agencies the record of stolen and recovered motor vehicles and suspensions and revocations of driver licenses via the Idaho law enforcement telecommunications system (ILETS).

(6) The department shall provide the forms prescribed in chapter 5 of this title, shall receive and file in its office in Boise, Idaho, all instruments required in chapter 5 of this title to be filed with the department, shall prescribe a uniform method of numbering certificates of title, and maintain in the department indices for such certificates of title. All indices shall be by motor or identification number and alphabetical by name of the owner, and the department shall maintain two (2) separate files on each vehicle, one, a motor or identification number file, the other a file by the name of the owner.

(7) The department shall file each registration application received, and when satisfied as to the genuineness and regularity of the application, shall register the vehicle therein described and the owner thereof in suitable records under a distinctive registration number assigned to the vehicle and to the owner thereof, alphabetically under the name of the owner, and numerically and alphabetically under the engine-or-identification-number and name of the vehicle.

(8) The department shall not renew a driver's license when fees required by law have not been paid or where fees for past periods are due, owing and unpaid including nonsufficient fund checks.

(9) The department shall not grant an application for the registration of a vehicle when:
   (a) The applicant is not entitled to registration under the provisions of this title; or
   (b) The applicant has neglected or refused to furnish the department with the information required in the appropriate form or reasonable additional information required by the department, or has failed to comply with the provisions of section 49-436, Idaho Code, in past registration periods; or
   (c) The fees required by law have not been paid, or where fees for past registration periods are due, owing and unpaid including nonsufficient fund checks.

(10) The department has the authority to request any person, based upon evidence, to submit to medical, highway, or written examinations, to protect the safety of the public upon the highways.

(11) The department shall rescind and cancel the registration of any vehicle:
   (a) Which the department shall determine is unsafe or unfit to be operated or is not equipped as required by law;
   (b) Whenever the person to whom the registration card or registration plate has been issued shall make or permit to be made any unlawful use of the same or permit their use by a person not entitled thereto;
   (c) For any violation of vehicle registration requirements by the owner or operator in the current or past registration periods;
   (d) Whenever a motor carrier as defined in section 61-801, Idaho Code, has his permit revoked for any cause except at the request of the permit holder, as provided in section 61-808, Idaho Code,
or whenever an interstate carrier has his registration revoked by reason of a revocation of his interstate commerce commission operating authority;

(e) For nonpayment by the owner or operator of the vehicle of use fees computed under sections 49-434 and 49-435, Idaho Code;

(f) For failure of the owner or operator to file the reports required or nonpayment of fees assessed against the owner by the department pursuant to audit under the provisions of section 49-436, Idaho Code.

(12) The department shall not reregister or permit a vehicle to operate on a special trip permit until all use fees, penalties and interest have been paid.

(13) The department shall institute educational programs, demonstrations, exhibits and displays;

(14) The department shall examine persons and vehicles by written, oral and physical tests without compulsion except as provided by law;

(15) The department shall employ expert and special help as needed in the department;

(16) The department shall compile accident statistics and disseminate information relating to those statistics;

(17) The department shall cooperate with the United States in the elimination of road hazards, whether of a physical, visual or mental character.

(18) The department shall place and maintain traffic-control devices, conforming to the board's manual and specifications, upon all state highways as it shall deem necessary to indicate and to carry out the provisions of this title or to regulate, warn, or guide traffic. No local authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the department except by the latter's permission.

(19) The department may conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it shall find that the structure cannot with safety to itself withstand vehicles traveling at a speed otherwise permissible under this title, shall determine and declare the maximum speed of vehicles which the structure can safely withstand, and shall cause or permit suitable signs stating the maximum speed to be erected and maintained before each end of the structure.

(20) Whenever the department shall determine on the basis of an engineering and traffic investigation that slow speeds on any highway or part of a highway impede the normal and reasonable movement of traffic, the department may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law, and that limit shall be effective when posted upon appropriate fixed or variable signs.

(21) The department shall regulate or prohibit the use of any controlled-access highway by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic.

(22) The department shall erect and maintain traffic-control devices on controlled-access highways on which any prohibitions are applicable.
Wherever a highway crosses one or more railroads at grade, the department or local authorities within their respective jurisdictions shall place and maintain stop signs, directing vehicular traffic approaching the crossing to come to a full stop prior to entering the crossing at all railroad crossings where electric or mechanical warning signals do not exist. Placement of these stop signs shall be mandatory except when in the determination of the department or local authorities the existence of stop signs at a given crossing would constitute a greater hazard than their absence.

Nothing in this subsection shall be construed as granting immunity to any railroad company as to liability, if any, for an accident which might occur at a crossing where stop signs are erected and in place, but liability, if any, shall be determined as provided by law. Liability on the part of governmental authorities on account of absence of any stop sign at a crossing shall be determined as provided by law.

The department and local authorities are authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving on the left side of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of those zones and when signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey those directions.

The department and local authorities in their respective jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of the movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this title or title 40, Idaho Code.

The department and local highway authorities within their respective jurisdictions may place official traffic-control devices prohibiting, limiting or restricting the stopping, standing or parking of vehicles on any highway where such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles unduly interferes with the free movement of traffic thereon.

SECTION 7. That Section 49-401, Idaho Code, be, and the same is hereby amended to read as follows:

49-401. OPERATING REGISTRATION FEE IN LIEU OF PROPERTY TAX. The operating registration fees imposed for vehicles under the provisions of this chapter shall be in lieu of all taxes on vehicles, general or local, and vehicles properly registered and for which the required fee for any part of the previous year has been paid shall be exempt from ad valorem taxation.

SECTION 8. That Chapter 4, 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 49-401A, Idaho Code, and to read as follows:
49-401A. OWNER TO SECURE REGISTRATION FROM A COUNTY ASSESSOR OR THE DEPARTMENT. (1) Every owner of a motor vehicle, trailer or semi­trailer who intends to operate the vehicle upon any highway in this state shall before the same is so operated, apply to a county assessor and obtain registration for vehicles in sections 49-402(1) through (5), 49-402A, 49-402B, 49-416(1) and 49-422, Idaho Code. All others shall be obtained from the department except as provided in subsection (2) of this section. Owners of vehicles specified in section 49-426, Idaho Code, are exempt from the provisions of this section. Owners of vehicles operating on a temporary basis as provided in sections 49-431(3), 49-432 and 49-433, Idaho Code, are exempt from the provisions of this section to the extent that the temporary permits in use are unexpired.

(2) Commercial vehicles in excess of twenty-six thousand (26,000) pounds gross weight, farm and noncommercial vehicles in excess of sixty thousand (60,000) pounds gross weight and all vehicles registered under section 49-435, Idaho Code, shall be registered by the department. All other commercial, farm and noncommercial vehicles and the vehicles in paragraphs (a), (b), and (c), shall be registered by the county assessor.

(a) 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.

(b) 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.

(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 assessor of the county in which the owner resides.

(3) Commercial, farm and noncommercial vehicles of any weight doing strictly an intrastate business may be registered by the county assessor by mutual agreement between the department and the county.

SECTION 9. That Chapter 4, 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 49-401B, Idaho Code, and to read as follows:

49-401B. APPLICATION FOR REGISTRATION -- RECEIPT FOR FEE -- RECORD OF APPLICANTS. (1) Application for the registration of a vehicle required to be registered under the provisions of section 49-401A, Idaho Code, shall be made to the assessor or the department as specified in that section, by the owner upon the appropriate form. Every application shall be signed by the owner and contain his residence address and a brief description of the vehicle to be registered, including the name of the maker, the type of fuel used, and the identification number. Upon registration of a new vehicle, the application shall also show the date of sale by the manufacturer or dealer to the
person first operating such vehicle. The application shall contain any other information as may be required by the department. The assessor shall issue to the applicant a receipt for any fee paid, and shall forward to the department a duplicate copy of that receipt.

(2) The assessor shall record on a form prescribed and furnished by the department, the names of all owners of vehicles residing in the county who make application for registration, together with the amounts of the fees paid by such owners.

(3) When application for registration is made by any motor carrier as defined in section 61-801, Idaho Code, or by any interstate carrier as defined in section 61-801A, Idaho Code, the assessor or the department shall require each such applicant to exhibit a receipt for the payment of the regulatory fee required of any motor carrier by section 61-811, Idaho Code, or evidence of the payment of the registration fee of any interstate carrier required by section 61-802B and section 61-812, Idaho Code. The number and the amount paid shall be noted on the application. Pursuant to the authority and duty provided in section 61-811A, Idaho Code, each assessor and the department, shall when the regulatory fees of motor carriers and the registration fees of interstate carriers have not been paid prior to registration, collect such regulatory fees for the public utilities commission. Each assessor and the department shall monthly submit a list of all carriers paying fees and remit monthly all fees to the Idaho public utilities commission no later than the tenth day of each month following collection.

(4) Vehicles registered under the proportional registration provisions of section 49-435, Idaho Code, shall be registered by the department.

(5) 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 sections 40-827 and 40-1416, Idaho Code, shall be separately identified and accounted for, and paid to the highway district for which collected. 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.

(6) A violation of the provisions of this section shall be an infraction.

SECTION 10. That Section 49-402, Idaho Code, be, and the same is hereby amended to read as follows:

49-402. 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 .........................$36.48
Vehicles three (3) and four (4) years old .....................33.48
Vehicles five (5) and six (6) years old .........................26.28
Vehicles seven (7) and eight (8) years old ......................22.68
Vehicles over eight (8) years old ................................16.08

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 first day of the beginning month. Registration periods shall expire midnight on the last day of the registration period in the year designated by the validation registration 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 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 ($12.48).

(3) For all hearses, ambulances and wreckers the annual fee shall be twenty-nine dollars and forty cents ($29.40), 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 and all terrain vehicles the annual fee shall be nine dollars ($9.00). For operation of an ATV off the public highways, the fee specified in section 67-7122, Idaho Code, shall also be paid.

(5) All vehicles required in subsections (2) through (4) of this section to be registered shall be issued number plates and/or validation stickers for a calendar year and shall expire midnight December 31st.

(6) For all motor homes the fee shall be as specified in subsection (1) of this section and shall be in addition to the fees provided for in section 49-445, Idaho Code.

(7) A vehicle may be registered by the department under the provisions of subsections (2) through (4) 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-49-443-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-(t) of this section or--from--the fees required in subsections (2), (3) and (4) of this section.

(6) 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.

(87) A financial institution or repossession service contracted to a financial institution repossessing vehicles under the terms of a security agreement shall move the 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 4, 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.

SECTION 11. That Section 49-403, Idaho Code, be, and the same is hereby amended to read as follows:

49-403. DISABLED VETERAN -- LICENSE PLATES. No fee shall be charged for the registration or reregistration of a motor vehicle owned by a veteran who has established his rights to benefits under the provisions of Public Law 662, 19th Congress, as amended, and Public Law 187, 82nd Congress, as amended. No fee shall be charged for the registration or reregistration of a motor vehicle owned by a veteran, who is at the time of the registration or reregistration receiving compensation from the veterans administration or in lieu thereof, from any of the armed forces of the United States, for one hundred per cent (100%) service-connected disability or for any of the following specific disabilities: Loss or permanent loss of use of one or both feet; loss or permanent loss of use of one or both hands; loss of sight in both eyes or permanent impairment of vision in both eyes to the degree as to constitute virtual blindness. These provisions shall be considered applicable not only as to the vehicle originally purchased under this authorization, but also as to any vehicle subsequently purchased and owned by the same veteran, so long as the privilege shall not extend to more than one (1) vehicle at a time. Special license plates shall be issued for such a vehicle, identified by the inscription "D.V.", and a separate number series shall be used to further identify the license plates so issued. These license plates shall not be issued by the counties but shall be issued by the department through--and--at--the--request-of-the-appropriate-county-assessor. The plates shall be displayed in accordance with the procedure applicable to license plates set forth in section 49-428, Idaho Code. A vehicle displaying plates issued in accordance with the provisions of this section shall be afforded the same privileges specified in section
49-410(5), Idaho Code.

SECTION 12. That Section 49-410, Idaho Code, be, and the same is hereby amended to read as follows:

49-410. SPECIAL LICENSE PLATES AND CARDS FOR HANDICAPPED -- PARKING PRIVILEGES -- CARDS FOR CERTAIN TEMPORARILY DISABLED PERSONS. (1) Any handicapped person as defined in section 49-109, Idaho Code, shall be eligible for the use of special license plates bearing the international handicapped symbol, for any vehicle owned by such person, provided the vehicle does not weigh in excess of eight thousand (8,000) pounds and is not used in the furtherance of a business.

(2) Registration and license plate fees for vehicles owned by the handicapped shall be as provided, respectively, in sections 49-402 and 49-450, Idaho Code, for vehicles not in excess of eight thousand (8,000) pounds gross weight, and as provided in section 49-434, Idaho Code, for noncommercial vehicles in excess of eight thousand (8,000) pounds gross weight. Nothing in this section shall be construed as abrogating provisions of section 49-445, Idaho Code. The use of the special card issued under the provisions of subsection (54) of this section, shall not exempt the owner of a motor vehicle from otherwise properly registering and licensing the motor vehicle.

(3) Special license plates for the handicapped shall be the same size and color as other license plates, and shall have displayed upon them the registration numbers assigned to the vehicle and to the owner. The plates shall be numbered in a manner prescribed by the department, but the plates shall display the international handicapped symbol.

International Handicapped Symbol

(4) The department shall issue a special card bearing the international handicapped symbol and other information the department may require, to:

(a) Any qualified handicapped person who does not own a motor vehicle;
(b) Any qualified handicapped person who owns a motor vehicle, without regard to weight or use of the vehicle;
(c) Any business entity which is engaged in transportation of handicapped persons, which business shall not be required to submit a physician's certification. In addition to other application requirements, a business applicant shall sign a declaration that he is engaged in the transportation of handicapped persons. A business entity may include but not be limited to hospitals, nursing homes, federal, state and local governmental agencies and taxicabs.

(5) The fee for a special handicapped card shall be five dollars ($5.00) which shall be deposited in the state highway account established in section 40-702, Idaho Code. Each special card shall expire two-(2)-years-from-the-date-of-issue-and-renewal-of-the-card-shall-be made-in-the-same-manner-as-the-original-application.
(6) Any person or business issued a special card shall affix the special card to a motor vehicle in a conspicuous place designated by the department. The card shall bear distinguishing marks, letters or numerals indicating the vehicle is utilized by a permanently handicapped person. When the card is affixed to a motor vehicle and the motor vehicle is transporting a handicapped person, special parking privileges are granted as provided in subsection (9a) of this section.

(7) Application for special license plates, a special card, or both as applicable and at the option of the applicant, shall be made upon a form furnished by the department and shall include a written certification by a licensed physician verifying that the applicant's stated impairment qualifies as a handicap according to the provisions of section 49-109, Idaho Code.

(8) Any motor vehicle displaying special license plates for the handicapped, without regard to the state of residence or displaying the special card provided in subsection (5) and (9) of this section, shall be allowed to park for unlimited periods of time in parking zones or areas which are otherwise restricted as to the length of time parking is permitted, and to park in any public parking space with metered parking without being required to pay any parking meter fee. The provisions of this subsection shall not be applicable to those zones or areas in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles.

(9) Any person who shall submit satisfactory proof to the department that he is so temporarily disabled as to be unable to move without the aid of crutches or a wheelchair, shall be entitled to receive for one (1) motor vehicle only, a special card to be affixed to a motor vehicle in a conspicuous place designated by the department, bearing distinguishing marks, letters or numerals indicating that the vehicle is utilized by a temporarily disabled person. When an expired card is affixed, special parking privileges are granted as provided in subsection (9) of this section. This special temporary card shall expire one (1) year from the date of issuance, or sooner as specified by the department on the card. The fee for a temporary card shall be five dollars ($5.00), two dollars ($2.00) of which shall be retained by the county and credited to the county current expense fund, and three dollars ($3.00) of which shall be transmitted to the state treasurer for deposit in the state highway account. When the card is issued by the department the five dollars ($5.00) shall be deposited in the state highway account.

(10) Any unauthorized use of the card shall constitute an infraction.

SECTION 13. That Section 49-416, Idaho Code, be, and the same is hereby amended to read as follows:

49-416. STATEHOOD CENTENNIAL LICENSE PLATES. (1) Statehood centennial license plates are available to owners of motor vehicles required to be registered under section 49-402(1) or section 49-402(3), Idaho Code, upon application at a county assessor's office or at the department. 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. All revenues from such initial registration and annual renewal fees for registrations issued or renewed on or before December 31, 1999, shall be deposited in the statehood centennial commission account. On and after January 1, 1991, revenues from the special fees shall be deposited in the highway distribution account.

(2) The statehood centennial license plates shall be of a color and design approved by the Idaho statehood centennial commission department, 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 49-409, Idaho Code.

(4) The fee for replacement plates shall be the fee required in section 49-425, 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 highway distribution account and other fees deposited as provided by law.

(5) 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 14. That Section 49-419, Idaho Code, be, and the same is hereby amended to read as follows:

49-419. REGISTRATION CARDS. (1) Upon the registration of a vehicle, the registering agency shall issue to the owner, as defined in section 49-116(3), Idaho Code, a registration card which shall contain the date issued, the registration number assigned the owner and to the vehicle, the name and address of the owner, a description of the registered vehicle, including the engine or identification number and any other information the department may require.

(2) The owner, upon receiving the registration card, shall sign in the space provided upon the card as proof of compliance with the insurance requirements of section 49-1229, Idaho Code.

(3) Upon a change of address the registrant shall report such change to the county assessor or the department within ten (10) days following the change of address.

SECTION 15. That Section 49-422, Idaho Code, be, and the same is hereby amended to read as follows:

49-422. REGISTRATION FEES -- MANUFACTURED HOMES--COMMERCIAL CAMPERS AND TOWED RECREATIONAL VEHICLES. The fees for licensing trailers as provided in this chapter shall not be applicable to registering manufactured homes, commercial campers, or towed recreational vehicles; and the fee for licensing manufactured homes, commercial
coaches; or towed recreational vehicles shall be four dollars ($4.00). In addition to the four-dollar-($4.00)-license registration fee, and as a prerequisite to licensing; registering there shall be an assessment levied on each manufactured home and commercial coach for ad valorem tax as provided in sections 63-102 and 63-1203, Idaho Code. An applicant for a manufactured home or commercial coach license, but not an applicant for a recreational vehicle license, registration shall be required to exhibit the general property tax receipt for the year of registration before a license may be issued. An applicant for a towed recreational vehicle registration shall be required to obtain the recreational vehicle annual license as required in section 49-445, Idaho Code, in conjunction with the registration required in this section. It shall be unlawful for any manufactured home, commercial coach or towed recreational vehicle to be moved on any highway without first being licensed registered. The license registration fees collected as specified in this section shall be paid to the assessor of the county where the license registration was purchased. Fifty per cent (50%) of the license registration fees shall be placed in the county current expense fund and the balance of the fees shall be paid to the state treasurer who shall place the fees deposited in the highway distribution account.

SECTION 16. That Section 49-425, Idaho Code, be, and the same is hereby amended to read as follows:

49-425. LOST CERTIFICATE OR LICENSE PLATE -- DUPLICATES. In the event that any license plate or registration card issued pursuant to the provisions of this chapter shall be lost, mutilated, or become illegible, the person to whom the plate or registration card is issued shall make immediate application for and obtain a duplicate or substitute replacement upon furnishing information of fact satisfactory to the department and upon payment of the required fees. The fee for a duplicate or replacement plates shall be two dollars-($2.00)-for-one plate or two dollars and fifty-cents-($2.50)-per-set-of-plates as provided in section 49-450 and section 49-202(e), Idaho Code, for a replacement registration card.

SECTION 17. That Section 49-426, Idaho Code, be, and the same is hereby amended to read as follows:

49-426. EXEMPTIONS FROM OPERATING FEES. The provisions of this chapter with respect to operating fees shall not apply to:

(1) Motor vehicles owned or leased by the United States, the state, a city, a county, any department thereof, any political subdivision or municipal corporation of the state, any taxing district of the state, or any organization, whether incorporated or unincorporated, organized for the operation, maintenance, or management of an irrigation project or irrigation works or system or for the purpose of furnishing water to its members or shareholders, but in other respects shall be applicable.

(2) Farm tractors, implements of husbandry, road rollers and road machinery, wheel mounted tar buckets, portable concrete and/or mortar mixers, wheel mounted compressors, tow dollies, portable toilet
trailers, street sweepers, and similar devices as determined by the department which are 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 67-7101, 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 49-619, Idaho Code.

SECTION 18. That Section 49-428, Idaho Code, be, and the same is hereby amended to read as follows:

49-428. DISPLAY OF PLATE AND STICKERS. (1) License plates assigned to a motor vehicle, other than a motorcycle, all terrain vehicle, trailer, or semitrailer, and other than the license plate assigned to a motor vehicle operated by a manufacturer, repossession agent or dealer, shall be attached, one in the front and the other in the rear. The license plate assigned to a motorcycle, all terrain vehicle or semitrailer and the license plate assigned to a motor vehicle operated by a manufacturer, repossession agent or dealer shall be attached to the rear. The license plate attached to a tractor shall be attached to the front. License plates shall be displayed during the current registration year. The annual registration sticker for the current registration year shall be displayed on each license plate in those years for which stickers are furnished in lieu of license plates. For the purposes of this title, the license plates together with the registration stickers shall be considered as license plates for the year designated on the registration sticker.

(2) Every license plate shall at all times be securely fastened to the vehicle to which it is assigned to prevent the plate from swinging, be at a height not less than twelve (12) inches from the ground, measuring from the bottom of the plate, be in a place and position to be clearly visible, and shall be maintained free from foreign materials and in a condition to be clearly legible, and all registration stickers shall be securely attached to the license plates and shall be displayed as provided in section 49-443(5), Idaho Code.

SECTION 19. That Section 49-431, Idaho Code, be, and the same is hereby amended to read as follows:

49-431. ASSIGNMENT OR TRANSFER OF INTEREST -- PROCEDURE. (1) Whenever the owner of a vehicle registered under the provisions of sections 49-402 and 49-402A, Idaho Code, transfers or assigns his title or interest thereto, the registration card and license plate shall remain with and in the possession of the transferor, and before the license plate shall be displayed upon another vehicle owned by the transferor, the transferor shall have that vehicle registered as pro-
vided for in section 49-4401A, Idaho Code. License plates remaining inactive in the registration file for more than twelve (12) consecutive months shall be deemed cancelled, and new license plates with the identical number may be reissued to another applicant. The transfer fees collected under the provisions of this subsection (1) shall be paid to the county treasurer where the vehicle is registered and placed in the county current expense fund.

(a) For all vehicles registered under the provisions of section 49-402(1), Idaho Code, the transferor shall pay the operating fee as specified in that subsection less the operating fee already paid, plus a transfer fee of two dollars ($2.00). If the transferor shall have an older vehicle to be registered, the transferor shall pay a transfer fee of two dollars ($2.00).

(b) For vehicles registered in accordance with subsections (2) through (4) of section 49-402, Idaho Code, the operating fee shall be the fee specified in those subsections, plus a transfer fee of two dollars ($2.00).

(c) For utility trailers registered under the provisions of section 49-402A, Idaho Code, the original registration shall continue until its expiration date, upon payment of a transfer fee of two dollars ($2.00).

(2) Upon a change of registered ownership of any motor vehicle upon which the license plates have been computed as specified in section 49-434, Idaho Code, the license plates shall be returned to the department. No part of the registration or license fees shall be subject to refund.

(3) In the event of a transfer by operation of law of the title or interest of an owner in and to a vehicle registered as specified in sections 49-402, 49-402A, 49-434 and 49-435, 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 shall expire and the registration card and plates shall be surrendered to the department. The vehicle shall not be operated upon the highways until and unless the person entitled thereto shall apply for and obtain a new registration card and plates in accordance with the provisions of section 49-4401A, Idaho Code. However, an administrator, executor, trustee or other representative of the owner, or a sheriff or other officer, or legal representative of any such person may operate or cause to be operated any vehicle upon the highways from the place of removal or place where formerly kept by the owner to a place of keeping or storage, provided the place of removal and place of destination are both located within the state of Idaho, and after 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 vehicle a placard bearing the name and address of the person authorizing and directing such movement, the placard to be plainly readable from a distance of one hundred (100) feet during daylight.

SECTION 20. That Section 49-433, Idaho Code, be, and the same is hereby amended to read as follows:
49-433. SINGLE TRIP PERMITS -- FEE. When any vehicle subject to license or registration is to be moved upon the public highways, the department may issue a single trip permit in lieu of license or registration upon the payment of a fee of twelve dollars ($12.00). The permit shall be for the unladen single trip movement or transit of the vehicle only between the points of origin and destination as set forth on the permit.

SECTION 21. That Section 49-434, Idaho Code, be, and the same is hereby amended to read as follows:

49-434. OPERATING FEES. (1) 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.

<table>
<thead>
<tr>
<th>Maximum Gross Weight (Pounds)</th>
<th>Annual Registration Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Noncommercial and Farm Vehicles</td>
</tr>
<tr>
<td>8,001-16,000 inc.</td>
<td>$ 31.08</td>
</tr>
<tr>
<td>16,001-26,000 inc.</td>
<td>61.08</td>
</tr>
<tr>
<td>26,001-30,000 inc.</td>
<td>91.68</td>
</tr>
<tr>
<td>30,001-40,000 inc.</td>
<td>130.08</td>
</tr>
<tr>
<td>40,001-50,000 inc.</td>
<td>188.28</td>
</tr>
<tr>
<td>50,001-60,000 inc.</td>
<td>311.88</td>
</tr>
</tbody>
</table>

(2) There shall be paid on all commercial vehicles, irrespective of body type, 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 the individual self-propelled motor vehicles, and to the self-propelled motor vehicle in any combination of vehicles.

In addition, an annual license registration fee shall be required for each trailer or semitrailer in a combination of vehicles in the amount of fifteen dollars ($15.00). An annual license registration fee of eight dollars ($8.00) shall be required for each rental utility trailer having a maximum laden or gross weight of up to two thousand (2,000) pounds, or fifteen dollars ($15.00) for each rental utility trailer having a maximum laden or gross weight in excess of two thousand (2,000) pounds. For a fee of fifteen dollars ($15.00) per year for each trailer or semitrailer, or a fee of eight dollars ($8.00) or fifteen dollars ($15.00) per year, as applicable, for each rental utility trailer, the department may issue a trailer, rental utility trailer or semitrailer license plate that shall remain valid for a period of five (5) years. The license plate shall become void if the owner's interest in the trailer, rental utility trailer or semitrailer changes during the five (5) year period. If the owner fails to enter the licensed trailer, rental utility trailer or semitrailer on the annual renewal application during the five (5) year period, the regis-
tion record shall be purged. Any unrenewed, unexpired plate shall be returned to the department if it is not entered on the renewal application.

(3) In addition to the registration and license fees provided by subsections (1) and (2), 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 (7) of this section.

<table>
<thead>
<tr>
<th>Maximum Gross Weight of Vehicle (Pounds)</th>
<th>Mills per Mile</th>
</tr>
</thead>
<tbody>
<tr>
<td>60,001-62,000</td>
<td>30.05</td>
</tr>
<tr>
<td>62,001-64,000</td>
<td>31.35</td>
</tr>
<tr>
<td>64,001-66,000</td>
<td>32.60</td>
</tr>
<tr>
<td>66,001-68,000</td>
<td>33.90</td>
</tr>
<tr>
<td>68,001-70,000</td>
<td>35.15</td>
</tr>
<tr>
<td>70,001-72,000</td>
<td>36.40</td>
</tr>
<tr>
<td>72,001-74,000</td>
<td>38.55</td>
</tr>
<tr>
<td>74,001-76,000</td>
<td>40.65</td>
</tr>
<tr>
<td>76,001-78,000</td>
<td>42.75</td>
</tr>
<tr>
<td>78,001-80,000</td>
<td>44.90</td>
</tr>
</tbody>
</table>

(4) In addition to the registration and license fees of this section, there shall be paid on all farm vehicles, and any commercial vehicle exclusively engaged in the transportation of logs, pulp wood, stull, poles, piling, rough lumber, ores, ore concentrates, sand and gravel aggregates in bulk, livestock and vehicles domiciled in Idaho used for the sole purpose of transporting milk from the farm to processing plant, having a maximum gross weight in excess of sixty thousand (60,000) pounds, a use fee of 22.45 mills per mile.

(5) If any motor vehicle, trailer or semitrailer, or combinations thereof, which hauls reducible loads is authorized under the provisions of chapter 10, title 49, 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 maximum registered gross weight of the vehicle.

(6) Any owner operating vehicle combinations may apply to the department for authority to report multiple weights and pay use fees based upon the maximum gross weight of each configuration in the combination being operated. The owner shall declare a maximum gross weight for each configuration being operated but not more than three (3) maximum gross weights for a vehicle combination may be declared. Any owner who receives authority to report and pay use fees at multiple maximum gross weights shall register the motor vehicle in a combination at the highest maximum gross weight of the vehicle.

(7) An applicant for registration of a commercial vehicle, a non-commercial vehicle or a farm vehicle shall set forth the maximum gross weight of the vehicle or combination of vehicles and the applicant shall pay any annual registration fees and any annual license fees on trailers and semitrailers required at the time he makes application.
for registration subject to the provisions of subsections (1) and (2). 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 (3) or (4) 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.

SECTION 22. That Section 49-436, Idaho Code, be, and the same is hereby amended to read as follows:

49-436. QUARTERLY REPORTS -- MAINTAINING RECORDS -- PENALTIES -- DEPOSIT OR BOND TO SECURE PAYMENT OF FEES -- APPEAL. (1) Not later than the last day of April, and on the last day of each third calendar month thereafter, each owner of a commercial or farm vehicle having a maximum combined gross weight in excess of sixty thousand (60,000) pounds, shall file with the department a statement of the gross miles each vehicle has traveled over the highways of the state of Idaho for the preceding calendar months of the year for which that report is made. Each report shall be cumulative of all miles traveled during all calendar months in that year for which the report is made.

(2) Every owner whose fees are computed as specified in section 49-434, Idaho Code, shall maintain records and purchase documents to substantiate and justify the use of such schedule and if the owner is reporting the use fee at multiple weights, the records shall include the configuration of the combination of vehicles for all miles traveled, and shall permit the department to inspect the same upon demand. When the records are maintained outside this state by owners engaged in transportation in this state, the owner shall reimburse the department for reasonable expenses incurred by the department in making audits of those records and accounts at the out-of-state location. The owner or the department may request that the records be presented at a place within the state designated by the department. The records must be presented by a representative of the owner familiar with the records and who is responsible for the safekeeping of the records. Every owner is required to maintain records for four (4) years from the due date of the quarterly report unless the department and the owner agree in writing to shorten or lengthen the time period. The amount of fees imposed in this chapter shall be assessed within four (4) years after the due date of the quarterly report unless the department and owner agree in writing to lengthen the time period. If an assessment has been made, such fees may be collected by a proceeding in court within a period of three (3) years after the assessment or a final order entered pursuant to subsection (9) of this section.

(3) Owners of commercial and farm vehicles using the registration fee schedules in section 49-434(1), Idaho Code, are subject to audit to determine if the proper schedule is being used. If the weight clas-
sification being used is found to be understated, the difference between the registration fees paid and the registration fees due will become due and payable. If the vehicles are found to be operating in excess of sixty thousand (60,000) pounds gross weight, the difference between the registration fees paid under section 49-434(1), Idaho Code, and the amount that would have been due under the use fee schedule in section 49-434(3) or (4), Idaho Code, will be determined and the balance due, if any, will be collected.

(4) An owner who wilfully fails to maintain records and purchase documents to substantiate and justify the mileage reported, the registration fee schedule used, or the configuration of the vehicle combination if reporting at multiple weights, shall have the registration of all vehicles registered under sections 49-434 and 49-435, Idaho Code, suspended until such time as adequate records are provided.

(5) An owner who fails to file any reports or pay any fees or penalties due is subject to suspension or revocation of their vehicle registrations. An order suspending the vehicle registrations shall be mailed to the owner upon discovery of the deficiency by the department. The suspension shall be lifted if the reports are filed and the payments due are made, along with a reinstatement fee of forty dollars ($40.00) per carrier within fifteen (15) days after receipt of the suspension order. The owner shall have the right to appeal the suspension by petitioning the department for a hearing within ten (10) days after receipt of the suspension order. If the suspension is set aside the reinstatement fee shall not be due.

(6) If the owner fails to file required reports, pay any fees or penalties due, or file an appeal within the time limit specified, the department shall revoke the registrations. No further registrations shall be permitted on the owners' vehicles until the owner complies by filing the required reports and paying the fees and penalties due, including the reinstatement fee provided in subsection (5) of this section.

(7) An owner failing to file a report or pay any fee due within the time required as specified in this section, shall in addition to the amount of the fee pay a penalty of fifteen percent (15%) of the amount of fee determined to be due, plus one percent (1%) of the amount for each month or fraction thereof after the report was required to be filed or the fee became due, but the department may remit all or any part of the penalty if satisfied that the delay was excusable.

(8) (a) If the department finds it necessary in order to ensure the collection of any fees or penalties imposed upon an owner, it may at the time and as a condition of granting a registration or to reinstate a registration require an owner to deposit and keep on deposit with the department a sum equal to the estimated fees computed under the schedule in section 49-434, Idaho Code, for a period of not to exceed three (3) months. In determining the necessity for an applicant or owner to maintain a deposit the department shall consider the applicant or owner's financial capability and responsibility and prior experience, if any, in collecting fees or penalties from the applicant, owner or any person having a substantial interest or control, directly or indirectly, in or over the operations conducted or to be conducted under the
registration.

(b) The department may accept in lieu of a deposit a bond to secure payment of sums payable by the owner. The total amount of the deposit or bond shall be determined by the department in a manner as it shall deem proper, taking into account the nature and scope of the owner's operations. The amount may be increased or reduced at any time.

(c) If an owner ceases to be registered under the provisions of this chapter, the department, upon receipt of all payments due, shall refund to the owner all deposits remaining to the owner's credit and shall release the surety on any bond given under this section.

(d) Any applicant or owner required to make a deposit to secure the payment of fees or penalties may by proper petition demand a hearing on the necessity of the deposit or the reasonableness of the amount required. A hearing shall be granted and held within ten (10) days after the demand. The decision of the director shall become final ten (10) days after service of the order upon the applicant or owner concerned. Notice shall be served personally or by certified mail addressed to the applicant or owner at his address as it appears in the records of the department. An appeal may be taken from any decision of the department as from the decision of the magistrate's division to the district court.

(9) An owner wishing to contest an assessment made by the department may within thirty (30) days from receipt of the assessment file an appeal with the department. Upon receipt of an appeal the director or his authorized representative shall schedule an informal conference between the owner and a representative of the department. The informal conference must be conducted within twenty (20) days from the date of receipt of notice of intent to appeal from the owner. The owner and the representative of the department shall reduce all conclusions, agreements and decisions to writing, if an informal conference is held, but attendance at and participation in the informal conference is at the option of the owner. If an informal conference is held, the written report of the results of that conference shall be provided to the director within ten (10) days. If the results of the informal conference are not satisfactory to the owner, he may continue with the appeal by informing the director in writing, and the director or his authorized representative shall appoint a hearing officer to conduct a contested case hearing in accordance with chapter 52, title 67, Idaho Code. The hearing officer may subpoena witnesses and evidence and administer oaths. The hearing officer shall prepare written findings of fact and conclusions of law for the director or his authorized representative. Upon receipt of findings of fact and conclusions of law the director or his authorized representative shall issue a final order affirming, modifying or reversing the original assessment. All final orders rendered by the director or his authorized representative shall be appealable in accordance with section 67-5215, Idaho Code.

SECTION 23. That Section 49-437, Idaho Code, be, and the same is hereby amended to read as follows:

49-437. INCREASE IN MAXIMUM GROSS WEIGHT -- FEES FOR REMAINING
PORTION OF YEAR. (1) When a motor vehicle, trailer or semitrailer has once been registered under the provisions of this chapter and during the year of that registration engages in operations increasing the maximum gross weight for which that vehicle was licensed registered and requiring additional fees, the owner of the vehicle shall be credited with the amount already paid toward the account of the higher fee or fees. When the initial registration is made before August 1st and the increase in gross weight is also made before August 1st, the applicant shall pay the full amount of the additional fees computed as of the original registration date; if the increase is made between August 1st and November 1st, one-half (1/2) of the additional fees shall be paid; and if the increase is made after November 1st, one-fourth (1/4) of such additional fees shall be paid. When the initial registration is made between August 1st and November 1st, and the increase in gross weight is made before November 1st, the applicant shall pay the full amount of such additional fees computed as of the initial registration date; if the increase is made after November 1st, one-half (1/2) of such additional fees shall be paid. When the initial registration is made after November 1st the applicant shall pay the full amount of such additional fees computed as of the initial registration date.

(2) If a motor vehicle, trailer or semitrailer is not operated on any highway during the first months of a calendar year, they may at any time thereafter be licensed registered for the remainder of the year on payment of all fees as provided in this chapter, less one-twelfth (1/12) of such fees and mileage for each full calendar month which has expired prior to that licensing registering, but in no event shall the minimum fee be less than five dollars ($5.00).

SECTION 24. That Section 49-441, Idaho Code, be, and the same is hereby repealed.

SECTION 25. That Section 49-442, Idaho Code, be, and the same is hereby repealed.

SECTION 26. That Section 49-443, Idaho Code, be, and the same is hereby amended to read as follows:

49-443. LICENSE PLATES TO BE FURNISHED BY DEPARTMENT -- FORM AND CONTENTS. (1) The assessor or the department shall furnish to every owner whose vehicle is registered by that office pursuant to sections 49-402 and 49-402A, Idaho Code, one (1) license plate for a motorcycle, trailer, truck-tractor, or semitrailer and two (2) license plates for every other motor vehicle. The department may extend the life of the current series of license plates outstanding since January 1973 and each subsequent year, and may thereafter issue a new series of semi-permanent license plates for an indefinite period of time, but in no event for a period less than five (5) years these offices, license plates as provided in section 49-428, Idaho Code. Any series of license plates may be replaced or cancelled by the board anytime after five (5) years from the year of issuance of the series.

(2) Commencing January 1, 1987, license numbering plates for vehicles covered in section 49-402, 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 fifth January 1 thereafter. Com-
mening January 1, 1992, each license plate issued pursuant to section
49-402(1), Idaho Code, shall contain an identification of the county
in which the motor vehicle to which the plates will be affixed is reg-
istered.

(3) License plates for utility trailers registered under the pro-
visions of section 49-402A, Idaho Code, which are issued for five (5)
or ten (10) years and license plates for trailers, rental utility
trailers and semitrailers registered under the provisions of section
49-434, Idaho Code, which are issued for five (5) years shall use the
design in effect on the date of manufacture. If a design change
occurs, plates from the effective date of the design change shall be
manufactured using the new design. Unexpired plates need not be reis-
sued to conform to a design change.

(4) During intervening years in which license plates are not
issued, replaced, or cancelled, license plates shall be retained by
the owner until lost, stolen, mutilated, or illegible. At that time
and under those circumstances, the owner shall then apply for a dupli-
cate or substitute replacement. The assessor shall also furnish for
each registration, and to validate the license plate, a pressure-
sensitive, serially numbered registration sticker. License 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--stickers.

(5) License plates issued for vehicles required to be registered
in accordance with the provisions of sections 49-402 and 49-402A,
Idaho Code, shall be issued color coded registration validation
stickers showing the year of registration. Each registration valida-
tion sticker shall bear a number from 1 through 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 plates within the outlined rectangular area.

(6) Every license plate shall have displayed upon it the regis-
tration number assigned to the vehicle and its owner, the name "Idaho"
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 license plates. The plates and the required
letters and numerals, except the year number for which it is issued,
shall be of sufficient size to be plainly readable from a distance of one
hundred (100) feet during daylight, and each license plate and regis-
tration 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 pas-
senger license plate must bear upon its face the inscription "Famous
Potatoes".

(7) The department shall furnish to every owner whose vehicle is
registered under sections 49-434 and 49-435, Idaho Code, a pressure-
sensitive, serially-numbered registration sticker to validate the
license plate.

(8) The board shall have authority to require the return to the
department of all license plates and registration stickers upon termination of the lawful use of them by the owner.

(9) Whenever a vehicle is completely destroyed by fire or accident and the operator submits satisfactory proof of that destruction to the department or appropriate assessor's office, the registration use increment and fees shall be transferred to the replacement vehicle for a service transfer fee of five dollars ($5.00), which fee shall be retained by the registering authority. None of the original fees shall be subject to refund.

(10) Commencing January 1, 1992, with the general reissue of license plates, the color and design of the plates shall be comparable to the color and design of the statehood centennial issue of license plates with blue numerals and letters on a multicolored red, white and blue background. Each license plate must bear upon its face the inscriptions "Famous Potatoes" and "Scenic Idaho."

SECTION 27. That Chapter 4, 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 49-443B, Idaho Code, and to read as follows:

49-443B. LICENSE PLATES FOR STATE VEHICLES AND VEHICLES BELONGING TO TAXING DISTRICTS. License plates for state vehicles and vehicles belonging to taxing districts shall be permanent and shall remain on the vehicle to which it is issued until transferred to another vehicle or until it is cancelled by the department. The department shall be reimbursed by state agencies and the taxing districts for the cost of providing license plates. The department may develop rules and regulations to administer this license plate program.

SECTION 28. That Section 49-447, Idaho Code, be, and the same is hereby amended to read as follows:

49-447. DEPARTMENT TO PROVIDE IDENTIFICATION TAGS. The department of parks and recreation shall devise and provide to county assessors suitable identification plates, tags or stickers for attachment to or placement on recreational vehicles to indicate that the annual recreational vehicle license fee has been paid. The plate, tag or sticker shall be of suitable size and design for easy identification, and shall show the year and month of the year in which the license expires. The department shall also provide suitable registration license forms and all other forms required for the purpose of registration licensing and shall prepay all charges including mailing fees. Each recreational vehicle registration license shall be filed annually by the department under a distinctive number assigned to the vehicle and alphabetically under the name of the owner.

SECTION 29. That Section 49-449, Idaho Code, be, and the same is hereby amended to read as follows:

49-449. SUSPENSION OF REGISTRATION UPON NOTICE OF THEFT OR EMBEZZLEMENT. Whenever the owner of any motor vehicle, trailer or semi-trailer which is stolen or embezzled files an affidavit alleging
either fact with the department, the department shall immediately sus­pend the registration of such vehicle and shall not transfer the reg­istration of or register such vehicle until the department shall be notified that the owner has recovered the vehicle. Notices-given-shall be-effective-only-during-the-current-registration-year-in-which-given, but-if-during-such-year-the-vehicle-is-not-recovered-a--new--affidavit may-be-filied-with-like-effect-during-the-ensuing-year.-Every-owner-who has--fitted--an--affidavit--of--theft-or-embezzlement-shall-immediately notify-the-department-of-the-recovery-of-the-vehicle.

SECTION 30. That Section 49-453, Idaho Code, be, and the same is hereby repealed.

SECTION 31. That Section 49-456, Idaho Code, be, and the same is hereby amended to read as follows:

49-456. VIOLATIONS OF REGISTRATION PROVISIONS. It shall be unlaw­ful for any person:
(1) To operate or for the owner to permit the operation upon a highway of any motor vehicle, trailer or semitrailer which is not reg­istered and which does not have attached and displayed the license plates assigned to it for the current registration year, subject to the exemptions allowed in sections 49-4286, 49-431, 49-432 and 49-433 through-49-435, Idaho Code.
(2) To display or cause or permit to be displayed, or to have in possession any registration card, or license or-use-fee plate knowing the same to be fictitious or to have been cancelled, revoked, sus­pended or altered.
(3) To lend or knowingly permit the use by one not entitled to any registration card, or license or-use-fee plate issued to the per­son so lending or permitting that use.
(4) To fail or refuse to surrender to the department, upon demand, any registration card, or license or-use-fee plate which has been suspended, cancelled, or revoked.
(5) To use a false or fictitious name or address in any applica­tion for the registration of any vehicle or for any renewal or duplic­ate, or knowingly to make a false statement or conceal a material fact or otherwise commit a fraud in any application.

Approved March 12, 1992.

CHAPTER 36
(H.B. No. 504)

AN ACT
RELATING TO PROPERTY TAXES AND TRUTH IN TAXATION; AMENDING SECTION 63-2224, IDAHO CODE, TO PROVIDE THAT THE ADVERTISING REQUIREMENTS OF THE TRUTH IN TAXATION STATUTE ARE ACTIVATED WHEN A TAXING DISTRICT'S ANNUAL BUDGET REQUEST FOR REVENUES FROM PROPERTY TAX EXCEEDS ONE HUNDRED FIVE PERCENT OF THE PRIOR YEAR'S BUDGET REQUEST FOR REVENUES FROM PROPERTY TAX; AMENDING SECTION 63-2225,
IDAHO CODE, TO PROVIDE THAT THE ADVERTISING REQUIREMENTS OF THE TRUTH IN TAXATION STATUTE ARE ACTIVATED WHEN A TAXING DISTRICT'S ANNUAL BUDGET REQUEST FOR REVENUES FROM PROPERTY TAX EXCEEDS ONE HUNDRED FIVE PERCENT OF THE PRIOR YEAR'S BUDGET REQUEST FOR REVENUES FROM PROPERTY TAX AND TO CHANGE THE DATE BY WHICH A TAXING DISTRICT MUST NOTIFY BOARDS OF COUNTY COMMISSIONERS OF THE DATE, TIME AND PLACE OF DISTRICT BUDGET HEARINGS, AND TO PROVIDE A MEANS BY WHICH TAXING DISTRICTS CAN BE INFORMED OF THE EFFECT OF BUDGET REQUESTS ON TYPICAL HOME, FARM AND BUSINESS PROPERTY; AMENDING SECTION 63-2226, IDAHO CODE, TO PROHIBIT THE STATE TAX COMMISSION FROM APPROVING A LEVY BY ANY DISTRICT THAT IS BASED UPON A BUDGET REQUEST FOR REVENUES FROM PROPERTY TAX THAT EXCEEDS ONE HUNDRED FIVE PERCENT OF THE PRIOR YEAR'S BUDGET REQUEST FOR REVENUES FROM PROPERTY TAX UNLESS THE DISTRICT HAS COMPLIED WITH THE REQUIREMENTS OF THE TRUTH IN TAXATION STATUTE, TO PROHIBIT ANY COUNTY FROM ADOPTING A BUDGET THAT INCLUDES AN AMOUNT OF AD VALOREM TAX REVENUES THAT EXCEEDS ONE HUNDRED FIVE PERCENT OF THE AMOUNT OF AD VALOREM TAX REVENUES CERTIFIED FOR ITS ANNUAL BUDGET IN THE PREVIOUS YEAR OR MAKE ANY LEVY WITHOUT THE APPROVAL OF THE TAX COMMISSION; DECLARING AN EMERGENCY AND PROVIDING A RETROACTIVE EFFECTIVE DATE.

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

SECTION 1. That Section 63-2224, Idaho Code, be, and the same is hereby amended to read as follows:

63-2224. ADVERTISEMENT OF PROPOSED BUDGET OR TAX INCREASES. No taxing district may request an amount of ad valorem tax revenues for its annual budget that exceeds one hundred five percent (105%) of the amount of ad valorem tax revenues certified for its annual budget in the previous year or that would cause the ad valorem tax rate to increase from the rate in effect during the previous year, unless it advertises its intention to do so at the same time that it advertises its intention to fix its budget for the forthcoming fiscal year, as provided in section 63-2225, Idaho Code.

For the purposes of this section and related sections, the terms "annual budget that exceeds one hundred five percent (105%) of the amount of ad valorem tax revenues certified for its annual budget in the previous year" and "annual ad valorem tax rate increase" does not include revenues from non-ad valorem tax sources, and does not include amounts or levies that are voter approved for bonds, override levies, or supplemental levies, or for levies applicable to newly annexed property, or for newly created taxing districts.

SECTION 2. That Section 63-2225, Idaho Code, be, and the same is hereby amended to read as follows:

63-2225. RESOLUTION PROPOSING TAX OR BUDGET INCREASES. (1) No request for an amount of ad valorem tax revenues for a taxing district's annual budget that exceeds one hundred five percent (105%) of the amount of ad valorem tax revenues certified for its annual budget in the previous year or an ad valorem tax rate increase may be
certified to the board of county commissioners or to the state tax commission until a resolution has been adopted by the governing body of a taxing district, or by the board of county commissioners in the case of county levies and functions, in accordance with the following procedures:

(a) The taxing district shall advertise its intent to request an amount of ad valorem tax revenues for its annual budget that exceeds one hundred five percent (105%) of the amount of ad valorem tax revenues certified for its annual budget in the previous year or exceeds the amount of its previous year's tax rate in at least the newspaper of largest paid circulation that is published in the county, or if more than one (1) newspaper is published in the county, then in a newspaper published within the district where the advertisement is required to be published or, if no newspaper is published within the district, then in a newspaper published nearest to the district where the advertisement is required to be published. For purposes of this section, the definition of "newspaper" shall be as established in sections 60-106 and 60-107, Idaho Code; provided further, that the newspaper of largest circulation shall be established by the statement of average annual paid weekday circulation listed on the newspaper's sworn annual statement of ownership that was filed with the United States post office on a date most recently preceding the date on which the advertisement required in this section is to be published. The advertisement shall be no less than one-quarter (1/4) standard ad unit full page in size and the type used shall be no smaller than 18 point, and surrounded by a one-quarter (1/4) inch border. The advertisement shall be requested to be run in the newspaper's main news section, far forward and the rate to be paid for advertising placed under this section shall be no more than the current rate card rate posted by the newspaper for similar forms of advertising, in volume and frequency to that which is ordered, in order to meet the requirements of this section; provided further, that the rates and type requirements provided in section 60-105, Idaho Code, for public agency advertisements shall not apply to advertisements published under the requirements of this section. The advertisement shall be run once each week for the two (2) weeks preceding the adoption of the final budget. The advertisement shall state that the taxing district will meet on a certain day, time and place fixed in the advertisement, which shall be not less than seven (7) days after the first advertisement is published, for the purpose of hearing comments regarding any proposed increase and to explain the reasons for the proposed increase.

(b) The form and content of the notice shall be substantially as follows:

"NOTICE OF TAX INCREASE

The (name of the taxing district) has proposed to increase its annual budget by an amount of ad valorem tax revenues that exceeds one hundred five percent (105%) of the ad valorem tax revenues certified for its annual budget during the previous year by (percentage of increase) percent or its ad valorem property tax rate by (percentage of increase) percent which will
(increase/decrease) its property tax revenue by (percentage of
increase) percent and—(increase/decrease)—its—total—budget—by
(percentage-of-increase/decrease)—percent.
The following schedule is an estimate of what this change may mean
to a taxpayer:

<table>
<thead>
<tr>
<th>Last year's taxable value</th>
<th>This year's estimated taxable value</th>
<th>Last year's actual taxes</th>
<th>This year's estimated taxes</th>
</tr>
</thead>
<tbody>
<tr>
<td>For a typical home of $50,000 taxable value last year (amount) (amount) (amount) (amount)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>For a typical farm of $100,000 taxable value last year (amount) (amount) (amount) (amount)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>For a typical business of $200,000 taxable value last year (amount) (amount) (amount) (amount)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

All citizens are invited to attend a public hearing on the increased budget request or increased tax rates.

CAUTION TO TAXPAYER: The amounts shown in this schedule do NOT reflect tax charges that are made because of voter approved bond levies, override levies, supplemental levies, or levies applicable to newly annexed property, or levies applicable to newly created taxing districts."

(2) After the hearing has been held in accordance with the above procedures, the governing body of the taxing district may adopt a resolution to request an amount of ad valorem tax revenues for its annual budget that exceeds one hundred five percent (105%) of the amount of ad valorem tax revenues certified for its annual budget in the previous year or increases the tax rate in excess of that certified for the previous year. If the resolution is not adopted on the day of the public hearing, the scheduled time and place for consideration and adoption of the resolution shall be announced at the public hearing. If the resolution is to be considered at a day and time that is more than two (2) weeks after the public hearing, the governing body shall advertise the date of the proposed adoption of the resolution in the same manner as provided under subsection (1) of this section.

(3) All hearings shall be open to the public. The governing body of the taxing district shall permit all interested parties desiring to be heard an opportunity to present oral testimony within reasonable time limits.

(4) Each taxing district shall notify the board of county commissioners by March 1 of each year of the date, time, and place of its public hearing. Taxing districts with a fiscal year commencing the first day of July in each year shall so notify the board of county commissioners no later than June 1 each year. All other taxing districts shall so notify the board of county commissioners no later than August 1 each year. No taxing district may schedule its hearing at the same time as another overlapping taxing district in the same county, but all taxing districts in which the power to fix a tax levy, or to request a tax levy, is vested in the same governing board may consolidate the required hearings into one (1) hearing. The board of county
commissioners shall resolve any conflicts in hearing dates and times after consultation with each affected taxing district.

(5) For all county functions for which a budget is required, the public hearing shall be held on the Tuesday following the first Monday of September.

(6) (a) Each county clerk shall submit a report to the state tax commission by the fourth Monday of July each year which shall show the aggregate taxable value of certain categories of property (as provided by regulation) with appropriate adjustments for annexation for each taxing district within the county. On or before the second Monday of August the state tax commission shall determine the difference in taxable value by taxing district within each county and shall submit a report to each county clerk showing "this year's estimated taxable value" by taxing district for:

(i) a typical home of fifty thousand dollars ($50,000) taxable value last year;
(ii) a typical farm of one hundred thousand dollars ($100,000) taxable value last year;
(iii) a typical business of two hundred thousand dollars ($200,000) taxable value last year.

(b) The county clerk shall provide such information to any member of the public or any taxing district upon request.

(c) It shall be the duty of the state tax commission to make, adopt, and publish rules and regulations to effect this subsection (6).

SECTION 3. That Section 63-2226, Idaho Code, be, and the same is hereby amended to read as follows:

63-2226. RESOLUTION AND BUDGET REQUEST TO BE FORWARDED TO TAX COMMISSION. The resolution approved in the manner provided under section 63-2225, Idaho Code, shall be forwarded to the state tax commission at the same time as the budget request of the taxing district. The tax commission shall not authorize or approve any annual budget increase in an amount that allows the ad valorem tax revenues of a taxing district to exceed one hundred five percent (105%) of the amount of ad valorem tax revenues certified in the taxing district's annual budget in the previous year or any tax levy that would increase the levy over the previous year's budget or levy, unless the resolution accompanies the actual budget request. A board of county commissioners cannot adopt a budget that includes an amount of ad valorem tax revenues that exceeds one hundred five percent (105%) of the amount of ad valorem tax revenues certified for its annual budget in the previous year or make any levy without the approval of the tax commission.

If no resolution is received with the actual budget request of a taxing district, the tax commission shall authorize and approve a levy that produces the lesser of:

(1) The dollar amount produced by applying the previous year's levy to the current year's estimated taxable value; or

(2) The dollar amount of the previous year's certified tax charges.
SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 1992.

Approved March 12, 1992.

CHAPTER 37
(H.B. No. 590)

AN ACT
RELATING TO VITAL STATISTICS; REPEALING SECTION 39-264, IDAHO CODE, TO REPEAL THE REFERENCE FOR REGISTERING PERSONS AUTHORIZED TO PERFORM MARRIAGE CEREMONIES.

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

SECTION 1. That Section 39-264, Idaho Code, be, and the same is hereby repealed.

Approved March 12, 1992.

CHAPTER 38
(H.B. No. 629)

AN ACT
RELATING TO UNCLAIMED PROPERTY HELD BY COURTS AND PUBLIC AGENCIES; AMENDING SECTION 14-513, IDAHO CODE, TO ALLOW UNCLAIMED JUROR AND WITNESS FEES TO REVERT TO THE COUNTY.

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

SECTION 1. That Section 14-513, Idaho Code, be, and the same is hereby amended to read as follows:

14-513. PROPERTY HELD BY COURTS AND PUBLIC AGENCIES. (1) Intangible property held for the owner by a court, state or other government, governmental subdivision or agency, public corporation, or public authority which remains unclaimed by the owner for more than one (1) year after becoming payable or distributable is presumed abandoned.

(2) If witness and juror fees or mileage payments are not claimed by the owner within one (1) year of the date of issuance of a check or warrant, the fees or mileage payments shall remain the property of the county and shall be remitted to the district court fund.

Approved March 12, 1992.
CHAPTER 39
(S.B. No. 1384)

AN ACT
RELATING TO THE DEALERS IN FARM PRODUCE ACT; AMENDING SECTION 22-1301, IDAHO CODE, BY ADDING HOPS TO THE EXEMPTION AS A FARM PRODUCT.

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

SECTION 1. That Section 22-1301, Idaho Code, be, and the same is hereby amended to read as follows:

22-1301. DEFINITIONS. As used in this act:
(a) The term "person" includes any individual, firm, association, partnership or corporation.
(b) The term "producer" means any person engaged in the business of growing or producing any farm produce.
(c) "Farm products" shall include all agricultural, horticultural, viticultural and vegetable products of the soil, poultry and poultry products, and apiary products, but shall not include timber and timber products, livestock, dairy products, field grains, dried beans, dried peas, hops and seeds.
(d) The term "consignor" includes any person who ships or delivers to any commission merchant or dealer any farm products for handling, sale, or resale.
(e) The term "commission merchant" means any person who shall receive on consignment, or solicit from the producer thereof, any farm products for sale on commission on behalf of such producer thereof for the purpose of resale, or who shall sell or offer for sale on commission any farm products, or who shall in any manner handle for the account of or as an agent of the producer thereof any farm product.
(f) The term "dealer" means any person other than a commission merchant or cash buyer, who for the purpose of resale, obtains from the producer thereof possession or control, or contracts for the future delivery of any farm products, without paying to the producer at the time of obtaining such possession or control, the full agreed price of such commodity in lawful money of the United States.
(g) The term "cash buyer" means any person other than a commission merchant or dealer who obtains from the producer thereof possession or control of any farm products by paying to the producer at the time of obtaining such possession or control the full agreed price of such commodity in lawful money of the United States, provided, that any person, as contemplated in this act, who shall buy any farm produce and shall pay for the same by his personal check, draft, or bill of exchange shall not be deemed a cash buyer but shall be deemed a dealer as defined in the foregoing subsection (f) and shall be required to furnish the bond as provided for in section 22-1304, Idaho Code.
(h) The term "broker" means any person engaged in the business of soliciting or negotiating the sale of any farm product.
(i) The term "agent" means any person who on behalf of any commission merchant, dealer or broker receives, contracts for, or
solicits any farm product from a producer thereof, or who negotiates
the consignment or purchase of any farm product on behalf of any com-
mission merchant, dealer or broker.

(j) The term "director" means the director of the department of
agriculture of the state of Idaho.

Approved March 16, 1992.

CHAPTER 40
(S.B. No. 1385)

AN ACT
RELATING TO THE HOP ASSESSMENT LEVY; AMENDING SECTION 22-3107, IDAHO
CODE, TO PROVIDE AN INCREASE IN THE MAXIMUM ADDITIONAL HOP ASSESS-
MENT LEVY, AND TO PROVIDE CORRECT NOMENCLATURE.

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

SECTION 1. That Section 22-3107, Idaho Code, be, and the same is hereby amended to read as follows:

22-3107. HOP ASSESSMENT LEVY. (1) There is hereby levied an initial assessment of twenty (20) cents per bale on each bale of hops handled in the primary channels of trade.

(2) In addition to such initial assessment, there is hereby levied an additional assessment of not exceeding $4.89 four dollars and eighty cents ($4.80) per bale on each bale of hops handled in the primary channels of trade. The amount of such additional assessment, if any, shall be determined by resolution of the commission after February first but before July first of each year and shall be submitted to the growers by referendum. The term "production" for the purposes of this subsection means the number of pounds of hops 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 vote at such referendum. No grower shall vote at any such referendum during any year unless such grower has, after January first but prior to January fifteenth of such year, registered with the commission on forms to be supplied by the commission giving such grower's name, mailing address and production, except that for the calendar year in which this subsection takes effect, the period for the registration of growers shall be the fifteen (15) days immediately succeeding the effective date of this subsection. The qualifications of any grower to vote or the amount of such grower's production 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 production, 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 and that growers representing two-thirds (2/3) or more of the production of all growers voting as at such referendum have voted in favor of the amount of such additional 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 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 bales of hops 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 bales of hops 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 re-submit 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 hops 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 last day of the month next succeeding the month in which such hops were first handled in the primary channels of trade.

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

(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
(b) The assessment is wholly uncollectible.

Approved March 16, 1992.

CHAPTER 41
(H.B. No. 439)

AN ACT
RELATING TO RETIREMENT OF POLICE MEMBERS; AMENDING SECTION 50-1516,
IDAHO CODE, TO DELETE THE SPOUSAL REMARRIAGE PROHIBITION, AND TO
PROVIDE FOR NEUTRAL GENDER REFERENCES.

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

SECTION 1. That Section 50-1516, Idaho Code, be, and the same is
hereby amended to read as follows:

50-1516. RETIREMENT FOR DISABILITY -- DEATH BENEFITS -- FUNERAL
BENEFITS. No person shall be retired as provided in the above sections
unless the member shall comply with the qualifications set out and
provided by this chapter:
(a) Any paid policeman police member incapacitated by injury or
by illness as a result of the performance of his the member's official
duties as a paid member of a police department shall be retired so
long as the disability shall continue in a degree which prevents effi­
cient service and during the disability shall be paid from the retire­
ment fund a disability benefit as follows:
(1) For disability attributable wholly to service as a paid
policeman police member, a monthly sum equal to one twenty-fourth
(1/24) of the amount of the annual salary attached to the rank
which he the member held in the police department for a period of
one (1) year next preceding the date of retirement; provided, how­
ever, that the benefits may be reduced by the board of police
retirement fund commissioners commensurate to the extent of the
disability and the person's income earning capacity;
(2) For disability attributable only in part to service as a paid
policeman police member, a monthly disability benefit in an amount
to be fixed by the board of police retirement fund commissioners,
but commensurate with the extent of proportion the service-con­
nected disability relates to that person's preexisting injury or
infirmity, the board may increase or decrease such monthly bene­
fits whenever the impairment in the person's earning capacity war­
rants an increase or decrease, but in no event shall a monthly
benefit paid to the person exceed the benefit provided under sub­
paragraph (1) above;
(3) Provided, however, that if any paid policeman police member
is entitled to receive compensation under the Workmen's Compensa-
tion Law of the state of Idaho as it now exists, or shall hereafter be amended, the amount payable under this act shall be reduced by the amount to which the paid policeman police member is entitled under the Workmen's Compensation Law;

(4) The board of police retirement fund commissioners shall require medical examinations of all applicants for retirement by reason of disability, and shall, at their discretion, require periodic medical examinations of persons receiving a disability retirement allowance. The board shall prescribe general rules for medical examination required hereunder, and may provide for the discontinuance of any disability retirement allowance and forfeiture of all rights under this act for any person who refuses to submit to such an examination;

(5) The decision of the board as to eligibility allowances or benefits shall be final;

(6) When a disability beneficiary is determined by the board to be not incapacitated in a degree which prevents efficient service, his the member's disability retirement allowance shall be canceled forthwith;

(7) Such a person, who for any reason is not reinstated in the service of his the member's department, shall receive separation benefits according to his the member's entitlement, as provided under section 50-1515, Idaho Code.

(b) In event a paid policeman police member is killed or sustains injury, from which death results, while in the performance of his the member's duty or from causes disconnected with his the member's official duties but during the period of his the member's service, and leaves surviving him the member a widow spouse or a minor child or minor children, his-widow-during-the-time-she-remains-his-widow-and does-not-remarry; or, in the event his-wife the member's spouse has predeceased him; his the member, the member's minor child or children, shall be paid from the retirement fund a yearly sum equal to one-half (1/2) of the amount of the salary attached to the rank he the member held in the police department of the city for a period of one (1) year next preceding the date of injury or death. In event a widow surviving spouse of a policeman police member so killed, or whose death so results, shall thereafter die or-remarry and there shall be at the time of remarriage--or death, a minor child or minor children of the deceased policeman police member under the age of eighteen (18) years, the payments aforesaid shall be paid, notwithstanding-such-remarriage; for the sole benefit of the minor child or children under and until reaching the age of eighteen (18) years; provided, however, that any sums payable to any widow surviving spouse or minor child or children of any policeman police member under this act shall be reduced by any sum to which the widow surviving spouse or minor child or children may be entitled under the provisions of the Workmen's Compensation Law of the state of Idaho.

(c) In event a paid policeman police member, retired on retirement pay, shall die and leave surviving him the member a widow surviving spouse, who was his-wife the member's spouse for over five (5) years immediately prior to his the member's death, but no minor children, she the spouse shall receive an amount equal to three-fourths (3/4) of the retirement or benefit pay of her-husband the member prior
to his the member's death, adjusted in proportion to any cost-of-living adjustments made to the salaries of active employees, but only during her the spouse's lifetime or-until she remarries.

(d) In event a paid policeman police member, retired on retirement pay, shall die and leave surviving him the member a widow spouse who was his wife the member's spouse for over five (5) years immediately prior to his the member's death or a minor child or minor children, the widow surviving spouse, or, in the event his wife the member's spouse has predeceased him,--his the member, the member's minor child or children, shall be paid the retirement pay to which the deceased policeman police member was eligible, and if his the member's surviving widow spouse thereafter dies or remarries the full retirement pay shall be paid to the child or children until they reach the age of eighteen (18) years.

(e) In the event any paid policeman police member shall die within three (3) months, from and as a result of injuries received in performance of duty or from causes disconnected with his the member's official duties but during the period of his the member's service and shall at the time of his the member's death be unmarried but shall leave surviving him the member a dependent natural father and/or mother, the retirement or benefit pay to which he the member would have been entitled thereunder shall be paid fifty per cent (50%) to each of the surviving parents during the continuance of his or her natural life.

(f) In addition to the foregoing, at the death of any paid policeman police member from whatever cause, the fund shall pay the sum of one hundred dollars ($100) as funeral expenses.

(g) Any policeman police member, father, mother, widow surviving spouse, child or children of a policeman police member entitled to compensation under the Workmen's Compensation Law shall draw benefits under provisions of this chapter only to the extent that the benefits under this chapter exceed those to which he the member shall be entitled under the Workmen's Compensation Law of the state of Idaho.

(h) When a policeman police member has been disabled and when the period of his the member's disability combined with his the member's prior service as a policeman police member makes him the member eligible for retirement under the provisions of this chapter, he the member may upon application to the board be retired at one-half (1/2) the rate of pay applicable for the job classification at the time of disability, or its equivalent, which he the member held at the time of disability which pay shall be adjusted in proportion to any cost-of-living adjustments made to the pay of active employees.

Approved March 16, 1992.

CHAPTER 42
(H.B. No. 550)

AN ACT
RELATING TO ALTERNATIVE HIGH SCHOOL SUMMER SCHOOL PROGRAMS; AMENDING SECTION 33-1002C, IDAHO CODE, TO PROVIDE THAT A SUMMER SCHOOL PRO-
GRAM SHALL CONSIST OF NOT LESS THAN TWO HUNDRED TWENTY-FIVE HOURS OF INSTRUCTION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-1002C, Idaho Code, be, and the same is hereby amended to read as follows:

33-1002C. ALTERNATIVE HIGH SCHOOL SUMMER SCHOOL PROGRAM SUPPORT UNITS. Alternative high schools approved by the state board of education may establish a summer school program of nine-(9)-weeks not less than two hundred twenty-five (225) hours of instruction which shall be included in the educational support units calculated as provided in section 33-1002, Idaho Code. The average daily attendance divided by forty (40) shall determine the number of allowable support units which shall be included in the alternative high school support units calculated for the school district for the succeeding school term.

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, 1992.

CHAPTER 43
(H.B. No. 604)

AN ACT
RELATING TO PESTICIDES; AMENDING SECTION 22-3406, IDAHO CODE, TO PROVIDE AN EXCEPTION TO THE REQUIREMENT TO OBTAIN A PESTICIDE DEALER'S LICENSE; AND AMENDING SECTION 22-3421, IDAHO CODE, TO PROVIDE FOR ADDITIONAL REGULATIONS.

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

SECTION 1. That Section 22-3406, Idaho Code, be, and the same is hereby amended to read as follows:

22-3406. PESTICIDE DEALERS. No individual shall act as a pesticide dealer without first obtaining a pesticide dealer's license issued by the department.

(1) Licensing:
(a) Application for a pesticide dealer's license shall be on a form prescribed by the department and shall be accompanied by a fee as prescribed by regulation; and
(b) an applicant who sells restricted-use pesticides must pass the department's examination in order to demonstrate his knowledge of how to use and handle pesticides in areas relevant to the operation he intends to undertake; and
(c) such application shall be due on or before July 1 of each year; and
(d) a license shall be required for each location, outlet, or warehouse from which such pesticides are distributed; and
(e) for an applicant selling restricted-use pesticides 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.

(2) Records and Reports:
(a) Restricted-use pesticides or devices: The director shall require a pesticide dealer to keep accurate sale and distribution records as prescribed by regulation of restricted-use pesticides or devices;
   (i) The director may also require a pesticide dealer to maintain other records and furnish reports for restricted-use pesticides or devices he determines necessary to implement the provisions of this act; and
   (ii) Records shall be maintained for three (3) years and be available for inspection and reproduction by the director at all reasonable times; and
   (iii) The dealer shall be required to post total sales of each restricted-use pesticide by county and shall not include detailed customer sales records or customer invoice records. This report shall be furnished to the director no more than two (2) times per year as prescribed by regulation.
(b) General use pesticides: The director shall require a pesticide dealer to keep accurate sale and distribution records as prescribed by regulation of general use pesticides except those exempted in subsection (4) of this section.
   (i) Records shall be maintained for three (3) years and be available for inspection and reproduction by the director at all reasonable times; and
   (ii) The dealer shall be required to report total sales of each general use pesticide by county and shall not include detailed customer sales records or customer invoice records. This report shall be furnished to the director no more than two (2) times per year as prescribed by regulation; and
   (iii) The director may require dealers to furnish other reports of these records in the case of emergency as provided by regulation.

(3) Pesticide dealers shall sell restricted-use pesticides restricted to use only by certified applicators only to licensed commercial applicators, limited applicators, private applicators, and dealers.

(4) Exemptions:
(a) A manufacturer's representative or wholesale distributor shall be exempt from subsection (1) of this section provided such representative or distributor does not have a warehouse in Idaho that pesticides are sold, stored or distributed from; and
(b) the director may exempt a pesticide from the provisions of subsection (1) or (2) of this section by regulation if it is determined that licensing or recordkeeping is not necessary for selling the pesticide.

(5) A user of a pesticide, without obtaining a pesticide dealer's
license, may for the exclusive purpose of keeping it from becoming a waste, distribute a properly labeled pesticide to another user who is legally entitled to use that pesticide.

SECTION 2. That Section 22-3421, Idaho Code, be, and the same is hereby amended to read as follows:

22-3421. ADOPTION AND SCOPE OF REGULATIONS. (1) The director is authorized to adopt appropriate regulations for carrying out the purpose and provisions of this act including but not limited to regulations providing for:

(a) The collection and examination of samples of pesticides or devices; and

(b) the safe handling, transportation, storage, display, distribution and disposal of pesticides and their containers; and

(c) procedures in making pesticide recommendations; and

(d) procedures for obtaining permits; and

(e) regulating the labeling of devices; and

(f) procedures to take possession and dispose of canceled, suspended, or otherwise unusable pesticides held by persons. For the purpose of this section, the department may become a hazardous waste generator, and may set fees to partially offset an agricultural chemical waste disposal program's cost.

(2) Such rules and regulations shall be promulgated in accordance with chapter 52, title 67, Idaho Code.

Approved March 16, 1992.

CHAPTER 44
(H.B. No. 623)

AN ACT RELATING TO COMMODITY DEALERS AND BONDED WAREHOUSEMEN; AMENDING SECTIONS 69-208 AND 69-506, IDAHO CODE, TO AUTHORIZE BONDED WAREHOUSEMEN AND COMMODITY DEALERS TO GIVE THE DEPARTMENT OF AGRICULTURE AN ANNUITY IN LIEU OF A BOND, AND TO PROVIDE STANDARDS FOR THE ANNUITY.

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, ANNUITY 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 regu-
lations prescribed hereunder, and of such additional obligations as a
warehouseman as may be assumed by him under contracts with the respec-
tive depositors of agricultural commodities in such warehouse. Said
bond shall be in such form and amount, shall have such surety or sure-
ties, 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 warehouse-
man may be suspended or revoked.

The bond shall be approved by the department and shall be condi-
tioned upon the faithful performance by the warehouseman of the duty
to keep in the warehouse for the depositor the agricultural commodity
delivered and to deliver the agricultural commodity to or for such
depositors. The bond shall also be conditioned upon the faithful per-
formance 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 ware-
houseman 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 section shall be
reported to the department prior to the operation thereof.

At the discretion of the director, 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, an annuity or
an irrevocable letter of credit payable to the director as trustee in
lieu of the bond required herein. The principal amount of the certifi-
cate, annuity 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 or annuity shall be payable to the purchaser of
the certificate or annuity. The certificate, annuity 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 chap-
ter that apply to a bond required pursuant to this chapter apply to
each certificate of deposit, annuity 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. Under the provisions of this chapter,
an annuity shall not be accepted by the department unless it is issued
by an insurance company, bank or other financial institution found
acceptable by the director and shall have a cash value equal to the
bond requirement less any penalty for early withdrawal.

SECTION 2. That Section 69-506, Idaho Code, be, and the same is
hereby amended to read as follows:

69-506. BONDING REQUIREMENTS -- CANCELLATION -- CERTIFICATE OF
DEPOSIT OR ANNUITY IN LIEU OF BOND. Except as provided in chapter 2, title 69, Idaho Code, an applicant for a license to operate as a commodity dealer shall, before a license will be issued, file with the department a bond payable to the state of Idaho with a corporate surety approved by the department with the condition that the applicant will pay the purchase price of any agricultural commodity to the seller. The aggregate annual liability of the surety shall in no event exceed the sum of the bond.

The bond for each class 1 license shall be in the sum of twenty-five thousand dollars ($25,000). The bond for each class 2 license shall be in the sum of fifteen thousand dollars ($15,000). A surety shall notify the commodity dealer and the department by certified mail at least sixty (60) days prior to the cancellation of a bond issued under the provisions of this chapter. The liability of the surety shall cover purchases made by the commodity dealer during the time the bond is in force. A commodity dealer's bond filed with this department shall be continuous until cancelled by the surety upon sixty (60) days' notice. The director reserves the right to waive the sixty (60) day cancellation period.

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 or annuity payable to the director as trustee in lieu of the bond required herein. The principal amount of the certificate or annuity shall be the same as that required for a surety bond pursuant to this chapter. Accrued interest upon the certificate of deposit or annuity shall be payable to the purchaser of the certificate or annuity. The certificate or annuity 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 annuity given in lieu of such bond. Under the provisions of this chapter, an annuity shall not be accepted by the department unless it is issued by an insurance company, bank or other financial institution found acceptable by the director and shall have a cash value equal to the bond requirement less any penalty for early withdrawal.

Approved March 16, 1992.

CHAPTER 45
(H.B. No. 477)

AN ACT
RELATING TO FATALITIES ON HIGHWAYS; AMENDING CHAPTER 13, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1316, IDAHO CODE, TO ALLOW THE ERECTION OF GOLDEN STARS AS A MEMORIAL TO PERSONS KILLED IN TRAFFIC ACCIDENTS ON HIGHWAYS, AND TO PROVIDE FOR RULES AND REGULATIONS.

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

SECTION 1. That Chapter 13, Title 49, Idaho Code, be, and the
same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-1316, Idaho Code, and to read as follows:

49-1316. ERECTION OF GOLDEN STARS AS A MEMORIAL TO PERSONS KILLED IN TRAFFIC ACCIDENTS. As a means of promoting safety upon the highways of this state, the transportation department, the state police and other law enforcement officers shall permit relatives or friends of a person killed in a traffic accident upon a highway of the state to erect a golden star in memory of the decedent. The golden star shall be erected adjacent to the portion of the highway where the accident occurred so that the star serves as a reminder that a fatality occurred on that stretch of highway and that public safety will thereafter be enhanced. The transportation department shall promulgate rules and regulations to implement the provisions of this section, to provide the size a golden star must conform to and to retain jurisdiction over areas where the golden stars are placed.

Approved March 17, 1992.

CHAPTER 46
(H.B. No. 598, As Amended in the Senate)

AN ACT
RELATING TO ERRONEOUS TAX LEVIES; AMENDING CHAPTER 9, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-916, IDAHO CODE, TO PROVIDE A PROCESS FOR CORRECTING ERRONEOUS TAX LEVIES, AND TO PROVIDE FOR A PUBLIC HEARING; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. That Chapter 9, 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 63-916, Idaho Code, and to read as follows:

63-916. ERRONEOUS LEVY. (1) Whenever any board of county commissioners has discovered that a levy has been made by unintentional clerical, mathematical or electronic error, in any levy certified by such board, the board of county commissioners on its own motion may:
(a) If discovered prior to the fourth Monday of November of the year for which the levy is certified, order all necessary corrections made in all tax records, if the corrected levy is otherwise within statutory limits;
(b) If discovered after the fourth Monday of November of the year for which the levy is certified, but before June 20 of the succeeding year, order all necessary corrections made in all tax records, if the corrected levy is otherwise within statutory limits. The corrected levy shall be applied to the taxable value within each taxing district and the taxes so applied shall be a
lien on the property, and such tax levy and tax charge shall supersede all previous incorrect levies and charges made for that year, except that the tax computed using the corrected levy shall allow a credit for the amount of taxes previously paid.

(c) The levy correction shall be considered at a hearing held by the board of county commissioners at which time any taxpayer may appear and be heard upon the issue. Notice of the date, time, place and purpose of such hearing shall be published in a newspaper published in the county, or if there is none, then in a newspaper of general circulation in the county. The notice shall be run once each week for the two (2) weeks preceding the hearing. The hearing shall be held not less than seven (7) days after the first notice is published.

(2) The board of county commissioners shall submit the corrected levy and a copy of the order to the state tax commission. The state tax commission shall review the corrected levy and take action as required in section 63-917, Idaho Code.

(3) For the purposes of sections 63-117 through 63-125, Idaho Code, and for the purposes of the distributions required in section 63-3638, Idaho Code, the tax commission, county auditor, and the board of county commissioners shall use the corrected values and numbers allowed in this section to recompute and correct such distributions by adjusting future distributions to account for any difference. For the purposes of chapters 8 and 10, title 33, Idaho Code, the state department of education shall use the corrected values and numbers allowed in 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 September 10, 1991.

Approved March 17, 1992.

CHAPTER 47
(H.B. No. 602, As Amended in the Senate)

AN ACT
RELATING TO SCHOOL ATTENDANCE; AMENDING SECTION 33-205, IDAHO CODE, TO PROVIDE THAT TEMPORARY SUSPENSION FROM SCHOOL SHALL BE FOR SCHOOL DAYS RATHER THAN CALENDAR DAYS.

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

SECTION 1. That Section 33-205, Idaho Code, be, and the same is hereby amended to read as follows:

33-205. DENIAL OF SCHOOL ATTENDANCE. The board of trustees may deny attendance at any of its schools by expulsion to any pupil who is an habitual truant, or who is incorrigible, or whose conduct, in the judgment of the board, is such as to be continuously disruptive of
school discipline, or of the instructional effectiveness of the school, or whose presence in a public school is detrimental to the health and safety of other pupils. Any pupil having been expelled may be readmitted to the school by the board of trustees upon such reasonable conditions as may be prescribed by the board; but such readmission shall not prevent the board from again expelling such pupil for cause.

No pupil shall be expelled without the board of trustees having first given written notice to the parent or guardian of the pupil, which notice shall state the grounds for the proposed expulsion and the time and place where such parent or guardian may appear to contest the action of the board to deny school attendance, and which notice shall also state the rights of the pupil to be represented by counsel, to produce witnesses and submit evidence on its own behalf, and to cross-examine any adult witnesses who may appear against him. Within a reasonable period of time following such notification, the board of trustees shall grant the pupil and his parents or guardian a full and fair hearing on the proposed expulsion. However, the board shall allow a reasonable period of time between such notification and the holding of such hearing to allow the pupil and his parents or guardian to prepare their response to the charge. Any pupil who is within the age of compulsory attendance, who is expelled as herein provided, shall come under the purview of the youth rehabilitation law, and an authorized representative of the board shall file a petition with the magistrate division of the district court of the county of the pupil's residence, in such form as the court may require under the provisions of section 16-1807, Idaho Code.

The superintendent of any district or the principal of any school may temporarily suspend any pupil for disciplinary reasons or for other conduct disruptive of good order or of the instructional effectiveness of the school. A temporary suspension shall not exceed five (5) school days in length; provided, that on a finding by the board of trustees that immediate return to school attendance by the temporarily suspended student would be detrimental to other pupil's health, welfare or safety, the board of trustees may extend the temporary suspension for an additional seven (7)-calendar five (5) school days. Prior to suspending any student, the superintendent or principal shall grant an informal hearing on the reasons for the suspension and the opportunity to challenge those reasons. Any pupil who has been suspended may be readmitted to the school by the superintendent or principal who suspended him upon such reasonable conditions as said superintendent or principal may prescribe. The board of trustees shall be notified of any temporary suspensions, the reasons therefor, and the response, if any, thereto.

The board of trustees of each school district shall establish the procedure to be followed by the superintendent and principals under its jurisdiction for the purpose of effecting a temporary suspension, which procedure must conform to the minimal requirements of due process.

Approved March 17, 1992.
CHAPTER 48
(H.B. No. 744)

AN ACT
APPROPRIATING MONEYS TO THE CATASTROPHIC HEALTH CARE COST ACCOUNT FOR FISCAL YEAR 1992; AND DECLARING AN EMERGENCY.

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

Section 1. There is hereby appropriated $2,200,000 from the General Account to be deposited in the Catastrophic Health Care Cost Account for the period July 1, 1991, through June 30, 1992.

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

Approved March 17, 1992.

CHAPTER 49
(H.B. No. 469, As Amended)

AN ACT
RELATING TO TECHNICAL CORRECTIONS OF THE INCOME, CIGARETTE AND KILOWATT HOUR TAX STATUTES; REPEALING SECTION 63-3023B, IDAHO CODE, RELATING TO INCOME TAX FILING REQUIREMENTS OF NONRESIDENT TRANSPORTATION EMPLOYEES; AMENDING SECTION 63-3033, IDAHO CODE, TO CLARIFY ESTIMATED PAYMENT REQUIREMENTS AND TO STRIKE THE AUTOMATIC EXTENSION OF TIME TO FILE INCOME TAX RETURNS FOR INDIVIDUALS TRAVELING OUTSIDE THE UNITED STATES; AMENDING SECTION 63-3045, IDAHO CODE, TO PERMIT DELIVERY OF NOTICES OF DEFICIENCY DETERMINATION BY COMMERCIAL DELIVERY COMPANIES IF THEY PROVIDE PROOF OF DELIVERY; AMENDING SECTION 63-2510A, IDAHO CODE, TO PERMIT THE STATE TAX COMMISSION TO WAIVE THE CIGARETTE WHOLESALER'S BOND REQUIREMENT FOR WHOLESALERS WHO OWE NO CIGARETTE TAX BECAUSE THEY EXCLUSIVELY PURCHASE CIGARETTES WITH TAX STAMPS ATTACHED; AND AMENDING SECTION 63-2708, IDAHO CODE, TO STRIKE THE TRIPLE LIABILITY PENALTY FOR FAILURE TO PAY THE KILOWATT HOUR TAX.

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

SECTION 1. That Section 63-3023B, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Section 63-3033, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

(c) In all cases, where the state tax commission has granted an extension of time in which to file any return, interest shall be paid on any tax due from due date to date of payment at the rate provided in section 63-3045, Idaho Code.

SECTION 3. That Section 63-3045, Idaho Code, be, and the same is hereby amended to read as follows:

63-3045. NOTICE OF DEFICIENCY -- INTEREST. (a) If, in the case of any taxpayer, the state tax commission determines that there is a deficiency in respect of the tax imposed by this act, the state tax commission shall, immediately upon discovery thereof, send notice of such deficiency to the taxpayer by registered or certified mail or by other commercial delivery service providing proof of delivery, which ever is the most cost efficient. Within thirty (30) days after such notice is mailed (not counting Sunday as the thirtieth day), the taxpayer may, at his option, file a protest with the state tax commission or may file a complaint with the district court in Ada County or the county in which the taxpayer resides and obtain redetermination of the deficiency; but such complaint may be filed with the district court only upon payment of the tax deficiency asserted or filing a bond in accordance with the provisions of section 63-3049, Idaho Code. No assessment of a deficiency in respect of the tax imposed by this act,
and no distraint or proceedings in court for its collection shall be made, begun, or prosecuted until such notice has been mailed to the taxpayer, nor until the expiration of such thirty (30) day period, nor, if a protest has been filed, until the decision of the state tax commission becomes final. If the present address of the taxpayer is not known, the notice shall be mailed to his last known address.

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

(c) Interest upon any deficiency shall be assessed at the same time as the deficiency, shall be due and payable upon notice and demand from the state tax commission and shall be collected as a part of the tax at the rate of twelve per cent (12%) per annum from the date prescribed for the payment of the tax. In the event any of the deficiency is reduced by reason of a carry back of a net operating loss, such reduction in deficiency shall not affect the computation of interest under this subsection for the period ending with the last day of the taxable year in which the net operating loss arises.

SECTION 4. That Section 63-2510A, Idaho Code, be, and the same is hereby amended to read as follows:

63-2510A. BONDING. (1) At the time an application for a wholesaler's license or permit, under section 63-2503, Idaho Code, is submitted to the state tax commission, the applicant shall file a bond, in such form as the commission may determine, conditioned upon faithful performance of all of the requirements of this chapter. The total amount of the bond shall be fixed by the commission and shall be equivalent to, at least, twice the estimated average tax liability for the reporting period for which the applicant will be required to file a return, under section 63-2510, Idaho Code. The bond required shall, in no case, be less than one thousand dollars ($1,000). The total amount required to be secured by the bond may be increased or reduced by the commission at any time. Any bond given in conjunction with the provisions of this section shall be a continuing instrument, and shall cover the period during which the license or permit in connection with which the bond is given is in effect, unless the surety on the bond is released or discharged by the commission. Any surety on any bond furnished by a wholesaler shall be discharged only by the commission. Any surety on any bond furnished by a wholesaler shall be discharged and released by the commission from, any and all, liability to the state, accruing on the bond after the expiration of thirty (30) days from the date upon which the surety shall have lodged with the commission a written request to be released and discharged. The request shall not operate to relieve, release, or discharge the surety from any liability accrued, or which will accrue, before the expiration of the thirty (30) day period. The commission shall promptly, upon receipt of the notice of the request, notify the wholesaler and require him to furnish a new bond. Unless the wholesaler files a new bond with the commission in the amount provided in this section before the expiration of the thirty (30) day period, the commission shall immediately cancel
the wholesaler's license or permit.

(2) In the event that any taxes due under the provisions of this chapter are not paid by a wholesaler, and the unpaid taxes are assessed by the commission, and after all avenues for appeal of the assessment have been exhausted, the commission may apply the unpaid tax liability against the bond required in this section.

(3) A wholesaler may petition for release from the bond requirement after having filed timely and fully paid cigarette tax returns, as provided in section 63-2510, Idaho Code, for a period of not less than twelve (12) months. Upon such petition from the wholesaler, the commission will review the cigarette tax return filing and payment record of the wholesaler and, if determined necessary, within sixty (60) days examine the books and records of the wholesaler. The commission will, no later than ninety (90) days from the date of receipt of the petition, advise the wholesaler in writing of its determination and the reasons therefor. If the wholesaler wishes to seek a redetermination of the commission's decision, a petition for redetermination may be filed as provided in section 63-3045, Idaho Code.

(4) If at any time after release of a bond requirement the wholesaler becomes delinquent for any period in the filing of tax returns or the payment of the tax as required in section 63-2510, Idaho Code, the commission may make immediate demand that the return be filed or the payment be tendered and that a bond be filed as set forth in subsection (1) of this section. Any wholesaler against whom such demand is made may petition for a redetermination as provided in section 63-3045, Idaho Code, except that the petition must be filed no later than ten (10) days after service upon the person of notice thereof. If a petition for redetermination is not filed within the ten (10) day period, the determination shall become final and the commission shall issue a jeopardy assessment as provided in section 63-3630, Idaho Code, and thereafter may:

(a) Seize all Idaho cigarette stamps in the possession of the wholesaler which are not applied to cigarettes;
(b) File a lien of record upon the cigarettes held in inventory by the wholesaler or seize such cigarettes;
(c) Revoke the wholesaler's cigarette permit as provided in section 63-2518, Idaho Code, except that no notice or hearing shall be required; and
(d) Notify the manufacturers of the cigarettes held in inventory by the wholesaler of any or all actions so taken.

(5) A wholesaler who acquires all cigarettes with tax stamps affixed at the time of acquisition may petition the state tax commission for waiver of the bond required in subsection (1) of this section. Upon receipt of evidence establishing that the wholesaler is not required to pay cigarette taxes under this chapter because the wholesaler exclusively purchases cigarettes with stamps affixed by another wholesaler, the state tax commission may waive the requirement for a bond. Any such waiver is conditioned upon the wholesaler's continuing qualification for the waiver under this subsection.

SECTION 5. That Section 63-2708, Idaho Code, be, and the same is hereby amended to read as follows:
63-2708. FAILURE TO PAY LICENSE -- TRIPLE LIABILITY -- INJUNCTION. Any producer referred to in section 63-2701, Idaho Code, who shall violate any of the provisions of this chapter or who shall fail to pay the license tax herein provided for, or any part thereof, when due shall be liable for three-(3)-times the amount of the unpaid or delinquent tax, in a civil action instituted for that purpose in any court of competent jurisdiction, by the state tax commission in the name of the state of Idaho, and in such suit upon application of the state, an injunction may be issued, without requiring any bond, restraining the defendant from continuing to produce electricity or electrical energy so long as any taxes due hereunder from said defendant remain delinquent.

Approved March 19, 1992.

CHAPTER 50
(H.B. No. 474)

AN ACT
RELATING TO DAY CARE FACILITIES; AMENDING SECTION 39-1108, IDAHO CODE, TO REQUIRE ALL CHILDREN FOUR MONTHS THROUGH TWELVE YEARS BE IMMUNIZED.

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

SECTION 1. That Section 39-1108, Idaho Code, be, and the same is hereby amended to read as follows:

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, and compliance with immunization requirements at least as stringent as required in section 39-1118, Idaho Code. Cities and counties are hereby granted authority and may adopt ordinances for regulation and/or licensing of day care services.

Approved March 19, 1992.
AN ACT
RELATING TO DOMESTIC VIOLENCE PROJECT GRANTS; AMENDING SECTION 39-5210, IDAHO CODE, TO PROVIDE THAT NO FUNDS FROM DIVORCE FEES MAY BE USED TO SUPPORT BATTERER PROGRAMS.

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

SECTION 1. That Section 39-5210, Idaho Code, be, and the same is hereby amended to read as follows:

39-5210. ELIGIBLE PROJECTS. To be eligible for grants pursuant to this chapter, a project must provide a safe house or refuge and a crisis line, except in the case of a project providing services to batterers. No funds may be granted to batterer programs from the domestic violence project account which are derived from marriage license or divorce fees. Other services which may be provided include, but are not limited to:

1. Counseling;
2. Educational services for community awareness, for prevention of domestic violence and for the care, treatment and rehabilitation of parties to domestic violence;
3. Support groups;
4. Assistance in obtaining legal, medical, psychological or vocational services.

Approved March 19, 1992.

AN ACT
RELATING TO DRAINAGE DISTRICTS; AMENDING SECTION 42-2913, IDAHO CODE, TO PROVIDE THAT DRAINAGE DISTRICT COMMISSIONERS MAY FIX A RATE OF COMPENSATION FOR SERVICES WITHIN LIMITS, AND TO STRIKE THE REQUIREMENT FOR APPROVAL OF EXPENDITURES BY A DISTRICT COURT.

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

SECTION 1. That Section 42-2913, Idaho Code, be, and the same is hereby amended to read as follows:

42-2913. COMPENSATION. The drainage commissioners shall receive for their services not more than twenty-five dollars ($25.00) per day each such sum as the board of drainage district commissioners fix by resolution, but not greater than the amount allowed in section 59-509(h), Idaho Code, for each day they shall actually be engaged in the business of their office. In addition, the commissioners shall
each receive a mileage allowance computed at the rate established by
the state board of examiners for employees of the state for each mile
driven and such allowance shall be the full amount allowed for travel
expense. The commissioners shall present an itemized account to the
district court under oath and the district court shall audit each account
at least once a year by the district court and upon approval of the amount,
certified to be correct by the court, warrants for said amounts against the
drainage district shall be issued in the usual manner as other warrants are
issued provided that warrants issued under this section shall in addition to
the usual signatures be countersigned by the clerk of the court
approving said warrants.

Approved March 19, 1992.

CHAPTER 53
(H.B. No. 560)

AN ACT
RELATING TO VETERANS AND THE PROVISION OF EMERGENCY RELIEF ASSISTANCE,
NURSING HOME CARE IN THE STATE VETERANS HOME, AND RECLAMATION OF
CAREY ACT LANDS; AMENDING SECTION 65-203, IDAHO CODE, TO ELIMINATE
THE DURATIONAL RESIDENCY REQUIREMENTS PLACED ON IDAHO VETERANS TO
determine eligibility for emergency relief assistance; amending
section 66-901, Idaho Code, to eliminate the durational residency
requirements on Idaho veterans to determine eligibility for admis-
sion to a state veterans home; amending section 42-2014, Idaho
Code, to eliminate the durational residency requirements for veter-

ers to receive preference to enter land pursuant to the reclama-
tion of Carey act lands; and declaring an emergency.

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

SECTION 1. That section 65-203, Idaho Code, be, and the same is
hereby amended to read as follows:

65-203. "VETERAN" DEFINED. The word veteran as used in this chap-
ter shall include any honorably discharged person who was an actual
resident of the state of Idaho for a period of at least three years
immediately before his or her entry into the armed forces of the
United States or who has been an actual resident of the state of Idaho
for a period of at least three years next preceding the date of his or her
application for relief and who was regularly enlisted, drafted, inducted or commissioned and who served
on active duty in the armed forces of the United States at some time
during any period of war recognized by the United States department of veterans affairs for the purpose of awarding federal veterans benefits as may be defined in title 38, U.S. Code, chapter 1, section 101(11) or, who, being a citizen and resident of the state of Idaho, at the time of his or her entry therein, or who has been an actual resident of the state of Idaho for at least three consecutive years immedi-

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ately-preceding-the-date-of-his-or-her-application-for-relief; served on active duty in the naval, military or air forces of any of the governments associated with the United States during said periods; provided, that no person shall be entitled to any benefits under this chapter (a) who being in the armed forces of the United States or of any of the governments associated with the United States during said periods, refused on conscientious, political, or other grounds, to be subject to military discipline or unqualified service; or—(b)—who being—in—such—service—was—separated-therefrom-under-circumstances amounting—to—dishonorable-discharge—or—discharge—without—honor; provided, however, that nothing in this chapter contained shall prevent said Idaho veterans affairs commission from rendering every possible aid and assistance to any honorably discharged veteran, or his or her dependents, except grants of direct relief shall be confined to veterans and their dependents as defined herein. Any aid or assistance, which is determined by the commission to be duplicated in any manner by any other agency or organization authorized—by—the—veterans-administra­tion, may not be rendered by said commission.

SECTION 2. That Section 66-901, Idaho Code, be, and the same is hereby amended to read as follows:

66-901. ESTABLISHMENT OF HOMES. There shall be established in the department of health and welfare in this state homes for veterans which shall hereafter be known and designated as Idaho State Veterans Homes, which institutions shall be homes for honorably discharged male and female veterans who had actual service during any war or conflict officially engaged in by the government of the United States and for members of the state national guard disabled while in the line of duty who did not refuse military duty on account of conscientious objection; provided, that before a person is admitted to a home he shall have—been—a bona fide resident of this state for—not—less—than—two (2) years—prior—to—making—application—for—admission—thereto; but—such residence—shall—not—be—required—of—any—person—who—at—the—time—of—his enlistment—may—have—been—a bona fide resident of this state.

SECTION 3. That Section 42-2014, Idaho Code, be, and the same is hereby amended to read as follows:

42-2014. APPLICATION TO ENTER -- PREFERENCE TO EX-SERVICE PERSON -- "EX-SERVICE PERSON" DEFINED. Any citizen of the United States or any person having declared his intention to become a citizen of the United States may make application under oath, to the department of water resources, to enter any of said land in an amount not to exceed the maximum number of acres for which such person is permitted to apply by federal law for any one (1) person; provided, that ex-service persons as herein defined shall have a thirty (30) day preference right of entry upon any and all lands opened for entry by the state of Idaho under this act; and such application shall set forth that the person desiring to make such entry does so for the purpose of actual reclamation, cultivation and settlement in accordance with the act of congress and the laws of this state relating thereto, and that the
applicant has never received the benefit of the provisions of this chapter to an amount greater than the maximum number of acres for which such person is permitted to apply by federal law, including the number of acres specified in the application under consideration.

Each application shall be accompanied by evidence of the applicant's ability to meet standards of personal financial responsibility or acceptable personal credit backing or membership in a group as provided in section 42-2003, Idaho Code, and said group shall establish composite financial responsibility and/or acceptable credit. Such standards shall be prescribed by the director by rule and regulation. Such application must be accompanied by a certified copy of a contract for a perpetual water right, made and entered into by the party making application with the person, company or association who has been authorized by the director to furnish water for the reclamation of said lands; and if said applicant has at any previous time entered lands under the provisions of this chapter he shall so state in his application, together with description, date of entry and location of said land. The director shall thereupon file in his office the application and papers relating thereto, and, if allowed, issue a certificate of location to the applicant. All applications for entry shall be accompanied by the payment of five dollars ($5.00) per acre, which shall be paid as a partial payment on the land if the application is allowed; and all certificates when issued shall be recorded in a book to be kept for the purpose. If the application is not allowed, the five dollars ($5.00) per acre accompanying it shall be refunded to the applicant. The director shall dispose of all lands accepted by the state under the provisions of this chapter at a uniform price of ten dollars ($10.00) per acre, half to be paid at the time of entry and the remainder at the time of making final proof by the settler: provided further, that the term ex-service person as used in this act is hereby defined to mean any person who was regularly enlisted, inducted or commissioned, and who served on active duty in any branch of the armed forces of the United States during any period of war recognized by the United States department of veterans affairs for the purpose of awarding federal veterans benefits as may be defined in title 38, U.S. code, chapter 1, section 101(11), and is a citizen of the United States and has resided in a bona fide resident of the state of Idaho for a period of six (6) months or more, preceding the date of such opening.

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

Approved March 19, 1992.

CHAPTER 54
(H.B. No. 588)

AN ACT
RELATING TO INVESTMENTS BY BANKS AND TRUST COMPANIES AS FIDUCIARIES;
AMENDING CHAPTER 4, TITLE 68, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 68-404A, IDAHO CODE, TO PROVIDE FOR THE INVESTMENT BY BANKS AND TRUST COMPANIES IN MUTUAL FUNDS MANAGED OR ADVISED BY THEM.

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

SECTION 1. That Chapter 4, Title 68, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 68-404A, Idaho Code, and to read as follows:

68-404A. BANKS AND TRUST COMPANIES -- INVESTMENT IN MUTUAL FUNDS. (1) In addition to other investments authorized by law for the investment of funds held by a fiduciary, or by the instrument governing the fiduciary relationship, and notwithstanding any other provision of law, a bank or trust company acting as a fiduciary, agent or otherwise may, in the exercise of its investment discretion or at the direction of another person authorized to direct the investment of funds held by the bank or trust company as a fiduciary, invest and reinvest in the securities of an open-end or closed-end management investment company or investment trust registered under the federal investment company act of 1940. (2) The fact that the bank or trust company or an affiliate of the bank or trust company provides services to the investment company or investment trust as an investment advisor, custodian, transfer agent, registrar, sponsor, distributor, manager or otherwise and is receiving reasonable remuneration for those services, shall not preclude such bank or trust company from investing or reinvesting in the securities of such investment company or investment trust.

Approved March 19, 1992.

CHAPTER 55
(H.B. No. 627)

AN ACT
RELATING TO DESIGNATION OF HIGHWAYS; AMENDING SECTION 40-202, IDAHO CODE, TO PROVIDE THAT THE HOLDING OF TITLE OR INTEREST IN REAL PROPERTY BY A HIGHWAY DISTRICT DOES NOT IMPOSE AN OBLIGATION FOR CONSTRUCTION OR MAINTENANCE OF A HIGHWAY NOR SHALL ANY LIABILITY ATTACH UNTIL THE COMMISSIONERS DESIGNATE IT AS PART OF THE SYSTEM AND OPEN IT TO PUBLIC TRAVEL; AND AMENDING SECTION 50-1313, IDAHO CODE, TO CLARIFY THAT THE ACCEPTANCE BY A PUBLIC ENTITY OF THE DEDICATION OF A STREET, HIGHWAY OR ALLEY IMPOSES NO OBLIGATION OR LIABILITY UPON THE JURISDICTION CONTROLLING THE HIGHWAYS UNTIL THE STREET, HIGHWAY OR ALLEY HAS BEEN ACCEPTED INTO THE HIGHWAY SYSTEM AND DECLARED OPEN TO PUBLIC TRAVEL.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 40-202, Idaho Code, be, and the same is hereby amended to read as follows:

40-202. DESIGNATION OF HIGHWAYS. (1) The initial selection of the county highway system and highway district system may be accomplished in the following manner:

(a) The board of county or highway district commissioners shall cause a map to be prepared showing each highway in their jurisdiction, and the commissioners shall cause notice to be given of intention to adopt the map as the official map of that system, and shall specify the time and place at which all interested persons may be heard.

(b) After the hearing, the commissioners shall adopt the map, with any changes or revisions considered by them to be advisable in the public interest, as the official map of the respective highway system.

(2) If a county or highway district acquires an interest in real property for highway purposes, the respective commissioners shall:

(a) Cause any order or resolution enacted, and deed or other document establishing an interest in the property for their highway system purposes to be recorded in the county records; and or

(b) Cause the official map of the county or highway district system to be amended as affected by the acceptance of the highway.

Provided, however, a county or highway district may hold title to an interest in real property for public right of way purposes without incurring an obligation to construct or maintain a highway with the right of way until the district determines that the necessities of public travel justify opening a highway within the right of way. The lack of an opening shall not constitute an abandonment, and mere use by the public shall not constitute an opening of the right of way.

(3) Highways laid out and recorded and opened as described in subsection (2) of this section, by order of a board of commissioners, and all highways used for a period of five (5) years, provided they shall have been worked and kept up at the expense of the public, or located and recorded by order of a board of commissioners, are highways. If a highway created in accordance with the provisions of this subsection is not designated on the official map of the respective highway system or is not opened as described in subsection (2) of this section, there shall be no duty to maintain that highway, nor shall there be any liability for any injury or damage for failure to maintain it or any highway signs, until the highway is designated as a part of the county or highway district system by inclusion on the official map and opened to public travel.

(4) Nothing in this section shall limit the power of any board of commissioners to subsequently include or exclude any highway from the county or highway district system in the same manner provided for the selection of the initial highway system as provided by law.

SECTION 2. That Section 50-1313, Idaho Code, be, and the same is hereby amended to read as follows:

50-1313. DEDICATION MUST BE ACCEPTED. No street or alley or highway hereafter dedicated by the owner to the public shall be deemed a
public street, highway or alley, or be under the use or control of said city or county-wide highway district unless the dedication shall be accepted and confirmed by the city council or by the commissioners of the county-wide highway district. An acceptance imposes no obligation or liability upon the city council or highway district until the street, highway or alley is declared to be open for public travel.

Approved March 19, 1992.

CHAPTER 56
(H.B. No. 633)

AN ACT
RELATING TO HOME HEALTH AGENCIES; AMENDING SECTION 39-1301, IDAHO CODE, TO PROVIDE DEFINITIONS; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 24, TITLE 39, IDAHO CODE, TO PROVIDE A STATEMENT OF PURPOSE AND AUTHORITY, TO PROVIDE DEFINITIONS, TO REQUIRE LICENSURE OF HOME HEALTH AGENCIES, TO PROVIDE FOR LICENSE APPLICATION, ISSUANCE, RENEWAL AND DENIAL, TO PROVIDE FOR RULES AND REGULATION AND ENFORCEMENT, TO PROVIDE FOR INSPECTIONS AND CONSULTATIONS, TO PROVIDE THAT CERTAIN INFORMATION IS CONFIDENTIAL, TO PROVIDE INJUNCTIVE AUTHORITY, TO PROVIDE FOR A PATIENT'S BILL OF RIGHTS, TO LIMIT THE USE OF TERMS, AND TO PROVIDE FOR PERSONS, ACTIVITIES OR ENTITIES NOT SUBJECT TO REGULATION UNDER THIS CHAPTER.

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

SECTION 1. That Section 39-1301, Idaho Code, be, and the same is hereby amended to read as follows:

39-1301. DEFINITIONS. For purposes of this act chapter the following definitions will apply:
(a) "Hospital" means a facility which:
(1) Is primarily engaged in providing, by or under the supervision of physicians,
   (a) concentrated medical and nursing care on a twenty-four (24) hour basis to inpatients experiencing acute illness; and
   (b) diagnostic and therapeutic services for medical diagnosis and treatment, psychiatric diagnosis and treatment, and care of injured, disabled, or sick persons; and
   (c) rehabilitation services for injured, disabled, or sick persons; and
   (d) obstetrical care.
(2) Provides for care of two (2) or more individuals for twenty-four (24) or more consecutive hours.
(3) Is staffed to provide professional nursing care on a twenty-four (24) hour basis.
(b) "Skilled nursing facility" (nursing home) means a facility whose design and function shall provide area, space and equipment to meet the health needs of two (2) or more individuals who, at a mini-
mum, require inpatient care and services for twenty-four (24) or more consecutive hours for unstable chronic health problems requiring daily professional nursing supervision and licensed nursing care on a twenty-four (24) hour basis, restorative, rehabilitative care, and assistance in meeting daily living needs. Medical supervision is necessary on a regular, but not daily, basis.

(c) "Intermediate care facility" (nursing home) means a facility:
(1) Whose design and function shall provide area, space and equipment to meet the restorative, rehabilitative, recreational, intermittent health needs, and daily living needs of two (2) or more individuals who require in-residence care and services for twenty-four (24) or more consecutive hours;
(2) Whose design and function will provide for regular but less than daily medical and skilled nursing care.

(d) "Intermediate care facility for the mentally retarded (ICFMR)" means a non-nursing home facility, designed and operated to meet the unique educational, training, habilitative and medical needs of the developmentally disabled through the provision of active treatment.

(e) "Proprietary-home-health-agency" means a private or investor-owned, profit-making agency which provides multiple service health care programs; these programs must be physician-directed and must include skilled nursing and at least one other service and be centrally administered and coordinated; the services are provided in the patient's place of residence to the patient or his family for the purpose of promoting, maintaining, or restoring health or minimizing the effects of illness or disability.

(f) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(g) "Government unit" means the state, or any county, municipality, or any political subdivision, or any department, division, board or other agency thereof.

(h) "Licensing agency" means the department of health and welfare.

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

(j) "Physician" means an individual licensed to practice medicine and surgery by the Idaho state board of medicine.

SECTION 2. 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 24, Title 39, Idaho Code, and to read as follows:

CHAPTER 24
HOME HEALTH AGENCIES

39-2401. PURPOSE AND AUTHORITY. (1) The purpose of this chapter is to provide for the development, establishment, and enforcement of standards for the care and treatment of individuals by agencies as provided by this chapter.
(2) For the purposes of this chapter, the board of health and welfare, in consultation with provider representatives, shall have the authority to define the services necessary to the operation of an
agency, and to adopt rules, regulations and standards for the licens- ing of an agency.

39-2402. DEFINITIONS. As used in this chapter:
(1) "Board" means the board of health and welfare.
(2) "Business entity" means a public or private organization owned or operated by one or more persons.
(3) "Department" means the department of health and welfare.
(4) "Health care services" mean any of the following services that are provided at the residence of an individual:
   (a) Skilled nursing services;
   (b) Homemaker/home health aide services;
   (c) Physical therapy services;
   (d) Occupational therapy services;
   (e) Speech therapy services;
   (f) Nutritional services;
   (g) Respiratory therapy services;
   (h) Medical/social services; and
   (i) Such other related services as may be authorized by regulation of the board of health and welfare.
(5) "Home health agency" means any business entity that primarily provides skilled nursing services by licensed nurses and at least one other health care service to an individual in that individual's place of residence.
(6) "Individual" means a natural person who is a recipient of provided health care services.
(7) "Skilled nursing services" mean those services provided by a state licensed nurse for the purpose of promoting, maintaining, or restoring the health of an individual or to minimize the effects of injury, illness, or disability.

39-2403. LICENSURE REQUIRED. After January 1, 1993, no private or public agency or organization may advertise, operate, manage, conduct, open, maintain, or hold itself out to the public to be a home health agency unless licensed by the department of health and welfare. The department may grant licenses without conducting a licensure survey to medicare certified agencies or agencies currently accredited by an accrediting body recognized by the health care financing administration pursuant to rules and regulations developed by the board prescribing the conditions under which these actions are made.

39-2404. APPLICATION -- ISSUANCE -- RENEWAL -- DENIAL. (1) An application for a license shall be made to the department upon forms provided by it and shall contain such information as it reasonably requires, which may include affirmative evidence of ability to comply with such reasonable standards, rules and regulations as are lawfully adopted by the board of health and welfare.
(2) Upon receipt of an application for license, the department shall issue a license if the applicant meets the requirements established under this chapter. A license, unless suspended or revoked, shall be renewable each and every year upon filing by the licensee, and approval by the department, of an annual report upon such uniform dates and containing such information in such form as the board pre-
scribes by regulation. Each license shall be issued only for the premises and persons or governmental units named in the application and shall not be transferable or assignable except with the written approval of the department. Licenses shall be posted in a conspicuous place on the licensed premises.

(3) The department may deny any application or revoke any license when persuaded by evidence that such conditions exist as to endanger the health or safety of any patient, or which will violate the patients' bill of rights, or the home health agency does not meet requirements for licensure to the extent that it hinders its ability to provide quality services that comply with rules and regulations for home health agencies, or the home health agency has a history of repeat deficiencies. Before denial or revocation is final, the department shall provide opportunity for a hearing at which time the owner or sponsor of an agency may appear and show cause why the license should not be denied or revoked. The board shall provide by rule and regulation a procedure whereby a waiver of a specific rule, regulation or standard may be granted in the event that good cause is shown for such a waiver and providing that said waiver does not endanger the health, safety or rights of any patient. The decision to grant a waiver shall not be considered as precedent or be given any force or effect in any other proceeding. Said waiver may be renewed annually if sufficient written justification is presented to the department. Hearings for licensure, including denial and revocation, shall be conducted by the department pursuant to chapter 52, title 67, Idaho Code, and appeal shall be as provided therein.

39-2405. RULES, REGULATIONS, AND ENFORCEMENT. The board of health and welfare, with the advice of the advisory board of home health providers, shall have the authority to adopt, amend, and enforce such rules, regulations and standards with respect to all home health agencies to be licensed under the provision of this chapter as are designed to further the accomplishment of the purposes of this chapter in promoting safe and adequate treatment of individuals by home health agencies in the interest of public health, safety and welfare.

Provided that nothing in this chapter or the rules and regulations adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any home, facility or agency, conducted for those who rely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denomination.

39-2406. INSPECTIONS AND CONSULTATIONS. The licensing agency shall make or cause to be made such inspections and investigations of home health agencies as it deems necessary, and may provide for consultations and conferences between agencies and the licensing agency.

39-2407. INFORMATION CONFIDENTIAL. Information received by the department through filed reports, inspection, or as otherwise authorized under this chapter, shall not be disclosed publicly in such a manner as to identify individual patients of agencies, except in a proceeding involving the question of licensure. Public disclosure of
information obtained by the department for the purposes of this chapter shall be governed by rules and regulations adopted by the board. Nothing in this chapter, however, shall be construed, nor shall any rule or regulation be promulgated under this section, as to impair, restrict or alter the confidentiality and privilege afforded the physician and patient communications, including without limitation, documentation thereof in records of agencies, or communications to and with nurses or other assisting persons or entities, nor shall this chapter be construed to amend by implication such physician-patient communication privilege as provided elsewhere in this code, including without limitation, section 9-203(4), Idaho Code, which shall remain inviolate.

39-2408. INJUNCTION TO PREVENT OPERATION WITHOUT LICENSE. Notwithstanding the existence or pursuit of any other remedy, the department may in the manner provided by law maintain an action in the name of the state for injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, management or operation of an agency without a license required under this chapter.

The department shall be represented by the county prosecutor of the county in which the violation occurs or by the office of the attorney general.

39-2409. BILL OF RIGHTS. A licensee shall provide each person or designated representative with a written bill of rights which shall be in substantially the same form as the currently effective version of regulations affecting patients' rights utilized for the medicare and medicaid programs.

39-2410. USE OF TERMS LIMITED. No person may use any words in its corporate or business name, or advertise using such words to indicate that it is licensed under the provisions of this chapter or provides the type of services provided by an agency licensed under the provisions of this chapter unless it is in fact licensed as a home health agency under this chapter.

39-2411. PERSONS, ACTIVITIES OR ENTITIES NOT SUBJECT TO REGULATION UNDER THIS CHAPTER. The following are not subject to regulation for the purposes of this chapter:

(1) A family member;
(2) An organization that provides only meal service in a person's residence;
(3) Entities furnishing durable medical equipment that does not involve the delivery of professional services beyond those necessary to set up and monitor the proper functioning of the equipment and educate the user on its proper use;
(4) A professional licensed person who independently provides services in the home;
(5) An employee or volunteer of an agency who provides nonprofessional services only as an employee or volunteer;
(6) Facilities and institutions including, but not limited to, nursing homes, hospitals, boarding homes, developmental disability
residential programs, or other facilities and institutions, only when providing services to persons residing within the facility or institution if the delivery of the services is regulated by the state;

(7) Nursing homes, hospitals, or other institutions, agencies, organizations, or persons that contract with licensed home health, hospice, or home care agencies for the delivery of services;

(8) In-home assessments by licensed professionals of an ill, disabled, or infirm person's ability to adapt to the home environment that does not result in regular ongoing care at home by that licensed professional;

(9) Services conducted by and for the adherents of a church or religious denomination that rely upon spiritual means alone through prayer for healing in accordance with the tenets' beliefs genuinely held by such adherents;

(10) A medicare approved dialysis center operating a medicare approved home dialysis program;

(11) Case management services which do not include the direct delivery of home health, hospice, or home care services;

(12) A medicare certified hospice agency; and

(13) A state authorized personal care service provider.

Approved March 19, 1992.

CHAPTER 57
(H.B. No. 686)

AN ACT
RELATING TO LIQUOR CATERING PERMITS; AMENDING SECTIONS 23-934A AND 23-934B, IDAHO CODE, TO ALLOW THE DESIGNEE OF A GOVERNING BODY TO RECEIVE AND PROCESS LIQUOR CATERING PERMITS.

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 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.

The application shall be verified by the applicant and filed with the appropriate governing body or its designee. 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 its designee, 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 the 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 19, 1992.

CHAPTER 58
(H.B. No. 542)

AN ACT
RELATING TO PHYSICALLY DISABLED PERSONS; AMENDING SECTION 18-5811, IDAHO CODE, TO PROVIDE PRECAUTIONS TO BE TAKEN BY DRIVERS REGARDING PHYSICALLY DISABLED PERSONS; AMENDING SECTION 18-5812, IDAHO CODE, TO PROVIDE APPLICATION TO PHYSICALLY DISABLED OR HEARING IMPAIRED PERSONS; AMENDING SECTION 18-5812A, IDAHO CODE, TO PROVIDE APPLICATION TO PHYSICALLY DISABLED PERSONS, AMENDING SECTION 18-5812B, IDAHO CODE, TO PROVIDE APPLICATION TO PHYSICALLY DISABLED OR HEARING IMPAIRED PERSONS; AMENDING SECTION 56-701A, IDAHO CODE, TO REDEFINE "GUIDE DOG"; AMENDING SECTION 56-704A, IDAHO CODE, TO PROVIDE APPLICATION TO THE PHYSICALLY DISABLED OR HEARING IMPAIRED; AMENDING SECTION 56-705, IDAHO CODE, TO PROVIDE APPLICATION TO A PHYSICALLY DISABLED PERSON USING A GUIDE DOG; AND AMENDING SECTION 67-5407, IDAHO CODE, TO PROVIDE FOR THE ISSUANCE OF A FLUORESCENT TAG TO A PERSON TRAINING AND SOCIALIZING A DOG TO BECOME A GUIDE DOG FOR THE HEARING IMPAIRED OR PHYSICALLY DISABLED.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 18-5811, Idaho Code, be, and the same is hereby amended to read as follows:

18-5811. PRECAUTIONS TO BE TAKEN BY PEDESTRIANS OR DRIVERS CONCERNING BLIND, PHYSICALLY DISABLED AND HEARING IMPAIRED PERSONS. Any pedestrian who is not wholly or partially blind, physically disabled or hearing impaired, or any driver of a vehicle who approaches or comes in contact with a person wholly or partially blind, physically disabled or hearing impaired, carrying a cane or walking stick white in color, or white tipped with red, or a blind, physically disabled or hearing impaired person using a guide dog, shall immediately come to a full stop and take such precautions before proceeding as may be necessary to avoid accident or injury to the person wholly or partially blind, physically disabled or hearing impaired.

SECTION 2. That Section 18-5812, Idaho Code, be, and the same is hereby amended to read as follows:

18-5812. BLIND, PHYSICALLY DISABLED AND HEARING IMPAIRED PERSONS PROTECTION OF, PENALTIES. Any person other than a person wholly or partially blind, physically disabled or hearing impaired who shall carry a cane or walking stick such as is described in this act, or any person other than a person wholly or partially blind, physically disabled or hearing impaired who shall utilize a dog with either a guide dog tag as described in section 67-5407(i), Idaho Code, or a similar tag to that defined in section 56-701A, Idaho Code, contrary to the provisions of this act, or who shall fail to heed the approach of a blind, physically disabled or hearing impaired person using a guide dog or carrying such a cane as is described by this chapter, or who shall fail to come to a stop when approaching or coming in contact with a person so carrying such a cane or walking stick or using a guide dog, or who shall fail to take a precaution against accidents or injury to such person after coming to a stop, as provided for herein is guilty of a misdemeanor.

SECTION 3. That Section 18-5812A, Idaho Code, be, and the same is hereby amended to read as follows:

18-5812A. BLIND, PHYSICALLY DISABLED OR HEARING IMPAIRED PERSONS MAY BE ACCOMPANIED BY GUIDE DOGS -- PENALTY FOR VIOLATION. (1) A blind, physically disabled or hearing impaired person shall not be denied the use of any common carrier or public transportation facility or admittance to any hotel, motel, cafe, elevator or any other public place within the state of Idaho by reason of his being accompanied by a guide dog specially trained for such purpose. A blind, physically disabled or hearing impaired person shall be entitled to have a guide dog with him in such places and while using such facilities without being required to pay any additional charges for his guide dog, but shall be liable for any damage caused by his guide dog.

(2) Any person, firm, association or corporation violating the provisions of this section shall be guilty of a misdemeanor.
SECTION 4. That Section 18-5812B, Idaho Code, be, and the same is hereby amended to read as follows:

18-5812B. PERSON MAY BE ACCOMPANIED BY A DOG BEING TRAINED TO BECOME A GUIDE DOG FOR THE BLIND, PHYSICALLY DISABLED OR HEARING IMPAIRED. (1) A person shall not be denied the use of any common carrier or public transportation facility or admittance to any hotel, motel, cafe, elevator, or any other public place within the state of Idaho by reason of being accompanied by a dog which is being specially trained and socialized for the purpose of being a guide dog for the blind, physically disabled or hearing impaired. Any dog being trained and socialized to become a guide dog for the blind, physically disabled or hearing impaired shall be properly harnessed or leashed so that the person may maintain control of the dog and the dog shall have attached to its collar a special and brightly colored fluorescent tag issued by the commission for the blind under the provisions of subsection (i) of section 67-5407, Idaho Code. Additionally, the dog shall be accompanying the person as part of its training to become a guide dog for the blind, physically disabled or hearing impaired.

(2) Any person, firm, association, partnership or corporation violating the provisions of this section shall be guilty of a misdemeanor.

SECTION 5. That Section 56-701A, Idaho Code, be, and the same is hereby amended to read as follows:

56-701A. DEFINITIONS. As used in this chapter:

(1) "Guide dog" means a dog that has been properly identified as being from a recognized school for seeing eye, hearing ear or guide dogs, and the dog is properly harnessed or leashed so that the blind, physically disabled or hearing impaired person may maintain control of the dog, and the dog has attached to its harness or collar a special and brightly colored fluorescent tag issued by the commission for the blind under the provisions of section 67-5407(i), Idaho Code. A "guide dog for the physically disabled" means any dog individually trained to the physically disabled participant's requirements including, but not limited to, minimal protection work, rescue work, pulling a wheelchair or fetching dropped items.

(2) "Hearing impaired" means a person who has a hearing impairment manifested by a speech discrimination score of forty percent (40%) or more in the better ear with appropriate correction as certified by a licensed otologist, licensed audiologist, or the Idaho division of vocational rehabilitation.

SECTION 6. That Section 56-704A, Idaho Code, be, and the same is hereby amended to read as follows:

56-704A. PERSONS TRAINING DOGS TO BECOME GUIDE DOGS FOR THE BLIND, PHYSICALLY DISABLED OR HEARING IMPAIRED -- RIGHTS -- LIABILITY. Every person who is specially training or socializing a dog for the purpose of being a guide dog for the blind, physically disabled or hearing impaired shall have the right to be accompanied by the dog in
any of the places listed in section 56-703, Idaho Code, without being required to pay an extra charge for the dog if the accompaniment is part of the dog's training or socialization to become a guide dog and the dog has attached to its collar the special and brightly colored fluorescent tag issued by the commission for the blind under the provisions of subsection (j) of section 67-5407, Idaho Code. The person shall be fully liable for any damages done to the premises or facilities by the dog and no liability to other persons shall be attached to the owner, lessee or manager of the property, arising out of activities permitted by this act.

SECTION 7. That Section 56-705, Idaho Code, be, and the same is hereby amended to read as follows:

56-705. RESTRICTIONS ON VEHICULAR TRAFFIC WITH RESPECT TO BLIND, PHYSICALLY DISABLED OR HEARING IMPAIRED PERSONS. The driver of a vehicle approaching a totally or partially blind pedestrian who is carrying a cane predominantly white or metallic in color (with or without a red tip) or using a guide dog or a hearing impaired person using a guide dog, shall take reasonable precautions to avoid injury to such a pedestrian, and any driver who fails to take reasonable precautions shall be presumed negligent and liable in damages for any injury caused that pedestrian; provided that a totally or partially blind pedestrian not carrying such a cane or using a guide dog, or a hearing impaired person not using a guide dog, in any of the places, accommodations, or conveyances listed in sections 56-702, 56-703 and 56-704, Idaho Code, shall have all of the rights and privileges conferred by law upon other persons, and the failure of a totally or partially blind pedestrian to carry such a cane or to use a guide dog, or a hearing impaired person to use a guide dog, in any such places, accommodations or conveyances shall not be held to constitute nor be evidence of contributory negligence.

SECTION 8. That Section 67-5407, Idaho Code, be, and the same is hereby amended to read as follows:

67-5407. DUTIES. The commission shall:
(a) Assist blind persons in achieving physical and psychological orientation, inform blind persons of available services, stimulate and assist the blind in achieving social and economic independence, and do all things which will ameliorate the condition of the blind.
(b) Provide intensive programs of case finding, education, vocational and other rehabilitation training, job findings and placement, physical restoration, and such other services and equipment as may assist in rendering blind persons more self-supporting and socially independent.
(c) Provide a business enterprise program including management, supervision and development services.
(d) Provide a program for the prevention of blindness and sight restoration as designed in this act. The commission shall pay for all necessary expenses incurred in connection with the diagnosis, treat-
ment or surgery to prevent blindness or restore vision. Necessary expenses include the cost of getting service, the cost of services, medical and physician fees, hospital services, nursing services, maintenance while the applicant or recipient is away from the home, transportation to the physician or hospital and return to his home, and the cost of nursing home care when such care is necessary. These services will be provided to individuals without financial resources to procure such services for themselves.

(e) Establish rules and regulations in accordance with the provisions of the administrative procedure act.

(f) On or before December first in 1968, and each year thereafter, render a report to the legislature and to the governor of its activities, including recommendations for improvements therein.

(g) Enter into contracts and agreements with the federal government through its appropriate agency or instrumentality whereby the commission shall receive federal grants or other benefits for the prevention of blindness or for services to the blind, including medical eye care, instruction in the home, social adjustment and vocational and other rehabilitations, and shall act as the official state agency to collaborate with the federal government in the administration of any present or subsequent programs that may be set up for the purposes of providing services to or rehabilitating the blind.

(h) Issue a special and brightly colored fluorescent tag at no charge to any person training and socializing a dog to become a guide dog for the blind, hearing impaired or physically disabled and for use at times when that person takes the dog into places listed in section 56-703, Idaho Code, as a necessary part of the dog's training to become or for utilization as a guide dog for the blind, hearing impaired or physically disabled. The tags shall bear an identifying number.

(i) Issue a special and brightly colored fluorescent tag at no charge to persons utilizing a guide dog as defined in section 56-701A, Idaho Code. The tags shall bear an identifying number, and the guide dog shall not be required to have any other license or tag that may otherwise be required by a city or county.


CHAPTER 59
(H.B. No. 649)

AN ACT
RELATING TO AD VALOREM TAX REDUCTIONS; AMENDING SECTION 63-120, IDAHO CODE, TO INCREASE THE AMOUNT OF AD VALOREM TAX REDUCTION ALLOWED FOR CALENDAR YEAR 1992; AMENDING SECTION 63-120, IDAHO CODE, AS AMENDED BY SECTION 1 OF THIS ACT, TO INCREASE THE AMOUNT OF AD VALOREM TAX REDUCTION ALLOWED FOR CALENDAR YEAR 1993; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION FOR SECTION 1 AND PROVIDING AN EFFECTIVE DATE FOR SECTION 2.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 63-120, Idaho Code, be, and the same is hereby amended to read as follows:

63-120. AMOUNT OF TAX REDUCTION. (1) Each claimant qualifying for and applying for a reduction in taxes under the provisions of sections 63-117 through and including 63-125, Idaho Code, shall be allowed a reduction in taxes on his homestead for the current year only, in the amounts provided by subsection (4) of this section.

(2) All taxes continue to be the responsibility of the individual taxpayer, all taxes continue to be liens against the property against which assessed, and all taxes may be collected and enforced in the usual manner, if the taxpayer does not receive any tax reduction as provided under the provisions of sections 63-117 through and including 63-125, Idaho Code, or if the taxpayer receives less tax reduction than the whole amount of taxes he is charged with.

(3) The claimant property owner's tax reduction shall be based upon the current year's assessed value and the current year's levy.

(4) Tax reductions qualified under this act shall be allowed as follows:

<table>
<thead>
<tr>
<th>When the claimant's household income is:</th>
<th>The reduction may be:</th>
</tr>
</thead>
<tbody>
<tr>
<td>$3,500 or under</td>
<td>$400 or actual taxes</td>
</tr>
<tr>
<td>$3,501 but not more than $3,650</td>
<td>$390 or actual taxes</td>
</tr>
<tr>
<td>$3,651 but not more than $3,800</td>
<td>$380 or actual taxes</td>
</tr>
<tr>
<td>$3,801 but not more than $3,950</td>
<td>$370 or actual taxes</td>
</tr>
<tr>
<td>$3,951 but not more than $4,100</td>
<td>$360 or actual taxes</td>
</tr>
<tr>
<td>$4,101 but not more than $4,250</td>
<td>$350 or actual taxes</td>
</tr>
<tr>
<td>$4,251 but not more than $4,400</td>
<td>$340 or actual taxes</td>
</tr>
<tr>
<td>$4,401 but not more than $4,550</td>
<td>$330 or actual taxes</td>
</tr>
<tr>
<td>$4,551 but not more than $4,700</td>
<td>$320 or actual taxes</td>
</tr>
<tr>
<td>$4,701 but not more than $4,850</td>
<td>$310 or actual taxes</td>
</tr>
<tr>
<td>$4,851 but not more than $5,000</td>
<td>$300 or actual taxes</td>
</tr>
<tr>
<td>$5,001 but not more than $5,150</td>
<td>$290 or actual taxes</td>
</tr>
<tr>
<td>$5,151 but not more than $5,300</td>
<td>$280 or actual taxes</td>
</tr>
<tr>
<td>$5,301 but not more than $5,450</td>
<td>$270 or actual taxes</td>
</tr>
<tr>
<td>$5,451 but not more than $5,600</td>
<td>$260 or actual taxes</td>
</tr>
<tr>
<td>$5,601 but not more than $5,750</td>
<td>$250 or actual taxes</td>
</tr>
</tbody>
</table>
$5,751, but not more than $5,900, $240, or actual taxes, whichever is less;
$5,901, but not more than $6,050, $230, or actual taxes, whichever is less;
$6,051, but not more than $6,200, $220, or actual taxes, whichever is less;
$6,201, but not more than $6,350, $210, or actual taxes, whichever is less;
$6,351, but not more than $6,500, $200, or actual taxes, whichever is less;
$6,501, but not more than $6,650, $190, or actual taxes, whichever is less;
$6,651, but not more than $6,800, $180, or actual taxes, whichever is less;
$6,801, but not more than $6,950, $170, or actual taxes, whichever is less;
$6,951, but not more than $7,100, $160, or actual taxes, whichever is less;
$7,101, but not more than $7,250, $150, or actual taxes, whichever is less;
$7,251, but not more than $7,400, $140, or actual taxes, whichever is less;
$7,401, but not more than $7,550, $130, or actual taxes, whichever is less;
$7,551, but not more than $7,700, $120, or actual taxes, whichever is less;
$7,701, but not more than $7,850, $110, or actual taxes, whichever is less;
$7,851, but not more than $8,000, $100, or actual taxes, whichever is less;
$8,001, but not more than $8,150, $90, or actual taxes, whichever is less;
$8,151, but not more than $8,300, $80, or actual taxes, whichever is less;
$8,301, but not more than $8,450, $70, or actual taxes, whichever is less;
$8,451, but not more than $8,600, $60, or actual taxes, whichever is less;
$8,601, but not more than $8,750, $50, or actual taxes, whichever is less;
$6,390, or under $600, or actual taxes, whichever is less;
$6,391, but not more than $6,680, $585, or actual taxes, whichever is less;
$6,681, but not more than $6,940, $570, or actual taxes, whichever is less;
$6,941, but not more than $7,220, $555, or actual taxes, whichever is less;
$7,221, but not more than $7,490, $540, or actual taxes, whichever is less;
$7,491, but not more than $7,750, $525, or actual taxes, whichever is less;
<table>
<thead>
<tr>
<th>Bracket</th>
<th>Tariff</th>
</tr>
</thead>
<tbody>
<tr>
<td>$7,751, but not more than $8,020</td>
<td>$510, or actual taxes, whichever is less;</td>
</tr>
<tr>
<td>$8,021, but not more than $8,300</td>
<td>$495, or actual taxes, whichever is less;</td>
</tr>
<tr>
<td>$8,301, but not more than $8,580</td>
<td>$480, or actual taxes, whichever is less;</td>
</tr>
<tr>
<td>$8,581, but not more than $8,840</td>
<td>$465, or actual taxes, whichever is less;</td>
</tr>
<tr>
<td>$8,841, but not more than $9,120</td>
<td>$450, or actual taxes, whichever is less;</td>
</tr>
<tr>
<td>$9,121, but not more than $9,380</td>
<td>$435, or actual taxes, whichever is less;</td>
</tr>
<tr>
<td>$9,381, but not more than $9,650</td>
<td>$420, or actual taxes, whichever is less;</td>
</tr>
<tr>
<td>$9,651, but not more than $9,920</td>
<td>$405, or actual taxes, whichever is less;</td>
</tr>
<tr>
<td>$9,921, but not more than $10,200</td>
<td>$390, or actual taxes, whichever is less;</td>
</tr>
<tr>
<td>$10,201, but not more than $10,460</td>
<td>$375, or actual taxes, whichever is less;</td>
</tr>
<tr>
<td>$10,461, but not more than $10,740</td>
<td>$360, or actual taxes, whichever is less;</td>
</tr>
<tr>
<td>$10,741, but not more than $11,010</td>
<td>$345, or actual taxes, whichever is less;</td>
</tr>
<tr>
<td>$11,011, but not more than $11,290</td>
<td>$330, or actual taxes, whichever is less;</td>
</tr>
<tr>
<td>$11,291, but not more than $11,560</td>
<td>$315, or actual taxes, whichever is less;</td>
</tr>
<tr>
<td>$11,561, but not more than $11,840</td>
<td>$300, or actual taxes, whichever is less;</td>
</tr>
<tr>
<td>$11,841, but not more than $12,110</td>
<td>$285, or actual taxes, whichever is less;</td>
</tr>
<tr>
<td>$12,111, but not more than $12,390</td>
<td>$270, or actual taxes, whichever is less;</td>
</tr>
<tr>
<td>$12,391, but not more than $12,670</td>
<td>$255, or actual taxes, whichever is less;</td>
</tr>
<tr>
<td>$12,671, but not more than $12,930</td>
<td>$240, or actual taxes, whichever is less;</td>
</tr>
<tr>
<td>$12,931, but not more than $13,210</td>
<td>$225, or actual taxes, whichever is less;</td>
</tr>
<tr>
<td>$13,211, but not more than $13,470</td>
<td>$210, or actual taxes, whichever is less;</td>
</tr>
<tr>
<td>$13,471, but not more than $13,740</td>
<td>$195, or actual taxes, whichever is less;</td>
</tr>
<tr>
<td>$13,741, but not more than $14,010</td>
<td>$180, or actual taxes, whichever is less;</td>
</tr>
<tr>
<td>$14,011, but not more than $14,280</td>
<td>$165, or actual taxes, whichever is less;</td>
</tr>
<tr>
<td>$14,281, but not more than $14,550</td>
<td>$150, or actual taxes, whichever is less;</td>
</tr>
<tr>
<td>$14,551, but not more than $14,820</td>
<td>$135, or actual taxes, whichever is less;</td>
</tr>
<tr>
<td>$14,821, but not more than $15,090</td>
<td>$120, or actual taxes, whichever is less;</td>
</tr>
</tbody>
</table>
### Section 2

The claimant property owner's tax reduction shall be based upon the current year's assessed value and the current year's levy.

<table>
<thead>
<tr>
<th>Income Range</th>
<th>Reduction Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>$6,390, or under</td>
<td>$6000, or actual taxes, whichever is less;</td>
</tr>
<tr>
<td>$6,391, but not more than $6,680</td>
<td>$585780, or actual taxes, whichever is less;</td>
</tr>
<tr>
<td>$6,681, but not more than $6,940</td>
<td>$570760, or actual taxes, whichever is less;</td>
</tr>
<tr>
<td>$6,941, but not more than $7,220</td>
<td>$555740, or actual taxes, whichever is less;</td>
</tr>
<tr>
<td>$7,221, but not more than $7,490</td>
<td>$540720, or actual taxes, whichever is less;</td>
</tr>
<tr>
<td>$7,491, but not more than $7,750</td>
<td>$525700, or actual taxes, whichever is less;</td>
</tr>
<tr>
<td>$7,751, but not more than $8,020</td>
<td>$510680, or actual taxes, whichever is less;</td>
</tr>
<tr>
<td>$8,021, but not more than $8,300</td>
<td>$495660, or actual taxes, whichever is less;</td>
</tr>
<tr>
<td>$8,301, but not more than $8,580</td>
<td>$480640, or actual taxes, whichever is less;</td>
</tr>
<tr>
<td>$8,581, but not more than $8,840</td>
<td>$465620, or actual taxes, whichever is less;</td>
</tr>
<tr>
<td>$8,841, but not more than $9,120</td>
<td>$450600, or actual taxes, whichever is less;</td>
</tr>
<tr>
<td>$9,121, but not more than $9,380</td>
<td>$435580, or actual taxes, whichever is less;</td>
</tr>
<tr>
<td>$9,381, but not more than $9,650</td>
<td>$420560, or actual taxes, whichever is less;</td>
</tr>
</tbody>
</table>
$9,651, but not more than $9,920
$9,921, but not more than $10,200
$10,201, but not more than $10,460
$10,461, but not more than $10,740
$10,741, but not more than $11,010
$11,011, but not more than $11,290
$11,291, but not more than $11,560
$11,561, but not more than $11,840
$11,841, but not more than $12,110
$12,111, but not more than $12,390
$12,391, but not more than $12,670
$12,671, but not more than $12,930
$12,931, but not more than $13,210
$13,211, but not more than $13,470
$13,471, but not more than $13,740
$13,741, but not more than $14,010
$14,011, but not more than $14,280
$14,281, but not more than $14,550
$14,551, but not more than $14,820
$14,821, but not more than $15,090
$15,091, but not more than $15,380
$15,381, but not more than $15,640
$15,641, but not more than $15,920

whichever is less; $405540, or actual taxes, whichever is less; $390520, or actual taxes, whichever is less; $375500, or actual taxes, whichever is less; $360480, or actual taxes, whichever is less; $345460, or actual taxes, whichever is less; $330440, or actual taxes, whichever is less; $315420, or actual taxes, whichever is less; $300400, or actual taxes, whichever is less; $285380, or actual taxes, whichever is less; $270360, or actual taxes, whichever is less; $255340, or actual taxes, whichever is less; $240320, or actual taxes, whichever is less; $225300, or actual taxes, whichever is less; $210280, or actual taxes, whichever is less; $195260, or actual taxes, whichever is less; $180240, or actual taxes, whichever is less; $165220, or actual taxes, whichever is less; $150200, or actual taxes, whichever is less; $135180, or actual taxes, whichever is less; $120160, or actual taxes, whichever is less; $105140, or actual taxes, whichever is less; $90120, or actual taxes, whichever is less; $75100, or actual taxes, whichever is less.

SECTION 3. (1) 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, and retroactively to January 1, 1992.
(2) Section 2 of this act shall be in full force and effect on
and after January 1, 1993.


CHAPTER 60
(H.B. No. 679)

AN ACT
RELATING TO HEARING AID DEALERS AND FITTERS; AMENDING SECTION 54-2901, IDAHO CODE, TO FURTHER DEFINE TERMS; AMENDING SECTION 54-2902, IDAHO CODE, TO REVISE LICENSURE REQUIREMENTS; AMENDING SECTION 54-2903, IDAHO CODE, TO PROVIDE FOR WRITTEN CONTRACTS; REPEALING SECTION 54-2905, IDAHO CODE; AMENDING SECTION 54-2906, IDAHO CODE, TO REVISE PROCEDURES FOR LICENSURE OF APPLICANTS; AMENDING SECTION 54-2907, IDAHO CODE, TO PROVIDE LICENSE REQUIREMENTS; AMENDING SECTION 54-2908, IDAHO CODE, TO REVISE REQUIREMENTS AND PROCEDURES FOR THE ISSUANCE OF A TEMPORARY PERMIT; AMENDING SECTION 54-2909, IDAHO CODE, TO PROVIDE ADDITIONAL REQUIREMENTS FOR EXAMINATION; AMENDING SECTION 54-2910, IDAHO CODE, TO CHANGE PROCEDURES FOR NOTIFICATION OF THE BOARD FOR A CHANGE OF ADDRESS; AMENDING SECTION 54-2911, IDAHO CODE, TO REVISE PROCEDURES FOR LICENSE RENEWAL; AMENDING SECTION 54-2912, IDAHO CODE, TO REVISE PROCEDURES FOR MAKING COMPLAINTS AND FOR HEARING COMPLAINTS AGAINST HEARING AID DEALERS AND FITTERS; AMENDING SECTION 54-2913, IDAHO CODE, TO REVISE PROHIBITED ACTS AND PRACTICES; AMENDING SECTION 54-2914, IDAHO CODE, TO PROVIDE FURTHER POWERS AND DUTIES OF THE BOARD OF HEARING AID DEALERS AND FITTERS; AMENDING SECTION 54-2915, IDAHO CODE, TO REVISE THE COMPOSITION OF THE BOARD OF HEARING AID DEALERS AND FITTERS AND TO DELETE OBSOLETE LANGUAGE; REPEALING SECTION 54-2916, IDAHO CODE; AND AMENDING SECTION 54-2919, IDAHO CODE, TO PROVIDE FOR APPLICATION OF THE CONSUMER PROTECTION ACT FOR REMEDIES.

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

SECTION 1. That Section 54-2901, Idaho Code, be, and the same is hereby amended to read as follows:

54-2901. DEFINITIONS. As used in this act, except as the context may require otherwise:
(a) "Applicant" means a person applying for a license or a temporary permit under this chapter.
(b) "Audiologist" means a person who holds a master's degree in audiology and specializes in the identification and prevention of hearing problems and the nonmedical rehabilitation of those who have hearing problems.
(d) "Board" means the board of hearing aid dealers and fitters.
(d) "Department" means the department of self-governing agencies.
(e) "Good moral character" means the absence of any behavior which violates accepted standards of the community including, but not
limited to:

(1) Conviction or plea of guilty to a felony or other crime involving moral turpitude;
(2) Habitual use of drugs or intoxicants to such a degree as to render a person unfit and unreliable to practice as a hearing aid dealer and fitter;
(3) Revocation or suspension of any license as a hearing aid dealer and fitter in any state in the previous seven (7) years; and
(4) Unpaid final judgments against the person as a hearing aid dealer and fitter in any state in the previous seven (7) years.

(a) "Hearing aid" means any wearable electronic instrument or other device designed for the purpose of aiding or compensating for impaired human hearing and any parts, attachments, or accessories, including earmolds attached to the hearing aid, but excluding batteries and cords. Those devices classified by the federal drug administration as assistive listening devices are exempt under this definition.

(g) "Hearing aid dealers and fitters" mean persons who are licensed pursuant to this chapter to sell, dispense, or fit hearing aids in the state of Idaho. Persons who are certified by the Idaho department of education and who perform audiological services for students at no charge are exempt under this definition.

(h) "Hearing aid evaluation" means the measurement of human hearing for the purpose of selecting or adapting a hearing aid, and not for obtaining medical diagnosis or legal documentation, and includes the following:

(1) Air conduction threshold testing;
(2) Bone conduction threshold testing;
(3) Speech reception threshold testing;
(4) Speech discrimination testing;
(5) Most comfortable loudness level testing; and
(6) Uncomfortable loudness level testing.

(i) "Improper fitting" means a pattern of hearing aid selections or adaptions which cause physical damage to any portion of the ear, one in which the electroacoustic characteristics of the hearing aid are inadequate for the consumer, or one in which the hearing aid is physically or acoustically unsuited to the consumer including, but not limited to:

(1) An all-in-the-ear hearing aid which continually falls out of the ear;
(2) Any hearing aid or earmold which causes inappropriate feedback, pain or discomfort to the ear within thirty (30) days of the original delivery of the hearing aid to the consumer;
(3) Fitting a consumer with impacted cerumen; or
(4) Fitting a consumer with either an apparent unilateral sensorineural hearing loss or a significant air-bone gap without prior medical evaluation and approval.

(b) "License" means a license issued by the state board under this chapter to hearing aid dealers and fitters.

(fk) "Practice of fitting and dealing in hearing aids" means the selection, adaptation, and dispensing, fitting or sale of hearing aids, and includes the testing of hearing by means of an audiometer,
or by any other device designed specifically for these purposes. The practice also includes the making of impressions for earmolds.

(gl) "Sell" or "sale" shall mean any transfer of title or of the right to use by lease, bailment, or any other contract, excluding wholesale transactions with distributors or dealers.

(m) "Supervising hearing aid dealer and fitter" means a hearing aid dealer and fitter who is actively engaged in the practice of selling, dispensing or fitting hearing aids in the state of Idaho.

(en) "Temporary permit" means a permit issued while the applicant is in training to become a hearing aid dealer and fitter.

(o) "Unethical conduct" means:

1. The obtaining of any fee or the making of any sale by fraud or misrepresentation;
2. Knowingly employing directly or indirectly any suspended or unregistered person to perform any work covered in this chapter;
3. Using or causing or promoting the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation, however disseminated or published, which is misleading, deceptive or untruthful;
4. Advertising a particular model or type of hearing aid for sale when purchasers or prospective purchasers responding to the advertisement cannot purchase the advertised model or type, where it is established that the purpose of the advertisement is to obtain prospects for the sale of a different model or type than that advertised;
5. Representing that the service or advice of a person licensed to practice medicine will be used or made available in the selection, fitting, adjustment, maintenance or repair of hearing aids when that is not true, or using the words "doctor," "clinic," "clinical audiologist," "state licensed clinic," "state registered," "state certified" or "state approved" or any other term, abbreviation, or symbol when it would falsely give the impression that service is being provided by persons trained in medicine or audiology, or that the licensee's service has been recommended by the state when such is not the case;
6. Permitting another's use of a license;
7. Advertising a manufacturer's product or using a manufacturer's name or trademark which implies a relationship with the manufacturer that does not exist;
8. Directly or indirectly giving or offering to give, or permitting or causing to be given money or anything of value to any person who advises another in a professional capacity as an inducement to influence him or have him influence others to purchase or contract to purchase products sold or offered for sale by a hearing aid dealer or fitter, or influencing persons to refrain from dealing in the products of competitors; or
9. Engaging in any acts or practices which fail to meet the standard of care for hearing aid dealers and fitters.

SECTION 2. That Section 54-2902, Idaho Code, be, and the same is hereby amended to read as follows:
54-2902. LICENSE REQUIRED -- POCKET IDENTIFICATION CARD -- EXCEPTIONS -- REGISTRATION OF BUSINESS ENTITIES -- RESTRICTIONS ON GOVERNMENT AND OTHER NONPROFIT ENTITIES. (a) No person shall engage in the practice of fitting of and dealing in hearing aids or display a sign or in any other way advertise or represent himself as a person who practices the fitting and dealing in hearing aids after January 2, 1972, unless he holds an unsuspended, unrevoked license issued by the board as provided in this chapter. The license shall be posted in the licensee's hearing aid dealer's and fitter's office or established place of business. A pocket identification card shall be issued by the board to each licensee hearing aid dealer and fitter. A license under this act shall confer upon the holder the right to operate and sell hearing aids.

(b) Nothing in this act chapter shall prohibit a corporation, partnership, trust, association or other like organization maintaining an established business address from engaging in the business of offering for sale practice of fitting of and dealing in hearing aids at retail without a license, provided that it employs only properly licensed natural persons in the practice of fitting of and dealing in hearing aids.

(c) No person, corporation, partnership, trust, association or other like organization which operates or conducts its business under an assumed business name which does not contain the full name of a person licensed as a hearing aid dealer and fitter shall engage in the practice of fitting of and dealing in hearing aids at retail without:

1. Registering with the board, which registration shall show:
   (i) The name of the licensee hearing aid dealer and fitter responsible for the practice of fitting of and dealing in hearing aids;
   (ii) The address and telephone number of its principal place of business and the address of any other business location which it maintains; and
   (iii) The names of all persons employed by or representing hearing aid dealers and fitters who either give consideration to or receive consideration from such business who are licensed as a hearing aid dealer and fitter relating to the practice of fitting of and dealing in hearing aids.

2. Notifying the board within ten thirty (30) days of any changes which occur with reference to the provisions in subsection (c)(1)(i) of this section.

3. Filing with the board a statement signed by a licensee the hearing aid dealer and fitter identified pursuant to subsection (c)(1)(i) of this section that the business agrees to abide by all rules and regulations of the board and the provisions of chapter 29, title 54, Idaho Code.

(d) No state or local governmental entity or agency or other nonprofit organization shall engage in the practice of fitting of and dealing in hearing aids for compensation provided, however, a hospital, as defined in section 39-1301, Idaho Code, may dispense hearing aids for compensation if:
(1) The hospital provides audiological services within the hospital; and
(2) The patient was referred to the hospital for audiological testing by a physician; and
(3) The fitting of the hearing aid is done by a natural person licensed pursuant to chapter 29, title 54, Idaho Code.

SECTION 3. That Section 54-2903, Idaho Code, be, and the same is hereby amended to read as follows:

54-2903. RECEIPTS WRITTEN CONTRACTS. (a) Any person who practices the fitting and sale of hearing aids shall deliver to each enter into a written contract with the person to be supplied with a hearing aid a receipt which. The written contract shall be given to the consumer at the time of the sale, and shall be signed by the hearing aid dealer and fitter and the consumer. The written contract shall contain the licensee's hearing aid dealer's and fitter's signature, and show his business address, and the license number of his license, together with and the specifications as to the make, model and serial number, and manufacture date of the hearing aid furnished, and shall clearly state the full terms of the sale clearly stated. The written contract shall also require the hearing aid dealer and fitter to provide the serial number of the hearing aid as soon as practicable. Additionally, if an aid which is not new is sold, the receipt written contract shall be clearly marked as "used" or "reconditioned," whichever is applicable, with terms of guarantee, if any. In addition to the above, the written contract shall grant the consumer a nonwaivable thirty (30) day right to cancel the purchase and obtain a refund. The thirty (30) day right to cancel shall commence from either the date the contract is signed or the hearing aid is originally delivered to the consumer, whichever is later. The thirty (30) day period shall be tolled for any period in which the hearing aid dealer or fitter has taken possession or control of the hearing aid after its original delivery. The written contract shall specify what amount of the purchase price, if any, is nonrefundable should the consumer cancel the purchase. The written contract shall also contain, in print size no smaller than ten (10) point type, the address of the bureau of occupational licenses and the procedure for filing complaints against hearing aid dealers and fitters. This disclosure shall inform the consumer that complaints should be filed within one (1) year of the date the consumer knew or should have known of the incident which gives rise to the complaint. The written contract shall also contain, in print size no smaller than ten (10) point type, a nonwaivable statement that the contract is null and void and unenforceable if the hearing aid being purchased is not delivered to the consumer within thirty (30) days of the date the written contract is signed. The statement shall also provide that in the event the hearing aid is not delivered to the consumer within thirty (30) days of the date the written contract is signed, the hearing aid dealer and fitter shall promptly refund any and all moneys paid for the purchase of the hearing aid.

(b) Any person engaging in the practice of fitting of and sale of dealing in hearing aids shall, when dealing with a child or person eighteen (18) years of age or under, ascertain that the child or
person be or has been examined by an otolaryngologist or an audiologist holding the certificate of clinical competence for his recommendation prior to the sale of any hearing aid.

(c) The board shall have the authority to promulgate, by rule, written contract forms that are in compliance with the provisions of this section.

SECTION 4. That Section 54-2905, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Section 54-2906, Idaho Code, be, and the same is hereby amended to read as follows:

54-2906. REGISTRATION LICENSING OF APPLICANTS -- FEE -- RECIPROCAL LICENSING -- FEE. (a) The board shall register issue a license to each applicant without discrimination or examination who satisfies the experience requirement as provided in section 54-2905, Idaho Code, or who passes an examination as provided in section 54-2907, Idaho Code, meets the other requirements of this chapter, and upon the applicant's payment of the remits a license fee. The license fee and renewal fees shall be established by board regulations of rule and shall be at least twenty dollars ($20.00) but not to exceed more than two hundred fifty dollars ($250) shall issue to the applicant a license. The license shall be effective until June 30 of the year following the year in which it was issued.

(b) Whenever the board determines that another state has requirements substantially equivalent to or higher than those in effect pursuant to this chapter and that such state has a program equivalent to or stricter than the program for determining whether applicants pursuant to this chapter are qualified to dispense-and-fit engage in the practice of fitting and dealing in hearing aids, and provided such state will license without examination and upon substantially the same conditions an applicant holding a license issued under this chapter pursuant to sections 54-2906 and 54-2911, Idaho Code, the board may issue licenses to applicants who hold current, unsuspended and unrevoked licenses to fit and sell hearing aids in such other state Fee for such license shall be at least twenty dollars ($20.00) but not to exceed two hundred fifty dollars ($250) and shall be and pay the license fee as established by board regulations rule.

SECTION 6. That Section 54-2907, Idaho Code, be, and the same is hereby amended to read as follows:

54-2907. EXAMINATION LICENSE REQUIREMENTS. (a) Applicants who do not meet the experience-qualification-on-the-effective-date-of-this act may obtain a license by successfully passing a qualifying examination-provided-the. In addition, applicants must:

1) Be at least twenty-one (21) years of age;
2) Be of good moral character;
3) Have an education equivalent to a four (4) year course in an accredited high school;
4) Free of contagious or infectious disease.

(b) Applicants for license by examination shall appear at a time,
place and before such persons as the board may designate to be examined by means of written and practical tests in order to demonstrate that he is they are qualified to practice the fitting and sale of hearing aids. The examination shall be administered as directed by the board constituting standards for licensing shall not be conducted in such a manner that college training is required in order to pass the examination. Nothing in this examination shall imply that the applicants shall possess the degree of medical competence normally expected of physicians.

(c) Each applicant for a hearing aid dealer's and fitter's license shall file an application with the board on a form provided by the bureau of occupational licenses which shall include the following information:

1. Name, home address and telephone number of the applicant;
2. Name of present employer;
3. Business address and telephone number;
4. Statement of past criminal convictions and guilty pleas;
5. Copy of high school diploma or general education diploma (GED);
6. Identification of any prior licensure as a hearing aid dealer or fitter in another state;
7. Disclosure of suspension or revocation of any license as a hearing aid dealer or fitter in any state within the previous seven (7) years;
8. Disclosure of any judgment in any jurisdiction against the person as a hearing aid dealer or fitter within the last seven (7) years; and
9. Disclosure of any habitual use of drugs or intoxicants to such a degree as to render a person unfit and unreliable to practice as a hearing aid dealer and fitter.

(d) If the board, after investigation, is satisfied that the applicant meets the requirements in subsection (a) of this section and has provided truthful responses to the information requested in subsection (c) of this section, the applicant shall be entitled to take the next regularly scheduled examination.

(e) The completed application shall be filed with the board at least sixty (60) days prior to the next scheduled examination in order for the applicant to become eligible for examination.

(f) The board shall give examinations as required to permit applicants to be examined following the submission of the official form at the next examination period.

SECTION 7. That Section 54-2908, Idaho Code, be, and the same is hereby amended to read as follows:

54-2908. TEMPORARY PERMIT -- FEE. (a) An applicant who fulfills the requirements regarding age, character, education and health as set forth in subsection (a) of section 54-2907, Idaho Code, and who is under the direction and supervision of a person holding a valid hearing aid dealers and fitters license supervising hearing aid dealer and fitter, may obtain a temporary permit upon application to the board. Previous experience, or a waiting period shall not be required to obtain a temporary permit.

(b) Upon receiving an application as provided under this section
and accompanied by a license fee of at least twenty dollars ($20.00) but not to exceed two hundred fifty dollars ($250), the board shall issue a temporary permit which shall entitle the applicant to engage in the practice of fitting and sale of dealing in hearing aids for a period of one (1) year, or until the supervising hearing aid dealer and fitter revokes his sponsorship of the applicant, whichever comes first. If the supervising hearing aid dealer or fitter revokes his sponsorship, the applicant may reapply with the board for a new temporary permit. The supervising hearing aid dealers and fitters' license shall be responsible for the supervision, acts, omissions and training of such applicant and shall maintain adequate personal contact.

(c) If a person who holds a temporary permit under this section has not successfully passed the licensing examination within one (1) year from the date of issuance, the temporary permit may be renewed or reissued one (1) time only until the next qualifying examination upon payment of at least twenty dollars ($20.00) but not to exceed two hundred fifty dollars ($250) a license fee.

(d) The supervising hearing aid dealer and fitter shall evaluate and approve all matters involved in the testing, fitting or selling of a hearing aid by a temporary hearing aid dealer and fitter, prior to ordering the recommended hearing aid(s). Approval shall be in writing and shall include the signature of the supervising hearing aid dealer and fitter, his license number, and the date of the supervising hearing aid dealer's and fitter's review. A copy of the written approval shall be provided to the consumer.

SECTION 8. That Section 54-2909, Idaho Code, be, and the same is hereby amended to read as follows:

54-2909. CONTENT OF EXAMINATION. The qualifying examination provided in section 54-2907, Idaho Code, shall be designated to demonstrate the applicant's adequate technical qualifications by:

(a) Tests of knowledge in the following areas as they pertain to the fitting and sale of hearing aids:
   (1) Basic physics of sound;
   (2) The anatomy and physiology of the ear;
   (3) The function of hearing aids, telecoils, and compatible assistive listening devices.

(b) Practical tests of proficiency in the following techniques as they pertain to the fitting of hearing aids:
   (1) Pure tone audiometry, including air conduction testing and bone conduction testing;
   (2) Live voice or recorded voice speech audiometry, including speech reception threshold testing and speech discrimination testing;
   (3) Masking when indicated;
   (4) Recording and evaluation of audiograms and speech audiometry to determine proper selection and adaptation of a hearing aid;
   (5) Taking earmold impressions.

(c) Evidence of knowledge regarding the medical and rehabilitation service facilities for children and adults in the area being served.
(d) Tests of knowledge of chapter 29, title 54, Idaho Code, all rules promulgated under that chapter, and the provisions of title 21, section 801.420, code of federal regulations.

SECTION 9. That Section 54-2910, Idaho Code, be, and the same is hereby amended to read as follows:

54-2910. ADDRESS OF PLACE OF BUSINESS -- NOTIFICATION OF CHANGE -- RECORD -- NOTICES OF BOARD. (a) A person who holds a license shall notify the board in writing of any change of address of office or established place of business within thirty (30) days of such change.

(b) The board shall keep a record of the place of business of licensees each hearing aid dealer and fitter.

(c) Any notice required to be given by the board to a person who holds a license shall be mailed to him by certified mail at the address of the last place of business of which he has notified the board.

SECTION 10. That Section 54-2911, Idaho Code, be, and the same is hereby amended to read as follows:

54-2911. ANNUAL RENEWAL OF LICENSES -- CONTINUING EDUCATION FEES -- GRACE PERIOD -- REINSTATEMENT FEE. (a) A license issued under this chapter shall expire on June 30 of the year following the year in which it was issued.

(b) Each person who engages in the practice of fitting of and dealing in hearing aids shall annually comply with the continuing education requirements not to exceed ten (10) hours annually, as may be established by board rule and, on or before June 30, pay to the board a license fee of at least twenty dollars ($20.00) but not to exceed two hundred fifty dollars ($250) (fee to be determined by board regulation) for a renewal of his license and shall keep such license posted in his office or established place of business at all times.

(c) A thirty (30) day grace period shall be allowed after June 30, during which time licenses may be renewed on payment of the required fee to the board. After expiration of the grace period, the board may renew such license upon payment of a reinstatement fee of twenty-five dollars ($25.00) together with all delinquent renewal fees and the person providing evidence of satisfactory completion of all continuing education requirements. No person who applies for renewal, whose license has expired, shall be required to submit to any examination as a condition to renewal; provided such renewal application is made within three (3) years from the date of such expiration. The grace period shall only be applicable to the obtaining of a license renewal and shall not constitute authorization to engage in the practice of fitting of and dealing in hearing aids. If a license is not renewed within three (3) years of its expiration, the applicant shall apply for a license pursuant to sections 54-2906, 54-2907 and 54-2909, Idaho Code.

(d) Each person who engages in the practice of fitting of and dealing in hearing aids shall annually comply with the continuing education requirements not to exceed ten (10) hours annually, in courses approved by the board for continuing education hours.
SECTION 11. That Section 54-2912, Idaho Code, be, and the same is hereby amended to read as follows:

54-2912. COMPLAINT AGAINST LICENSEE HEARING AID DEALER AND FITTER -- PROCEDURE -- GROUNDS FOR SUSPENSION AND REVOCATION OF LICENSE. (a) Any person wishing to make a complaint against a licensee hearing aid dealer and fitter under this act chapter shall reduce--the--same--to writing--and--file--this file a written complaint to with the board within one (1) year from the date the person knew or should have known of the action upon which the complaint is based. If the board determines the charges made in the complaint are sufficient to warrant a hearing to determine whether the license issued under this act shall be suspended or revoked, it shall make an order fixing a time and place for a hearing and require the licensee hearing aid dealer and fitter complained against to appear and defend against the complaint. The order shall have annexed thereto a copy of the complaint. The order and copy of the complaint shall be served upon the licensee hearing aid dealer and fitter at least twenty (20) days before the date set for hearing, either personally or by registered mail sent to licensee's the hearing aid dealer's and fitter's last known address. Continuances or adjournment of the hearing date may be made if the board determines in its discretion that the hearing aid dealer and fitter has shown good cause. At the hearing the licensee hearing aid dealer and fitter complained against may be represented by counsel. The licensee hearing aid dealer and fitter complained against and the board shall have the right to take depositions in advance of hearing and after service of the complaint and either party may compel the attendance of witnesses by subpoenas issued by the board under its seal. Either party taking depositions shall give at least five (5) days' written notice to the other party of the time and place of such depositions, and the other party shall have the right to attend (with counsel if desired) and cross-examine. Appeals from suspension or revocation may be made through the appropriate administrative procedures act chapter 52, title 67, Idaho Code.

(b) Any person registered under this act may have his license revoked or suspended for a fixed period by the board for any of the following causes:

(1) The conviction of any felony, or a misdemeanor involving moral turpitude. The record of conviction, or a certified copy thereof, certified by the clerk of the court or by the judge in whose court the conviction is had, shall be conclusive evidence of such conviction;
(2) Procuring of license by fraud or deceit practiced upon the board;
(3) Unethical conduct, including:
   (a)--The obtaining of any fee or the making of any sale by fraud or misrepresentation;
   (b)--Knowing--employing--directly-or-indirectly-any-suspended-or
   unregistered-person-to-perform-any-work-covered-by-this-act;
   (c)--Using-or-causing-or-promoting-the-use-of-any-advertising-mat-
   ter,-promotional-literature,-testimonial,-guarantee,-warranty,-label,
   brand,-insignia,-or-any-other-representation,-however-disseminated-or
   published,-which-is-misleading,-deceptive-or-untruthful.
(B) Advertising a particular model or type of hearing aid for sale when purchasers or prospective purchasers responding to the advertisement cannot purchase the advertised model or type, where it is established that the purpose of the advertisement is to obtain prospects for the sale of a different model or type than that advertised.

(E) Representing that the service or advice of a person licensed to practice medicine will be used or made available in the selection, fitting, adjustment, maintenance or repair of hearing aids when that is not true, or using the words "doctor," "clinic," "clinical audiologist," "state-licensed-clinic," "state-registered," "state-certified," "state-approved" or any other term, abbreviation, or symbol when it would falsely give the impression that service is being provided by persons trained in medicine or audiology, or that the licensee's service has been recommended by the state when such is not the case.

(F) Habitual intemperance;

(G) Gross immorality;

(H) Permitting another's use of a license;

(E) Advertising -- a manufacturer's -- product -- or -- using -- a manufacturer's name or trademark which implies a relationship with the manufacturer that does not exist;

(D) Directly or indirectly giving or offering to give, or permitting or causing to be given money or anything of value to any person who advises another in a professional capacity as an inducement to influence him or have him influence others to purchase or contract to purchase products sold or offered for sale by a hearing aid dealer or fitter; or influencing persons to refrain from dealing in the products of competitors;

(4) Engaging in the practice of fitting of and sale of dealing in hearing aids under a false name or alias with fraudulent intent;

(5) Setting -- a Engaging in the practice of fitting of or dealing in hearing aids to a person who has not been given all necessary tests utilizing appropriate established procedures and instrumentation in fitting of hearing aids;

(6) Gross -- incompetence or negligence in Engaging in the improper fitting and setting of hearing aids;

(7) Failing to pay a valid judgment which arose out of a hearing aid sales transaction within two (2) months of the date the judgment became final;

(8) Revocation of the hearing aid dealer's and fitter's license by another state because of fraud, deceit, professional incompetence or unethical conduct;

(9) Failing to notify the board of any change of address of a place of business within thirty (30) days of the date of such change;

(10) Failing to meet continuing education requirements as established by the board;

(11) Failing to provide refunds pursuant to the terms of the written contract entered into by the consumer and the hearing aid dealer and fitter;

(12) Failing to properly supervise any applicant holding a temporary permit under section 54-2908, Idaho Code, or any hearing aid
dealer or fitter who is employed by, works on behalf of, or gives or receives consideration to the person relating to the practice of fitting of and dealing in hearing aids; and

(713) Violating any provisions of this act chapter or other applicable federal or state statutes or rules including, but not limited to, the Idaho consumer protection act, relating directly or indirectly to selling, fitting, or dispensing of hearing aids.

SECTION 12. That Section 54-2913, Idaho Code, be, and the same is hereby amended to read as follows:

54-2913. PROHIBITED ACTS AND PRACTICES. No person shall:
(a) Sell, barter, or offer to sell or barter a license.
(b) Purchase or procure by barter a license with intent to use it as evidence of the holder's qualification to practice the fitting and sale of hearing aids.
(c) Alter a license with fraudulent intent.
(d) Use or attempt to use as a valid license a license which has been purchased, fraudulently obtained, counterfeited or materially altered.
(e) Wilfully make a false statement in an application for license or application for renewal of a license.
(f) Dispensing—of Dispense, sell or deal in hearing aids by mail order in any form is prohibited.
(g) Engage in the improper fitting of hearing aids.
(h) Engage in the practice of fitting of and dealing in hearing aids without possessing a valid and current license issued under this chapter.
(i) Violate any provision of this chapter or board rule.

SECTION 13. That Section 54-2914, Idaho Code, be, and the same is hereby amended to read as follows:

54-2914. POWERS AND DUTIES OF BOARD. The powers and duties of the board are as follows:
(a) To authorize all disbursements necessary to carry out the provisions of this act.
(b) To register persons who apply to the board and who are qualified under this chapter to engage in the fitting and sale of hearing aids.
(c) To make available audiometric equipment and other facilities necessary to carry out the examination of applicants as provided in section 54-2907, Idaho Code.
(d) To issue and renew licenses.
(e) To suspend or revoke licenses in the manner provided, or place a person holding a license under this chapter on probation.
(f) To require as a condition of receiving or retaining a license issued under this chapter that restitution be paid to a consumer who has a judgment against a hearing aid dealer and fitter when the judgment relates to a hearing aid transaction.
(g) To require the inspection of testing equipment and facilities of persons engaging in the practice of fitting of and dealing in hearing aids as deemed necessary by the board.
(fh) To authorize, by written agreement, the bureau of occupational licenses as agent to act in its interest.

(i) To impose upon a hearing aid dealer and fitter reasonable costs, investigative expenses and attorney's fees incurred in enforcing the provisions of this chapter in cases where the board revokes or suspends the hearing aid dealer's and fitter's license or places the hearing aid dealer and fitter on probation.

(j) To enforce all provisions of this chapter and board rules including, but not limited to, obtaining restraining orders and injunctions prohibiting conduct in violation of the provisions of this chapter.

(k) To require a hearing aid dealer and fitter who has violated any provision of this chapter or board rule to post a bond pursuant to rules promulgated by the board as a condition of retaining his license.

(l) To supervise issuance of licenses as provided in section 54-2905, Idaho Code, and prepare and administer qualifying examinations to test the knowledge and proficiency of applicants licensed by examination.

(m) To make and publish rules and regulations not inconsistent with the laws of this state which are necessary to carry out the provisions of this chapter.

(n) To appoint or employ subordinate employees.

SECTION 14. That Section 54-2915, Idaho Code, be, and the same is hereby amended to read as follows:

54-2915. BOARD OF HEARING AID DEALERS AND FITTERS. (a) There shall be established in the department of self-governing agencies a board of hearing aid dealers and fitters which shall exercise such functions as may be required under the act.

(b) Members of the board shall be residents of the state. The board shall consist of three two (32) hearing aid dealers and fitters, one (1) otolaryngologist or otologist, and one (1) audiologist holding the certificate of clinical competence and one (1) consumer of hearing aids or advocate for consumers of hearing aids, who cannot be formerly or currently licensed as a hearing aid dealer and fitter. Each hearing aid dealer and fitter on the board shall have no--less--than held a license under this chapter for at least two (2) years of experience and hold a valid current license as a hearing aid dealer and fitter, as provided under this act chapter. Exception shall be the hearing-aid-dealers-and-fitters-of-the-first-board-appointed--who-shall-have-no-less-than-five-(5)-years-of-experience-and-shall-fulfill-all-qualifications-for-licensure-as-provided-by-section-54-2905.-Idaho-C ode-

c) The--members--of-the-board--shall--be--appointed--by--the--governor to serve at his pleasure. Within thirty-(30)-days after July 1--1971, the governor shall select three-(3)--members--who--are--hearing-aid-dealers-and-fitters-from-a-list-of-nine-(9)--persons--recommended--by--the--Idaho-hearing-aid-dealers-association--one-(1)--member--who--is--either--an-otolaryngologist-or-an-otologist-from-a-list-of-three-(3)--persons--recommended--by--the--Idaho-medical-association; and one-(1)--member--who--is--an-audiologist-from-a-list-of-three-(3)--persons--recommended---by--the
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IDAHO--speech--and--hearing-association. Within thirty (30) days after July 1, 1992, the governor shall select one (1) person who is a consumer or who represents consumers of hearing aids from a list of persons recommended by any senior citizen group, advocacy group for the handicapped, or social service agency. The consumer will be appointed to and replace the first hearing aid dealer and fitter vacancy on the board.

The members of the board shall be appointed to serve the following terms: one (1) member who is a hearing aid dealer and fitter one (1) member who is a hearing aid dealer and fitter shall serve for a term ending July 30, 1973; one (1) member who is a hearing aid dealer and fitter shall serve for a term ending July 30, 1974; one (1) member who is an otolaryngologist or otologist shall serve for a term ending July 30, 1973; one (1) member who is an audiologist shall serve for a term ending July 30, 1974, and one (1) member who is a consumer of hearing aids shall serve for a term ending July 30, 1995. Upon the expiration of the term of any member, the governor shall appoint a successor for a term of three (3) years. A vacancy in the office of a member shall be filled by appointment for the unexpired term.

The members of the board shall annually designate one (1) member to serve as chairman, another to serve as vice chairman and another to serve as secretary. No member of the board who has served two (2) consecutive terms may be reappointed to the board for at least one three (3) years following the expiration of his term of office.

(d) Members of the board shall be compensated as provided by section 59-509(bh), Idaho Code.

SECTION 15. That Section 54-2916, Idaho Code, be, and the same is hereby repealed.

SECTION 16. That Section 54-2919, Idaho Code, be, and the same is hereby amended to read as follows:

54-2919. VIOLATION OF ACT -- PENALTY VIOLATION OF CONSUMER PROTECTION ACT. Violation of any provisions of this act section 54-2913, Idaho Code, or engaging in any unethical conduct, as defined by section 54-2901, Idaho Code, shall constitute a misdemeanor--punishable, upon conviction, by a fine of not more than two hundred dollars ($200) or by imprisonment for not more than thirty (30) days; or both also be deemed an unfair and deceptive practice in violation of the Idaho consumer protection act, chapter 6, title 48, Idaho Code. Any person aggrieved by a violation of the provisions of section 54-2913, Idaho Code, or any unethical conduct, as defined in section 54-2901, Idaho Code, may pursue all remedies allowed under the Idaho consumer protection act.

AN ACT
RELATING TO ENGINEERS AND SURVEYORS; AMENDING SECTION 54-1212, IDAHO CODE, TO ALLOW STUDENTS IN THE LAST TWO SEMESTERS OF AN APPROVED COLLEGE CURRICULUM TO TAKE THE EXAMINATION FOR CERTIFICATION AS AN ENGINEER-IN-TRAINING AND TO PROVIDE THAT IF A PASSING GRADE IS ATTAINED, A CERTIFICATE WILL BE ISSUED ONLY UPON GRADUATION; AND AMENDING SECTION 54-1227, IDAHO CODE, TO PROVIDE FOR THE MINIMUM SIZE OF MONUMENT TO BE USED IN LAND SURVEYS AND TO REQUIRE LAND SURVEYORS TO MARK MONUMENTS WITH THEIR REGISTRATION NUMBER.

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

SECTION 1. That Section 54-1212, Idaho Code, be, and the same is hereby amended to read as follows:

54-1212. GENERAL REQUIREMENTS FOR EXAMINATION AND LICENSE. Except as herein otherwise expressly provided, no license as a professional engineer or professional land surveyor, or certification as an engineer-in-training or land surveyor-in-training, shall be issued until an applicant has successfully passed an examination given by or under the supervision of the board, nor shall a license as a professional engineer or professional land surveyor, or certification as an engineer-in-training or land surveyor-in-training, be issued to an applicant having habits or character that would justify revocation or suspension of certificate, as provided in section 54-1220, Idaho Code. The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for assignment to an examination:

(1) As a professional engineer:
   (a) Graduation from an approved engineering curriculum of four (4) years or more in a school or college approved by the board as being of satisfactory standing, passage of an examination on the fundamentals of engineering acceptable to the board, and a specific record of an additional four (4) years or more of progressive experience in engineering work of a grade and character satisfactory to the board, and indicating that the applicant is competent to practice professional engineering (in counting years of experience, the board, at its discretion, may give credit, not in excess of one (1) year, for satisfactory graduate study in engineering); or
   (b) Evidence satisfactory to the board that the applicant possesses knowledge and skill approximating that attained through graduation from an approved four (4) year engineering curriculum, passage of an examination on the fundamentals of engineering acceptable to the board, and a specific record of eight (8) years or more of progressive experience in engineering work of a grade and character satisfactory to the board and indicating that the applicant is competent to practice professional engineering.

(2) As a professional land surveyor:
(a) Graduation from a school or college in an approved four (4) year surveying curriculum, passage of an examination on the fundamentals of land surveying acceptable to the board, and in addition, a specific record of at least four (4) years of combined office and field experience in land surveying work, after graduation, with a minimum of two (2) years of progressive experience in responsible charge of surveying work of a grade and character satisfactory to the board and indicating that the applicant is competent to practice land surveying; or

(b) Two (2) years of approved formal education in a school or college above high school level with at least sixty (60) semester hours, or the equivalent, passed, passage of an examination on the fundamentals of land surveying acceptable to the board, and in addition, a specific record of at least six (6) years of combined office and field experience in land surveying work, with a minimum of two (2) years of progressive experience in responsible charge of surveying work of a grade and character satisfactory to the board and indicating that the applicant is competent to practice land surveying; or

(c) Evidence that the applicant possesses knowledge and skill, satisfactory to the board, similar to that attained upon completion of an approved college curriculum, passage of an examination on the fundamentals of land surveying acceptable to the board, and evidence of a specific record of at least eight (8) years of combined office and field experience in land surveying work with a minimum of three (3) years of progressive experience in responsible charge of surveying work of a grade and character satisfactory to the board and indicating that the applicant is competent to practice land surveying.

(3) As an engineer-in-training:

(a) Graduation from or in the last two (2) semesters of an approved engineering curriculum of four (4) years or more in a school or college approved by the board as being of satisfactory standing and indicating that the applicant is competent to enroll as an engineer-in-training; or

(b) Evidence satisfactory to the board that the applicant possesses knowledge and skill approximating that attained through graduation from an approved four (4) year engineering curriculum and a specific record of four (4) years or more of progressive experience in engineering work of a character satisfactory to the board and indicating that the applicant is competent to enroll as an engineer-in-training.

(c) In the event the applicant qualifies for assignment to the examination during the last two (2) semesters of college under the provisions of section 54-1212(3)(a), Idaho Code, and a passing grade is attained, a certificate will be issued only if a degree is obtained by the applicant.

(4) As a land surveyor-in-training:

(a) Graduation from a college or school in an approved surveying curriculum and evidence that the applicant is competent to be enrolled as a land surveyor-in-training; or

(b) Has at least two (2) years of formal education in an approved school or college above high school level in an approved curricu-
lum with at least sixty (60) semester hours, or the equivalent, passed, and in addition, a specific record of at least three (3) years of combined office and field experience in land surveying work of a character satisfactory to the board that the applicant is competent to be enrolled as a land surveyor-in-training; or
(c) Possesses knowledge and skill, satisfactory to the board, similar to that attained upon completion of an approved college curriculum and evidence of a specific record of at least four (4) years experience of combined office and field experience of a character satisfactory to the board that the applicant is competent to be enrolled as a land surveyor-in-training.

In considering the combined education and experience qualifications of applicants, the board shall consider engineering teaching, land surveying teaching, each year of satisfactory completion of undergraduate college education, advanced degrees in engineering and advanced degrees in land surveying in establishing the applicants' minimum composite knowledge and skill. Graduation in a curriculum other than engineering or surveying from a college or university of recognized standing may be considered as equivalent to two (2) years of experience as set out in subsections (1)(b) and (2)(b) of this section; provided, however, that no applicant shall receive credit for more than four (4) years of experience because of undergraduate educational qualifications.

The mere execution, as a contractor, of work designed by a professional engineer, or the supervision of the construction of such work as a foreman or superintendent, shall not be deemed to be the practice of engineering, but if such experience, in the opinion of the board, has involved responsible supervision of a character that will tend to expand the engineering knowledge and skill of the applicant the board may in its discretion give such credit therefor as it may deem proper.

Any person having the necessary qualifications prescribed in this act to entitle him to registration shall be eligible for such registration although he may not be practicing his profession at the time of making his application.

SECTION 2. That Section 54-1227, Idaho Code, be, and the same is hereby amended to read as follows:

54-1227. SURVEYS -- AUTHORITY AND DUTIES OF PROFESSIONAL LAND SURVEYORS AND PROFESSIONAL ENGINEERS. Every registered, professional land surveyor is hereby authorized to make land surveys relating to the sale or subdivision of lands, the retracing or establishing of property or boundary lines, public roads, streets, alleys, or trails; and it shall be the duty of each registered professional land surveyor, whenever making any such land survey, whether the land survey be made for private persons, corporations, cities or counties, to set permanent and reliable monuments, the minimum size of which shall be one-half (1/2) inch in least dimension and two (2) feet long iron or steel rod unless special circumstances preclude use of such monument; and such monuments must be permanently marked with the registration number of the professional land surveyor responsible for placing the monument. Professional engineers qualified and duly registered pursuant to title 54, Idaho Code, may also perform those surveys necessary
and incidental to the work customarily performed by them.

Approved March 25, 1992.

CHAPTER 62
(H.B. No. 447)

AN ACT
RELATING TO THE RACING COMMISSION; AMENDING SECTION 54-2504, IDAHO CODE, TO INCREASE THE COMPENSATION OF MEMBERS OF THE COMMISSION FROM THIRTY-FIVE DOLLARS TO FIFTY DOLLARS PER DAY SPENT IN ACTUAL PERFORMANCE OF DUTIES.

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

SECTION 1. That Section 54-2504, Idaho Code, be, and the same is hereby amended to read as follows:

54-2504. CHAIRMAN -- QUORUM -- COSTS. The commission shall organize by electing one (1) of its members chairman. Two (2) members of the commission shall constitute a quorum for the transaction of any and all business of the commission.

Each member of the board shall be compensated as provided by section 59-509(gh), Idaho Code. Moneys used for the compensation of members shall be drawn from commission funds.

The commission may incur all such costs, charges and expenses as are reasonably necessary in carrying out the intent and purposes of this act.

All claims and expenditures under this act shall be first audited and passed upon by the commission, and, when approved, shall be paid in the manner provided by law for the payment of claims against the state of Idaho.

Approved March 25, 1992.

CHAPTER 63
(H.B. No. 555)

AN ACT
RELATING TO THE TAX ON WHEAT; AMENDING SECTION 22-3315, IDAHO CODE, TO INCREASE THE TAX TO TWO CENTS PER BUSHEL.

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

SECTION 1. That Section 22-3315, Idaho Code, be, and the same is hereby amended to read as follows:

22-3315. IMPOSITION OF TAX AND PROVISION FOR LATE FEES. (1) From and after the first day of July, 1974, there is hereby levied and
imposed a tax of one two cents (12¢) per bushel on all wheat grown in the state of Idaho or given to Idaho growers under a crop reduction program, and sold or contracted through commercial channels, and each and every crop grown or wheat given to growers under a crop reduction program thereafter. The tax shall be due on wheat given to growers under a crop reduction program and sold or contracted through commercial channels, regardless of any deduction of the tax on this same wheat prior to it being given to the grower. The tax shall be due on or before the time when such wheat is first sold or contracted in the commercial channels and shall be paid at such time or times as the commission may, by rule or regulation, prescribe, as hereinafter provided, but not later than the 15th day of the month next succeeding the three (3) month period in which such wheat is sold or contracted in commercial channels. The commission shall designate the quarters (three (3) month periods) for the purpose of collection of this tax.

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

(3) The tax constitutes a lien prior to all other liens and encumbrances upon such wheat except liens which are declared prior by operation of a statute of this state.

(4) Any person or firm who makes payment to the commission at a date later than that prescribed in this section may be subject to a late payment penalty as set forth by the commission by rule and regulation. Such penalty shall not exceed the rate of fifteen percent (15%) per annum on the amount due. In addition to the above penalty, the commission shall be entitled to recover all costs, fees, and reasonable attorney's fees incurred in the collection of the tax and penalty provided for in this section.

Approved March 25, 1992.

CHAPTER 64
(H.B. No. 556)

AN ACT
RELATING TO THE MINT COMMISSION; AMENDING SECTION 22-3806, IDAHO CODE, TO INCREASE THE AMOUNT OF 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) The commission is hereby empowered to levy an assessment not to exceed two eight cents (28¢) 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 ten cents (510¢) 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 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 March 25, 1992.

CHAPTER 65
(H.B. No. 605)

AN ACT
RELATING TO LIVESTOCK SALES; AMENDING SECTION 25-1172, IDAHO CODE, TO PROVIDE FOR IMPOUNDMENT OF LIVESTOCK AT SLAUGHTER FACILITIES IF NO SATISFACTORY EVIDENCE OF OWNERSHIP OR RIGHT TO POSSESSION THEREOF
EXISTS; AND AMENDING SECTION 25-3301, IDAHO CODE, TO REDEFINE LIVESTOCK DEALER AND PERSON.

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

SECTION 1. That Section 25-1172, Idaho Code, be, and the same is hereby amended to read as follows:

25-1172. IMPOUNDMENT OF LIVESTOCK IF NO SATISFACTORY EVIDENCE OF OWNERSHIP. Livestock which shall be found by any brand inspector, deputy brand inspector or peace officer of the state in the possession of any person who shall be unable to furnish to such inspector or peace officer, upon request therefor, satisfactory evidence of the ownership of such livestock or the right to possession thereof, may be taken into the possession of such inspector or peace officer and detained by him without liability, and at the expense of the owner thereof, until the ownership of such livestock shall be established. No livestock shall be released to the owner thereof until all costs and expenses of detaining said livestock have been paid. If the ownership of any such livestock shall not be established within ten (10) days from the time such inspector or other officer shall take the same into possession, such inspector or other officer may have such livestock sold at public sale in any auction house or sales ring at which livestock of this nature are customarily sold and the costs of sale and the costs of keeping the livestock before the sale thereof shall be paid from the sale proceeds and the balance of such proceeds shall be paid to the treasurer of the state of Idaho for deposit in the unclaimed livestock proceeds account.

In the event any such livestock shall be delivered to any sales ring, slaughter facility or auction house for sale prior to the time that possession thereof shall be taken by an officer, then the officer may permit the sale of such livestock at such auction house, slaughter facility or sales ring and impound the proceeds from the sale thereof until the ownership of such proceeds shall be established.

SECTION 2. That Section 25-3301, Idaho Code, be, and the same is hereby amended to read as follows:

25-3301. DEFINITIONS. As used in this chapter, the following terms have the following meanings:

(1) "Board" means the state brand board created in chapter 11, title 25, Idaho Code.

(2) "Bond equivalent" means a letter of credit or trust fund agreement that complies with the packers and stockyards act of 1921, as amended, and regulations promulgated thereunder.

(3) "Livestock" means cattle, swine, bison, horses, mules, or asses.

(4) "Livestock dealer" means any person who buys, receives or assembles livestock for his own account for resale within ten twenty (120) days from the date of purchase, or for the account of another person. This term also includes both a person who pays and a person who does not pay the owner or auction market the full purchase price at the time of taking possession of the livestock.
(5) "Person" means an individual, partnership, corporation, broker, order buyer, video livestock sale or other type of electronic marketing organization, association or other legal entity.

(6) "Representative of a licensee" means any full-time employee, agent or other person who buys, receives, sells, or assembles livestock for resale on behalf of a licensed livestock dealer.

Approved March 25, 1992.

CHAPTER 66
(H.B. No. 676)

AN ACT
RELATING TO THE BOARD AND CARE COUNCIL; AMENDING SECTION 39-3330, IDAHO CODE, TO INCREASE THE MEMBERSHIP OF THE BOARD AND CARE COUNCIL FROM SIXTEEN TO TWENTY MEMBERS; AND AMENDING SECTION 39-3331, IDAHO CODE, TO REQUIRE THE BOARD AND CARE COUNCIL TO REPORT ANNUALLY TO THE LEGISLATURE.

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

SECTION 1. That Section 39-3330, Idaho Code, be, and the same is hereby amended to read as follows:

39-3330. BOARD AND CARE COUNCIL. (1) The department shall establish a state level board and care council consisting of sixteen twenty (16:20) members appointed by the director. The director, or his designee, shall serve as chairman of the council. The members of the council shall be:

(a) The representative of the department's adult services unit or his designee.
(b) The representative of the department's mental health unit or his designee.
(c) The representative of the department's developmental disabilities unit or his designee.
(d) The state ombudsman for the elderly or his designee.
(e) The director of the state protection and advocacy system or his designee.
(f) An advocate for mentally ill citizens in the state.
(g) An advocate for physically disabled citizens in the state.
(h) The director of the state developmental disabilities council or his designee.
(i) Three Six (36) administrators or licensees of licensed residential care facilities, one (1) of whom shall be the president of the state association representing residential care facilities and two (2) of whom shall be designees representing such association.
(j) One Two (12) adult foster care home providers.
(k) Three (3) residents of residential care facilities or adult foster care homes.

(2) In appointing the first members of the council who are not state agency representatives, the director shall appoint six eight.
(68) members for a term of two (2) years and six seven (67) members for a term of three (3) years. After the initial appointment, members who are not state agency representatives shall serve three (3) year terms. A vacancy shall be filled for the remainder of the unexpired term from the same class of persons represented by the outgoing member.

SECTION 2. That Section 39-3331, Idaho Code, be, and the same is hereby amended to read as follows:

39-3331. POWERS AND DUTIES. The board and care council shall have the following powers and duties:

(1) To make policy recommendations regarding the coordination of licensing, certifying and enforcement standards in board and care facilities and the provision of services to residents of board and care facilities.

(2) To advise the department regarding methods for identification of unlicensed board and care facilities.

(3) To advise the agency during development and revision of rules and regulations.

(4) To review and comment upon proposed rules and regulations.

(5) To submit an annual report to the legislature stating opinions and recommendations which would further the state's capability in addressing board and care issues.

Approved March 25, 1992.

CHAPTER 67
(H.B. No. 678)

AN ACT
RELATING TO HOMESTEADS; AMENDING SECTION 55-1010, IDAHO CODE, TO PROVIDE AN EXCEPTION FOR CERTAIN MEDICAID RECOVERY ACTIONS.

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

SECTION 1. That Section 55-1010, Idaho Code, be, and the same is hereby amended to read as follows:

55-1010. DEVOLUTION AFTER DEATH. If the selection of the homestead was made by a married person from the community property, the land, on the death of either of the spouses, vests in the survivor, subject to no other liability than such as exists or has been created under the provisions of this title; in other cases, upon the death of the person whose property was selected as a homestead, it shall go to his heirs or devisees, subject to the power of the court to assign the same for a limited period to the family of the decedent; but in no case shall it be held liable for the debts of the owner, except as provided in this title or in section 56-218, Idaho Code.

Approved March 25, 1992.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 31-3203, Idaho Code, be, and the same is hereby amended to read as follows:

31-3203. SHERIFF'S FEES. The sheriff is allowed and may demand and receive the fees hereinafter specified:

For serving summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant $510.00

For serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property $510.00

For his trouble and expense in taking and keeping possession of and preserving property under attachment or execution, or other process, such sum as the court may order: provided, however, that said sum shall be no more than three five dollars ($35.00) per diem or the reasonable costs incurred by a keeper in preserving said property.

For making and issuing a keeper's receipt $35.00

For taking a bond or undertaking in any case in which he is authorized to take the same $3,000.00

For copy of and making return on any writ, process or other paper, when demanded or required by law $510.00

For serving every notice, rule or order $510.00

For making and posting notices, and advertising property for sale on attachment or execution, or under any judgment or order of sale, exclusive of the costs of publication, each notice, per folio $23.00

For serving a writ of possession or restitution, putting a person in possession of premises and removing the occupant $10.00

For holding each inquest, or trial of right of property, to include all services in the matter except mileage $3.00

For serving a subpoena, for each witness summoned $510.00

For commissions for receiving and paying over money on execution or other process, when land or personal property has been levied on and sold, on the first one thousand dollars ($1,000), two per cent (2%); on all sums above that amount, one per cent (1%); but in no case of sale of real estate shall his commission exceed the sum of $100.00

When the amount of such sale is credited on the debt and no money is transferred, then one-half (1/2) of such commission.

For commissions for receiving and paying over money on execution without levy, or where lands or goods levied on are not sold, on the first one thousand dollars ($1,000), one and one-half per cent (1 1/2%); and one-half (1/2) of one per cent (1%) on all over that sum, but not to exceed in any case $5075.00

The fees herein allowed for the levy of an execution, costs for
advertising and percentage for making or collecting the money on execution, must be collected from the judgment debtor by virtue of such execution, in the same manner as the sum therein directed to be made.

For drawing and executing a sheriff's deed, including the acknowledgment, to be paid by the grantee before delivery ................ $510.00

For executing a certificate of sale, exclusive of the filing and recording of same .......................... $ 15.00

For making every arrest in a criminal proceeding ........ $ 5.00

For summoning each juror ........................................ $ 1.00

For serving a subpoena in a criminal action or proceeding, for each witness summoned ................................ $510.00

For traveling to serve any summons and complaint, or any other process by which an action or proceeding is commenced, notice, rule, order, subpoena, venire, attachment on property, to levy an execution, to post notice of sale, to sell property under execution or other order of sale, or execute an order of arrest, or order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property, for each mile actually and necessarily traveled for the first twenty-five (25) miles no charge shall be allowed, and for any miles traveled over twenty-five (25) miles, even if process is not served, the following shall be allowed, in going only .................................................. $ .40

For traveling to execute any warrant of arrest, subpoena, venire or other process in criminal cases, or for taking a prisoner from prison, before a court or magistrate, or for taking a prisoner from the place of arrest to prison, or before a court or magistrate, for each mile actually and necessarily traveled, in going only .... $ .40

For each additional prisoner taken at the same time, per mile ............................................................... $ .25

But if any two (2) or more papers be required to be served in the same action or proceeding, civil or criminal, or in the possession of the sheriff for service at the same time, and in the same direction, one (1) mileage only shall be charged; and in serving a subpoena, venire, process or paper, when two (2) or more jurors, witnesses, parties or persons to be served reside or are found in the same direction, traveling fees must be charged only for the most distant; and only one (1) mileage per day must be charged for taking a prisoner from prison before a court or magistrate; and constructive mileage must in no case be charged or allowed.

For all services arising in magistrate's courts, the same fees as are allowed to constables for like services.

For all services under the election laws, the same mileage and fees as in this chapter provided for similar services.

For receiving application for motor vehicle operator's license .......................................................... $ 9.50

For receiving application for motor vehicle chauffeur's license .......................................................... $2.00

For copy of and making an interim return on a continuing garnishment to show disbursement of moneys held by the sheriff ........ $5.00

Approved March 25, 1992.
CHAPTER 69  
(H.B. No. 689)  
AN ACT
RELATING TO ADOPTION OF RULES BY THE DEPARTMENT OF AGRICULTURE; AMENDING SECTION 22-604, IDAHO CODE, TO SPECIFY RULEMAKING REQUIREMENTS FOR PURPOSES OF THE IDAHO COMMERCIAL FERTILIZER LAW.

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

SECTION 1. That Section 22-604, Idaho Code, be, and the same is hereby amended to read as follows:

22-604. ADOPTION OF RULES. The department shall administer, enforce, and carry out the provisions of this act and may adopt rules necessary to carry out its purposes including, but not limited to, the proper use, handling, transportation, storage, display, distribution and disposal of fertilizers and their containers. The adoption of rules shall be subject to public hearing as prescribed by the Idaho Administrative Procedure Act, as enacted or hereafter amended.

Approved March 25, 1992.

CHAPTER 70  
(H.B. No. 691)  
AN ACT
RELATING TO THE PURE SEED LAW; AMENDING SECTION 22-418, IDAHO CODE, TO PROVIDE FOR NOTIFICATION TO THE PROPRIETOR OF ANY PLANT VARIETY PROTECTED UNDER THE UNITED STATES PLANT VARIETY PROTECTION ACT WHEN ANY SAMPLE OF A PROPRIETOR'S VARIETY IS RECEIVED FOR TESTING AT THE IDAHO STATE SEED LABORATORY.

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

SECTION 1. That Section 22-418, Idaho Code, be, and the same is hereby amended to read as follows:

22-418. DUTIES AND AUTHORITY OF DIRECTOR. The duty of enforcing the provisions of this chapter and carrying out its provisions and requirements shall be vested in the director pursuant to section 22-103, Idaho Code. Additional duties of 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.
(2) To have analyses and tests of samples of seed made as 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.

(6) To sample and inspect agricultural, 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 the seeds are in compliance with the provisions of this 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.

(9) To notify immediately, in writing, the proprietor of any plant variety protected under the United States plant variety protection act when any violation-of-the-proprietor's-rights--granted--under the--United--States--plant--variety--protection--act-or-the--federal--seed act,-or-both,-shall-come-to-the-knowledge-of-the-director--or--of--any authorized--agent--of--the--Idaho--department--of--agriculture sample of a proprietor's variety is received for testing at the Idaho state seed laboratory.

(10) To cooperate fully with the proprietor of any plant variety which is protected under the United States plant variety protection act to secure for the proprietor the full protection afforded under the United States plant variety protection act or the federal seed act, or both, by releasing to the proprietor any and all knowledge as may come to the attention of the director or his authorized agents in regard to the illegal use of any United States protected variety.

(11) To prescribe and adopt rules and regulations governing:
   (a) The methods of sampling, inspecting, analysis tests and examination of seed, and the tolerances to be followed in the administration of this chapter, which shall be in general accord with officially prescribed practice in interstate commerce;
   (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.

Approved March 25, 1992.

CHAPTER 71
(H.B. No. 636)

AN ACT RELATING TO PROFESSIONAL GEOLOGISTS; AMENDING SECTION 54-2813, IDAHO CODE, TO PROVIDE THAT THE STATE BOARD FOR REGISTRATION OF PROFESSIONAL GEOLOGISTS SHALL CAP THE REGISTRATION FEE AT NOT MORE THAN ONE HUNDRED DOLLARS; AMENDING SECTION 54-2814, IDAHO CODE, TO PROVIDE THAT THE FEE FOR REEXAMINATION SHALL BE SET BY THE BOARD AT NOT MORE THAN ONE HUNDRED DOLLARS; AMENDING SECTION 54-2816, IDAHO CODE, TO PROVIDE THAT THE ANNUAL FEE FOR RENEWAL OF A CERTIFICATE OF REGISTRATION SHALL BE SET BY THE BOARD AT NOT MORE THAN ONE HUNDRED DOLLARS AND TO PROVIDE THAT THE MAXIMUM FEE FOR DELAYED RENEWAL SHALL NOT EXCEED TWO HUNDRED DOLLARS; AND AMENDING SECTION 54-2817, IDAHO CODE, TO PROVIDE THAT THE FEE FOR REPLACEMENT OF A CERTIFICATE SHALL BE SET BY THE BOARD AT AN AMOUNT NOT TO EXCEED FIFTY DOLLARS.

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

SECTION 1. That Section 54-2813, Idaho Code, be, and the same is hereby amended to read as follows:

54-2813. APPLICATION FORMS -- REGISTRATION FEE -- APPLICATION FEE. Applications for registration shall be on forms prescribed and furnished by the board. The application shall be made under oath, and shall show the applicant's education and a detailed summary of his geologic work.

The registration fee for professional geologists shall be fifty dollars--($50.00);--thirty-five-dollars--($35.00)--of which shall accompany the application for examination; and the remaining--fifteen--dollars--($15.00)--to be set by the board at not more than one hundred dollars ($100). The board shall designate the portion of the fee to accompany the application for examination; the remaining portion shall be paid prior to the issuance of the certificate.

Should the board deny the issuance of a certificate of registration to any applicant, the initial fee deposited shall be retained as an application fee.

SECTION 2. That Section 54-2814, Idaho Code, be, and the same is hereby amended to read as follows:
54-2814. EXAMINATION -- TIME AND PLACE -- SCOPE -- REEXAMINATION -- REEXAMINATION FEE. Written and/or oral examinations shall be held at such time and place as the board shall determine. If examinations are required on fundamental geologic subjects (such as are ordinarily given in college curricula), the applicant may be permitted to take this part of the professional examination prior to his completion of the requisite years of experience in geologic work, and satisfactory passage of this portion of the professional examination by the applicant shall constitute a credit toward the applicant's complete professional examination for a period not to exceed ten (10) years.

The scope of the examination and the methods of procedure shall be prescribed by the board with special reference to the applicant's ability to supervise geologic projects so as to insure the safety of life, health and property. A candidate failing his first examination may apply for reexamination at the expiration of six (6) months without filing a new application and shall be entitled to such reexamination on payment of an additional fee of fifteen dollars ($15.00) to be set by the board at not more than one hundred dollars ($100). A candidate who fails on reexamination, must file a new application before he can again be admitted to examination, and such new application shall not be filed prior to one (1) year following the date of the last examination taken by the applicant; provided, however, that it shall be unlawful for a candidate failing any examination to practice professional geology under subsections (b) and (c) of section 54-2822, Idaho Code.

SECTION 3. That Section 54-2816, Idaho Code, be, and the same is hereby amended to read as follows:

54-2816. EXPIRATION OF CERTIFICATE -- NOTICE -- RENEWAL -- RENEWAL FEE. Certificates of registration shall expire on the last day of the month of June following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the secretary of the board to notify every person registered under this act, of the date of the expiration of his certificate and the amount of the fee that shall be required for its renewal for one (1) year; such notice shall be mailed at least one (1) month in advance of the date of expiration of said certificate. Renewal may be effected at any time prior to June 30, the payment of a renewal fee to be fixed by the board at not more than fifty one hundred dollars ($5100.00). The failure on the part of any registrant to renew his certificate annually in the month of June as required above shall not deprive such a person of the right of renewal, but the fee to be paid for the renewal of a certificate after the month of June shall be increased twenty per cent (20%) for each month or fraction of a month that payment of renewal is delayed; provided, however, that the maximum fee for delayed renewal shall not exceed twice the renewal fee for each year delinquent, but in no event more than one two hundred dollars ($120.00).

SECTION 4. That Section 54-2817, Idaho Code, be, and the same is hereby amended to read as follows:
54-2817. LOST, DESTROYED OR MUTILATED CERTIFICATES -- CHARGE. A new certificate of registration, to replace any certificate lost, destroyed or mutilated, may be issued, subject to the rules of the board. A charge of ten set by the board but not to exceed fifty dollars ($50.00) shall be made for such issuance.

Approved March 25, 1992.

CHAPTER 72
(H.B. No. 562)

AN ACT
RELATING TO DAY CARE CENTERS; AMENDING SECTION 39-1107, IDAHO CODE, TO INCREASE THE MAXIMUM LICENSE FEES AND TO PROVIDE A SCHEDULE FOR A WAIVER OF FEES FOR DAY CARE CENTERS THAT HAVE PROVIDED FOR INFANT/CHILD FIRST AID TRAINING AND CERTIFICATION AND CARDIOPULMONARY RESUSCITATION TRAINING AND CERTIFICATION.

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

SECTION 1. That Section 39-1107, Idaho Code, be, and the same is hereby amended to read as follows:

39-1107. FEES. (1) 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 one hundred dollars ($75,100.00). 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 sixty dollars ($560.00).

(2) The applicable license fee in subsection (1) of this section shall be reduced by twenty-five percent (25%) for any day care facility which provides evidence that at least fifty percent (50%) of its staff is certified in infant/child first aid and cardiopulmonary resuscitation.

Approved March 26, 1992.

CHAPTER 73
(H.B. No. 675)

AN ACT
RELATING TO GROUNDS FOR MEDICAL DISCIPLINE; AMENDING SECTION 54-1814, IDAHO CODE, TO PROVIDE THAT FAILURE BY A PHYSICIAN TO SUPERVISE THE ACTIVITIES OF A NURSE PRACTITIONER MAY SUBJECT A PHYSICIAN TO DISCIPLINE BY THE BOARD OF MEDICINE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(21) Commission of any act constituting a felony or commission of any act constituting a crime involving moral turpitude.

(22) Engaging in any conduct which constitutes an abuse or exploitation of a patient arising out of the trust and confidence placed in the physician by the patient.

Approved March 26, 1992.

CHAPTER 74
(H.B. No. 714)

AN ACT
RELATING TO THE MAGISTRATE'S DIVISION OF THE DISTRICT COURT; AMENDING SECTION 1-2208, IDAHO CODE, TO INCREASE THE MONETARY LIMIT OF CIVIL PROCEEDINGS WHICH MAY BE ASSIGNED TO MAGISTRATES; AMENDING SECTION 1-2210, IDAHO CODE, TO INCREASE THE MONETARY AMOUNT OF CIVIL ACTIONS WHICH MAY BE REFERRED TO MAGISTRATES WHO ARE NOT ATTORNEYS; AMENDING SECTION 1-2301, IDAHO CODE, TO INCREASE THE MONETARY AMOUNT IN CASES WHICH COME UNDER THE JURISDICTION OF THE SMALL CLAIMS DEPARTMENT OF THE MAGISTRATE'S DIVISION OF THE DISTRICT COURT; AND AMENDING SECTION 39-6316, IDAHO CODE, TO CHANGE A REFERENCE REGARDING THE MONETARY AMOUNTS FOR CASES THAT COME UNDER THE JURISDICTION OF THE SMALL CLAIMS DEPARTMENT OF THE MAGISTRATE'S DIVISION OF THE DISTRICT COURT.

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

SECTION 1. That Section 1-2208, Idaho Code, be, and the same is hereby amended to read as follows:

1-2208. ASSIGNMENT OF CASES TO MAGISTRATES. Subject to rules promulgated by the Supreme Court, the administrative judge in each judicial district or any district judge in the district designated by him may assign to magistrates, severally, or by designation of office, or by class or category of cases, or in specific instances the following matters:

(1) Civil proceedings as follows:

(a) When the amount of money or damages or the value of personal
property claimed does not exceed two thousand dollars ($2,000):
(1) actions for the recovery of money only arising on contracts express or implied; actions for damages for injury to person, property or reputation or for taking or detaining personal property, or for fraud;
(2) actions for rent and distress for rent;
(3) actions for claim and delivery;
(4) proceedings in attachment, garnishment, wage deductions for the benefit of creditors, trial or right of personal property and exemptions, and supplementary proceedings;
(5) actions arising under the laws for the incorporation of cities or counties or any ordinance passed in pursuance thereof; actions for the confiscation or abatement of nuisances and the seizure, condemnation and forfeiture of personal property; proceedings in respect of estrays and lost property;
(6) actions to collect taxes.
(b) Proceedings in forcible entry, forcible detainer, and unlawful detainer; and,
(c) Proceedings for the enforcement and foreclosure of common law and statutory liens of not to exceed two thousand dollars ($2,000) on real or personal property.
(2) Proceedings in the probate of wills and administration of estates of decedents, minors and incompetents.
(3) The following criminal and quasi-criminal proceedings:
(a) Misdemeanor and quasi-criminal actions;
(b) Proceedings to prevent the commission of crimes;
(c) Proceedings pertaining to warrants for arrest or for searches and seizures; and,
(d) Proceedings for the preliminary examination to determine probable cause, commitment prior to trial or the release on bail of persons charged with criminal offenses.
(4) Any juvenile proceedings except those within the scope of the provisions of section 1-2210, Idaho Code.

SECTION 2. That Section 1-2210, Idaho Code, be, and the same is hereby amended to read as follows:

1-2210. ASSIGNMENTS RESTRICTED TO MAGISTRATES WHO ARE ATTORNEYS. The Supreme Court by rule may specify additional categories of matters assignable to magistrates, except that the following matters may not be assigned to magistrates who are not attorneys:
(a) civil actions in which the amount of money or damages or the value of property claimed exceeds two thousand dollars ($2,000), except as otherwise authorized by this act;
(b) criminal proceedings in which the maximum authorized punishment exceeds the punishment authorized for misdemeanors;
(c) all proceedings involving the custody of minors and all habeas corpus proceedings;
(d) proceedings for divorce, separate maintenance or annulment;
and

(e) proceedings in quo warranto, or for injunction, prohibition, mandamus, ne exeat, or appointment of a receiver.

SECTION 3. That Section 1-2301, Idaho Code, be, and the same is hereby amended to read as follows:

1-2301. SMALL CLAIMS DEPARTMENT -- CREATION AND JURISDICTION. (a) In every magistrate's division of the district court of this state, the district court may create and organize a "Small Claims Department of the Magistrate's Division," which shall have jurisdiction only in cases for the recovery of money where the amount of each claim does not exceed two thousand dollars ($2,000). Any action brought in a small claims department of the magistrate's division shall be brought in the magistrate's division encompassing either the county where the defendant resides or the county where the cause of action arose. Either party to an action may request a change of venue as provided by chapter 4, title 5, Idaho Code.

SECTION 4. That Section 39-6316, Idaho Code, be, and the same is hereby amended to read as follows:

39-6316. LAW ENFORCEMENT OFFICERS -- TRAINING, POWERS, DUTIES. (1) All training provided by the peace officers standards and training academy relating to the handling of domestic violence complaints by law enforcement officers shall stress enforcement of criminal laws in domestic situations, availability of community resources, and protection of the victim. Law enforcement agencies and community organizations with expertise in the issue of domestic violence shall cooperate in all aspects of such training.

(2) When a peace officer responds to a domestic violence call, the officer shall give a written statement to victims which alert the victim to the availability of a shelter or other resources in the community, and give the victim a written notice provided by the department of law enforcement substantially stating the following:

IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or county prosecuting attorney to file a criminal complaint. You also have the right to file a petition in magistrate court requesting an order for protection from domestic abuse which could include any of the following: (a) an order restraining your abuser from further acts of abuse; (b) an order directing your abuser to leave your household; (c) an order preventing your abuser from entering your residence, school, business, or place of employment; (d) an order awarding you or the other parent custody of or visitation with your minor child or children; and (e) an order restraining your abuser from molesting or interfering with minor children in your custody. The forms you need to obtain a protection order are available from the clerk of the district court. The resources available in this community for information relating to domestic violence, treatment of injuries and places of safety and shelters are: (For safety reasons, inclusion of shelter/safe house addresses are not nec-
You also have the right to sue for losses suffered as a result of the abuse, including medical and moving expenses, loss of earnings or support, and other out-of-pocket expenses for injuries sustained and damage to your property. This can be done without an attorney in small claims court if the total amount claimed is less than two thousand dollars ($2,000).

(3) The peace officer shall make every effort to arrange, offer, or facilitate transportation for the victim to a hospital for treatment of injuries or to a place of safety or shelter.

(4) The law enforcement agency shall forward the offense report to the appropriate prosecutor within ten (10) days of making such report if there is probable cause to believe that an offense has been committed, unless the case is under active investigation.

Approved March 26, 1992.

CHAPTER 75
(H.B. No. 717, As Amended)

AN ACT
RELATING TO OPERATING A VEHICLE WITHOUT THE OWNER'S CONSENT; AMENDING SECTION 49-227, IDAHO CODE, TO PROVIDE THE CRIME OF OPERATING A VEHICLE WITHOUT THE OWNER'S CONSENT AND TO REDEFINE THE TERM VEHICLE TO INCLUDE BOATS, AIRPLANES, SNOWMOBILES, THREE AND FOUR WHEEL ALL TERRAIN VEHICLES, HOT AIR BALLOONS, HANG GLIDERS, JET SKIS AND MOTORCYCLES FOR THE PURPOSE OF THE SECTION.

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

SECTION 1. That Section 49-227, Idaho Code, be, and the same is hereby amended to read as follows:

49-227. DRIVING OPERATING VEHICLE WITHOUT OWNER'S CONSENT. Any person who shall drive operate a vehicle, not his own, without the consent of the owner, and with intent temporarily to deprive the owner of possession of such vehicle, without intent to steal the vehicle, shall be guilty of a misdemeanor. The consent of the owner of a vehicle to its taking or driving operating shall not in any case be presumed or implied because of such owner's consent on a previous occasion to the taking or driving operating of the vehicle by the same or a different person. Any person who assists in, or is a party or accessory to, or an accomplice in any unauthorized taking or driving operation shall also be guilty of a misdemeanor. For the purpose of this section vehicle shall include, but is not limited to vehicles defined in section 49-123, Idaho Code, boats, airplanes, snowmobiles, three and four wheel all terrain vehicles, hot air balloons, hang gliders, jet skis and motorcycles.

Approved March 26, 1992.
CHAPTER 76
(H.B. No. 729)

AN ACT
RELATING TO RECIPROCAL INSURERS; AMENDING SECTION 41-2903, IDAHO CODE, TO PROVIDE THAT A RECIPROCAL INSURER MAY ACQUIRE AND DISPOSE OF REAL PROPERTY IN THE NAME OF THE RECIPROCAL INSURER; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 41-2903, Idaho Code, be, and the same is hereby amended to read as follows:

41-2903. SCOPE OF CHAPTER -- EXISTING INSURERS. (1) All authorized reciprocal insurers shall be governed by those sections of this chapter not expressly made applicable to domestic reciprocals.

(2) Every reciprocal insurer in its own name as in the case of an individual may purchase, receive, own, hold, lease, mortgage, pledge or encumber, and may by deed of trust or otherwise, manage and sell real estate for the purposes and objects of the reciprocal including, but not limited to, investment for the production of income, or for its accommodation in the convenient transaction of its business. Any contract including, but not limited to, deeds, leases, mortgages, deeds of trust, purchase of sale agreements or any other contract to be executed in the name of the reciprocal insurer, may be executed by the attorney designated by the subscribers of the reciprocal insurer.

(3) Existing authorized reciprocal insurers shall after the effective date of this code comply with the provisions of this chapter, and shall make such amendments to their subscribers' agreement, power of attorney, policies and other documents and accounts and perform such other acts as may be required for such compliance.

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

Approved March 26, 1992.

CHAPTER 77
(H.B. No. 740)

AN ACT
RELATING TO PARI-MUTUEL WAGERING POOLS; AMENDING SECTION 54-2513, IDAHO CODE, AS AMENDED BY HOUSE BILL NO. 458, SECOND REGULAR SESSION, FIFTY-FIRST IDAHO LEGISLATURE, TO PROVIDE FOR DISTRIBUTION OF WAGERING POOLS FROM HORSE TRACKS HAVING AN AVERAGE DAILY HANDLE IN EXCESS OF ONE HUNDRED THOUSAND DOLLARS; AND DECLARING AN EMERGENCY.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 54-2513, Idaho Code, as amended by House Bill No. 458, Second Regular Session, Fifty-first Idaho Legislature, be, and the same is hereby amended to read as follows:

54-2513. HORSE RACING -- DISTRIBUTIONS OF DEPOSITS -- BREAKAGE. (A) Each licensee conducting the pari-mutuel system for live horse races having an average daily handle in excess of one hundred thousand dollars ($100,000) shall distribute all sums deposited in any pool as follows:

(1) Eighty-two per cent (82%) of any win, place or show pool to the winner thereof, and twenty-eight per cent (28%) to the licensee;

(2) Seventy-nine and one-quarter per cent (79.75%) of all other pools two (2) horse exotic wagers including, but not limited to, daily doubles and quinellas to the winner thereof, three-quarters of one per cent (.75%) to the racing commission for deposit in the racing commission account, and twenty-two per cent (22%) to the licensee;

(3) Seventy-five and one-quarter per cent (75.25%) of all three (3) or more horse exotic wagers including, but not limited to, trifecta and twin-trifecta to the winner thereof, three-quarters of one per cent (.75%) to the racing commission for deposit in the racing commission account, and twenty-four per cent (24%) to the licensee.

(B) Each licensee conducting the pari-mutuel system for live horse races having an average daily handle in excess of one hundred thousand dollars ($100,000) shall retain two per cent (2%) of all the sums deposited in any pool as required in subsection (A) of this section, 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, 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 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 annually but not later than December 15.

(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 quarterly.

(4) Seventeen-and-three-quarters-per-cent-(17.75%) From the balance of gross daily receipts remaining with the licensee after the distributions required in subsection (B)(1), (2), and (3) of this section from horse races, the following amounts 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%) the entire amount;
b. From the next $10,000 of gross daily receipts (gross daily receipts between $20,000 and $30,000), the public school income fund and the equine education account shall each receive one-eighth of one per cent (.125%), and the licensee shall retain seventeen-and-one-half-per-cent-(17.50%) the balance;
c. From the next $10,000 of gross daily receipts (gross daily receipts between $30,000 and $40,000), the public school income fund and the equine education account shall each receive sixty-two and one-half hundredths per cent (.625%), and the licensee shall retain sixteen-and-one-half-per-cent-(16.50%) the balance;
d. From all amounts of over $40,000 of gross daily receipts, the public school income fund and the equine education account shall each receive one and one-eighth per cent (1.125%), and the licensee shall retain fifteen-and-one-half-per-cent-(15.50%) the balance.

The public schools' and the equine education account's share shall be paid by the licensee to the racing commission for deposit in the public school income fund or the equine education account as appropriate. The licensee's percentage shall be retained by the licensee.

(C) Each licensee conducting the pari-mutuel system for live horse races having an average daily handle of one hundred thousand dollars ($100,000) or less shall distribute all sums deposited in any pool as follows:

(1) Seventy-seven per cent (77%) of any win, place or show pool to the winner thereof, and twenty-three per cent (23%) to the licensee;
(2) Seventy-six and one-quarter per cent (76.25%) of all other pools to the winner thereof, three-quarters of one per cent (.75%) to the racing commission for deposit in the racing account, and twenty-three per cent (23%) to the licensee.
(D) Each licensee conducting the pari-mutuel system for live horse races shall retain twenty-three per cent (23%) 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-half of one per cent (.50%) of gross daily receipts from horse races, separately stated, shall be paid to the Idaho state racing commission for deposit in the track distribution account, 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 annually but not later than December 15.

(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, 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 quarterly.

(4) Twenty and three-quarters per cent (20.75%) 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 twenty and three-quarters per cent (20.75%);  
   b. From the next $10,000 of gross daily receipts (gross daily receipts between $20,000 and $30,000), the public school income fund and the equine education account shall each receive one-eighth of one per cent (.125%), and the licensee shall retain twenty and one-half per cent (20.50%);  
   c. From the next $10,000 of gross daily receipts (gross daily receipts between $30,000 and $40,000), the public school income fund and the equine education account shall each receive sixty-two and one-half hundredths per cent (.625%); and the licensee shall retain nineteen and one-half per cent (19.50%);  
   d. From all amounts of over $40,000 of gross daily receipts,
the public school income fund and the equine education account shall each receive one and one-eighth per cent (1.125%), and the licensee shall retain eighteen and one-half per cent (18.50%).

The public schools' share and the equine education account's share shall be paid by the licensee to the racing commission for deposit in the public school income fund or the equine education account as appropriate. The licensee's percentage shall be retained by the licensee.

(E) 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.

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

Approved March 26, 1992.

CHAPTER 78
(H.B. No. 748)

AN ACT
RELATING TO PRESCRIPTION ITEMS EXEMPT FROM SALES TAX; AMENDING SECTION 63-3622N, IDAHO CODE, TO REDEFINE PROSTHETIC DEVICE, AND TO PROVIDE THAT THE SALE OF DENTAL BRIDGEWORK IS A SALE OF SERVICES.

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

SECTION 1. That Section 63-3622N, Idaho Code, be, and the same is hereby amended to read as follows:

63-3622N. PRESCRIPTIONS. (a) There are exempted from the taxes imposed by this chapter the following when administered or distributed by a practitioner licensed by the state under title 54, Idaho Code, to administer or distribute such items or when purchased by or on behalf of an individual for use by such individual under a prescription or work order of a practitioner licensed by the state under title 54, Idaho Code, to prescribe such items:

(1) Drugs, hypodermic syringes, insulin, insulin syringes, artificial eyes, hearing aids, and hearing aid parts and accessories;
(2) Drugs and supplies used in hemodialysis and peritoneal dialysis;
(3) Braces and other orthopedic appliances;
(4) Catheters, urinary accessories, colostomy supplies, and other prosthetic devices which shall include, but is not limited to, enteral and parenteral feeding equipment and supplies, (tubing, pumps, containers) catheter devices and supplies, but not including eyeglasses and contact lenses and dental bridgework;
(5) Equipment and devices or chemical reagents which are used by a diabetic to test or monitor blood or urine;
(6) Other durable medical equipment and devices and related parts and supplies specifically designed for those products which shall include, but is not limited to: oxygen equipment, oxygen cylinders, cylinder transport devices (sheaths, carts), cylinder stands, support devices, regulators, flowmeters, tank wrench, oxygen concentrators, liquid oxygen base dispenser, liquid oxygen portable dispenser, oxygen tubing, nasal cannulas, face masks, oxygen humidifiers, oxygen fittings and accessories, respiratory therapy equipment, room humidifiers, aspirators, aerosol compressors (stationary and portable), ultrasonic nebulizers, volume ventilators, respirators and related device supplies, percussors, vibrators, IPPB, circuits, devices and supplies, air oxygen mixers, manual resuscitators, nebulizers, tubing, emergency oxygen delivery units, patient care equipment, physical and occupational therapy items, hospital beds, trapeze bars and bar stand, bed rails, geriatric chairs, lift recliners, bedside commodes, overbed tables, patient lifts, patient lift slings, traction stands and pulleys, shower seating, shower grip bars, raised toilet seats, toilet safety frames, walking canes, quad canes and accessories, walkers, wheeled walkers, walker accessories, I.V. stands, crawlers, posture back supports for seating, posture back supports, wheelchairs, crutches, crutch pads, tips, grips, restraints, standing frame devices and accessories, hand exercise equipment and putty, specially designed hand utensils, leg weights, paraffin baths, hydrocollators, hydrotherm heating pads, communication aids for physically impaired, specialized seating, desks, work stations, foam wedges, writing and speech aids for the impaired, dressing aids, button loops and zipper aids, grooming aids, dental aids, eating and drinking aids, splints, holders, household aids for the impaired, shampoo trays, reaching aids, foam seating pads, decubitus seating pads, bed pads, fitted stroller, alternating pressure pads and pumps, stethoscope, sphygmomanometers, otoscopes, sitting and sleeping cushions, patient transport devices, boards, stairglides, lifts in home, transcutaneous nerve stimulators, muscle stimulators, bone fracture therapy devices.
(b) The term "practitioner" means a physician, surgeon, podiatrist, chiropractor, dentist, optometrist, psychologist, ophthalmologist, nurse practitioner, denturist, audiologist, and or hearing aid dealer or fitter.
(c) The term "drug" as defined in section 54-1705, Idaho Code, shall not include articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in animals other than man.
(ed) The term "durable medical equipment" means equipment which:
(1) Can withstand repeated use;
(2) Is primarily and customarily used to serve a medical purpose;
(3) Generally is not useful to a person in the absence of illness or injury; and
(4) Is appropriate for use in the home.
(de) The term "prosthetic device" means a device which replaces a
missing part or function of the human body and shall include any supplies physically connected to such devices, but shall not include dentures, dental bridgework and other orthodontic appliances.

(f) The sale of dentures, dental bridgework, other orthodontic appliances and related parts for such orthodontic appliances, by a practitioner to his patient is incidental to the professional services provided and is a sale of services. The practitioner is the consumer of the dentures, dental bridgework, other orthodontic appliances and related parts used by him, and the sale to or use by the practitioner of such tangible personal property is taxable.

Approved March 26, 1992.

CHAPTER 79
(H.B. No. 759)

AN ACT
RELATING TO A QUALITY ASSURANCE LABORATORY PROGRAM AND COMMODITY PRODUCER GROUPS; AMENDING CHAPTER 1, TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 22-109, IDAHO CODE, TO PROVIDE REFERENDUM AUTHORITY FOR SPECIFIC QUALITY ASSURANCE LABORATORY PROGRAM PURPOSES, AND TO PROVIDE FOR RULES AND REGULATIONS.

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

SECTION 1. That Chapter 1, Title 22, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 22-109, Idaho Code, and to read as follows:

22-109. QUALITY ASSURANCE LABORATORY PROGRAM -- MANDATORY ASSESSMENT REFERENDUM AUTHORITY. (1) In addition to the authority of commodity commissions to levy assessments and conduct referendums, if the department of agriculture receives a petition requesting a referendum signed by ten per cent (10%) or more Idaho producers of a particular commodity or if the department of agriculture receives a written request for a referendum from a commodity commission, the department of agriculture may provide for a referendum by a commodity to determine if a mandatory assessment should be levied on the commodity producer group for the specific quality assurance laboratory program purposes identified in the referendum. No assessment shall become effective unless the same shall first be referred on a referendum mail ballot to producers of that commodity in this state and is approved by a majority of the producers voting in the referendum.

(2) All moneys derived from the assessment and collected by a commodity commission shall be deposited in one (1) or more separate accounts in the name of the commission in one (1) or more banks or trust companies approved under chapter 27, title 67, Idaho Code, as state depositories. The commission shall designate such banks or trust companies. All funds so deposited are hereby continuously appropriated for the specific purposes identified in the referendum.
(3) All moneys derived from the assessment and collected by the department of agriculture shall be deposited with the state treasurer and be credited to the agriculture department inspection account. All funds so deposited are hereby continuously appropriated for the specific purposes identified in the referendum.

(4) The department of agriculture shall be reimbursed for the costs of the referendum by moneys derived from the assessment.

(5) The director of the department of agriculture shall have the authority to implement the provisions of any approved referendum and may promulgate rules necessary for carrying out the purposes of this section.

Approved March 26, 1992.

CHAPTER 80
(S.B. No. 1407)

AN ACT
RELATING TO FUNDING THE COSTS OF HOUSING STATE PRISONERS IN COUNTY JAILS; AMENDING CHAPTER 2, TITLE 20, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 20-237A, IDAHO CODE, OBLIGATING THE STATE BOARD OF CORRECTION TO PAY HOUSING COSTS, ESTABLISHING THE RATE FOR COSTS, OBLIGATING THE STATE BOARD OF CORRECTION TO PAY FOR ADDITIONAL MEDICAL AND DENTAL EXPENSES, ALLOCATING LIABILITY FOR PRISONER-RELATED DAMAGES, PROVIDING FOR LEGISLATIVE APPROPRIATION FOR SUCH COSTS, AND REQUIRING BILLING AND PAYMENT IN A TIMELY MANNER.

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

SECTION 1. That Chapter 2, Title 20, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 20-237A, Idaho Code, and to read as follows:

20-237A. FUNDING PER DIEM COSTS OF STATE PRISONERS HOUSED IN COUNTY JAILS, RELATED ADDITIONAL EXPENSES AND MANNER OF PAYMENT. (a) The board of correction shall pay each county for housing prisoners convicted, sentenced and committed to the custody of the state board of correction, beginning on the day after receipt by the director of notice that a person is in custody, as provided in section 20-237, Idaho Code.

(b) The state board of correction shall pay counties housing state sentenced prisoners a minimum rate of thirty-five dollars ($35.00) per day, per inmate. Nothing stated herein will prohibit the state board of correction from entering into a contract with a county pursuant to section 20-241, Idaho Code.

(c) In addition to payment of per diem costs as above provided, the state board of correction shall pay for all ordinary and necessary medical and dental expenses of state prisoners housed in county jails.

(d) As between themselves, the state board of correction and each
of the counties will be responsible for their pro rata share of any property damages or personal injuries arising from the housing of state sentenced prisoners, which is attributable to their respective negligence or otherwise wrongful conduct. This provision shall not alter or affect any immunities or exceptions to governmental liability the state or counties may possess as to private persons pursuant to the Idaho tort claims act, sections 6-901, et seq., Idaho Code.

(e) The legislature shall appropriate sufficient funds annually to the department of correction to make all payments to counties as required in this section.

(f) The county sheriffs shall bill the department of correction at least every sixty (60) days. The department of correction shall pay such bills within sixty (60) days of their receipt.

Approved March 26, 1992.
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. 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 therefor 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 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 dol-
ars ($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 depart-
ment of fish and game. **It is a misdemeanor for any person
to transfer any such permit to any other person, for no
nor shall 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 in this
paragraph. When considering purchasing lands pursuant to this
paragraph, the commission shall first make a good faith attempt to
obtain a conservation easement, as provided in chapter 21, title
55, Idaho Code, before it may begin proceedings to purchase, con-
demn or otherwise acquire such lands. If the attempt to acquire a
conservation easement is unsuccessful and the commission then pur-
cheses, condemns or otherwise acquires the lands, the commission
shall record in writing the reasons why the attempt at acquiring
the conservation easement was unsuccessful and then file the same
in its records and in a report to the joint finance-appropriations
committee. The commission shall develop, operate, and maintain the
lands, waters or conservation easements 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 commis-
   sion;
   (D) To extend and consolidate by exchange, lands or waters
   suitable for the above purposes.

8. Enter into cooperative agreements with educational institu-
tions, 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 agen-
cies, municipalities, corporations, organized groups of landown-
ers, associations, and individuals for the development of wildlife
rearing, propagating, management, protection and demonstration
projects.

10. In the event owners or lawful possessors of land have
restricted the operation of motor-propelled vehicles upon their
land, the commission, upon consultation with all other potentially
affected landowners, and having held a public hearing, if
requested by not less than ten (10) residents of any county in which the land is located, may enter into cooperative agreements with those owners or possessors to enforce those restrictions when the restrictions protect wildlife or wildlife habitat. Provided, however, the commission shall not enter into such agreements for lands which either lie outside or are not adjacent to any adjoining the proclaimed boundaries of the national forests in Idaho.

(A) The landowners, with the assistance of the department, shall cause notice of the restrictions, including the effective date thereof, to be posted on the main traveled roads entering the areas to which the restrictions apply. Provided, however, that nothing in this subsection shall allow the unlawful posting of signs or other information on or adjacent to public highways as defined in subsection (5) of section 40-109, Idaho Code.

(B) Nothing in this section authorizes the establishment of any restrictions that impede normal forest or range management operations.

(C) It shall be a misdemeanor for any person to violate such restrictions on the use of motor-propelled vehicles or to tear down or lay down any fencing or gates enclosing such a restricted area or to willfully remove, mutilate, damage or destroy any notices, signs or markers giving notice of such restrictions. The commission may promulgate rules and regulations to administer the restrictions and cooperative agreements addressed in this subsection.

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.

12. Adopt rules and regulations pertaining to the application for, issuance of and administration of a lifetime license certificate system.

13. Adopt rules and regulations governing the application and issuance of permits for and administration of fishing contests on waters under the jurisdiction of the state.

(c) Limitation on Powers. Nothing in this title shall be construed to authorize the commission to change any penalty prescribed by law for a violation of its provisions, or to change the amount of license fees or the authority conferred by licenses prescribed by law.

(d) Organization of Work. The commission shall organize the department, in accordance with the provisions of title 67, Idaho Code, into administrative units as may be necessary to efficiently administer said department. All employees of the department except the director shall be selected and appointed by the director in conformance with the provisions of chapter 53, title 67, Idaho Code.

SECTION 2. That Section 36-105, Idaho Code, be, and the same is hereby amended to read as follows:

36-105. COMMISSION ORDERS AND REGULATIONS. (a) Adoption and Publication of Rules, Regulations and Orders. All rules, regulations and orders adopted pursuant to the provisions of this title shall be made in accordance with chapter 52, title 67, Idaho Code. Said rules, regu-
lations, and orders may also be given such other publicity as the com-
mmission may deem desirable.

(b) Violation of Rules, Regulations and Orders. All rules, regu-
lations and orders made as herein provided shall have full force and
effect as law and any person violating any such rule, regulation, or
order of the commission, adopted and published as herein set forth,
shall be found guilty and punished as set forth in sections 36-1401
and 36-1402, Idaho Code.

SECTION 3. That Section 36-304, Idaho Code, be, and the same is
hereby amended to read as follows:

36-304. RECEIPT CANNOT BE ISSUED IN LIEU NOR ALTERATIONS MADE. It
is a misdemeanor for any person authorized to sell licenses, tags
or permits, to shall issue a receipt in lieu of a license, tag or per-
mit or to alter any license, tag or permit as to its fee, type, class
or privileges.

SECTION 4. That Section 36-305, Idaho Code, be, and the same is
hereby amended to read as follows:

36-305. HONORARY OR TEMPORARY LICENSES OR PERMITS -- ISSUANCE
UNLAWFUL -- PENALTY. It is a misdemeanor for no person including the
director, any employee of the department or vendor or agent thereof to
shall at any time or under any circumstances issue any honorary
license or any temporary permit or license permitting any person to
hunt, fish or trap in the state of Idaho. Nothing in this section
shall preclude the director from issuing scientific collecting permits
when such permits are issued in accordance with the provisions of sub-
section 36-106(e)5, Idaho Code.

SECTION 5. That Section 36-401, Idaho Code, be, and the same is
hereby amended to read as follows:

36-401. HUNTING, TRAPPING, FISHING -- LICENSE REQUIREMENT --
EXCEPTIONS. It is a misdemeanor for any person to shall hunt, trap,
or fish for or take any wild animal, bird or fish of this state, with-
out first having procured a license as hereinafter provided. Provided
that no license shall be required:

(a) 1. For children under the age of fourteen (14) years who are
residents of this state to fish during the open season therefor.
2. For nonresident children under the age of fourteen (14) years
to fish during the open season therefor provided they are accompa-
nied by the holder of a valid fishing license, and provided fur-
ther that any fish caught by such nonresident children shall be
included in the bag and possession limit of such license holder.
3. For resident children under the age of twelve (12) years to
hunt, take or kill predatory, unprotected birds and animals by
means other than with firearms.
4. For resident children under the age of fourteen (14) years to
trap muskrats from irrigation ditches or property on which they
live during the open season.
5. For children under the age of eighteen (18) who are residents
of a licensed foster home, a foster group home, or a child welfare institution to fish during the open season therefor, provided they are accompanied and supervised by the director, officer, or other employee of the facility where the child resides. 

(b) For any person to fish on a "free fishing day" as may be designated by the commission.

(c) Senior Residents. For "senior residents" age seventy (70) years or older who are holders of a "senior resident permit" to hunt and fish during the open season.

(d) Blind Persons. For resident blind persons who are holders of a "permit for the blind" to fish during the open season.

(e) Institutional Inmates. For any inmate of the state hospital north, state hospital south, Idaho state school and hospital, and state veterans homes to fish during open seasons, provided said inmate has a permit therefor from the director. The director is authorized to issue such permits upon the request of the head of the respective institution having custody of said inmate upon a showing that the institution recommends the issuance of such permit and will assume full responsibility for and control over said inmate while using said permit.

(f) Resident Military Personnel. For resident persons engaged in the military service of the United States, while on temporary furlough or leave, upon receipt of a temporary permit from the director, to hunt and fish during the open season.

(g) Disabled Persons. For any resident person who is permanently and totally disabled as certified by a physician licensed to practice in the United States or Canada, to hunt and fish during the open season, providing such person has obtained a permit from the director.

(h) State Youth Services Center Students. For students of the state youth services center, under the supervision of an officer of said school, to fish during the open season.

(i) Boy Scouts. For boy scouts who are official participants in attendance at national or international encampments at Farragut State Park to take fish during the encampment period from Lake Pend Oreille in such areas and such numbers as may be designated by the commission.

(j) Participants in Fish and Game Sponsored Functions. For persons who are official participants in attendance at official department sponsored functions including clinics, courses or other educational events, while under the supervision of a department approved instructor for the function, to fish during any open season, provided that the instructor has been issued an educational fishing permit by the director.

(k) Nothing contained herein shall be construed to prohibit citizens of the United States who are residents of the state of Idaho from carrying arms for the protection of life and property.

SECTION 6. That Section 36-405, Idaho Code, be, and the same is hereby amended to read as follows:

36-405. APPLICATION FOR LICENSE -- DUPLICATE LICENSE -- UNLAWFUL PURCHASE, POSSESSION, AND USE OF LICENSE, TAGS OR PERMITS. (a) Application Required.

1. Any person making application for a senior resident license or
permit, or resident license shall produce his Idaho driver's license as proof of residence, or in the case of nondrivers, other suitable proof of residency, and shall make and sign a written application stating the class of license applied for, the name of the applicant, the age of the applicant, his length of residence, his current address, and such other information as may be required by the director.

2. Any person making application for a duplicate license or tag shall make and sign a written application stating the type and class of license or tag originally purchased and such other information as may be required by the director.

3. It is a misdemeanor for any person to willfully make a false statement as to:
   (A) Name, age, length of residence or current address when such statement is made for the purpose of obtaining a license, tag or permit of a type or class he is not entitled to.
   (B) Any person to willfully make a false statement as to type and class of original license or tag purchased when applying for a duplicate license or tag.

(b) Loss of License -- New One Required. In case of loss of a license or tag, a new one shall be required to entitle the person who lost the same to hunt, fish or trap. Such person may upon application:
   1. Purchase a new license or tag at the regular fee; or
   2. Replace a lost license or tag with a duplicate license or tag for which a fee of two dollars ($2.00) shall be charged.
   3. When a duplicate tag or license has been issued the original license or tag shall become null and void.

(c) Unlawful Purchase, Possession and Use of License, Tag and Permit.

1. Every person buying a license, tag or permit must buy a license, tag or permit of the proper type or class according to his residence and age. No person shall purchase or possession of a license, tag or permit of the wrong class by any person is a misdemeanor and such license, tag or permit shall be void and of no effect from the date of issuance.

2. It is a misdemeanor for any person to shall:
   (A) Acquire more than one (1) regular controlled hunt permit per species or more tags per species than the commission has set a bag limit for that species except as provided in subsection (b) of this section or to have said permits or tags in his possession.
   (B) Transfer any fishing, hunting, or trapping license, permit or tag to any other person or for any person to make use of such license, permit or tag issued to any other person.

SECTION 7. 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 pay-
ment of the fees provided herein shall be eligible to receive a resi-
dent 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 resi-
dency 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.

<table>
<thead>
<tr>
<th>Game</th>
<th>Resident</th>
<th>Nonresident</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moose</td>
<td>$60.00</td>
<td>$500.00</td>
</tr>
<tr>
<td>Bighorn Sheep</td>
<td>60.00</td>
<td>500.00</td>
</tr>
<tr>
<td>Mountain Goat</td>
<td>60.00</td>
<td>500.00</td>
</tr>
<tr>
<td>Elk</td>
<td>15.00</td>
<td>250.00</td>
</tr>
<tr>
<td>Deer</td>
<td>9.00</td>
<td>125.00</td>
</tr>
<tr>
<td>Antelope</td>
<td>26.50</td>
<td>90.00</td>
</tr>
<tr>
<td>Mountain Lion</td>
<td>25.00</td>
<td>125.00</td>
</tr>
<tr>
<td>Bear</td>
<td>6.00</td>
<td>125.00</td>
</tr>
<tr>
<td>Turkey</td>
<td>6.00</td>
<td>25.00</td>
</tr>
<tr>
<td>Deer, Elk and Bear 'Pak'</td>
<td>29.00</td>
<td>not applicable</td>
</tr>
</tbody>
</table>

(d) Game Tags Required -- To Be Endorsed on License. The appro-
priate 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 speci-
fied 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 des-
ignated as an archery hunt must have in his possession an archery hunt
permit which may be purchased at a fee of seven dollars and fifty
cents ($7.50).

(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 des-
ignated as a muzzleloader hunt must have in his possession a
muzzleloader permit which may be purchased at a fee of seven dollars
and fifty cents ($7.50).
(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) Hound Hunter Permit. Any person using a dog for the purpose of hunting or for taking, as defined in section 36-202, Idaho Code, big game or furbearing animals must have in his possession a valid hound hunter permit which may be purchased for a fee of ten dollars ($10.00).

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

SECTION 8. That Section 36-410, Idaho Code, be, and the same is hereby amended to read as follows:

36-410. STEELHEAD TROUT -- ANADROMOUS SALMON PERMITS. It is a misdemeanor to No person shall fish for steelhead trout or anadromous salmon except as herein provided:

(a) Permits Required -- Fee. Any person holding a valid fishing or combined fishing and hunting license of a class and kind mentioned in section 36-406 or in subsection (b) of section 36-407, Idaho Code, may purchase one (1) steelhead trout permit or one (1) anadromous salmon permit at a fee of five dollars ($5.00) for each kind of permit. The person to whom such permits are issued shall then be entitled to fish for and take steelhead trout and/or anadromous salmon subject to the limitations prescribed in this title and regulations promulgated by the commission. Permits shall be valid only during the period of time that the corresponding basic license is valid.

(b) Unlicensed Resident. Bona fide residents of Idaho who are expressly exempt from license requirements to fish in the public waters of the state may choose one (1) of the following options:
1. Purchase and use such permits as an individual; or
2. May fish for and take steelhead trout and/or anadromous salmon without having permits therefor if accompanied by a properly licensed permit holder, provided that any such fish caught shall be included in the daily, seasonal and possession limit of the accompanying licensed permit holder.

(c) Unlicensed Nonresident Children. Unlicensed nonresident children under the age of fourteen (14) years shall not be eligible to obtain a steelhead trout or anadromous salmon permit, but may take such fish if accompanied by a holder of a valid license and permit, provided that any steelhead trout or anadromous salmon caught by such children shall be included in the daily, seasonal and possession limit of the accompanying licensed permit holder.
SECTION 9. That Section 36-414, Idaho Code, be, and the same is hereby amended to read as follows:

36-414. MIGRATORY WATERFOWL STAMP -- PRINTS -- MIGRATORY WATERFOWL ART COMMITTEE [REPEALED EFFECTIVE JULY 1, 1995]. (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 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 set-aside 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 set-aside 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 direc­

tor 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 com­

mittee and the house of representatives resources and conservation

committee.

SECTION 10. That Section 36-501, Idaho Code, be, and the same is

hereby amended to read as follows:

36-501. SALE AND PURCHASE OF WILDLIFE -- RESTRICTIONS -- EXCEP­

TIONS. 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 spe­

cies 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 con­
fiscated, 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, if required to be licensed, shall be
lawful except as provided by regulations promulgated pursuant to sec­

tion 36-104(b)6., Idaho Code. The provisions of this section shall not
apply to domestic fur-bearing animals as defined in chapter 30, title
25, Idaho Code.

(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 fisher­

men lawfully exercising fishing rights reserved by federal stat­
ute, treaty or executive order, provided that the Indian fisherman
is an enrolled member of the tribe holding such rights and the code of such tribe authorizes such sales. 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 from a licensed wholesale or retail steelhead trout buyer or from an Indian fisherman lawfully exercising fishing rights authorized by federal statute, treaty, executive order, or tribal code or regulation.

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 found guilty as provided in section 36-1401, Idaho Code, and shall be punished as set forth in section 36-1402, Idaho Code.

(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.

(h) 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, swan, sturgeon or chinook salmon or parts of any of the aforementioned animals, birds or fish.

SECTION 11. That Section 36-502, Idaho Code, be, and the same is hereby amended to read as follows:

36-502. POSSESSION -- TRANSPORTATION -- SHIPMENT OF WILDLIFE --
REstrictions -- exceptions. No person shall possess, transport or ship in any manner, or accept for transportation or shipment any wildlife except as hereinafter provided.

(a) Possession and transportation.

1. The possession and transportation of any legally taken wildlife shall be lawful when the same is in the possession of or is being transported by the taker of said wildlife and is accompanied by the appropriate licenses, tags, and/or permits attached and/or validated in the manner prescribed by the provisions of sections 36-409(e) and 36-410(a), Idaho Code.

2. Possession or transportation of any legally taken wildlife by any person other than the taker shall be lawful when such wildlife is accompanied by a written statement prepared and signed by the taker showing the number, kind, and date taken and the name, address and license number of the taker and other such information as may be specified by the commission. In addition to such statements said wildlife shall be accompanied by the appropriate validated tag therefor and/or such permits as may be required under the provisions of this title except, for anadromous fish, the permit need not accompany the fish so long as the permit number is written on the proxy statement. Provided, however, that no person may lawfully claim, be granted or assume ownership of more game animals, game birds, or game fish taken within the state than allowed by possession limits established by the commission.

3. It shall be lawful for a person to ship or a common carrier to accept for shipment any legally taken wildlife provided that all packages containing such wildlife shall be plainly labeled designating numbers, sex and species of wildlife contained therein and the name and address of the consignor and consignee.

4. No person to shall give another person wildlife to possess or transport unless they also give the transporter a proxy statement as provided in subsection 2. of this section.

(b) Unlawful possession. No person to shall have in his possession any wildlife or parts thereof protected by the provisions of this title and the taking or killing of which is unlawful.

section 12. That Section 36-503, Idaho Code, be, and the same is hereby amended to read as follows:

36-503. Storage of wildlife -- processing -- restrictions -- exceptions -- records required. No person to shall store or cause to be stored or leave for storage, cleaning or processing any wildlife or for any person owning or operating any locker, storage or processing business, to accept any wildlife for storage, cleaning or processing except as hereinafter provided.

(a) Owner may store. Any person who may be legally in possession of wildlife may store said wildlife for such time as he may desire or have such wildlife cleaned or processed provided the appropriate, properly validated tags, permits or statements, required by this title, shall accompany said wildlife.

(b) Storage facilities -- records required. Any person may accept for storage, cleaning or processing any legally taken wildlife pro-
vided:

1. Such wildlife is accompanied by the appropriate properly validated tags, permits or statements required by this title.

2. A written record is made of all such wildlife received showing numbers, species, and sex, when discernable, as well as the name, address and fish or game license class and number of the owner of said wildlife. Such record shall be available to the director for inspection upon request.

3. The operator of such storage facility shall, upon request of the director, provide full information concerning all tenants and all persons having access to lockers, lock boxes, and storage compartments leased by him.

SECTION 13. That Section 36-604, Idaho Code, be, and the same is hereby amended to read as follows:

36-604. PENALTIES FOR FAILURE TO KEEP RECORD. No person shall fail to keep a complete written record as required by this chapter and/or related commission regulations and/or commit any falsification, omissions or alterations as to such records shall constitute a misdemeanor and. In addition to any other penalties, such acts shall be grounds for the revocation of any license issued pursuant to the provisions of this chapter for a period of not to exceed twelve (12) months.

SECTION 14. That Section 36-605, Idaho Code, be, and the same is hereby amended to read as follows:

36-605. UNLICENSED TRAFFIC -- PENALTY. Any person who shall engage in or conduct a business as hereinbefore provided without first having obtained a license as specified herein, or who shall continue in such business after the revocation of such license shall be guilty of a misdemeanor.

SECTION 15. That Section 36-701, Idaho Code, be, and the same is hereby amended to read as follows:

36-701. WILDLIFE HELD CAPTIVE WITHOUT LICENSE OR PERMIT UNLAWFUL -- EXCEPTIONS. (a) It is a misdemeanor for any person to shall engage in any propagation or to hold in captivity any species of big game animal found wild in this state, unless the person has been issued a license or permit by the director as hereinafter provided.

(b) All other species of mammals, birds or reptiles that are found in the wild in this state and are not species of special concern or threatened and endangered species, may be held in captivity without permit so long as the possessor retains proof that such wildlife was lawfully obtained. Such proof shall be maintained and presented to department representatives in accordance with section 36-709, Idaho Code.

(c) Exceptions. 1. No such license or permit shall be required of any municipal, county, state or other publicly owned zoo or wildlife exhibit or of any traveling circus, menagerie or trained act of wild animals not permanently located within the state of Idaho nor of any
bona fide pet store displaying lawfully acquired wildlife for sale nor of any fur farm regulated and inspected pursuant to chapter 30, title 25, Idaho Code.

2. Except for the provisions of paragraph (d) below and section 36-709, Idaho Code, relating to inspection and records of same, nothing in this chapter shall be so construed as to apply to any exotic wildlife, or domestic fur farm operated under the provisions of title 25, Idaho Code, or any tropical fish or other aquaria or ornamental fish which the commission determines do not pose a threat to native fish if released into the public waters of the state.

(d) It is a misdemeanor for any person to shall import into this state or release in the wild any species of wildlife except by permit issued by the director.

SECTION 16. That Section 36-704, Idaho Code, be, and the same is hereby amended to read as follows:

36-704. PROPAGATION OF PUBLICLY OWNED WILDLIFE PROHIBITED. It is a misdemeanor for any person to shall capture or possess any wildlife, owned or held in trust by the state, for any purpose, except as otherwise provided in this title or by commission regulation promulgated pursuant hereto.

SECTION 17. That Section 36-707, Idaho Code, be, and the same is hereby amended to read as follows:

36-707. UNLAWFUL TO MAINTAIN, SELL OR PURCHASE WILDLIFE FROM PRIVATE PARKS OR PONDS. It is a misdemeanor for any person to shall maintain a private park or pond without having a valid permit, or to sell or purchase any fish or big game animals found wild in this state which is possessed or propagated in such private park or pond. Any person who shall trespass upon a private park or pond posted in accordance with this chapter shall be guilty of a misdemeanor.

SECTION 18. That Section 36-708, Idaho Code, be, and the same is hereby amended to read as follows:

36-708. HUMANE TREATMENT -- COMMISSION AUTHORIZED TO MAKE RULES. The commission is hereby authorized to promulgate regulations relating to standards of sanitation, humane treatment, proper care, and the maintenance of any species of big game animals found wild in this state that is held in captivity including wildlife held under licenses or permits issued under the provisions of this chapter or other regulations issued by the commission. In addition to any other penalties, the failure of a licensee or permittee to comply with said regulations shall be a misdemeanor and shall be grounds for the director to revoke such license or permit.

SECTION 19. That Section 36-709, Idaho Code, be, and the same is hereby amended to read as follows:

36-709. REASONABLE INSPECTION -- NOTICE OF VIOLATION -- REQUIRED RECORDS. (a) Inspection of Facilities Operated Under License or Per-
mit. As a condition to the issuance of a license or permit for the confinement of wildlife as hereinbefore provided in this chapter, the director or his duly authorized representative shall have the right at any reasonable time to enter upon and inspect any facility and wildlife held in captivity. The director shall give written notice of any violation and shall specify a reasonable time of not less than ten (10) days to remove or eliminate the violation. If upon the expiration of such time the violation has not been removed or eliminated, he may issue a citation and pursue the matter in a court of competent jurisdiction.

(b) Inspection of Other Facilities. The director or his duly authorized representatives shall have the right at any time to go upon and inspect any fur farm operated under the provisions of title 25, Idaho Code, as amended, or any other facilities where wildlife, including birds, is held in captivity without a permit.

(c) Records Required. Any person who imports, possesses or sells any wildlife, exotic or found wild in this state, shall keep accurate records as to the dates, names and addresses of persons or facilities from which the wildlife was obtained, as well as records of disposal, purchase or sale of any wildlife in their possession or possessed during the past five (5) years. Such records shall be produced at the request of the director or his duly authorized representative.

(d) Failure to Allow Inspection or to Produce Records. It shall be a misdemeanor for any person to refuse reasonable inspection or to fail to maintain or to produce records for the director or his representative on request.

SECTION 20. That Section 36-710, Idaho Code, be, and the same is hereby amended to read as follows:

36-710. PENALTY. Except where a higher penalty is otherwise prescribed, any person who shall violate any of the provisions of this chapter or commission regulations promulgated pursuant hereto shall be guilty of a misdemeanor. Provided farther, any licensee or permittee who shall be convicted of violating any of the provisions of this chapter may have his license or permit revoked by the court for a period of not to exceed twelve (12) months next following such conviction. All wildlife held under said license or permit so revoked or held without proper records shall be disposed of as determined by the court.

SECTION 21. That Section 36-712, Idaho Code, be, and the same is hereby amended to read as follows:

36-712. TATTOOING 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 found guilty of capturing or holding in captivity such an animal, future and failing 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 (a) of this section shall be permanently tattooed in a manner that will provide positive individual identification of the animal. No tattoo 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.

(d) Any canine exhibiting primary wolf characteristics shall be classified as a wolf for the purpose of identification. All such canines shall be tattooed, registered and licensed by the department of fish and game. The department shall be responsible for collection of fees to administer this program as outlined by rule and regulation.

SECTION 22. That Section 36-901, Idaho Code, be, and the same is hereby amended to read as follows:

36-901. FISHING UNLAWFUL EXCEPT BY COMMISSION REGULATION. It is a misdemeanor to no person shall take by any method or means, at any place or time or in any amount, or to have in possession fish from any of the waters of the state of Idaho except as permitted by provisions of this title and commission regulations promulgated pursuant thereto.

SECTION 23. That Section 36-902, Idaho Code, be, and the same is hereby amended to read as follows:

36-902. UNLAWFUL FISHING METHODS — DESTRUCTION OF FISH PROHIBITED — EXCEPTIONS. Except as may be otherwise permitted by law or commission regulation it shall be a misdemeanor for any no person to shall:

(a) Destructive Substances. Deposit, throw, place, allow or cause to pass into any of the waters of this state any deleterious drugs, toxicants, chemicals, poisonous substances, explosives, electrical current, or other material which may tend to destroy, kill, disable, or drive away fish.

(b) Mills. Operate any sawmill, reduction works or quartz mill upon any natural stream course or lake without having first constructed a proper dam for settling purposes as approved by the director.

(c) Net, Spear. Catch, attempt to catch or kill any species of fish whatever in any of the streams, rivers, lakes, reservoirs or waters of this state with any seine, net, spear, snag hook, weir, fence, basket, trap, gill net, dip net, trammel net or any other contrivance.

(d) Minnows. Take, transport, use or have in possession minnows, fish or the young of any fish or parts thereof for bait or to release in any manner live minnows, fish or the young of any fish into the waters of this state except where such use, possession or taking is done in connection with fishing in the waters of the Kootenai River.

(e) Chumming. Deposit or distribute any substance not attached to a hook for the purpose of attracting fish. Salmon eggs or other spawn may be used for bait only when attached to a hook on a line and fished
in the conventional manner.

(f) Penalty. Any person who shall violate any provision of this section shall be guilty of a misdemeanor and shall, upon conviction thereof: for subsections (a) and (b), be fined in a sum of not less than one hundred fifty dollars ($150) for each offense, and/or by commitment to jail for a period of not more than six (6) months; for subsection (c), not less than fifty dollars ($50.00), and/or by commitment to jail for a period of not more than six (6) months; for subsections (d) and (e), as provided in section 36-1402, Idaho Code.

SECTION 24. That Section 36-904, Idaho Code, be, and the same is hereby amended to read as follows:

36-904. WHITEFISH -- TAKING WITH SEINE. Upon the issuance of a permit by the director, whitefish may be taken with seine for local consumption of the communities where they are found to be of sufficient number or quantity to supply such demand. All seining shall be done under the supervision of the director. It shall be a misdemeanor to No person shall keep any other game fish in the seining of whitefish under the provisions of this section.

SECTION 25. That Section 36-905, Idaho Code, be, and the same is hereby amended to read as follows:

36-905. FISH RACKS OR TRAPS UNLAWFUL EXCEPT BY PERMIT. It is a misdemeanor to No person shall place racks or traps or any other obstruction across any of the streams or waters of the state of Idaho in order to take fish for any purpose without first obtaining a permit from the director. It is a misdemeanor for any unauthorized person to shall tamper with, damage or destroy any such permitted rack, trap or other obstruction.

SECTION 26. That Section 36-906, Idaho Code, be, and the same is hereby amended to read as follows:

36-906. FISHWAYS IN DAMS -- SCREENS IN DIVERSIONS -- REMOVAL OF UNUSED DAMS -- PENALTY. (a) Fishways Required. It is a misdemeanor for any No person to shall construct or maintain a dam or other obstruction which restricts the free and uninterrupted passage of fish in any stream in this state without a proper fishway therein. Such fishway shall be installed and maintained at the owner's expense and shall be of a sufficient kind and capacity as to accommodate seasonal movements of fish up and down the stream. Said fishway shall be constructed according to plans and specifications approved by the director and such plans shall be incorporated into the overall design of said dam prior to the start of construction. The director, upon request, shall furnish design criteria for such fishway construction.

(b) Screening of Diverted Waters. It is a misdemeanor for any No person to shall operate any mill, factory, power plant or other manufacturing concern run by water power and having either a head or tail race, or for any person to maintain and operate any ditch, flume, canal or other water conduit receiving or taking water from any stream
or lake in this state without first installing and maintaining a suitable screen or other device to prevent fish from entering therein; said screens shall be installed and maintained in a manner and to such specifications and at such locations as may be required by the director and at the expense of the owner or operator of such diversion.

(c) Notification of Need -- Screens or Fishways. When a need is found for screens or fishways in planned or existing diversions, dams or obstructions, the director shall order in writing the construction and installation of such screens or fishways. Said order shall specify the type, design and location of said screen or fishway and the time within which said screen or fishway must be installed. Said time shall not be less than thirty (30) days nor more than six (6) months from the date of service of said order.

(d) Removal of Existing Structures -- Removal of Abandoned Structures. When it is found that dams or other obstructions which have been placed in the rivers or streams of this state have been abandoned or are not serving any useful purpose and it appears the same are detrimental to the fishery resource, the director may cause the removal of same in such manner as he may see fit.

SECTION 27. That Section 36-1101, Idaho Code, be, and the same is hereby amended to read as follows:

36-1101. METHODS PROHIBITED -- EXCEPTIONS. It is a misdemeanor unlawful, except as may be otherwise provided under this title or commission regulations promulgated pursuant thereto, for any person to take any of the game animals, birds or fur-bearing animals of this state and it is a misdemeanor unlawful for any person to:

(a) Hunt from Motorized Vehicles. Hunt any of the game animals or game birds of this state from or by the use of any motorized vehicle except as provided by commission regulation; provided however, that the commission shall promulgate rules and regulations which shall allow a physically handicapped person to apply for a special permit which would allow the person to hunt from a motorized vehicle which is not in motion. A physically handicapped person means a person:

1. Who has lost, or has lost the use of, one (1) or both lower extremities or both hands, or who has the significant limitation in the use of the lower extremities, or who has a diagnosed disease or disorder which substantially impairs or interferes with mobility, or who is so severely disabled as to be unable to move without the aid of an assistance device.

2. Who suffers from lung disease to the extent that his forced (respiratory) expiratory volume for one (1) second when measured by spirometry is less than one (1) liter or his arterial oxygen tension (po) is less than 60 mm/Hg on room air at rest.

3. Who is impaired by cardiovascular disease to the extent that his functional limitations are classified in severity as class III or class IV according to standards accepted by the American Heart Association.

The commission shall specify the form of application for and design of the special permit which shall allow a physically handicapped person to hunt from a motorized vehicle which is not in motion.
No fee shall be charged for the issuance of the special permit and the issuance of a special permit shall not exempt a person from otherwise properly purchasing or obtaining other necessary licenses, permits and tags in accordance with this title and rules and regulations promulgated pursuant thereto. The special permit shall not be transferable and may only be used by the person to whom it is issued. A person who has been issued a special permit which allows a physically handicapped person to hunt from a motorized vehicle not in motion shall have that permit prominently displayed on any vehicle the person is utilizing to hunt from and the person shall produce, on demand, the permit and other identification when so requested by a conservation officer of the department of fish and game. A person possessing a special permit shall not discharge any firearm from or across a public highway. In addition to other penalties any unauthorized use of the special permit shall be a misdemeanor and shall be grounds for revocation of the permit.

(b) Molest with Motorized Vehicles. Use any motorized vehicle to molest, stir up, rally or drive in any manner any of the game animals or game birds of this state.

(c) Communicate from Aircraft. Make use of aircraft in any manner to spot or locate game animals, game birds or fur-bearing animals of this state from the air and communicate the location or approximate location thereof by any signals whatsoever, whether radio, visual or otherwise, to any person then on the ground.

(d) Hunt from Helicopter. Make use of any helicopter in any manner in the taking of game or loading, transporting, or unloading hunters, game or hunting gear in any manner except when such use is at recognized airports or airplane landing fields, or at heliports which have been previously established on private land or which have been established by a department or agency of the federal, state or local government or when said use is in the course of emergency or search and rescue operations.

(e) Artificial Light. Hunt any animal or bird except raccoon by the aid of a spotlight, flashlight or artificial light of any kind. The act of casting or throwing, after sunset, the beam or rays of any spotlight, headlight or other artificial light capable of utilizing six (6) volts or more of electrical power upon any field, forest or other place by any person while having in his possession or under his control any uncased firearm or contrivance capable of killing any animal or bird, shall be prima facie evidence of hunting with an artificial light. Provided nothing in this subsection shall apply where the headlights of a motor vehicle, operated and proceeding in a normal manner on any highway or roadway, cast a light upon animals or birds on or adjacent to such highway or roadway and there is no intent or attempt to locate such animals or birds. Provided further, nothing in this subsection shall prevent the hunting of unprotected or predatory wildlife with the aid of artificial light when such hunting is for the purpose of protecting property or livestock, is done by landowners or persons authorized in writing by them to do so and is done on property they own, lease or control; and provided further that the hunting and taking of unprotected or predatory wildlife with the aid of artificial light on public lands is authorized after obtaining a permit to do so from the director. The director may, for good cause, refuse to issue...
such permit.

Other provisions of this subsection notwithstanding, the commission may establish regulations allowing the hunting of raccoon with the aid of an artificial light.

(f) Regulation of Dogs.
1. No person shall make use of a dog for the purpose of pursuing, taking or killing any of the big game animals of this state except as otherwise provided by regulations of the commission.
2. Any person who is the owner of, or in possession of, or who harbors any dog found running at large and which is actively tracking, pursuing, harassing or attacking, or which injures or kills deer or any other big game animal within this state shall be guilty of a misdemeanor as provided in section 36-1401, Idaho Code. It shall be no defense that such dog or dogs were pursuing said big game animals without the aid or direction of the owner, possessor, or harborer.
3. Any dog found running at large and which is actively tracking, pursuing, harassing, attacking or killing deer or any other big game animal may be destroyed without criminal or civil liability by the director, or any peace officer, or other persons authorized to enforce the Idaho fish and game laws.

SECTION 28. That Section 36-1102, Idaho Code, be, and the same is hereby amended to read as follows:

36-1102. PROTECTION OF BIRDS. (a) Game, Song, Insectivorous, Rodent Killing, and Innocent Birds Protected. Except for English sparrows and starlings, it is a misdemeanor no person shall at any time of the year for any person to take any game, song, rodent killing, insectivorous or other innocent bird, except as provided by commission regulations promulgated pursuant hereto, or for any person to intentionally disturb or destroy the eggs or nests of such birds at any time.

(b) Migratory Birds. 1. It is a misdemeanor for any person to hunt, take or have in possession any migratory birds except as provided by federal regulations made pursuant to the Federal Migratory Bird Treaty Act, as amended, and in accordance with related rules and regulations promulgated by the commission.

2. It is a misdemeanor for any person subject to the Federal Migratory Bird Hunting Stamp Act tax to shall hunt any migratory waterfowl unless at the time of such hunting he carries on his person an unexpired Federal Migratory Bird Hunting Stamp validated by his signature in ink across the face of the stamp while hunting such birds.

(c) Falconry. The commission is authorized to establish a falconry program and to promulgate rules and regulations governing same.

SECTION 29. That Section 36-1103, Idaho Code, be, and the same is hereby amended to read as follows:

36-1103. FUR-BEARING ANIMALS -- SEASONS -- METHODS -- AMOUNTS. It is a misdemeanor to no person shall trap or take by any method or means and at any place or time or in any amount or to have in posses-
sion any wild fur-bearing animals or pelts thereof except as permitted by provisions of this title and commission regulations promulgated pursuant thereto.

(a) Trapping -- Fur-bearing Animals. It is a misdemeanor for any person shall:

1. Use any part of a game bird, game animal, or game fish for bait in trapping or taking of any wildlife.

2. Destroy, disturb, or remove the trap or traps of any licensed trapper within this state provided, however, that the director may inspect such traps and seize same when unlawfully set.

(b) Seizure and Sale of Unclaimed Traps. Traps or other trapping equipment unlawfully set shall be seized by the director or any officer charged with the enforcement of the wildlife laws and may be sold and the monies of such sale shall be credited to the state fish and game fund.

(c) Muskrat House Protected. It is a misdemeanor for any person to shall trap in or on or to destroy or damage any muskrat house at any time. For the purpose of this section what is known as a push-up is not construed to be a muskrat house in the sense of the law pertaining to trapping in or on muskrat houses.

SECTION 30. That Section 36-1120, Idaho Code, be, and the same is hereby amended to read as follows:

36-1120. PENALTIES. (a) Any person convicted of violating any of the provisions of this title with respect to methods of take, seasons or limits relating to mountain lion, and bear, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) for each offense and/or by commitment to jail for a period of not more than six (6) months.

(b) Any person convicted of violating the provisions of this chapter with respect to the protection of buffalo and caribou shall be guilty of a misdemeanor and shall be fined in a sum of not less than one hundred fifty dollars ($150) nor more than one thousand dollars ($1,000) and/or by commitment to jail for not more than six (6) months.

(c) Any person convicted of violating any of the provisions of this chapter for which no penalty is specified shall be guilty of a misdemeanor and subject to the penalty prescribed by section 36-1402, Idaho Code.

SECTION 31. That Section 36-1201, Idaho Code, be, and the same is hereby amended to read as follows:

36-1201. PRODUCTION OF WILDLIFE FOR INSPECTION -- STOP AT CHECKING STATIONS -- LICENSE MUST BE ON PERSON. It is a misdemeanor for any fisherman, hunter or trapper to shall refuse or fail to:

(a) Inspection of Wildlife. Upon request of the director, produce for inspection any wildlife in his possession.

(b) Check Stations. Stop and report at a wildlife check station encountered on his route of travel when directed to do so by personnel on duty. Such direction may be accomplished by signs prominently dis-
played along the route of travel indicating those persons required to stop.

(c) License to be Carried and Exhibited on Request. Have the proper required license on his person at all times when hunting, fishing or trapping and produce the same for inspection upon request of a conservation officer or any other person authorized to enforce fish and game laws. However, no person charged with violating this subsection shall be convicted if he produces in court a license, theretofore issued to him and valid at the time of his arrest.

SECTION 32. That Section 36-1301, Idaho Code, be, and the same is hereby amended to read as follows:

36-1301. POWER AND DUTY OF OFFICERS -- OFFICIAL BADGE -- WHO MAY WEAR -- SEPARABILITY. (a) Authorized Officers. The director, all conservation officers and other classified department employees, and all sheriffs, deputy sheriffs, forest supervisors, marshals, police officers, state forest department officers, and national forest rangers shall have statewide jurisdiction and it is hereby made their duty to enforce the provisions of the Idaho fish and game code.

(b) Authority and Limitations as Peace Officers. All conservation officers who receive certification from the Idaho peace officer standards and training advisory council shall have all the authority given by statute to peace officers of the state of Idaho. All other classified employees appointed by the director shall have the power of peace officers limited to:

1. The enforcement of the provisions of title 36, Idaho Code, and commission regulations promulgated pursuant thereto.
2. The arrest of persons having domestic animals unlawfully in their possession.
3. The enforcement of the provisions of chapter 70, title 67, Idaho Code, provided that such authority is exercised in cooperation with sheriffs of the respective counties.
4. Responding to express requests from other law enforcement agencies for aid and assistance in enforcing other laws. For purposes of this section, such a request from a law enforcement agency shall mean only a request for assistance as to a particular and singular violation or suspicion of violation of law, and shall not constitute a continuous request for assistance outside the purview of enforcement of title 36, Idaho Code.

(c) Additional Authority and Duties. Said officers and employees shall have additional peace officer power, but not constituting an obligation beyond their regular course of duty, relative to:

1. The enforcement of the provisions of title 38, Idaho Code (Idaho forestry act), as authorized by section 38-133, Idaho Code.
3. The enforcement of the provisions of sections 18-3906 and 18-7031, Idaho Code, relating to littering.
4. The enforcement of the provisions of section 42-3811, Idaho Code, relating to the enforcement of certain provisions of chapter 38, title 42, Idaho Code.

(d) Official Badge -- Who May Wear. Ìt-is-a-misdemeanor-for-any
No person who is not at the time a classified employee or conservation officer, duly authorized and commissioned by the director, shall wear or exhibit in public an official badge of the Department of Fish and Game of the state of Idaho.

SECTION 33. That Section 36-1302, Idaho Code, be, and the same is hereby amended to read as follows:

36-1302. ARRESTS -- JURISDICTION -- BAIL -- TRIAL. (a) Arrests -- Citations. All arrests pursuant to the provisions of title 36, Idaho Code, may be effected by:
1. Taking the offender into custody for immediate appearance before any magistrate of the state having jurisdiction over the alleged offense; or
2. Issuing a citation to the offender to appear before such magistrate.
(A) Said citation shall bear the name and address of the offender, the date, time and place for his appearance before a magistrate, the offense charged, the approximate location where and the approximate time when the offense was committed and other such essential descriptive information related to the offense as prescribed by the director.
(B) A citation shall be issued only by mutual agreement of the officer and the accused as evidenced by both their signatures on said citation. The citation shall specify appearance before a magistrate court having jurisdiction over the alleged offense in any county mutually agreed to be convenient. The accused shall be given a copy thereof and thereupon may be released from custody.
(C) Failure of the accused shall fail to appear at the time and place specified in the citation shall constitute a misdemeanor and any such failure to appear shall be cause for issuance of a warrant for his arrest.
(b) Actions -- How Brought. All actions brought for violation of the provisions of this title shall be in the name of the state of Idaho and shall be prosecuted by an attorney representing the county having jurisdiction.
(c) Bond -- Waiver of Trial -- Guilty Plea. For the purpose of posting bail bonds or cash bail, waivers of trial or entering pleas of guilty, the officer shall take the defendant before any magistrate or other designated person within the state who has sufficient jurisdiction to accept the bond, waiver, or plea.
(d) Trial. Upon a plea of not guilty by the defendant before a court in a county other than where the offense was committed, the action shall be returned for trial to a court in the county where the offense is alleged to have occurred.

SECTION 34. That Section 36-1508, Idaho Code, be, and the same is hereby amended to read as follows:

36-1508. SHOOTING FROM PUBLIC HIGHWAY -- CHILDREN IN POSSESSION OF FIREARMS. It is a misdemeanor for any person to:
(a) Shoot from Public Highway. To discharge any firearm from or across a public highway.
(b) Children with Firearms. No person under the age of twelve (12) years shall have in his possession any shotgun, rifle or other firearm while in the fields or forests or in any tent, camp, auto or any other vehicle in the state of Idaho.

SECTION 35. That Section 36-1509, Idaho Code, be, and the same is hereby amended to read as follows:

36-1509. HOLES IN ICE -- SIZE LIMITS -- PENALTY -- EXCEPTION. (a) It is a misdemeanor for any No person shall:

(1) Cut an opening larger than ten (10) inches across the longest part through the ice of any of the streams, lakes or ponds of the state for the purpose of fishing;
(2) Fish through a man-made opening in ice which is larger than ten (10) inches across the longest part.
(b) The provisions of this section shall not apply to Bear Lake when an opening in the ice larger than ten (10) inches across the longest part is necessary for dip netting Cisco.

SECTION 36. That Section 36-1510, Idaho Code, be, and the same is hereby amended to read as follows:

36-1510. INTERFERENCE WITH HUNTING, FISHING AND PREDATOR CONTROL. (a) It is a misdemeanor for any No person shall:

(1) Intentionally interfere with the lawful taking of wildlife or lawful predator control by another; or
(2) Intentionally harass, bait, drive or disturb any animal for the purpose of disrupting lawful pursuit or taking thereof; or
(3) 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
(4) 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.

SECTION 37. That Section 36-1602, Idaho Code, be, and the same is hereby amended to read as follows:

36-1602. HUNTING ON CULTIVATED, POSTED, OR ENCLOSED LANDS WITHOUT PERMISSION. No person shall hunt with a dog or weapon upon lands of another that are cultivated, posted, or 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 said lands for all damages. Any person or persons violating the provisions of this section resulting in injuring or killing any livestock on said lands shall be found guilty of a misdemeanor in accordance with section 36-1401, Idaho Code.

SECTION 38. That Section 36-1902, Idaho Code, be, and the same is hereby amended to read as follows:

36-1902. WILD ANIMALS AND WILD BIRDS PROTECTED. It is a misdemeanor for any person to shall take any wild animals or wild birds in any of the wildlife preserves within the state of Idaho which have been created by law except as hereinafter provided or by commission regulation promulgated pursuant to the provisions of section 36-104(b)(4), Idaho Code.

SECTION 39. That Sections 36-1914 and 36-2216, Idaho Code, be and the same are hereby repealed.

Approved March 26, 1992.

CHAPTER 82
(H.B. No. 490)

AN ACT
RELATING TO INSURANCE AND THE LICENSURE OF REINSURANCE INTERMEDIARY BROKERS AND REINSURANCE INTERMEDIARY MANAGERS; AMENDING TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 51, TITLE 41, IDAHO CODE, TO PROVIDE A SHORT TITLE; TO PROVIDE DEFINITIONS; TO PROVIDE FOR LICENSURE; TO PROVIDE FOR REQUIRED CONTRACT PROVISIONS; TO PROVIDE FOR BOOKS AND RECORDS; TO PROVIDE FOR DUTIES OF INSURERS UTILIZING THE SERVICES OF A REINSURANCE INTERMEDIARY; TO PROVIDE REQUIRED CONTRACT PROVISIONS; TO DEFINE PROHIBITED ACTS; TO PROVIDE FOR DUTIES OF REINSURERS UTILIZING THE SERVICES OF A REINSURANCE INTERMEDIARY; TO PROVIDE FOR EXAMINATION AUTHORITY; TO PROVIDE PENALTIES AND LIABILITIES; AND PROVIDING EFFECTIVE DATES.

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 des-
ignated as Chapter 51, Title 41, Idaho Code, and to read as follows:

CHAPTER 51
REINSURANCE INTERMEDIARY ACT

41-5101. SHORT TITLE. This chapter may be cited as the "Reinsurance Intermediary Act."

41-5102. DEFINITIONS. As used in this chapter:
(1) "Actuary" means a person who is a member in good standing of the American academy of actuaries.
(2) "Controlling person" means any person, firm, association or corporation who directly or indirectly has the power to direct or cause to be directed, the management, control or activities of the reinsurance intermediary.
(3) "Insurer" means any person, firm, association or corporation duly licensed in this state pursuant to the applicable provisions of the insurance law as an insurer.
(4) "Licensed producer" means an agent, broker or reinsurance intermediary licensed pursuant to the applicable provision of the insurance law.
(5) "Qualified United States financial institution" means for purposes of this chapter, a qualified United States financial institution that:
   (a) Is organized or, in the case of a United States office of a foreign banking organization, licensed, under the laws of the United States or any state thereof;
   (b) Is regulated, supervised and examined by United States federal or state authorities having regulatory authority over banks and trust companies; and
   (c) Has been determined by either the director, or the securities valuation office of the national association of insurance commissioners, to meet such standards of financial condition and standing as are considered necessary and appropriate to regulate the quality of financial institutions whose letters of credit will be acceptable to the director.
(6) "Reinsurance intermediary" means a reinsurance intermediary-broker, or a reinsurance intermediary-manager as these terms are defined in subsections (7) and (8) of this section.
   (7) "Reinsurance intermediary-broker (RB)" means any person, other than an officer or employee of the ceding insurer, firm, association or corporation who solicits, negotiates or places reinsurance cessions or retrocessions on behalf of a ceding insurer without the authority or power to bind reinsurance on behalf of such insurer.
   (8) "Reinsurance intermediary-manager (RM)" means any person, firm, association or corporation who has authority to bind or manage all or part of the assumed reinsurance business of a reinsurer (including the management of a separate division, department or underwriting office) and acts as an agent for such reinsurer whether known as a RM, manager or other similar term. Notwithstanding the above, the following persons shall not be considered a RM, with respect to such reinsurer, for the purposes of this chapter:
      (a) An employee of the reinsurer;
(b) A United States manager of the United States branch of an alien reinsurer;
(c) An underwriting manager which, pursuant to contract, manages all the reinsurance operations of the reinsurer, is under common control with the reinsurer, subject to chapter 38, title 41, Idaho Code, and whose compensation is not based on the volume of premiums written; or
(d) The manager of a group, association, pool or organization of insurers which engage in joint underwriting or joint reinsurance and which are subject to examination by the insurance director of the state in which the manager's principal business office is located.
(9) "Reinsurer" means any person, firm, association or corporation duly licensed or authorized to do business in this state pursuant to the applicable provisions of the insurance law as an insurer with the authority to assume reinsurance.
(10) "To be in violation" means that the reinsurance intermediary, insurer or reinsurer for whom the reinsurance intermediary was acting failed to substantially comply with the provision of this chapter.

41-5103. LICENSURE. (1) No person, firm, association or corporation shall act as a RM in this state if the RB maintains an office either directly or as a member or employee of a firm or association, or an officer, director or employee of a corporation:
(a) In this state, unless such RB is a licensed producer in this state; or
(b) In another state, unless such RB is a licensed producer in this state or another state having a law substantially similar to this law or such RB is licensed in this state as a nonresident reinsurance intermediary.
(2) No person, firm, association or corporation shall act as a RM:
(a) For a reinsurer domiciled in this state, unless such RM is a licensed producer in this state;
(b) In this state, if the RM maintains an office either directly or as a member or employee of a firm or association, or an officer, director or employee of a corporation in this state, unless such RM is a licensed producer in this state;
(c) In another state for a nondomestic insurer, unless such RM is a licensed producer in this state or another state having a law substantially similar to this law or such person is licensed in this state as a nonresident reinsurance intermediary.
(3) The director may require a RM subject to subsection (2) of this section to:
(a) File a bond in an amount from an insurer acceptable to the director for the protection of the reinsurer; and
(b) Maintain an errors and omissions policy in an amount acceptable to the director.
(4) The director may issue a reinsurance intermediary license to any person, firm, association or corporation who has complied with the requirements of this chapter. Any such license issued to a firm or association will authorize all the members of such firm
or association and any designated employees to act as reinsurance intermediaries under the license, and all such persons shall be named in the application and any supplements thereto. Any such license issued to a corporation shall authorize all of the officers, and any designated employees and directors thereof to act as reinsurance intermediaries on behalf of such corporation, and all such persons shall be named in the application and any supplements thereto.

(b) If the applicant for a reinsurance intermediary license is a nonresident, such applicant, as a condition precedent to receiving or holding a license, shall designate the director as agent for service of process in the manner, and with the same legal effect, provided for in this title for designation of service of process upon unauthorized insurers, and shall also furnish the director with the name and address of a resident of this state upon whom notices or orders of the director or process affecting such nonresident reinsurance intermediary may be served. Such licensee shall promptly notify the director in writing of every change in its designated agent for service of process, and such change shall not become effective until acknowledged by the director.

(5) The director may refuse to issue a reinsurance intermediary license if, in his judgment, the applicant, any one named on the application, or any member, principal, officer or director of the applicant, is not trustworthy, or that any controlling person of such applicant is not trustworthy to act as a reinsurance intermediary, or that any of the foregoing has given cause for revocation or suspension of such license, or has failed to comply with any prerequisite for the issuance of such license. Upon written request therefor, the director will furnish a summary of the basis for refusal to issue a license, which document shall be privileged and exempt from disclosure pursuant to section 9-340, Idaho Code.

(6) Licensed attorneys at law of this state when acting in their professional capacity as such shall be exempt from the provisions of this section.

41-5104. REQUIRED CONTRACT PROVISIONS -- REINSURANCE INTERMEDIARY BROKERS. Transactions between a RB and the insurer it represents in such capacity shall only be entered into pursuant to a written authorization, specifying the responsibilities of each party. The authorization shall, at a minimum, provide that:

(1) The insurer may terminate the RB's authority at any time.

(2) The RB will render accounts to the insurer accurately detailing all material transactions, including information necessary to support all commissions, charges and other fees received by, or owing, to the RB, and remit all funds due to the insurer within thirty (30) days of receipt.

(3) All funds collected for the insurer's account will be held by the RB in a fiduciary capacity in a bank which is a qualified United States financial institution as defined herein.

(4) The RB will comply with the provisions of section 41-5105, Idaho Code.

(5) The RB will comply with the written standards established by the insurer for the cession or retrocession of all risks.
(6) The RB will disclose to the insurer any relationship with any reinsurer to which business will be ceded or retroceded.

41-5105. BOOKS AND RECORDS -- REINSURANCE INTERMEDIARY BROKERS. (1) For at least ten (10) years after expiration of each contract of reinsurance transacted by the RB, the RB will keep a complete record for each transaction showing:
   (a) The type of contract, limits, underwriting restrictions, classes or risks and territory;
   (b) Period of coverage, including effective and expiration dates, cancellation provisions and notice required of cancellation;
   (c) Reporting and settlement requirements of balances;
   (d) Rate used to compute the reinsurance premium;
   (e) Names and addresses of assuming reinsurers;
   (f) Rates of all reinsurance commissions, including the commissions on any retrocessions handled by the RB;
   (g) Related correspondence and memoranda;
   (h) Proof of placement;
   (i) Details regarding retrocessions handled by the RB including the identity of retrocessionaires and percentage of each contract assumed or ceded;
   (j) Financial records including, but not limited to, premium and loss accounts; and
   (k) When the RB procures a reinsurance contract on behalf of a licensed ceding insurer:
      (i) Directly from any assuming reinsurer, written evidence that the assuming reinsurer has agreed to assume the risk; or
      (ii) If placed through a representative of the assuming reinsurer, other than an employee, written evidence that such reinsurer has delegated binding authority to the representative.

(2) The insurer will have access and the right to copy and audit all accounts and records maintained by the RB related to its business in a form usable by the insurer.

41-5106. DUTIES OF INSURERS UTILIZING THE SERVICES OF A REINSURANCE INTERMEDIARY -- BROKER. (1) An insurer shall not engage the services of any person, firm, association or corporation to act as a RB on its behalf unless such person is licensed as required in section 41-5103(1), Idaho Code.

(2) An insurer may not employ an individual who is employed by a RB with which it transacts business, unless such RB is under common control with the insurer and subject to the provisions of chapter 38, title 41, Idaho Code.

(3) The insurer shall annually obtain a copy of the statement of the financial condition of each RB with which it transacts business.

41-5107. REQUIRED CONTRACT PROVISIONS -- REINSURANCE INTERMEDIARY -- MANAGERS. Transactions between a RM and the reinsurer it represents in such capacity shall only be entered into pursuant to a written contract, specifying the responsibilities of each party, which shall be approved by the reinsurer's board of directors. At least thirty (30) days before such reinsurer assumes or cedes business through such pro-
producer, a true copy of the approved contract shall be filed with the
director for approval. The contract shall, at a minimum, contain pro-
visions that:

1. The reinsurer may terminate the contract for cause upon writ-
ten notice to the RM. The reinsurer may immediately suspend the
authority of the RM to assume or cede business during the pendency of
any dispute regarding the cause for termination.

2. The RM will render accounts to the reinsurer accurately
detailing all material transactions, including information necessary
to support all commissions, charges and other fees received by, or
owing to the RM, and remit all funds due under the contract to the
reinsurer on not less than a monthly basis.

3. All funds collected for the reinsurer's account will be held
by the RM in a fiduciary capacity in a bank which is a qualified
United States financial institution as defined herein. The RM may
retain no more than three (3) months estimated claims payments and
allocated loss adjustment expenses. The RM shall maintain a separate
bank account for each reinsurer that it represents.

4. For at least ten (10) years after expiration of each contract
of reinsurance transacted by the RM, the RM will keep a complete
record for each transaction showing:

(a) The type of contract, limits, underwriting restrictions,
classes or risks and territory;
(b) Period of coverage, including effective and expiration dates,
cancellation provisions and notice required of cancellation, and
disposition of outstanding reserves on covered risks;
(c) Reporting and settlement requirements of balances;
(d) Rate used to compute the reinsurance premium;
(e) Names and addresses of reinsurers;
(f) Rates of all reinsurance commissions, including the commis-
sions on any retrocessions handled by the RM;
(g) Related correspondence and memoranda;
(h) Proof of placement;
(i) Details regarding retrocessions handled by the RM, as permit-
ted under the provisions of section 41-5109(4), Idaho Code,
including the identity of retrocessionaires and percentage of each
contract assumed or ceded;
(j) Financial records including, but not limited to, premium and
loss accounts; and
(k) When the RM places a reinsurance contract on behalf of a ced-
ing insurer:

(i) Directly from any assuming reinsurer, written evidence
that the assuming reinsurer has agreed to assume the risk; or
(ii) If placed through a representative of the assuming rein-
surer, other than an employee, written evidence that such
reinsurer has delegated binding authority to the representa-
tive.

5. The reinsurer will have access and the right to copy all
accounts and records maintained by the RM related to its business in a
form usable by the reinsurer.

6. The contract cannot be assigned in whole or in part by the
RM.

7. The RM will comply with the written underwriting and rating
standards established by the insurer for the acceptance, rejection or cession of all risks.

(8) Set forth the rates, terms and purposes of commissions, charges and other fees which the RM may levy against the reinsurer.

(9) If the contract permits the RM to settle claims on behalf of the reinsurer:
(a) All claims will be reported to the reinsurer in a timely manner;
(b) A copy of the claim file will be sent to the reinsurer at its request or as soon as it becomes known that the claim:
   (i) Has the potential to exceed the lesser of an amount determined by the director or the limit set by the reinsurer;
   (ii) Involves a coverage dispute;
   (iii) May exceed the RM's claims settlement authority;
   (iv) Is open for more than six (6) months; or
   (v) Is closed by payment of the lesser of an amount set by the director or an amount set by the reinsurer;
(c) All claim files will be the joint property of the reinsurer and the RM. However, upon an order of liquidation of the reinsurer such files shall become the sole property of the reinsurer or its estate. The RM shall have reasonable access to and the right to copy the files on a timely basis; and
(d) Any settlement authority granted to the RM may be terminated for cause upon the reinsurer's written notice to the RM or upon the termination of the contract. The reinsurer may suspend the settlement authority during the pendency of the dispute regarding the cause of termination.

(10) If the contract provides for a sharing of interim profits by the RM, such interim profits will not be paid until one (1) year after the end of each underwriting period for property business and five (5) years after the end of each underwriting period for casualty business (or a later period set by the director for specified lines of insurance) and not until the adequacy of reserves on remaining claims has been verified pursuant to section 41-5109(3), Idaho Code.

(11) The RM will annually provide the reinsurer with a statement of its financial condition prepared by an independent certified accountant.

(12) The reinsurer shall periodically (at least semiannually) conduct an onsite review of the underwriting and claims processing operations of the RM.

(13) The RM will disclose to the reinsurer any relationship it has with any insurer prior to ceding or assuming any business with such insurer pursuant to this contract.

(14) Within the scope of its actual or apparent authority the acts of the RM shall be deemed to be the acts of the reinsurer on whose behalf it is acting.

41-5108. PROHIBITED ACTS. The RM shall not:
(1) Cede retrocessions on behalf of the reinsurer, except that the RM may cede facultative retrocessions pursuant to obligatory facultative agreements if the contract with the reinsurer contains retrocession underwriting guidelines for such retrocessions. Such guidelines shall include a list of reinsurers with which such automatic
agreements are in effect, and for each such reinsurer, the coverages
and amounts or percentages that may be reinsured, and commission
schedules.
(2) Commit the reinsurer to participate in reinsurance
syndicates.
(3) Appoint any producer without assuring that the producer is
lawfully licensed to transact the type of reinsurance for which he is appointed.
(4) Without prior approval of the reinsurer, pay or commit the
reinsurer to pay a claim, net of retrocessions, that exceeds the lesser of an amount specified by the reinsurer or one per cent (1%) of the reinsurer's policyholder surplus as of December 31 of the last complete calendar year.
(5) Collect any payment from a retrocessionaire or commit the
reinsurer to any claim settlement with a retrocessionaire, without prior approval of the reinsurer. If prior approval is given, a report must be promptly forwarded to the reinsurer.
(6) Jointly employ an individual who is employed by the reinsurer
unless such RM is under common control with the reinsurer subject to chapter 38, title 41, Idaho Code.
(7) Appoint a sub-RM.

41-5109. DUTIES OF REINSURERS UTILIZING THE SERVICES OF A REIN­
SURANCE INTERMEDIARY -- MANAGER. (1) A reinsurer shall not engage the services of any person, firm, association or corporation to act as a RM on its behalf unless such person is licensed as required in section 41-5103(2), Idaho Code.
(2) The reinsurer shall annually obtain a copy of the statement(s) of the financial condition of each RM which such reinsurer has engaged, prepared by an independent certified accountant in a form acceptable to the director.
(3) If a RM establishes loss reserves, the reinsurer shall annu­
ually obtain the opinion of an actuary attesting to the adequacy of loss reserves established for losses incurred and outstanding on business produced by the RM. This opinion shall be in addition to any other required loss reserve certification.
(4) Binding authority for all retrocessional contracts or partic­
ipation in reinsurance syndicates shall rest with an officer of the reinsurer who shall not be affiliated with the RM.
(5) Within thirty (30) days of termination of a contract with a RM, the reinsurer shall provide written notification of such termina­tion to the director.
(6) A reinsurer shall not appoint to its board of directors, any officer, director, employee, controlling shareholder or subproducer of its RM. The provisions of this subsection shall not apply to rela­tionships governed by chapter 38, title 41, Idaho Code.

41-5110. EXAMINATION AUTHORITY. (1) A reinsurance intermediary shall be subject to examination by the director. The director shall have access to all books, bank accounts and records of the reinsurance intermediary in a form usable to the director.
(2) A RM may be examined as if it were the reinsurer.
41-5111. PENALTIES AND LIABILITIES. (1) A reinsurance intermediary, insurer or reinsurer found by the director, after a hearing conducted in accordance with chapter 52, title 67, Idaho Code, to be in violation of any provision(s) of this chapter shall:
   
   (a) For each separate violation, pay a penalty in an amount not exceeding five thousand dollars ($5,000);
   
   (b) Be subject to revocation or suspension of its license; and
   
   (c) If a violation was committed by the reinsurance intermediary, such reinsurance intermediary shall make restitution to the insurer, reinsurer, rehabilitator or liquidator of the insurer or reinsurer for the net losses incurred by the insurer or reinsurer attributable to such violation.

   (2) The decision, determination or order of the director pursuant to subsection (1) of this section shall be subject to judicial review pursuant to chapter 52, title 67, Idaho Code.

   (3) Nothing contained in this section shall affect the right of the director to impose any other penalties provided in the insurance law.

   (4) Nothing contained in this chapter is intended to or shall in any manner limit or restrict the rights of policyholders, claimants, creditors or other third parties or confer any rights to such persons.

SECTION 2. This act shall be in full force and effect on and after July 1, 1992. No insurer or reinsurer may continue to utilize the services of a reinsurance intermediary on and after October 1, 1992, unless utilization is in compliance with the provisions of this chapter.

Approved March 26, 1992.

CHAPTER 83
(H.B. No. 607, As Amended)

AN ACT RELATING TO PAYMENT FOR INDIGENT CARE; AMENDING SECTION 31-3302, IDAHO CODE, TO CLARIFY THE RESPONSIBILITY FOR PAYMENT BY COUNTIES OF CERTAIN INDIGENT CARE; REPEALING CHAPTER 34, TITLE 31, IDAHO CODE; AMENDING TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 34, TITLE 31, IDAHO CODE, TO PROVIDE FOR NONMEDICAL INDIGENT ASSISTANCE, TO PROVIDE POWERS AND DUTIES OF THE BOARD OF COUNTY COMMISSIONERS, TO PROVIDE FOR CONTRACTS FOR MAINTENANCE OF NONMEDICAL INDIGENTS, TO PROVIDE DEFINITIONS, TO PROVIDE FOR APPLICATIONS FOR NONMEDICAL INDIGENT ASSISTANCE, TO PROVIDE ELIGIBILITY CLASSIFICATIONS AND FOR DURATION OF ASSISTANCE, TO PROVIDE FOR INVESTIGATIONS OF APPLICATIONS, TO DEFINE AN OBLIGATED COUNTY, TO PROVIDE FOR ELIGIBILITY, TO PROVIDE FOR APPLICATIONS FOR STATE AND FEDERAL PROGRAMS AND SUBROGATION, TO PROVIDE FOR WRITTEN NOTICE OF A DECISION, TO PROVIDE FOR APPEALS, TO PROVIDE FOR INDIGENT BURIAL, TO PROVIDE FOR APPROVED CLAIMS, TO PROVIDE FOR REPAYMENT BY RECIPIENTS, TO PROVIDE FOR DIVESTITURE OF ASSETS, TO PROVIDE FOR VIOLATIONS AND PENALTY, TO PROVIDE SEPARABILITY, AND TO PRO-
VIDE FOR CONFIDENTIALITY; AMENDING SECTION 31-3502, IDAHO CODE, TO PROVIDE PROPER CODE REFERENCES; AMENDING SECTION 31-3509, IDAHO CODE, TO PROVIDE PROPER CODE REFERENCES; AMENDING CHAPTER 35, TITLE 31, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 31-3520, 31-3521, 31-3522, 31-3523, 31-3524, 31-3525, 31-3526, 31-3527 AND 31-3528, IDAHO CODE, TO PROVIDE FOR CONTRACTS FOR MAINTENANCE OF MEDICALLY INDIGENT, TO PROVIDE FOR EMPLOYMENT OF A PHYSICIAN, TO PROVIDE FOR AN APPLICATION FOR COUNTY AID, TO PROVIDE FOR INVESTIGATION OF APPLICATIONS, TO PROVIDE FOR PROVISION FOR RELIEF, TO PROVIDE THAT ONLY APPROVED CLAIMS MAY BE ALLOWED, TO PROVIDE FOR APPLICATIONS BY A THIRD PERSON, TO PROVIDE FOR DISCHARGE OF INDIGENTS, AND TO PROVIDE FOR TREATMENT OF INDIGENTS; AND AMENDING CHAPTER 36, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-3620, IDAHO CODE, TO REQUIRE THE KEEPING OF ACCOUNTS.

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

SECTION 1. That Section 31-3302, Idaho Code, be, and the same is hereby amended to read as follows:

31-3302. COUNTY CHARGES ENUMERATED. The following are county charges:

(1) Charges incurred against the county by virtue of any provision of this title.

(2) The compensation allowed by law to constables and sheriffs for executing process on persons charged with criminal offenses; for services and expenses in conveying criminals to jail; for the service of subpoenas issued by or at the request of the prosecuting attorneys, and for other services in relation to criminal proceedings.

(3) The expenses necessarily incurred in the support of persons charged with or convicted of crime and committed therefor to the county jail.

(4) The compensation allowed by law to county officers in criminal proceedings, when not otherwise collectible.

(5) The sum required by law to be paid to grand jurors and indigent witnesses in criminal cases.

(6) The accounts of the coroner of the county, for such services as are not provided to be paid otherwise.

(7) The necessary expenses incurred in the support of county hospitals, and the indigent sick and the-otherwise-dependent-poor nonmedical assistance for indigents, whose support is chargeable to the county.

(8) The contingent expenses, necessarily incurred for the use and benefit of the county.

(9) Every other sum directed by law to be raised for any county purpose, under the direction of the board of county commissioners, or declared to be a county charge.

SECTION 2. That Chapter 34, Title 31, Idaho Code, be, and the same is hereby repealed.
SECTION 3. That Title 31, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 34, Title 31, Idaho Code, and to read as follows:

CHAPTER 34
NONMEDICAL INDIGENT ASSISTANCE

31-3401. POWERS AND DUTIES OF THE BOARD OF COUNTY COMMISSIONERS. The boards of county commissioners in their respective counties shall, under such limitations and restrictions as are prescribed by law, evaluate the need and provide to indigent person(s) nonmedical assistance in a temporary situation only when no alternatives exist. Nothing in this chapter shall imply county assistance is to be provided on a continuing basis. Boards of county commissioners, by resolution, shall promulgate policies and procedures, may negotiate payment to providers, and may contract for nonmedical services, pursuant to this chapter. For the purpose of funding nonmedical services for indigent persons, boards of county commissioners are authorized to levy an ad valorem tax pursuant to section 31-3503, Idaho Code.

31-3402. CONTRACT FOR MAINTENANCE OF INDIGENT. The boards of county commissioners in their respective counties, may contract for the care, protection and maintenance of the nonmedically indigent of the county. They shall require the contractor to enter into a bond to the county with two (2) or more approved sureties, in such sum as the boards may fix, conditioned for the faithful performance of his duties and obligations as such contractor, and require him to report to the board no less than quarterly all persons committed to his charge, showing the expense attendant upon their care and maintenance.

31-3403. DEFINITIONS. As used in this chapter:
(1) "Adult household member" means any individual eighteen (18) years of age and over who resides in the household.
(2) "Anticipated future income" means a reasonable expectation of income to the household based on an analysis of past income, future income, current income, experience, skills, education, inheritance and possible assets from any source.
(3) "Applicant" means the individual and all others in the household who are requesting nonmedical assistance, and who submits a county application.
(4) "Assets" mean property rights including, but not limited to, personal, real, tangible and intangible property.
(5) "Authorized representative" means the applicant's guardian or appointed attorney-in-fact.
(6) "Board" means a board of county commissioners.
(7) "Clerk" means the clerk of a board of county commissioners or his designee.
(8) "Emergency" means any circumstance demanding immediate action.
(9) "Household" means a collective body of persons consisting of spouses or parents and their children who reside in the same residence; or all other persons who by choice or necessity are mutually dependent upon each other for basic necessities and who reside in the
same residence.

(10) "Indigent" means any applicant who does not have resources available from whatever source which shall be sufficient to enable the applicant to provide nonmedical assistance or a portion thereof.

(11) "Information release" means the document authorizing release of confidential information.

(12) "Investigation" means a detailed examination of the application and information required from the applicant and others to verify eligibility.

(13) "Medically unemployable" means a physical or mental disability to the extent it prevents an individual from participation in employment and such disability is certified by one or more licensed physicians and/or psychiatrist or psychologist.

(14) "Nonmedical assistance" means reasonable costs for assistance which includes, but is not limited to, food and shelter and other such necessary services as may be determined by the board.

(15) "Obligated county for payment" means the county wherein residency has been established.

(16) "Recipient" means the individual(s) determined eligible for county assistance.

(17) "Repayment" means the authority of the board of county commissioners to require indigent person(s) to repay the county for assistance when investigation of their application determines their ability to do so.

(18) "Residence or residency" means a physical presence with a home, house, place of habitation, dwelling or place where one actually lives.

(19) "Resource" means assets or income from any source including, but not limited to, cash, assets, gifts, bequests, grants, available forms of public or private assistance, household members and family, whether it be services or payment of services, loans, borrowing power and anticipated income.

31-3404. APPLICATION FOR NONMEDICAL INDIGENT ASSISTANCE. (1) Any person or their authorized representative desiring nonmedical assistance from any county in this state shall, before such aid can be given, make a written application to the clerk of the board of county commissioners or his designee where such applicant resides. An application shall be provided to any individual requesting assistance.

(2) An application for nonmedical assistance shall be on a form provided by the county to which application is being made. This application and information release shall be completed and signed by the applicant, or his authorized representative, setting forth and describing all household resources and sworn to before a county officer authorized by the laws of this state to administer oaths, and filed with the clerk of the board. Failure to comply shall result in denial.

(3) Except as provided in section 31-3410, Idaho Code, within ten (10) working days of the date of application, an interview shall be required with the clerk of the board or his designee. Evidence of need, indigency and residence shall be supplied by the applicant or authorized representative. If the applicant or authorized representative fails to make an appointment, appear at an interview or fails to
supply such documentation, the application shall be denied. Any adult household member may be required to appear for an interview, sign a general information release and complete an application. Failure to comply shall result in denial of the requested assistance.

(4) Applicants and all household members who are not fully employed and are capable of employment, shall be required to file an application with the department of employment, use their best efforts to seek employment, and to provide verification of such efforts to the county. The applicant and all other household members may be required to submit a medical statement certifying any inability to work. Individuals voluntarily removing themselves from the work force may be denied assistance.

31-3405. ELIGIBILITY CLASSIFICATIONS -- DURATION OF ASSISTANCE FOR PURPOSES OF ELIGIBILITY. A recipient of nonmedical assistance shall be classified as either employable or medically unemployable.

(1) For medically unemployable persons, the board shall determine the length of eligibility for nonmedical services, based upon medical documentation submitted to them as requested.

(2) The county is not obligated to provide nonmedical assistance for more than three (3) months in the aggregate in any twelve (12) month period to employable persons who are otherwise eligible. Assistance provided in any Idaho county shall apply toward the obligatory three (3) month benefit period.

31-3406. INVESTIGATION OF APPLICATION. It is the duty of the clerk of the board of county commissioners or his designee, to whom such application is made, to investigate, or cause to be investigated, the grounds of such application, and require the person and other such persons as may be deemed necessary, to testify under oath, and shall file a statement of findings with the board of the county. At the discretion and by resolution of the board, the clerk or his designee to whom such application is made may authorize the expenditure of sums as may be necessary to provide the immediate necessities of such person, not exceeding an aggregate sum as determined by the board which amount may exceed two hundred dollars ($200) per applicant.

31-3407. OBLIGATED COUNTY. The county obligated for payment of nonmedical assistance for eligible applicants shall be the county in which said applicant currently maintains a residence at the time of application.

31-3408. ELIGIBILITY. Pursuant to this chapter, eligibility for nonmedical assistance shall be based on the documentation of county residence, completion of an application and interview, except as provided in section 31-3410, Idaho Code. Failure to comply shall result in denial of the requested assistance.

31-3409. APPLICATION OF STATE AND FEDERAL PROGRAM -- INTERIM RELIEF SUBROGATION OF COUNTY TO RECEIPT OF FEDERAL PAYMENTS. (1) Nonmedical assistance is available to an applicant to the extent such relief is not duplicative of resources or benefits reasonably available to the recipient.
(2) If federal, state or other programs or assistance are available to meet the needs of a household, an applicant must apply for those programs before nonmedical assistance may be provided. An eligible applicant shall be provided interim nonmedical assistance after initial applications for other programs are pending. If denied such other assistance, the applicant must pursue available administrative appeals for those programs to the final administrative level. If the applicant becomes eligible for other assistance, such interim relief shall be repaid to the county to the extent that such other assistance is for the same periods of time that interim nonmedical assistance has been provided.

31-3410. DECISION OF COUNTY. The board shall give written notice of its decision within fifteen (15) working days following completion of the interview. In an emergency circumstance, the clerk or his designee shall make an immediate decision regarding nonmedical assistance. The decision of the board is final if a timely notice of appeal is not filed.

31-3411. NOTICE OF APPEAL. The applicant has the right to appeal the decision of the board. Such appeal shall be filed with the clerk of the board, in writing, within thirty (30) days of the date of the board's denial. If the appeal is denied by the board, the applicant shall be entitled to judicial review of the appeal decision of the board, by filing a complaint with the district court within thirty (30) days of the date of the final written decision of the board. Proceedings under this chapter shall be conducted in substantially the same manner provided in the administrative procedures act, chapter 52, title 67, Idaho Code.

31-3412. INDIGENT BURIAL. It shall be the duty of the board to provide for burial or cremation of any deceased indigent person. The amount paid by the obligated county shall not in any case exceed the established or negotiated rate set by each board. If the coroner, mortician or other responsible parties are unable to establish next of kin or other resources, they may make application to the board. Application must be made prior to services rendered and pursuant to terms of negotiated agreement. The county shall be free from any liability for said burial or cremation.

31-3413. APPROVED CLAIMS. The board shall not allow any claim or demand against the county for services to any indigent person until eligibility has been established. The board shall, by resolution, authorize the expenditures of funds not exceeding an aggregate amount to provide for the emergency nonmedical assistance of any eligible indigent person. Bills for expenditures, duly verified under oath, shall be presented to the board and the board shall audit and pay such bills out of the proper fund of the county. Payment of approved claims of indigent persons by the county shall be controlled and determined by the provisions of chapter 16, title 31, Idaho Code. The county is not obligated to pay for services received by the applicant prior to the date of application, or to make payment to relatives.
31-3414. REPAYMENT BY RECIPIENT. By acceptance of county assistance, an applicant agrees to repay the county for all or any portion of expenses paid, when the board finds the applicant is able to repay all or any portion of the charges over a reasonable period of time and/or has assets which can be encumbered for future repayment. Reimbursement for assistance shall be credited to the county indigent fund and need not be budgeted or appropriated in the manner required in chapter 16, title 31, Idaho Code, but shall be available for expenditure at any time for the purposes of the county indigent fund.

The board may provide for work repayment at no less than minimum wage, by such recipients as are employable.

Upon payment of charges for an indigent person, the county making the payment shall become subrogated to all the rights of the provider and to all rights of the indigent person or their legal representatives against any third parties who may be liable for such nonmedical charges. The county's right of subrogation in no way relieves the applicant or provider of responsibility as delineated in sections 31-3404, 31-3409, 31-3413 and 31-3415, Idaho Code.

31-3415. DIVESTITURE. Applicants who have divested their assets or resources within three (3) months prior to applying for county assistance in order to become eligible shall be denied assistance.

31-3416. VIOLATIONS AND PENALTY. Any person who withholds information, or gives false or incomplete information on an application for the purposes of obtaining county aid to which they are not otherwise entitled, shall be guilty of a misdemeanor.

31-3417. SEPARABILITY. If the provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of applications of the chapter, which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are declared to be severable.

31-3418. CONFIDENTIALITY -- PROCEEDINGS AND RECORDS OF INDIGENTS. All proceedings and records related to indigency, pursuant to chapter 34, title 31, Idaho Code, shall be exempt from disclosure pursuant to section 9-340, Idaho Code.

SECTION 4. That Section 31-3502, Idaho Code, be, and the same is hereby amended to read as follows:

31-3502. DEFINITIONS. As used in this chapter, and chapter 34, title 31, Idaho Code, the terms defined in this section shall have the following meaning, unless the context clearly indicates another meaning:

(1) "Medically indigent" means any person who is in need of hospitalization and who, if an adult, together with his or her spouse, or whose parents or guardian if a minor, does not have income and other resources available to him from whatever source which shall be sufficient to enable the person to pay for necessary medical services. Nothing in this definition shall preclude the board of county commis-
sioners from requiring medically indigent persons to reimburse the county for all or a portion of their medical expenses, when investigation of their application pursuant to this chapters-34-and--35--title 31,-Idaho-Code, determines their ability to do so.

(2) "Hospital" means a facility licensed as such in Idaho providing community service for in-patient, medical and/or surgical care of acute illness or injury and/or obstetrics, and excluding state institutions.

(3) "Dependent" means any person whom a taxpayer could claim as a dependent under the income tax laws of the state of Idaho.

(4) "Reimbursement rates" mean the unadjusted medicaid rate of reimbursement for medical charges allowed pursuant to title XIX of the social security act, as amended. For long term care facilities, maximum "reimbursement rates" mean the unadjusted medicaid rate of reimbursement allowed pursuant to the medical assistance program as determined by chapter 1, title 56, Idaho Code, or the unadjusted medicare rate of reimbursement established under title XVIII of the social security act, as amended, whichever is greater.

(5) "Board" means the board of county commissioners.

(6) "Sick" means any person affected with disease or who is unable to care for himself and who does not have the means to provide for his own support, but who does not necessarily require the services of a hospital as defined in subsection (2) of this section.

(7) "Indigent" means any person who is destitute of property and unable to provide for the necessities of life.

(8) "County hospital" means any county approved institution or facility for the care of sick persons.

(9) "Administrator" means the board of the catastrophic health care cost program, as provided in section 31-3517, Idaho Code.

(10) "Catastrophic health care costs" mean all medical expenses for which an applicant for relief under this chapter or any third party are not liable and which are incurred by a recipient, and not paid for or reimbursed by third party payers, during any twelve (12) month period, which exceed in aggregate the sum of ten thousand dollars ($10,000).

(11) "Recipient" means an individual determined eligible for county medical assistance under uniform county guidelines on indigent eligibility adopted by the administrator pursuant to law.

(12) "Residency" or "residence", as used in this chapter, means a physical presence with a home, house, place of abode, place of habitation, dwelling or place where one actually lives.

SECTION 5. That Section 31-3509, Idaho Code, be, and the same is hereby amended to read as follows:

31-3509. COLLECTIONS BY HOSPITALS. Hospitals making claims for the hospitalization of medically indigent persons shall make all reasonable efforts to determine liability for the account so incurred from any available insurance or other sources available for payment of such expenses prior to submitting the bill to the county for payment. In the event any payments are thereafter received for charges which have been paid by a county pursuant to the provisions of this chapters 34-and-35,-title-31,-Idaho-Code, said sums shall be paid over to such
SECTION 6. That Chapter 35, Title 31, Idaho Code, be, and the same is hereby amended by the addition thereto of NEW SECTIONS, to be known and designated as Sections 31-3520, 31-3521, 31-3522, 31-3523, 31-3524, 31-3525, 31-3526, 31-3527 and 31-3528, Idaho Code, and to read as follows:

31-3520. CONTRACT FOR MAINTENANCE OF INDIGENT. The boards of county commissioners in their respective counties, may contract for the care, protection and maintenance of the medically indigent or sick of the county. They shall require the contractor to enter into a bond to the county with two (2) or more approved sureties, in such sum as the board may fix, conditioned for the faithful performance of his duties and obligations as such contractor, and require him to report to the board quarterly all persons committed to his charge, showing the expense attendant upon their care and maintenance.

31-3521. EMPLOYMENT OF PHYSICIAN. The board may employ a physician to attend, when necessary, the patients of the county hospital, provided, however, that the board of county commissioners may enter into contracts with groups of licensed physicians for medical attendance upon patients of the county hospital or other persons receiving medical attendance at county expense. They may provide for the employment, at some kind of manual labor, of such of the patients as are capable and able to work and the attending physicians must certify to the person in charge or lessee of the county hospital the names of such of the patients as are incapable of manual labor, and when any such patient becomes capable the physician shall certify that fact.

31-3522. APPLICATION FOR COUNTY AID. Except as provided in section 31-3504, Idaho Code, any medically indigent person desiring aid from any county of this state, shall before such aid can be given, make a written application to the clerk of the board of county commissioners of the county where such applicant resides, setting forth and describing all resources of the applicant; which application must be signed by the party or parties making such application and sworn to before some officer authorized by the laws of this state to administer oaths, and filed in the office of the clerk of the board of county commissioners not less than ten (10) days prior to admission to any health care facility or hospital; provided however, except in the case of an emergency or extreme necessity no person shall receive such aid who shall not have been a resident of the state of Idaho for at least one (1) year and of the county at least six (6) months next preceding the application for county aid.

An application for hospitalization for a medically indigent person shall be on a standard form provided by the board of county commissioners.

31-3523. INVESTIGATION OF APPLICATION. It is the duty of the clerk of the board of county commissioners, to whom such application is made, to immediately investigate, or cause to be investigated, the grounds of such application, and for such purpose he may require the
person to submit to a physical and mental examination to be performed by the county physician or by someone else approved by the county commissioners at the expense of the county, and require the person, and such other persons as may be deemed necessary, to testify under oath, and he shall file a statement of his findings with the board of county commissioners of such county. If said board of county commissioners is not to meet in regular session within ten (10) days of the date on which the application is filed, the clerk to whom said application is made may authorize the person to be hospitalized or placed in the county hospital or, if the county is not provided with a hospital, he may authorize said person to be placed in some other suitable institution, and he may authorize the expenditure of sums not exceeding two hundred dollars ($200) in the aggregate as may be necessary to provide for the hospitalization or immediate necessities of such person, and the bill for such hospitalization or expenditure shall be presented to the board of county commissioners, duly verified under oath, and the board must audit and pay such bill out of the proper fund of such county at their next regular session.

31-3524. PROVISION FOR RELIEF. The county commissioners of the county shall, after the filing of the application and findings of the clerk as aforesaid, if in their judgment the applicant is medically indigent make such provisions for his relief, or pay for his hospitalization, as may be necessary under the circumstances.

31-3525. APPROVED CLAIMS ONLY TO BE ALLOWED. The county commissioners shall not allow any claim or demand against the county for services rendered to any medically indigent person until the filing and approval of the application; provided, that the board of county commissioners, or, if such board be not then in session, any member thereof, by written order to be filed with the clerk of said board, may authorize the expenditure of not to exceed two hundred dollars ($200), in the aggregate, to provide for the immediate necessities of any indigent person where, in the opinion of said board of commissioners, or the member so making said order, it is proper so to do rather than send such person to the county hospital; provided further that a claim against the county shall be allowed for services rendered prior to approval of the application heretofore mentioned where a hospital renders the services to a medically indigent person in an emergency and subsequently there is obtained said approval heretofore mentioned. Services rendered in an emergency are defined as those reasonably necessary to alleviate illness or injury which if untreated is likely to cause death or serious disability. Such services shall be paid for by the county of residence of the medically indigent person. Bills for such expenditures, duly verified under oath, shall be presented to said board and the board shall audit and pay such bills out of the proper fund of such county. Payment for hospitalization of medically indigent persons shall be controlled and determined by the provisions of this chapter.

31-3526. APPLICATION BY THIRD PERSON. If any medically indigent person, desiring assistance from any county in this state, fails to make the application in writing required in this chapter, such appli-
cation may be made for him or on his behalf, by any other person under oath.

31-3527. DISCHARGE OF INDIGENT. Every person admitted to the county hospital must be discharged therefrom by the person in charge:
   (1) At his own request, if capable of taking care of himself, or if his friends or relatives are willing to take care of him.
   (2) Whenever, in the judgment of the person in charge and attending physician, the person is capable of supporting himself; but in such case the county commissioners have the power to revise the act of the person in charge and attending physician, and can return a person who, in their judgment, has been improperly discharged, or may discharge anyone that, in their judgment, should no longer be a patient of the county hospital.

31-3528. TREATMENT OF INDIGENTS. The treatment of all patients of the county hospital must be kind and humane; they must be supplied with comfortable clothing, sufficient bedding and plain, substantial food and shall not be required to perform labor to an extent that is detrimental to their health.

SECTION 7. That Chapter 36, 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 31-3620, Idaho Code, and to read as follows:

31-3620. ACCOUNTS AND REPORTS OF PERSON IN CHARGE. The person in charge of the county hospital shall keep a correct account of all receipts and expenditures in connection therewith, and make full and complete reports thereof quarterly to the board of county commissioners.

Approved March 26, 1992.

CHAPTER 84
(H.B. No. 612)

AN ACT
RELATING TO THE INVESTMENT OF IDLE MONEYS IN THE STATE TREASURY;
AMENDING SECTION 67-1210, IDAHO CODE, TO PROVIDE ADDITIONAL INVESTMENT AUTHORITY FOR THE STATE TREASURER; AND AMENDING SECTION 67-1210A, IDAHO CODE, TO PROVIDE ADDITIONAL ALLOWABLE INVESTMENTS BY THE STATE TREASURER.

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

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

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

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

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

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

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

(e) Bonds, notes or other similar obligations issued by public corporations of the state of Idaho including, but not limited to, the Idaho state building authority, the Idaho housing authority and the Idaho water resource board, but such investment shall not extend beyond seven (7) days.

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

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

(h) Tax anticipation bonds or notes and income and revenue anticipation bonds or notes of taxing districts of the state of Idaho.

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

(j) Time deposit accounts and savings accounts of state or federal savings and loan associations located within the geographical boundaries of the state in amounts not to exceed the insurance provided by the Federal Savings and Loan Insurance Corporation including, but not limited to, accounts on which interest or dividends are paid and upon which negotiable orders of withdrawal may be drawn, and similar transaction accounts.

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

(1) Share, savings and deposit accounts of state and federal credit unions located within the geographical boundaries of the state in amounts not to exceed the insurance provided by the national credit union share insurance fund and/or any other authorized deposit guaranty corporation, including, but not limited to, accounts on which interest or dividends are paid and upon which negotiable orders of
withdrawal may be drawn, and similar transaction accounts.

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

The interest received on all such investments, unless otherwise specifically required by law, shall be paid into the general account of the state of Idaho. Provided, unless otherwise specifically provided by statute, funds received by the state pursuant to a federal law, regulation, or federal-state agreement which governs disposition of interest earned upon such funds shall be classified in the agency asset fund provided by section 57-811, Idaho Code. Any interest earned upon such funds shall be accounted for separately to give effect to the federal law, regulation, or federal-state agreement.

If the interest is to be credited to a separate account, to partially compensate for the amount of interest the general account would otherwise receive if such separate investment were not required, the state treasurer shall charge the account an investment administration fee equal to one-quarter of one percent (.25%) per year of the average daily balance of the account, including separate investments, if any, of that account. The fee may be charged monthly in an amount approximately one-twelfth of the fee which would be payable on an annual basis. The amount of the investment administration fee shall constitute an appropriation from the account for which the investment administration services are rendered.

To partially compensate for the interest the general account has lost when such interest was diverted to certain state funds or accounts by statute authorizing them to be invested individually and receive their own interest, the state treasurer shall charge an investment administration fee to each such state fund or account, other than the general account, which receives investment income from investments administered by the office of state treasurer. The investment administration fee shall be equal to one-quarter of one percent (.25%) per year of the average daily balance of the fund or account, including separate investments, if any, of that fund or account. The fee may be charged monthly in an amount approximately one-twelfth of the fee which would be payable on an annual basis. The amount of the investment administration fee shall constitute an appropriation from the fund or account for which the investment administration services are rendered.

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

SECTION 2. That Section 67-1210A, Idaho Code, be, and the same is hereby amended to read as follows:

67-1210A. ADDITIONAL ALLOWABLE INVESTMENTS BY THE STATE TREASURER. In addition to investments enumerated in section 67-1210, Idaho Code, the state treasurer is authorized and empowered to invest state funds or any other funds in his hands including, but not limited to,
funds of any public agency invested pursuant to joint exercise of powers agreements, in prime banker's acceptances and prime commercial paper, sales and repurchase of call options and securities lending agreements. Such securities lending agreements shall require the borrower to provide and maintain collateral (cash or securities which are authorized investments for the state treasurer) at least equal in value to the value of the securities loaned. The sale (writing) and repurchase of call options is permitted only when the state treasurer or the joint powers local government pooled fund own the securities on which the option is written.

The provisions of this section shall not be construed to enlarge the powers of other public agencies to invest in prime banker's acceptances, or prime commercial paper, sales and repurchase of call options or securities lending agreements unless such investments are made by the state treasurer pursuant to a joint exercise of powers agreement.

Approved March 26, 1992.

CHAPTER 85
(H.B. No. 617)

AN ACT
RELATING TO PROPERTY EXEMPT FROM TAXATION; AMENDING SECTION 63-105A, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT OF FISH AND GAME SHALL PAY A FEE IN LIEU OF TAXES ON UNIMPROVED REAL PROPERTY OWNED IN FEE SIMPLE BY THE IDAHO DEPARTMENT OF FISH AND GAME CONTINGENT UPON CERTAIN CONDITIONS.

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

SECTION 1. That Section 63-105A, Idaho Code, be, and the same is hereby amended to read as follows:

63-105A. PROPERTY EXEMPT FROM TAXATION -- GOVERNMENT PROPERTY.
(1) The following property is exempt from taxation: Property belonging to the United States, except when taxation thereof is authorized by the congress of the United States, this state, or to any county or municipal corporation or school district within this state.
(2) However, unimproved real property of more than ten (10) contiguous acres owned in fee simple by the department of fish and game shall be subject to a fee in lieu of taxes contingent upon the following conditions and requirements;
   (a) The fee in lieu of taxes shall not exceed the property tax for the property at the time of acquisition by the department of fish and game, unless the tax rate for the property shall have been increased.
   (b) The department shall determine and identify the parcels of property and their current use as qualified under the provisions of this act. The department shall consult with the appropriate county assessor and determine the fee to be paid on the property.
The fee shall be an amount equal to the tax the property would generate if assessed as agricultural property.

(c) Any future increase in the fee paid in lieu of taxes shall be determined by the amount of taxes the property would generate if assessed as agricultural property. The increase may be determined by the department working cooperatively with the appropriate county assessor. The method used for determining the fee that would be due on department property is to be used only under this subsection and has no other application in any other section of the Idaho Code.

(d) The department shall then provide to the treasurer of the county where the parcels are located on or before the second Monday of March each year, a listing identifying each parcel of unimproved property by legal description, size and amount of the fee for the preceding calendar year. The treasurer shall prepare and submit a billing for payment based on this information to the department. Once the fee has been determined, payment shall be made by June 20 of that year from moneys appropriated for that purpose. However, if the fees exceed the moneys appropriated for that purpose, the director of the department of fish and game shall calculate the percent reduction that must be made and certify the proportionate reduction to each county treasurer.

(e) For the purpose of this section only, unimproved real property shall mean property on which no buildings, structures, or fixtures have been erected or affixed to the land. For purposes of this subsection only, roads or fences shall not be considered as improvements.

Approved March 26, 1992.

CHAPTER 86
(H.B. No. 641)

AN ACT
RELATING TO ACTIONS FOR NEGLIGENCE; AMENDING SECTION 6-807, IDAHO CODE, TO CORRECT A GRAMMATICAL ERROR AND TO CORRECT A TYPOGRAPHICAL ERROR; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 6-807, Idaho Code, be, and the same is hereby amended 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 if 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 be 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 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 26, 1992.

CHAPTER 87
(H.B. No. 643)

AN ACT
RELATING TO BANKS AND AFFILIATED TRUST COMPANIES; AMENDING SECTIONS 26-1401 AND 26-1402, IDAHO CODE, TO PROVIDE CORRECT NOMENCLATURE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 26-1401, Idaho Code, be, and the same is hereby amended to read as follows:

26-1401. DEFINITIONS. In this chapter:
(1) "Affiliated bank," with respect to a trust company or another bank, means any bank:
(a) That owns, directly or indirectly, eighty per cent (80%) or more of the voting stock of such trust company or other bank; or
(b) Eighty per cent (80%) or more of the voting stock of which is owned, directly or indirectly, by the same bank holding company that owns, directly or indirectly, eighty per cent (80%) or more of the voting stock of such trust company or other bank.
(2) "Affiliated trust company" means a trust company whose with a principal place of business is located within the state of Idaho, and eighty per cent (80%) or more of the voting stock of which is owned, directly or indirectly, by the same bank or bank holding company that owns, directly or indirectly, eighty per cent (80%) or more of the voting stock of a trust company or a bank with respect to which the affiliated trust company is participating in a transfer of fiduciary capacities as provided in this chapter.
(3) "Bank" means any state bank or national bank whose operations
are principally conducted in this state and which is authorized to engage in trust business.

(4) "Bank holding company" means a bank holding company as defined in the United States bank holding company act of 1956, as amended.

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

(6) "Fiduciary account," with respect to an affiliated bank, affiliated trust company, or trust company, means an estate, trust, or other fiduciary relationship, and includes all rights, privileges, duties, obligations, and undertakings thereof, that have been established or provided for by a written instrument or in any other lawful manner with such affiliated bank, affiliated trust company or trust company.

(7) "Fiduciary capacity" means a capacity resulting from the undertaking to act alone or jointly with others as a personal representative of a decedent's estate, a guardian or conservator of an estate, a receiver, a trustee under appointment of any court or under authority of any law, or a trustee for any other purpose permitted by law.

(8) "Principal office place of business," with respect to any affiliated bank, affiliated trust company, or trust company means such entity's principal place of business within the state of Idaho.

(9) "Trust company" means a corporation holding a charter to engage in the trust business in this state, issued pursuant to chapter 13, title 26, Idaho Code, and whose principal place of business is located within the state of Idaho.

SECTION 2. That Section 26-1402, Idaho Code, be, and the same is hereby amended to read as follows:

26-1402. TRANSFER OF FIDUCIARY CAPACITIES TO AN AFFILIATED BANK OR AN AFFILIATED TRUST COMPANY. (1) A bank or trust company may transfer some or all of its fiduciary capacities to an affiliated bank or an affiliated trust company. To accomplish such a transfer, the bank or trust company shall file a verified application in the district court of the county in which the bank's or trust company's principal office place of business is located, requesting that every fiduciary capacity of the bank or trust company, except as may be expressly excluded in such application, be transferred to an affiliated bank or affiliated trust company specified in the application, and the specified affiliated bank or affiliated trust company shall join in such application. The application shall indicate the county in which the principal office place of business of the affiliated bank or affiliated trust company joining in the application is located.

(2) When any application under subsection (1) of this section has been filed, the clerk of the court where the application is filed shall enter an order fixing a date and time (which date shall not be more than sixty (60) days from the date the application is filed) for a hearing on the application. The bank or trust company filing an application under subsection (1) of this section shall prepare a notice as provided in subsection (3) of this section, and shall cause a copy of such notice to be published at least once a week for three (3) successive weeks preceding the hearing date, the first such publi-
cation to be at least thirty (30) days preceding the hearing date. Proof of such publication shall be made by certified copy of the notice or by affidavit, and the same shall be filed with the district court wherein the application was filed. Such publication shall be in a newspaper of general circulation published in each county in which the principal office of the bank or trust company is located, or, if in any case there is no such newspaper, then in a newspaper of general circulation published in a contiguous county. In addition, at least thirty (30) days preceding the hearing date, the bank or trust company shall cause a copy of such notice to be mailed by first class mail to all persons entitled to and then receiving trust accountings from the bank or trust company.

(3) The notice to be published and mailed with respect to each application shall state the time and place of the hearing on the application, the name of the bank or trust company that has filed the application, the name of the affiliated bank or affiliated trust company which has joined in the application, that a transfer is requested of fiduciary capacities to the affiliated bank or affiliated trust company specified in the application, and that any interested person may file with the clerk of the court, on or before the date of the hearing, a written objection to the transfer as provided in subsection (4) of this section.

(4) On or before the date and time of the hearing on the application, any interested person, who is authorized by a will or relevant trust instrument to prohibit, challenge, amend or revoke a transfer of a fiduciary capacity otherwise allowed under this chapter and arising from a fiduciary account in which the person is interested, may file an objection to such transfer with the clerk of the court. Failure to file an objection on or before the date and time of the hearing on the application shall constitute a waiver by such interested person of the right to object under this subsection, and waiver of any power under a will or relevant trust instrument to prohibit, challenge, amend, or revoke with respect to any transfer of fiduciary capacity otherwise authorized under this chapter.

(5) At the hearing, upon finding that notice has been given as required in this section, and upon finding that the affiliated bank or affiliated trust company has been duly authorized by the director to commence the business for which it is organized, the district court shall enter an order transferring to the affiliated bank or affiliated trust company every fiduciary capacity of the bank or trust company, excepting as may be otherwise specified in the application and excepting fiduciary capacities with respect to which a proper objection has been filed pursuant to subsection (4) of this section. Upon entry of the order, the affiliated bank or affiliated trust company shall, without further act and by operation of law, be substituted in every such fiduciary capacity. The transfer may be made a matter of record in any county of this state by filing a certified copy of the order of transfer in the office of the clerk of any district court in this state or by filing a certified copy of such order in the office of the recorder of any county in this state, to be recorded and indexed by such officer in like manner and with like effect as other orders and decrees of courts are recorded and indexed. Any fiduciary capacities of the bank or trust company excepted from the order of transfer shall
remain with such bank or trust company.

(6) Each designation of the bank or trust company as fiduciary in a will or other relevant trust instrument executed before or after the date the order of transfer is entered shall be deemed a designation of the affiliated bank or affiliated trust company substituted for such bank or trust company pursuant to this section, except when such will or other relevant trust instrument is executed after the order of transfer and expressly negates the application of the provisions of this section. Any grant in any such will or other relevant trust instrument of any discretionary power shall be deemed conferred upon the affiliated bank or affiliated trust company deemed designated as the fiduciary pursuant to an order of transfer under the provisions of this section.

(7) Each bank or trust company shall account jointly with the affiliated bank or affiliated trust company which has been substituted as fiduciary pursuant to this section for the accounting period during which the affiliated bank or affiliated trust company is initially so substituted. Upon a transfer of fiduciary capacities pursuant to the provisions of this section, each bank or trust company shall deliver to the affiliated bank or affiliated trust company all related fiduciary accounts and assets held by such bank or trust company (except assets held for accounts with respect to which there has been no transfer of fiduciary capacities pursuant to this section), and upon such transfer the affiliated bank or affiliated trust company shall, without the necessity of any instrument of transfer or conveyance, succeed to all rights, privileges, duties, obligations and undertakings under any fiduciary capacity and fiduciary account transferred in the manner authorized in this chapter.

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 26, 1992.

CHAPTER 88
(H.B. No. 697)

AN ACT
RELATING TO MOTOR VEHICLE EQUIPMENT; AMENDING SECTION 49-905, IDAHO CODE, TO PROVIDE RESTRICTIONS ON THE USE OF CERTAIN MATERIALS ON HEAD LAMPS; REPEALING SECTION 49-944, IDAHO CODE; AND AMENDING CHAPTER 9, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-944, IDAHO CODE, TO PROVIDE STANDARDS FOR WINDSHIELDS AND WINDOWS OF MOTOR VEHICLES.

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

SECTION 1. That Section 49-905, Idaho Code, be, and the same is hereby amended to read as follows:
49-905. HEAD LAMPS ON MOTOR VEHICLES. (1) Every motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with at least two (2) head lamps with at least one (1) on each side of the front of the motor vehicle. The head lamps shall comply with the requirements and limitations set forth in this chapter.

(2) Every motorcycle and every motor-driven cycle shall be equipped with at least one (1) and not more than two (2) head lamps which shall comply with the requirements and limitations of this chapter.

(3) Every head lamp upon every motor vehicle, including every motorcycle and motor-driven cycle, shall be located at a height measured from the center of the head lamp of not more than fifty-four (54) inches nor less than twenty-four (24) inches to be measured as set forth in section 49-904(2), Idaho Code.

(4) No person shall operate any motor vehicle on the highways with head lamps which are composed of, covered by, or treated with any material, substance, system, or component which, when such head lamps are not in operation, is highly reflective or otherwise opaque and nontransparent.

(5) No person shall have for sale, sell, or offer for sale any motor vehicles with head lamps that are in violation of the provisions of this section.

(6) Nothing in this section shall be construed to make illegal the operation or sale of any motor vehicle, the head lamps of which are composed of, covered by, or treated with any material, substance, system, or component with which the motor vehicle was sold when new or could have been equipped for sale when new as standard or optional equipment under any United States government statute or regulation governing the sale at the time of manufacture.

(7) Any person convicted of a violation of the provisions of this section shall be guilty of an infraction.

SECTION 2. That Section 49-944, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Chapter 9, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-944, Idaho Code, and to read as follows:

49-944. STANDARDS FOR WINDSHIELDS AND WINDOWS OF MOTOR VEHICLES -- PROHIBITED ACTS -- PENALTY. (1) It is unlawful for any person to place, install, affix or apply any window tinting film or sunscreening device to the windows of any motor vehicle, except as follows:

(a) Nonreflective window tinting film or suncreening devices shall not be applied to the windshield below the AS-1 line; if no AS-1 line is identifiable on the windshield, nonreflective window tinting film or sunscreening devices shall not be applied to the windshield below a line extending six (6) inches below and parallel to the roof line;

(b) Nonreflective window tinting film or sunscreening devices that have a light transmission of not less than thirty-five percent (35%) with a tolerance limit of plus or minus three percent
(3%) and a luminous reflectance of no more than thirty-five percent (35%) with a tolerance limit of plus or minus three percent (3%) may be applied to the front side vents, front side windows to the immediate right and left of the driver, and the rear window;
(c) Nonreflective window tinting film or sunscreening devices that have a light transmission of not less than twenty percent (20%) with a tolerance limit of plus or minus three percent (3%) and a luminous reflectance of no more than thirty-five percent (35%) with a tolerance limit of plus or minus three percent (3%) may be applied to the side windows to the rear of the driver;
(d) Window tinting films or sunscreening devices are materials or devices which are designed to be used in conjunction with approved vehicle glazing materials for the purpose of reducing the effects of the sun;
(e) Light transmission is the ratio of the amount of total light, expressed in percentages, which is allowed to pass through the product or material to the amount of total light falling on the product or material and the glazing;
(f) Luminous reflectance is the ratio of the amount of total light, expressed in percentages, which is reflected outward by the product or material to the amount of total light falling on the product or material.
(2) No person shall operate on the public highways, sell, or offer to sell any motor vehicle with a windshield or windows which are not in compliance with the provisions of this section.
(3) Persons who own a motor vehicle with a windshield or windows not in compliance with the provisions of this section on June 30, 1992, shall not be charged with a violation of the provisions of this section until January 1, 1993. Persons owning a motor vehicle with a windshield or windows not in compliance with the provisions of this section on June 30, 1992, shall have until January 1, 1993, to obtain a certificate from the department of law enforcement indicating that the person owned the motor vehicle containing a windshield or windows not in compliance with the provisions of this section on or before June 30, 1992. The certificate shall be carried in the vehicle. A person operating a motor vehicle with a valid certificate as provided in this subsection shall not be deemed to be violating the provisions of this section on or after January 1, 1993. The department of law enforcement may promulgate rules and regulations in order to implement the provisions of this section.
(4) Nothing in this section shall be construed to make illegal the operation or sale of any motor vehicle, the windshield or windows of which are composed of, covered by, or treated with, any material, substance, system, or component with which the motor vehicle was sold when new or could have been equipped for sale when new as standard or optional equipment under any United States government statute or regulation governing such sale at the time of manufacture.
(5) Any person convicted of a violation of the provisions of this section shall be guilty of an infraction.

Approved March 26, 1992.
CHAPTER 89
(H.B. No. 754)

AN ACT
RELATING TO THE IDAHO BUILDING CODE ADVISORY ACT; AMENDING SECTION 39-4109, IDAHO CODE, TO PROVIDE FOR ADOPTION OF THE AMERICANS WITH DISABILITIES ACT, PARTS II AND III; AND AMENDING SECTION 39-4116, IDAHO CODE, TO PROVIDE THAT LOCAL GOVERNMENTS SHALL ADOPT THE AMERICANS WITH DISABILITIES ACT, PARTS II AND III.

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

SECTION 1. That Section 39-4109, Idaho Code, be, and the same is hereby amended to read as follows:

39-4109. ADOPTION OF CODES. The following codes are hereby adopted for the state of Idaho:

(1) The 1982 Uniform Building Code—Standards, published by the International Conference of Building Officials, as adopted by the Idaho Building Code Advisory Board and appendices thereto, excepting appendices chapter 1 as it relates to existing buildings, chapter 11 as it relates to agricultural buildings and structures, chapter 12 as it relates to group R division 3 occupancies, chapter 31, chapter 35 as it relates to sound transmission control, and chapter 70 as it relates to excavation and grading;

(2) The Uniform Mechanical Code, 1973, published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials;


(6) National Fire Protection Association Code numbers 501B-1974 (ANSI A119.1), and 501C-1974 (ANSI A119.2), and the accepted engineering practice standards therein, for compliance by the manufactured home and recreational vehicle industry, published by the National Fire Protection Association; and

(7) National Fire Protection Association Code numbers 501A-1974, and 501D-1974, published by the National Fire Protection Association; and

SECTION 2. That Section 39-4116, Idaho Code, be, and the same is hereby amended to read as follows:

39-4116. LOCAL GOVERNMENT ENFORCEMENT -- ASSISTANCE. (1) Local governments may, effective July 1 of any year, by affirmative action by resolution or ordinance taken by the governing board of a local government, prior to December 31 of the previous year, comply with the codes enumerated in this chapter, and codes, rules and regulations promulgated pursuant to this chapter, and inspection and enforcement may be provided by the local government, or may be provided by the department if such local government opts to comply with the provisions of this chapter but not to provide inspection and enforcement, except that the department shall retain jurisdiction of inspection and enforcement of construction standards and set-up codes for manufactured homes and construction standards for recreational vehicles, and for inspection and enforcement of construction standards for modular buildings and commercial coaches, and for review of public school construction plans, whether or not a local government opts to comply with the provisions of this chapter. Any decision to comply with the provisions of this chapter must be communicated to the director in writing, and compliance must be for an entire year commencing July 1. The minimum codes a local government must adopt in order to opt into this chapter are the latest editions of the Uniform Building Code and the Uniform Mechanical Code. Except as listed in subsection (2) of this section, the remaining codes enumerated in the act are optional as to whether or not the local government wishes to adopt them.

(2) Regardless of whether or not a local government opts to comply with other sections of this act, they shall adopt the Americans With Disabilities Act (ADA) Part III, (Appendix A to Part 36-Standards for Accessible Design), Accessibility Guidelines for Buildings and Facilities as published in the Federal Register Volume 56 No. 144 Friday, July 26, 1991 and subsequent editions and this shall also be known as UBC Standard 31-1 and the Americans With Disabilities Act (ADA) Part II, Accessibility Guidelines for Buildings and Facilities, and Transportation Facilities as published in the Federal Register Volume 56 No. 173, Friday, September 6, 1991.

(3) All building code inspectors, including those of local governments which have opted to comply with the provisions of this chapter, shall be certified as provided by section 39-4108, Idaho Code.

(4) The department may contract to assist a local government in such matters as technical assistance, code interpretation, education, training, personnel, and information and dissemination of information and statistics.

(45) The department may conduct or sponsor pre-entry and in-service education and training programs on the technical, legal, and administrative aspects of building code administration and enforcement. For this purpose, it may cooperate and contract with educational institutions, local, state, regional or national building officials'
organizations, and any other appropriate organization.

(56) Local governments who do not exercise their option may at any time of the year contract with the department to administer the building code enforcement program for them. The terms of such a contract shall be negotiated between the local unit of government and the director.

Approved March 30, 1992.

CHAPTER 90
(H.B. No. 765)

AN ACT
RELATING TO DAY CARE LICENSES; AMENDING SECTION 39-1105, IDAHO CODE, TO PROVIDE AN ADDITIONAL SOURCE FOR A CRIMINAL HISTORY CHECK; AMENDING SECTION 39-1106, IDAHO CODE, TO PROVIDE FOR REVERIFICATION OF COMPLIANCE WITH LICENSING REQUIREMENTS UPON RENEWAL OF A LICENSE; AMENDING SECTION 39-1113, IDAHO CODE, TO PROVIDE ADDITIONAL GROUNDS FOR THE DENIAL, REVOCATION OR SUSPENSION OF A LICENSE; AND AMENDING SECTION 39-1115, IDAHO CODE, TO PROVIDE THAT IT IS A MISDEMEANOR TO PROVIDE DAY CARE SERVICES IF A PERSON HAS BEEN FOUND GUILTY OF ANY OF THE OFFENSES LISTED IN SECTION 39-1113, IDAHO CODE.

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

SECTION 1. That Section 39-1105, Idaho Code, be, and the same is hereby amended to read as follows:

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; and
(4) Statewide child abuse register.

SECTION 2. That Section 39-1106, Idaho Code, be, and the same is hereby amended to read as follows:

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 necessary to repeat the check for renewal of a license. The department may, however, require the applicant for renewal of a license to declare on a form provided by the department that the applicant is in compliance with the original standards and conditions required for issuance of a license.

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

SECTION 3. That Section 39-1113, Idaho Code, be, and the same is hereby amended to read as follows:

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 or received a withheld judgment for any offense involving neglect or any physical injury to, or other abuse of a child including, but not limited to, sexual 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 18-1507A, Idaho Code; sexual conduct with a minor or child under sixteen-(16)-years-of-age as defined in section 18-1508, Idaho Code; the following offenses or a similar provision in another jurisdiction, shall be eligible for a license under the provisions of this chapter:

(a) Injuring a child, section 18-1501, Idaho Code.
(b) The sexual abuse of a child under sixteen (16) years of age, section 18-1506, Idaho Code.
(c) The ritualized abuse of a child under eighteen (18) years of age, section 18-1506A, Idaho Code.
(d) The sexual exploitation of a child, section 18-1507 or 18-1507A, Idaho Code.
(e) Lewd conduct with a child under the age of sixteen (16) years, section 18-1508, Idaho Code.
(f) The sale or barter of a child for adoption or other purposes, section 18-1511, Idaho Code.
(g) Murder, section 18-4001 or 18-4003, Idaho Code.
(h) Voluntary manslaughter, section 18-4006, Idaho Code.
(i) Rape, section 18-6101 or 18-6108, Idaho Code.
(j) Incest, section 18-6602, Idaho Code.
(k) Forcible sexual penetration by use of foreign object, section 18-6608, Idaho Code.

(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.
SECTION 4. That Section 39-1115, Idaho Code, be, and the same is hereby amended to read as follows:

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) Getting 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 listed under the provisions of section 39-1113, Idaho Code.

Approved March 30, 1992.

CHAPTER 91
(H.B. No. 554)

AN ACT
RELATING TO THE TAX LEVY ON BEANS; AMENDING SECTION 22-2921, IDAHO CODE, TO INCREASE THE TAX LEVY ON BEANS.

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

SECTION 1. That Section 22-2921, Idaho Code, be, and the same is hereby amended to read as follows:

22-2921. TAX LEVY. There is hereby levied and imposed a tax of six twelve cents (612c) per hundredweight on beans covered by this
act, which tax shall be due on or before the time when such beans 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 15th day of the month next succeeding the three (3) month period in which such beans were handled in the primary channels of trade. The commission shall designate the quarters (three (3) month periods) for the purpose of collection of this tax.

The person first introducing beans into primary channels of trade shall be responsible for payment of the tax. If such person is the dealer or shipper handling beans grown by another he may charge against or recover from the grower of such beans four eight cents (48¢) of the cost thereof, but he shall remain liable for and pay two four cents (24¢) of the cost thereof. However, if such person is the dealer or handler and is only cleaning the beans for the grower, he shall charge against or recover from the grower the entire tax of six twelve cents (612¢) per hundredweight.

Approved March 30, 1992.

CHAPTER 92
(H.B. No. 584, As Amended, As Amended in the Senate)

AN ACT
RELATING TO REAL ESTATE APPRAISERS; AMENDING SECTION 54-4101, IDAHO CODE, TO DELETE THE WORD CERTIFIED; AMENDING SECTION 54-4102, IDAHO CODE, TO RESTRICT USE OF THE WORD LICENSED APPRAISER TO PERSONS LICENSED BY THE REAL ESTATE APPRAISER BOARD; AMENDING SECTION 54-4103, IDAHO CODE, BY THE ADDITION OF THE WORDS ANY AND LICENSED, TO DELETE REFERENCE TO RESIDENTIAL OR GENERAL APPRAISERS, AND TO DELETE THE WORD CERTIFIED; AMENDING SECTION 54-4104, IDAHO CODE, TO DELETE THE WORD CERTIFIED, TO DELETE THE DEFINITION OF CERTIFIED APPRAISAL AND CERTIFIED APPRAISAL REPORT, TO DEFINE STATE LICENSED RESIDENTIAL AND STATE CERTIFIED RESIDENTIAL, AND TO ALPHABETIZE DEFINITIONS; AMENDING SECTION 54-4105, IDAHO CODE, BY THE ADDITION OF THE WORD LICENSED AND TO PROVIDE CLARIFYING TERMINOLOGY FOR AD VALOREM TAX PURPOSES; AMENDING SECTION 54-4106, IDAHO CODE, TO DELETE THE WORD CERTIFIED, TO PROVIDE THAT BOARD MEMBERS BE LICENSED OR CERTIFIED APPRAISERS, AND BY THE ADDITION OF THE WORDS LICENSES AND LICENSED; AMENDING SECTIONS 54-4107 AND 54-4109, IDAHO CODE, BY THE ADDITION OF THE WORDS LICENSURE AND LICENSED; AMENDING SECTION 54-4110, IDAHO CODE, TO DELETE REFERENCE TO RESIDENTIAL AND GENERAL, TO PROVIDE REQUIREMENTS FOR CERTIFIED RESIDENTIAL APPRAISER, TO PROVIDE ADDITIONAL REQUIREMENTS FOR LICENSURE OR CERTIFICATION AND TO PROVIDE A CODE OF ETHICAL STANDARDS; AMENDING SECTION 54-4111, IDAHO CODE, BY THE ADDITION OF THE WORDS LICENSE AND LICENSED; AMENDING SECTION 54-4112, IDAHO CODE, TO DELETE REFERENCE TO THE BUREAU OF OCCUPATIONAL LICENSES, TO ADD REFERENCE TO THE BOARD, TO DELETE THE WORD CERTIFIED, AND BY THE ADDITION OF THE WORD LICENSURE; AMENDING SECTION 54-4113, IDAHO CODE, TO ADD REFERENCES TO LICENSES AND LICENSURE AND TO
DELETE THE PROVISION FOR REINSTATEMENT OF LICENSE OR CERTIFICATE; AMENDING SECTION 54-4114, IDAHO CODE, BY THE ADDITION OF THE WORD LICENSE AND TO CLARIFY THE EXPIRATION DATE OF LICENSES OR CERTIFICATES; AMENDING SECTION 54-4115, IDAHO CODE, TO PROVIDE REFERENCE TO LICENSURE, TO DELETE REFERENCE TO THE CHIEF OF THE BUREAU OF OCCUPATIONAL LICENSES, AND TO ADD REFERENCE TO THE BOARD; AMENDING SECTIONS 54-4116 AND 54-4119, IDAHO CODE, TO PROVIDE REFERENCE TO LICENSES; AND AMENDING SECTION 63-513, IDAHO CODE, TO PROVIDE PROPER NOMENCLATURE.

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

SECTION 1. That Section 54-4101, Idaho Code, be, and the same is hereby amended to read as follows:

54-4101. SHORT TITLE. This chapter shall be known and may be cited as the "Idaho Certified Real Estate Appraisers Act."

SECTION 2. That Section 54-4102, Idaho Code, be, and the same is hereby amended to read as follows:

54-4102. LEGISLATIVE INTENT. In order to safeguard life, health and property and to promote the public welfare, any person holding himself out to be a state licensed or certified real estate appraiser, as herein defined, in the state of Idaho shall submit evidence of his qualifications so to practice and be licensed or certified as herein-after provided. Except as herein otherwise expressly provided, no certification license or certificate shall be issued until an applicant has successfully passed an examination conducted by the certified real estate appraiser board.

SECTION 3. That Section 54-4103, Idaho Code, be, and the same is hereby amended to read as follows:

54-4103. USE OF TERM "LICENSED" OR "CERTIFIED" APPRAISER. From and after July 1, 1992, it shall be unlawful for any person in this state to assume or use the title "state licensed" or "state certified real estate appraiser" or any title, designation or abbreviation likely to create the impression of licensure or certification by the state of Idaho for either--residential--or--general any real estate appraisals, unless the person has first been licensed or certified by the certified real estate appraiser board under the provisions of this chapter. The board may adopt for the exclusive use of persons licensed or certified under the provisions of this chapter, a seal, symbol or other mark identifying the user as a state licensed or certified real estate appraiser.

From and after July 1, 1992, it shall be unlawful for any person who real estate appraiser to performs an appraisal of real estate located in this state to--describe--or--refer--to--such--appraisal--as "certified"--or--"state--certified" unless the person has first been licensed or certified by the board under the provisions of this chapter.
SEC. 4. That Section 54-4104, Idaho Code, be, and the same is hereby amended to read as follows:

54-4104. DEFINITIONS. As used in this chapter:
(1) "Appraisal" or "real estate appraisal" means an analysis, opinion or conclusion relating to the value, nature, quality, or utility of specified interests in, or aspects of, identified real estate.
(2) "Appraisal assignment" means an engagement for which an appraiser is employed or retained to act, or would be perceived by third parties or the public as acting, as a disinterested third party in rendering an unbiased opinion or conclusion relating to the value, nature, quality or utility of specified interests in, or aspects of, identified real estate.
(3) "Appraisal foundation" or "foundation" means the appraisal foundation established on November 20, 1987, as a not-for-profit corporation under the laws of Illinois.
(4) "Board" means the certified real estate appraiser board.
(5) "License" or "certificate" means that document issued by the certified real estate appraiser board certifying that the person named thereon has satisfied the requirements for licensure or certification as a state licensed or certified real estate appraiser and bearing a license or certificate number assigned by the board.
(6) "Certified-appraisal" means--any--appraisal--performed--by--a state--certified--real-estate-appraiser. "Noncomplex appraisal" is one in which the subject property has an active market of essentially identical properties, there is adequate market data available, adjustments do not exceed the typical range found in the market for essentially identical properties, and in the instance of residential property, the contract sales price would fall within the market norm for homes or lots within the same area.
(7) "Certified-appraisal-report" means--any--communication--written or--oral--of--an--appraisal--by--a--state--certified--real-estate-appraiser.
(8) "Real estate appraiser" or "appraiser" means a person who for a fee or other valuable consideration or the expectation thereof, develops and communicates real estate appraisals or otherwise gives an opinion of the value of real estate or any interest therein.
(9) "Real property" or "real estate" means and includes leaseholds as well as any other interest or estate in land, whether corporeal, incorporeal, freehold or nonfreehold and whether situated in this state or elsewhere.
(10) "State certified general real estate appraiser" means a person who is certified to appraise all types of real property.
(11) "State certified residential real estate appraiser" means a person who holds a current, valid certificate as a state certified residential or--state--certified--general--real-estate appraiser issued under the provisions of this chapter whose practice is limited to appraisal of residential properties of four (4) or less units without regard to transaction value or complexity.
(12) "State certified licensed residential real estate appraiser" means a person who is certified licensed to appraise residential real property consisting of one (1) to four (4) noncomplex residential units having a transaction value less than one million dollars ($1,000,000) and complex one (1) to four (4) residential units...
having a transaction value less than two hundred fifty thousand dollars ($250,000).

SECTION 5. That Section 54-4105, Idaho Code, be, and the same is hereby amended to read as follows:

54-4105. EXCEPTIONS. (1) The provisions of this chapter do not apply to any person who does not hold himself out as, or offer to perform services as, a state-certified real estate appraiser.

(2) The provisions of this chapter do not restrict the right to use the term "certified appraiser evaluator for ad valorem tax purposes," provided that such term is not used in a manner that creates the impression of certification by the state of Idaho to perform real estate appraisals other than ad valorem tax appraisals. However, nothing in this chapter shall entitle a "state licensed or state certified real estate appraiser" to appraise real estate for ad valorem tax purposes unless he has first been certified by the Idaho state tax commission pursuant to section 63-513(24), Idaho Code.

(3) The provisions of this chapter shall not apply to a licensed real estate broker, associate broker or salesperson who, in the ordinary course of his business gives an opinion of the price of real estate for the purpose of a prospective listing or sale, provided that such person does not represent himself as being a state licensed or certified real estate appraiser.

(4) Any person who is not licensed or certified under the provisions of this chapter may assist a state licensed or certified real estate appraiser in the performance of an appraisal, provided that he is actively and personally supervised by the state licensed or certified appraiser and provided further that any appraisal report rendered in connection with the appraisal is reviewed and signed by the state licensed or certified real estate appraiser.

SECTION 6. That Section 54-4106, Idaho Code, be, and the same is hereby amended to read as follows:

54-4106. REAL ESTATE APPRAISERS -- CERTIFIED REAL ESTATE APPRAISER BOARD -- POWERS AND DUTIES -- COMPENSATION. (1) There is hereby created in the department of self-governing agencies, a certified real estate appraiser board, hereinafter referred to as the "board," which shall administer the provisions of this chapter. The board shall consist of five (5) members to be appointed by the governor as follows:

(a) One (1) from the northern district consisting of the counties of Idaho, Lewis, Nez Perce, Clearwater, Latah, Benewah, Boundary, Shoshone, Kootenai and Bonner; one (1) from the southeastern district consisting of the counties of Lemhi, Butte, Clark, Fremont, Jefferson, Madison, Teton, Bonneville, Bingham, Caribou, Bear Lake, Franklin, Oneida, Power and Bannock; one (1) from the southwestern district consisting of the counties of Owyhee, Elmore, Ada, Canyon, Boise, Gem, Payette, Washington, Adams and Valley; one (1) from the south central district consisting of the counties of Blaine, Camas, Cassia, Custer, Gooding, Jerome, Lincoln, Minidoka and Twin Falls; and one (1) from the state at
(b) On July 1, 1990, the governor shall appoint the members of the board, each of whom shall be a real estate appraiser with not less than five (5) years experience in the real estate appraisal business in Idaho. The initial appointments shall be for a term of three (3) years. After July 1, 1991, appointments to the board shall be made so as to appoint a board member from the northern district for a three (3) year term and a board member from the south central district for a four (4) year term. Each regular appointment thereafter, other than an appointment to fill an unexpired term, shall be for a term of four (4) years and each board member shall hold office until a successor is appointed and qualified. Upon the death, resignation or removal of any member of the board, the governor shall appoint a qualified state licensed or state certified real estate appraiser to fill the unexpired term. Appointments to fill any vacancy other than that resulting from the expiration of a term shall be made for the unexpired term. After July 1, 1991, new board members shall be required to be state licensed or certified real estate appraisers with not less than five (5) years experience in the real estate appraisal business in Idaho;

(c) Within fifteen (15) days after the appointment of the members of the board, the board shall call a meeting and organize by the election of a chairman. Thereafter the chairman may call meetings of the board whenever he deems it advisable but if he refuses to call a meeting upon written demand of the other four (4) members of the board, then such members may call such meeting. Reasonable notice shall be given in writing by mail of such meeting.

(2) The board shall have, in addition to the powers conferred elsewhere in this chapter, the following powers and duties:

(a) To authorize, by written agreement, the bureau of occupational licenses to act as its agent in its interest;

(b) To adopt, pursuant to the administrative procedures act, such rules and regulations as the board, in its discretion, deems necessary for the administration and enforcement of this chapter, and any such rules and regulations deemed necessary by the board to keep the Idaho certified real estate appraisers act in compliance with federal law, rule, regulation or policy;

(c) To conduct investigations into violations of the provisions of this chapter;

(d) To receive applications for and issue licenses or certificates to real estate appraisers pursuant to this chapter;

(e) To hold meetings, hearings and examinations at such places and at such times as it shall designate;

(f) To collect, deposit and disburse application and other fees, as required by this chapter or federal law;

(g) To maintain a register of all state licensed or certified residential and state certified general real estate appraisers; and

(h) To censure a state licensed or certified appraiser or suspend or revoke appraisal licenses or certificates as provided in this chapter, subject to the provisions of the Idaho administrative procedures act, chapter 52, title 67, Idaho Code.
(3) Each member of the board of real estate appraisers shall be compensated as provided in section 59-509(g), Idaho Code.

SECTION 7. That Section 54-4107, Idaho Code, be, and the same is hereby amended to read as follows:

54-4107. DISCIPLINARY PROCEEDINGS. (1) The board shall upon a written sworn complaint or may upon its own motion investigate the actions of any state licensed or certified real estate appraiser and may suspend or revoke any certification license or certificate issued under this chapter for any of the following:

(a) Procuring licensure or certification pursuant to this chapter by knowingly making a false statement, submitting false information, refusing to provide complete information in response to a question in an application for licensure or certification or through any form of fraud or misrepresentation;
(b) Being convicted of a felony;
(c) Making any substantial misrepresentation, false promises or false or fraudulent representation;
(d) Violating the provisions of this chapter or any rules or regulations of the board;
(e) Being negligent or incompetent, as defined in the uniform standards of professional appraisal practices, in developing an appraisal, in preparing an appraisal report or in communicating an appraisal;
(f) Accepting an appraisal assignment when the employment is contingent upon the licensed or certified appraiser reporting a predetermined estimate, analysis or opinion, or where the fee to be paid is contingent upon the opinion, conclusion, or valuation reached, or upon the consequences resulting from the appraisal assignment;
(g) Violating the confidential nature of governmental records to which he gained access through employment as a licensed or certified appraiser by a governmental agency;
(h) Entering into an agreement to perform specialized services for a contingent fee, and failing to clearly state this fact in each written and oral report; or
(i) Failing as a state licensed or certified real estate appraiser to actively and personally supervise any person not licensed or certified under the provisions of this chapter, who assists said state licensed or certified appraiser in performing real estate appraisals.

(2) The board, or its duly appointed hearing officer, shall have the power in any disciplinary proceeding under this chapter, to administer oaths, take depositions of witnesses within or without the state in the manner provided by law in civil cases, and may apply to any district court of this state for a subpoena to require the attendance of such witnesses and the production of such books, records and papers as it deems necessary. The fees and mileage of the witnesses shall be the same as that allowed in the district courts in civil cases, which fees and mileage shall be paid in the same manner as other expenses of the board are paid. In any case of disobedience to, or neglect of, any subpoena or subpoena duces tecum served upon any person, or the
refusal of any witness to testify to any matter regarding which he may lawfully be interrogated, it shall be the duty of any district court in this state on application by the board to compel compliance with the subpoena by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or for refusal to testify therein. The state licensed or certified person accused in such proceedings shall have the same right of subpoena.

(3) Except as otherwise provided in this chapter, all proceedings under this chapter shall be in accordance with the administrative procedures act, chapter 52, title 67, Idaho Code.

SECTION 8. That Section 54-4109, Idaho Code, be, and the same is hereby amended to read as follows:

54-4109. RETENTION OF RECORDS. (1) A state licensed or certified real estate appraiser shall retain, for at least five (5) years, originals or true copies of all written contracts engaging his services for real estate appraisal work, and all reports and supporting data assembled and formulated by the appraiser in preparing the reports.

(2) The five (5) year period for retention of records provided by subsection (1) of this section is applicable to each engagement of the services of the appraiser and shall commence upon the date of the submittal of the appraisal to the client unless, within the five (5) year period, the appraiser is notified that the appraisal or report is involved in litigation, in which event the five (5) year period for the retention of records shall commence upon the date of the final disposition of the litigation.

(3) All records required to be maintained under the provisions of this chapter shall be made available by the licensed or certified real estate appraiser for inspection and copying by the board on reasonable notice to the appraiser.

SECTION 9. That Section 54-4110, Idaho Code, be, and the same is hereby amended to read as follows:

54-4110. QUALIFICATIONS FOR RESIDENTIAL-AND-GENERAL LICENSURE OR CERTIFICATION -- EXAMINATIONS. (1) Any person who desires to obtain licensure or certification as a real estate appraiser shall make written application to the board on such forms as it may prescribe. Each applicant shall satisfy the following requirements:

(a) State certified licensed residential real estate appraiser. An applicant for certification licensure as a residential real estate appraiser must satisfactorily complete the education and experience requirements set forth by rules of the board and successfully complete an examination conducted by or authorized by the board as set forth by rules of the board.

(b) State certified residential real estate appraiser. An applicant for certification as a certified residential real estate appraiser must satisfactorily complete the education and experience requirements and successfully complete an examination conducted by or authorized by the board as set forth by rules of the board.

(c) State certified general real estate appraiser. An applicant
for certification as a general real estate appraiser must satisfactorily complete the education and experience and education requirements necessary to obtain residential certification. In addition, said applicant shall satisfactorily complete those additional requirements of education and experience necessary for general certification as set forth by rules of the board. The applicant and shall successfully complete an examination conducted or authorized by the board which shall include the examination for residential certification as set forth by rules of the board.

(2) The board shall may consider and/or adopt, if required by federal law, some or all of the following: appraiser qualifications criteria adopted by the appraiser qualifications board of the appraisal foundation, and the uniform standards of professional appraisal practice promulgated by the appraisal standards board of the appraisal foundation, and a code of ethical standards to be set forth by board rule, as well as any forthcoming federal rule or regulation deemed pertinent.

SECTION 10. That Section 54-4111, Idaho Code, be, and the same is hereby amended to read as follows:

54-4111. USE OF DESIGNATION -- CORPORATION, PARTNERSHIPS. The term "state licensed or certified real estate appraiser" shall only be used to refer to individuals who hold licenses or certificates under this chapter and may not be used following or immediately in connection with the name of a partnership, association, corporation or group, or in such a manner that it might be interpreted as referring to a firm, partnership, corporation, group or anyone other than an individual holder of the license or certificate. No license or certificate shall be issued under the provisions of this chapter to a firm, partnership, corporation or group practice. However, this subsection shall not be construed to prevent a state licensed or certified real estate appraiser from signing an appraisal report on behalf of a corporation, partnership, firm or group practice.

SECTION 11. That Section 54-4112, Idaho Code, be, and the same is hereby amended to read as follows:

54-4112. REGULAR EXAMINATIONS. The bureau of occupational licenses board shall hold each year at least one (1) examination for licensure or certification to practice real estate appraisal, if there be any such applicants. The examinations shall be conducted by the certified real estate appraiser board under fair and wholly impartial methods and subject to such rules as the board may establish to test the applicant's qualifications in all branches of the professional practice of appraisal.

SECTION 12. That Section 54-4113, Idaho Code, be, and the same is hereby amended to read as follows:

54-4113. FEES -- ISSUANCE OF LICENSES OR CERTIFICATES. Every person applying for examination for a license or certificate under this chapter shall pay a fee of not to exceed three hundred fifty dollars
($350) to the bureau of occupational licenses. In case the applicant fails to qualify, said fee shall be retained by the bureau to cover the necessary expenses of said examination. If the result of the examination of any applicant shall be satisfactory to the board, under its rules, it shall issue to such applicant a license or certificate setting forth the fact that he is a state licensed or certified real estate appraiser and authorized to practice his profession in this state. The fee for reexamination shall not exceed two hundred dollars ($200). The fee for obtaining a license or certificate under the provisions of this chapter shall be an amount not to exceed five hundred dollars ($500). The annual fee for renewal or reinstatement of a license or certificate shall be an amount not to exceed five hundred dollars ($500), which shall be paid to the bureau. The fee for obtaining and certifying any certificate under the provisions of Section 67-2614, Idaho Code, the board shall adopt all fees by rule.

In addition to those fees described above, the board may collect from applicants for licensure or certification and holders of state licenses or certificates of appraisal and remit to the appropriate agency or instrumentality of the federal government, any additional fees as may be required to render Idaho state licensed residential, certified residential and general real estate appraisers eligible to perform appraisals in connection with federally-related transactions.

SECTION 13. That Section 54-4114, Idaho Code, be, and the same is hereby amended to read as follows:

54-4114. TERM OF LICENSE OR CERTIFICATE -- RENEWAL. Any license or certificate for the practice of residential and/or general real estate appraisal shall expire one-year-after-issuance on June 30, and shall become invalid on the 366th day of July 1 unless renewed prior to the expiration date. The board may adopt rules establishing a system of certificate renewal in which certificates expire annually with varying expiration dates.

SECTION 14. That Section 54-4115, Idaho Code, be, and the same is hereby amended to read as follows:

54-4115. NONRESIDENT LICENSURE OR CERTIFICATION AND TEMPORARY PRACTICE. (1) Nonresident licensure or certification. If the board determines that another state has substantially equivalent requirements for appraiser licensure or certification and reciprocity exists between the states, an applicant from such other state may obtain a license or certificate to practice as a licensed or certified residential or general real estate appraiser in this state, subject to the rules and regulations set forth by the board.

(2) Temporary practice. Only to the extent required by federal law, and subject to the rules and regulations set forth by the board, a temporary certification license or certificate for real estate appraisal may be issued to an individual from another state.

(3) Service of process. Prior to and as a condition of an individual's application for either a nonresident certification license or certificate or a temporary certification license or certificate, said applicant who is not a resident of Idaho shall submit with
his application an irrevocable consent, on a form prescribed by the board, that service of process in any action against the applicant arising out of the applicant's activities as a state licensed or certified real estate appraiser may be made by delivery of process on the chief-of-the-bureau-of-occupational-licenses board.

SECTION 15. That Section 54-4116, Idaho Code, be, and the same is hereby amended to read as follows:

54-4116. RENEWAL LICENSES OR CERTIFICATES. To obtain a renewal license or certificate to practice as a state licensed or certified residential or general real estate appraiser, the holder of the current license or certificate shall make application and pay the prescribed fee to the board. Further, the applicant shall present evidence in a form satisfactory to the board of having successfully completed any continuing education requirements for renewal as shall be specified by rule and regulation of the board.

SECTION 16. That Section 54-4119, Idaho Code, be, and the same is hereby amended to read as follows:

54-4119. PENALTY FOR VIOLATION. Any person who acts as or holds himself out to be, a state licensed or certified residential or state certified general real estate appraiser within the meaning of this chapter without first obtaining a license or certificate as provided herein, may be punished by a fine not to exceed one thousand dollars ($1,000) or by imprisonment in the county jail for a term not to exceed one (1) year, or by both such fine and imprisonment in the discretion of the court. The board may prefer a complaint for violation of any section of this chapter before any court of competent jurisdiction and in any manner prescribed in section 54-4118, Idaho Code.

SECTION 17. That Section 63-513, Idaho Code, be, and the same is hereby amended to read as follows:

63-513. ADDITIONAL POWERS AND DUTIES ENUMERATED. In addition to all other powers and duties vested in it, the state tax commission shall have power, and it shall be its duty:

(1) To supervise and coordinate the work of the several county boards of equalization.

(2) To secure, tabulate and keep records of valuations of all classes of property throughout the state, and for that purpose, to have access to all records and files of state offices and departments and county and municipal offices, and to require all public officers and employees whose duties make it possible to ascertain valuations, including valuations of public utilities for rate-making purposes, to file reports with the commission, giving such information as to valuation and the source thereof. The nature and kind of the tabulations, records of valuations and requirements from public officers as stated herein, shall be in such form and cover such valuations as the tax commission may prescribe.

(3) To have and exercise general supervision of the system of ad valorem taxation throughout the state.
(4) To require all assessments of property in this state to be made according to law; and for that purpose to correct, when it finds the same to be erroneous, any assessments made in any county, and require correction of the county assessment records accordingly.

(5) To issue instructions and directions to the county assessors and county boards of equalization as to the methods best calculated to secure uniformity in the system of assessment and equalization of taxes, to the end that all property shall be assessed and taxed as required by law.

(6) To prescribe forms with relation to any duty or power of the commission, and to require their use by county boards of equalization.

(7) To see to it that statutory penalties are enforced, and proper complaint is made against persons derelict in duty under any law relating to assessment or equalization of taxes.

(8) To sue and be sued in the name of the commission.

(9) To reconvene, whenever the tax commission may deem necessary, any county board of equalization, notwithstanding the limitations of chapter 4 of title 63, for equalization purposes and for correction of errors. The county board of equalization, when so reconvened shall have no power to transact any business except that for which it is specially reconvened, or such as may be brought before it by the state tax commission.

(10) To require prosecuting attorneys to institute and prosecute actions and proceedings in respect to penalties, forfeitures, removals and punishments for violations of law in connection with the assessment and taxation of property. It shall be the duty of such officers to comply promptly with the requirements of the commission in that relation.

(11) To require individuals, partnerships, companies, associations and corporations to furnish such information as the tax commission may require concerning their capital, funded or other debt, current assets and liabilities, value of property, earnings, operating and other expenses, taxes and all other facts which may be needful to enable the tax commission to ascertain the value and the relative tax burden borne by all kinds of property in the state, and to require from all state and local officers such information as may be necessary to the proper discharge of the duties of the commission.

(12) To visit, as a commission or by individual members or agents thereof, whenever the commission shall deem it necessary, each county of the state, for the investigation and direction of the work and methods of assessment and equalization, and to ascertain whether or not the provisions of law requiring the assessment of all property, not exempt from taxation, and just equalization of the same have been or are being properly administered and enforced.

(13) To examine carefully into all cases where evasion or violation of the laws of assessment and taxation of property is alleged, complained of, or discovered, and to ascertain wherein existing laws are defective or are improperly or negligently administered.

(14) To report to the governor from time to time, and furnish him such assistance and information as he may require.

(15) To transmit to the governor and to the legislature, an annual report, with its recommendations as to such legislation as will correct or eliminate defects in the operations of the property
tax laws and will equalize taxation within the state.

(16) To correct its own errors in assessment at any time before the tax is paid thereon, and report such correction to the county auditor, who shall thereupon enter the correction upon the assessment rolls.

(17) To apportion annually to the state and the respective counties any moneys received by the state from the United States or any agency thereof, as payments in lieu of ad valorem property taxes; provided, that said moneys shall be apportioned in the same amounts, and to the same governmental divisions as the taxes, in lieu of which payments are made, would be apportioned, if they were levied. And the state treasurer and the state auditor shall be bound, in making distribution of moneys so received, by the apportionment ordered by the tax commission.

(18) To make administrative construction of ad valorem tax laws whenever requested by any officer acting under such laws; and until judicially overruled, such administrative construction shall be binding upon the inquiring officer and all others acting under such laws.

(19) To examine and test the work of county assessors at any time and to have and possess all rights and powers of such assessors for the examination of persons and property, and for the discovery of property subject to taxation; and if it shall ascertain that any taxable property is omitted from the assessment rolls or is not assessed or valued according to law, it shall bring the same to the attention of the assessor of the proper county in writing, and if such assessor shall neglect or refuse to comply with the request of the tax commission to place such property on the assessment rolls, or correct such incorrect assessment or valuation, the tax commission shall have the power to prepare a supplemental roll, which supplement shall include all property required by the tax commission to be placed on the assessment roll and all corrections to be made. Such supplement shall be filed with the assessor's assessment roll, and shall thereafter constitute an integral part thereof to the exclusion of all portions of the original assessment rolls inconsistent therewith, and shall be submitted therewith to the county board of equalization.

(20) To summon witnesses to appear before it or its agents to testify and/or produce for examination such books, papers, records, or other data relating to any matter within its jurisdiction. However, no person shall be required to testify outside the county wherein he resides or the principal place of his business is located. Such summons to testify shall be issued and served in like manner as a subpoena to witnesses issued from the district court, and shall be served without fee or mileage charge by the sheriff of the county, and return of service shall be made by the sheriff to the commission. Persons appearing before the commission or its agents in obedience to such a summons, shall, in the discretion of the commission, receive the same compensation as witnesses in the district court, to be paid upon claims presented against the state from any appropriation made for the administration of this act, in the same manner as other claims against the state are presented and paid.

(21) To administer oaths and take affirmations of witnesses appearing before it; the power to administer oaths and take affirmations is vested in each member of the commission and its executive
officer, and its duly constituted agents.

(22) In case any witness shall fail or refuse to appear and testify before the commission or its agents upon being summoned to appear as herein provided, the clerk of the district court of the county shall upon demand of the commission, any member thereof, its executive secretary, or agent, issue a subpoena reciting the demand therefor and summoning the witness to appear and testify at a time and place fixed; and violation of such subpoena or disobedience thereto shall be deemed and punished as a violation of any other subpoena issued from the district court.

(23) Assess and collect all taxes and administer all programs relating to taxes which are the responsibility of the tax collector at the time this 1967 amendatory act takes effect, and administer and collect all taxes and administer all programs which the legislature may hereafter make the responsibility of the commission.

(24) Provide a program of education and an annual appraisal school for its employees and for the assessors of the various counties of this state. Additionally, the commission shall provide for the establishment of an appraiser evaluator certification program. Such program shall include, as a minimum, a written examination prepared, administered and graded under the supervision and control of an examination committee. The committee is to be composed as the state tax commission may be by regulation provide subject to the provisions of this act. The commission's regulations shall include but need not be limited to the following:

(a) the composition of the examination committee, provided, however, that the committee shall include a representative of the counties and a representative of a professional evaluators' association within this state. The representative of the counties together with the representatives of such professional evaluators' association shall constitute a majority of the committee.
(b) the frequency with which the examination shall be given.
(c) a reasonable review procedure by which examinees having complaints may seek review of the examination committee.
(d) the establishment of a reasonable period of time within which a county appraiser evaluator must meet the certification requirements as a condition to continued employment by the county as a property tax appraiser evaluator.

(25) Make, adopt, and publish such rules and regulations as it may deem necessary and desirable to carry out the powers and duties imposed upon it by the legislature; providing, however, that all rules and regulations adopted by the state tax commission or the tax collector prior to the effective date of this 1967 amendatory act shall remain in full force and effect until such time as they may be rescinded or revised by the state tax commission.

(26) Maintain a tax research section to observe and investigate the effectiveness and adequacy of the revenue laws of this state and to assist the executive and legislative departments in estimation of revenue, analysis of tax measures and determination of the administrative feasibility of proposed tax legislation.

(27) Recommend to the governor in a report at least sixty (60) days before and to the legislature ten (10) days prior to the meeting of any regular session of the legislature such amendments, changes,
and modifications of the various tax laws as seem proper and necessary
to remedy injustice and irregularities in taxation and to facilitate
assessment and collection of taxes in the most economical and effi­
cient manner.

(28) Maintain a forest land and forest product tax section to
perform the functions and duties of the tax commission under the pro­
visions of chapter 17, title 63, Idaho Code.

Approved March 30, 1992.

CHAPTER 93
(H.B. No. 606, As Amended in the Senate)

AN ACT
RELATING TO DAIRY PROGRAM INSPECTION RESPONSIBILITIES; AMENDING SEC­
37-1203, IDAHO CODE, TO MOVE THE GRADE A INSPECTION PROGRAM FROM
THE DEPARTMENT OF HEALTH AND WELFARE TO THE DEPARTMENT OF AGRICUL­
TURE, TO CORRECT NOMENCLATURE AND CODE REFERENCES; AND PROVIDING
AN EFFECTIVE DATE.

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

SECTION 1. That Section 37-302, Idaho Code, be, and the same is
hereby amended to read as follows:

37-302. DAIRIES TO BE INSPECTED. It shall be the duty of the
director of the department of health-and-welfare agriculture to cause
to be visited as frequently as it may deem necessary all dairies sup­
plying dealers and consumers with milk, and inspect the same. A copy
of the inspection report shall be left with the owner and such infor­
mation given as will assist the producer to improve the sanitary con­
ditions or remedy such defects as the inspection report indicates. A
copy of the inspection report shall be kept on file in the office of
the director.

SECTION 2. That Section 37-306, Idaho Code, be, and the same is
hereby amended to read as follows:

37-306. MILK-BOTTLING PLACE. No person, firm or corporation shall
bottle any milk upon a delivery truck or vehicle or in any place other
than a milk house or other building where milk is regularly processed
and/or bottled and used solely for such purposes as may be approved by
the director of the department of health-and-welfare agriculture.

SECTION 3. That Section 37-308, Idaho Code, be, and the same is
hereby amended to read as follows:
37-308. MILK MUST BE BOTTLED OR PACKAGED IN PAPER CARTONS. No person, firm or corporation shall give, furnish, sell or offer for sale, or deliver any milk or market milk products in quantities of one (1) gallon and less except in sanitary bottles or paper cartons, sealed with suitable cap or stopper, which are consistent with the requirements of the state-board-of-health-and-welfare department of agriculture regulations.

SECTION 4. That Section 37-310, Idaho Code, be, and the same is hereby amended to read as follows:

37-310. EMPTY BOTTLES FROM QUARANTINED PREMISES. No person, firm or corporation shall remove from any dwelling in which any communicable disease exists any bottles or other receptacles which have been or which are to be used for containing or storing milk, except by permission of the local-health-officer department of agriculture.

SECTION 5. That Section 37-314, Idaho Code, be, and the same is hereby amended to read as follows:

37-314. MILK DEEMED TO BE ADULTERATED. Milk shall be deemed to be adulterated in any one of the following cases:
1. Milk containing more than eighty-nine per cent (89%) of water or fluid.
2. Milk containing less than eight and twenty-five hundredths per cent (8.25%) of milk solids other than fat.
3. Milk containing less than three and twenty-five hundredths per cent (3.25%) of butterfat, when offered in retail trade for human consumption.
4. Milk drawn from animals within fifteen (15) days before or five (5) days after parturition.
5. Milk drawn from animals fed on any substance in a state of putrefaction or rottenness or any unwholesome food.
6. Milk drawn from cows kept in a crowded, unsanitary or unhealthy condition.
7. Milk which has been diluted with water or any other fluid, or to which has been added, or into which has been introduced, any foreign substance whatever, except fresh cream, or skimmed milk or vitamins may be added in amounts and by methods approved by the state board-of-health-and-welfare department of agriculture.
8. Milk containing any pathogenic bacteria.
9. Milk containing any boracic or salicylic acid, formaldehyde, or other foreign chemical, or any preservative whatsoever.
10. Milk containing bacteria of any kind more than one hundred eighty thousand (180,000) per cubic centimeter.
11. Milk drawn from any cow having a disease or from any cow or cows in a herd which contains any diseased cattle, or from a cow or cows in a herd the attendants of which are afflicted with or have been exposed to any communicable disease.
12. Milk which shows a dark grey, black or other sediment at the bottom of any bottle or other vessel in which it is contained.

Provided, however, that milk classified as low fat milk (containing two per cent (2%) or less butterfat) shall not be deemed
SECTION 6. That Section 37-315, Idaho Code, be, and the same is hereby amended to read as follows:

37-315. MILKMEN AFFLICTED WITH DISEASE. Any milkman or dairyman being afflicted, or any member of whose family is afflicted, with a communicable disease, shall report the same to the state health officer department of agriculture within twenty-four (24) hours after he knows or has reason to suspect such communicable disease, and said health officer the department shall take such steps as are prescribed by the director of the department of health and welfare agriculture for the prevention of the spread of said communicable disease by said milkman, dairyman, his family, hired help or their families.

SECTION 7. That Section 37-316, Idaho Code, be, and the same is hereby amended to read as follows:

37-316. SELLING MILK FROM INFECTED PREMISES. No milk or cream shall be sold or dispensed as food from any house, store, shop, dairy or other place in which there is a case of contagious or infectious disease, as aforesaid, until all danger of contagion has been removed, and permission in writing is obtained from the health officer department of agriculture authorizing the sale of milk or cream, from said house, shop, or from said dairy, or other place.

The existence of smallpox, typhoid fever, diphtheria, scarlet fever, measles or other communicable diseases on or in the immediate vicinity of the dairy farm shall be promptly reported to the health officer and by him to the director of the department of health and welfare agriculture, and the sale of milk shall be stopped until its resumption is authorized as provided by law.

SECTION 8. That Section 37-317, Idaho Code, be, and the same is hereby amended to read as follows:

37-317. MILK REQUIRED TO BE COOLED -- WHEN SALEABLE. Milk which has not been properly cooled to a temperature lower than fifty-four degrees (54°F) Fahrenheit shall be rejected for sale, except for sale for manufacturing purposes, or for animal consumption. The director of the department of health and welfare agriculture shall notify the producer of any such milk of the fact of such rejection for sale except for manufacturing purposes or for animal consumption, and such producer shall be allowed a reasonable time within which to repossess such milk and dispose of the same for manufacturing purposes or for animal consumption. If such improperly cooled milk has not been reposessed within the reasonable time allowed, the director of the department of health and welfare agriculture may seize, confiscate and destroy the same.

SECTION 9. That Section 37-324, Idaho Code, be, and the same is hereby amended to read as follows:
37-324. PENALTY FOR VIOLATING SECTIONS 37-301 TO 37-323 VIOLATIONS. Any person or persons, corporation or corporations violating, or who shall fail to comply with the preceding provisions of sections numbered 37-301 to 37-323, inclusive Idaho Code, or any part, provision or section thereof, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not less than ten dollars ($10.00) and not exceeding three hundred dollars ($300.00), or by imprisonment in the county jail for a period not exceeding six (6) months, or both such fine and imprisonment.

SECTION 10. 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, 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, muenster, neufchatel, nuworld, parmesan, reggiano, pasteurized, blended and processed cheeses, pasteurized cheese spreads, provolone, pasta filata, roman, 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, 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 section 37-334a(5), Idaho Code, are exempt from the labeling requirements in sections 37-334b and 37-334c, Idaho Code, and regulations adopted pursuant thereto.

SECTION 11. That Section 37-340, Idaho Code, be, and the same is hereby amended to read as follows:

37-340. USE OF BREED NAME ON LABEL UNLAWFUL UNLESS DERIVED EXCLUSIVELY FROM REGISTERED DAIRY HERDS -- PERMIT. It is hereby declared to be unlawful for any person, association or corporation engaged in manufacturing, processing, packaging, canning, or bottling of milk or any product thereof for sale, to label, imprint, brand or mark the container in which said milk or any product thereof is sold with the breed name of a nationally recognized breed organization of dairy cattle such as Jersey, Guernsey, Holstein, Ayrshire, Brown Swiss or Shorthorn unless all milk or the product thereof sold or offered for sale under said label, imprint, brand or mark shall be derived exclusively from dairy herds in which the females are registered with the national breed organization of the breed name used or are indistinguishable in appearance and characteristics from animals registered with the national breed organization of said breed name, and unless a permit allowing the use of said breed name is first obtained from the state--board-of-health department of agriculture. Any person, association or corporation obtaining a permit shall first give his consent to reasonable inspections of his premises by said--board the department for purposes of enforcement of this act.

SECTION 12. That Section 37-341, Idaho Code, be, and the same is hereby amended to read as follows:

37-341. ADMINISTRATION AND ENFORCEMENT OF ACT. The director of the department of health-and-welfare agriculture is charged with the responsibility of administering and enforcing this act.

SECTION 13. That Section 37-343, Idaho Code, be, and the same is hereby amended to read as follows:

37-343. INJUNCTION PROCEEDINGS ADDITIONAL REMEDY FOR VIOLATIONS. In addition to the remedy prescribed in the foregoing section for the violation of the provisions of this act, any person, association or corporation violating, or threatening to violate, any of the provisions of this act may be enjoined from violating the same; such
injunction proceedings may be instituted by the state-board-of-health-and-welfare director of the department of agriculture as plaintiff, whether or not criminal proceedings have been brought against the same defendant, and the attorney general or prosecuting attorney of the county where the violation or threatened violation of this act has occurred, on demand of the state-board-of-health-and-welfare director of the department of agriculture, shall represent the state-board-of-health-and-welfare director of the department of agriculture in such proceedings. In any such proceedings no bond shall be required of the plaintiff.

SECTION 14. That Section 37-401, Idaho Code, be, and the same is hereby amended to read as follows:

37-401. INSPECTIONS BY DEPARTMENT AND DIRECTOR OF AGRICULTURE. The director of the department of agriculture is hereby authorized and directed to designate any competent employee or agent of the department of agriculture of the state of Idaho to inspect any or all dairy products in accordance with such regulations as it may prescribe; and to ascertain and certify the grade, classification, quality or sanitary condition thereof and such other pertinent facts as the department may require. The director or any other officer or employee of the department of agriculture of the state of Idaho shall make sanitary inspection of milk, cream, butter and dairy products of any kind whatsoever, intended for human consumption, and of containers, utensils, equipment, buildings, premises or anything whatsoever employed in the production, handling, storing, processing or manufacturing of dairy products or that would affect the purity of the products; such inspections shall be made by such qualified person or persons as may be designated by the director for such purpose; examinations and tests necessary to meet the requirements of the laws of the state and of the United States for the sale of such products or the transportation thereof, in both intrastate and interstate commerce shall be made by the department of agriculture. Every person designated by the director to make such inspections shall have the right for that purpose to enter any premises and buildings where milk, cream, butter or dairy products shall be produced, stored, processed or manufactured; provided, however, that no part of this act shall apply to the production, processing or distribution of market or fluid milk or cream.

SECTION 15. That Section 37-503, Idaho Code, be, and the same is hereby amended to read as follows:

37-503. LICENSES -- RETAIL VENDOR EXCEPTED -- FEES -- POSTING -- DEFINITIONS. Every creamery, milk plant, shipping or cream buying station, milk condensing plant, cheese factory, mix making plant, ice cream factory, reprocessing plant, casein plant, powdered milk plant, or factory of milk products, or other person receiving or purchasing milk or cream in bulk other than a retail vendor of milk on the basis of the amount of milk fat therein, shall annually obtain a license therefor. Such license shall be issued by the department upon being satisfied that the building, places, or premises where such milk or dairy products are to be received or purchased are maintained in a
sanitary manner, and that cream scales are protected and placed on a solid foundation and away from drafts, and that a laboratory or inclosed test room is provided in which to test milk and cream, that ample light is provided therein, and that at all times the room is kept in a clean and sanitary condition, and upon payment of such license fee to the department according to the following schedule:

Milk condensery, one hundred dollars ($100), reprocessing plant, one hundred dollars ($100), creamery, fifty dollars ($50.00), cheese factory, twenty dollars ($20.00), ice cream factory, twenty dollars ($20.00), mix making plant, twenty dollars ($20.00), casein plant, twenty dollars ($20.00), milk powder plant, thirty dollars ($30.00), cream buying or shipping station, fifteen dollars ($15.00). When one or more kinds of dairy products are being manufactured by the same firm on the same premises, this shall be construed to require that a separate license be procured for each kind of product manufactured and sold. The license, when issued, shall be posted in a conspicuous place in the plant for which issued.

The term "creamery" shall mean any place, building or structure wherein milk or cream is manufactured into butter for sale.

The term "milk plant" shall mean any place, building or structure wherein milk is received for bottling, pasteurizing, clarifying or otherwise processing.

The term "shipping or cream buying station" shall mean any place where milk or cream is delivered by the producers to a buyer, not a manufacturer, or to the agent or representative of a manufacturer or processor of dairy products for shipment or transportation to such manufacturer or processor.

The term "milk condensing plant" shall mean any place, building or structure wherein milk is condensed or processed by evaporation of a considerable portion of the water normally contained therein.

The term "cheese factory" shall mean any place, building or structure wherein milk is manufactured into cheese.

The term "ice cream factory" shall mean any place, building or structure wherein milk or cream, regardless of butterfat content, and with or without other constituents, shall be manufactured into a frozen or semi-frozen product for human consumption and for sale at wholesale or retail. This term shall not include "frozen dessert machines."

The term "frozen dessert machine" shall mean the freezer or other device by which the liquid ingredients for frozen dessert are frozen to a solid or semisolid consistency and are discharged, expelled or drawn off for sale at retail.

The term "mix making plant" shall mean any place, building or structure wherein milk or cream, with or without other constituents, shall be mixed or processed for resale to ice cream factories; provided, that any duly licensed ice cream factory may carry on, as a part of its business, the business of mix making plant without being required to pay therefor, additional license for so doing.

The term "reprocessing plant" shall mean any place, building or structure wherein a cheese product is made by comminuting and mixing one or more lots of cheese of the same variety or of different varieties into a homogenous, plastic mass with or without the addition of water and emulsifying agents.
The term "casein plant" shall mean any place, building or structure wherein casein is manufactured for sale.

The term "powdered milk plant" shall mean any place, building or structure wherein milk or any product of milk is processed by evaporating or removing therefrom the water or moisture contained therein to a point where the product may be handled as a dry product.

SECTION 16. That Section 37-509, Idaho Code, be, and the same is hereby amended to read as follows:

37-509. PENALTY FOR VIOLATING SECTIONS 37-506 TO THROUGH 37-508, INCLUSIVE VIOLATIONS. Whoever shall violate any of the provisions of sections 37-506 to through 37-508, inclusive Idaho Code, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars ($25.00) nor more than two hundred dollars ($200.00), for each and every offense, or be imprisoned in the county jail not less than thirty (30) days nor more than sixty (60) days, or both such fine and imprisonment.

SECTION 17. That Section 37-601, Idaho Code, be, and the same is hereby amended to read as follows:

37-601. USE OF STANDARD GLASSWARE REQUIRED. Every person, firm or corporation receiving or purchasing milk or cream on the basis of the amount of butterfat contained therein as determined by the Babcock test, shall use the standard Babcock testing glassware as defined in section 37-603, Idaho Code. It shall be unlawful for any firm or corporation or any of their agents to offer for sale or sell or to use other than standard test bottles and pipettes which have been examined and marked as provided by this section, to determine the amount of fat in milk or cream received or purchased on the butterfat basis.

SECTION 18. That Section 37-702, Idaho Code, be, and the same is hereby amended to read as follows:

37-702. DEFINITIONS. For the purposes of this chapter the definitions of "milk", "milk products" and related terms shall be promulgated by the board of health and welfare director of the state department of agriculture.

SECTION 19. That Section 37-703, Idaho Code, be, and the same is hereby amended to read as follows:

37-703. DIRECTOR OF DEPARTMENT OF HEALTH AND WELFARE AGRICULTURE TO ENFORCE. It shall be the duty of the director of the department of health and welfare agriculture to enforce the provisions of this chapter and the director of the department of health and welfare agriculture shall from time to time cause appropriate inspections of all milk pasteurizing plants to be made to the end that compliance with this chapter is enforced. It shall be the duty of the attorney general and the various prosecuting attorneys upon the request of the director of health and welfare agriculture to assist in the enforcement of this chapter.
SECTION 20. That Section 37-705, Idaho Code, be, and the same is hereby amended to read as follows:

37-705. CERTIFICATE TO BE RENEWED ANNUALLY. The certificate of compliance issued pursuant to the provisions of section 37-704 shall be renewed annually upon application, and without fee, on the anniversary of the effective date of this chapter; provided however that nothing herein shall be construed to require the state board of health and welfare department of agriculture to renew a certificate of compliance when, in the opinion of the director of the department of health and welfare agriculture, the milk pasteurizing plant applying for renewal of the certificate is not complying with all the provisions of the chapter.

SECTION 21. That Section 37-706, Idaho Code, be, and the same is hereby amended to read as follows:

37-706. CERTIFICATE NECESSARY FOR LABELING AS PASTEURIZED. From and after effective date of this act no person, partnership, copartnership or corporation shall label milk or milk products packaged for sale or resale as pasteurized unless and until the plant producing such milk or milk products shall have first obtained from the director of the department of health and welfare agriculture a certificate of compliance in accordance with the provisions of section 37-704, Idaho Code.

SECTION 22. That Section 37-707, Idaho Code, be, and the same is hereby amended to read as follows:

37-707. STANDARDS FOR EQUIPMENT AND SANITATION. From and after the effective date of this act all milk pasteurizing plants in the state of Idaho shall comply with the following standards for equipment and sanitation:

(a) The floors of all rooms in which milk or milk products are handled or stored or in which milk utensils are washed shall be constructed of concrete or other equally impervious and easily cleaned material and shall be smooth, properly drained, provided with trapped drains, and kept clean.

(b) Walls and ceilings of rooms in which milk or milk products are handled or stored or in which milk utensils are washed shall be painted and shall have a smooth, washable, light-colored surface and shall be kept clean.

(c) Unless other effective means are provided to prevent the access of flies, all openings into the outer air shall be effectively screened and doors shall be self-closing.

(d) All rooms shall be well lighted and ventilated.

(e) Milk-plant operations shall be so located and conducted as to prevent any contamination of the milk or the cleaned equipment. There shall be separate rooms for (a) the pasteurizing, processing, cooling, and bottling operations, and (b) the washing and bactericidal treatment of containers. Cans of raw milk shall not be unloaded directly into the pasteurizing room. Pasteurized milk or milk products shall not be permitted to come in contact with equipment with which
unpasteurized milk or milk products have been in contact, unless such
equipment has first been thoroughly cleaned and subjected to
bactericidal treatment. Rooms in which milk, milk products, cleaned
utensils, or containers are handled or stored shall not open directly
into any stable or living quarters. The pasteurization plant shall be
used for no other purpose than the processing of milk and milk prod-
ucts and the operations incident thereto, except as may be approved by
the state-board-of-health-and-welfare department of agriculture.

(f) Every milk pasteurization plant shall be provided with toilet
facilities conforming with recommendations of the state-board-of
health-and-welfare department of agriculture. Toilet rooms shall not
open directly into any room in which milk, milk products, equipment,
or containers are handled or stored. The doors of all toilet rooms
shall be self-closing. Toilet rooms shall be kept in a clean condi-
tion, in good repair, and well ventilated. In case privies or earth
closets are permitted and used, they shall be separate from the build-
ing, and shall be of a sanitary type constructed and operated and
maintained so that the waste is inaccessible to flies and does not
pollute the surface soil or contaminate any water supply.

(g) The water supply shall be easily accessible, adequate, and of
a safe, sanitary quality.

(h) Convenient handwashing facilities shall be provided, includ-
ing warm running water, soap, and approved sanitary towels. The use of
a common towel is prohibited.

(i) All piping used to conduct milk or milk products shall be
"sanitary milk piping" of a type which can be easily cleaned with a
brush. Pasteurized milk and milk products shall be conducted from one
piece of equipment to another only through sanitary milk piping.

(j) All multi-use containers and equipment with which milk or
milk products come in contact shall be constructed in such manner as
to be easily cleaned and shall be kept in good repair. The manufac-
ture, packing, transportation, and handling of single-service contain-
ers and container caps and covers shall be conducted in a sanitary
manner.

(k) All wastes shall be properly disposed of.

(l) All milk and milk products containers and equipment, except
single-service containers, shall be thoroughly cleaned after each
usage. All containers shall be subjected to an approved bactericidal
process after each cleaning and all equipment immediately before each
usage. When empty and before being returned to a producer by a milk
plant each container shall be effectively cleaned and subjected to
bactericidal treatment.

(m) After bactericidal treatment all bottles, cans, and other
multi-use milk or milk-products containers and equipment shall be
stored in such manner as to be protected from contamination.

(n) Between bactericidal treatment and usage, and during usage,
containers and equipment shall not be handled or operated in such man-
ner as to permit contamination of the milk.

(o) Milk-bottle caps or cap stock, parchment paper for milk cans,
and single-service containers shall be purchased and stored only in
sanitary tubes and cartons, respectively, and shall be kept therein in
a clean dry place.

(p) All milk and milk products received for pasteurization shall
immediately be cooled in approved equipment to 50°F., or less and maintained at that temperature until pasteurized, and all pasteurized milk and milk products shall be immediately cooled in approved equipment to an average temperature of 50°F., or less. Average cooling temperature shall be taken to mean the arithmetic average, of the respective temperature of the last four (4) consecutive samples, taken upon separate days.

(q) Packaging and capping or sealing of milk and milk products shall be done at the place of pasteurization in approved mechanical equipment only. Hand capping is prohibited.

(r) Overflow of milk or milk products shall not be sold for human consumption.

(s) The director of the department of health-and-welfare agriculture or physicians authorized by him shall examine and take a careful morbidity history of every person employed in a pasteurization plant, or about to be employed, whose work brings him in contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment. If such examination or history indicates that such person may be a carrier of or infected with the organisms of typhoid or paratyphoid fever or any other communicable diseases likely to be transmitted through milk, he shall secure appropriate specimens of body discharges and cause them to be examined in a laboratory approved by him or by the state board of health and welfare for such examination and if the results indicate that such person is or may be a carrier of such disease, such person shall be barred from such employment.

(t) All persons coming in contact with milk, milk products, containers, or equipment shall wear clean outer garments and shall keep their hands clean at all times while thus engaged.

(u) All vehicles used for the transportation of milk or milk products shall be so constructed and operated as to protect their contents from the sun and from contamination. All vehicles used for the transportation of milk or milk products in their final delivery containers shall be constructed with permanent tops and with permanent or rolldown sides and back, provided that openings of the size necessary to pass the delivery man may be permitted in the sides or back for loading and unloading purposes. All vehicles shall be kept clean, and no substance capable of contaminating milk or milk products shall be transported with milk or milk products in such manner as to permit contamination. All vehicles used for the distribution of milk or milk products shall have the name of the distributor prominently displayed. The immediate surroundings of the milk plant shall be kept in a neat, clean condition.

SECTION 23. That Section 37-708, Idaho Code, be, and the same is hereby amended to read as follows:

37-708. RULES, REGULATIONS AND STANDARDS TO BE PRESCRIBED. The board-of-health-and-welfare director of the department of agriculture is hereby authorized and directed to prescribe rules, regulations and standards of equipment and sanitation in accordance with the provisions of this chapter and not inconsistent with the statement of purpose contained in section 37-701, Idaho Code, whenever, in its opin-
ion, new and/or different methods of pasteurizing milk or milk products have attained a degree of scientific advancement which will more certainly effectuate the purposes of this chapter.

SECTION 24. That Section 37-710, Idaho Code, be, and the same is hereby amended to read as follows:

37-710. INJUNCTIONS AGAINST VIOLATIONS. Whenever any person, corporation, partnership or copartnership has violated any of the provisions of this chapter and persists in such violation, the director of the department of health-and-welfare agriculture may apply to the district court of the county in which the violation is occurring for an injunction restraining such violation and upon a showing that such violation is occurring or is threatened the judge of such court shall issue an order restraining such violation and granting such other relief as may be equitable in the case.

SECTION 25. That Section 37-801, Idaho Code, be, and the same is hereby amended to read as follows:

37-801. USE OF GRADE TERMS RESTRICTED. Hereafter no person shall use the terms "grade A," "grade B," "grade C," or combinations or multiples of the letters "a," "b," and "c," or any term similar thereto when used to indicate quality on packages or containers containing milk, or milk products or on or in connection with such products themselves, except as follows:

(1) In regard to milk or cream and pursuant to the terms of an ordinance of any incorporated city that legally has adopted and passed a grade A ordinance regulating the production, handling, distribution and sale of milk or cream within such city, provided said ordinance meets the requirements of the "standard milk ordinance" recommended by the Idaho state board of health-and-welfare department of agriculture and provided further that the said ordinance is properly enforced by such city. Semiannual surveys made by the director of the department of health-and-welfare agriculture shall provide a basis for determining whether proper enforcement is being accomplished.

(2) In all cases not covered by subsection (1) hereof the use of the grade or quality designations herein mentioned shall be unlawful unless such person is licensed to use the same by the director of the department of health-and-welfare agriculture of the state of Idaho.

In the case of milk or milk products not covered by the provisions of subsection (1) hereof, the board department of agriculture shall establish grades which shall be the same as those established by the United States public health service and approved by the United States department of agriculture.

Nothing in this chapter shall be construed to prohibit the use of any registered or copyrighted brand or trade-mark, design or device pursuant to the provisions of any laws of this state or any other state or of the District of Columbia or the United States, provided such use is not in conflict with this chapter.

SECTION 26. That Section 37-802, Idaho Code, be, and the same is hereby amended to read as follows:
37-802. LICENSES. Any person desiring a license under this act shall make application therefor to the director of the department of health-and-welfare agriculture, and upon such application being filed, said director shall furnish such applicant with the terms, conditions, rules and regulations, and upon the compliance therewith shall issue such applicant a revocable license for the use of any of the grade marks described in this chapter. The form of such application and license shall be determined and prescribed by the director of the department of health-and-welfare agriculture.

SECTION 27. That Section 37-803, Idaho Code, be, and the same is hereby amended to read as follows:

37-803. RULES AND REGULATIONS. The state-board-of-health-and-welfare department of agriculture shall adopt rules and regulations governing the use of such grade marks mentioned in this chapter, and may revise such rules and regulations from time to time as may be deemed necessary and expedient.

SECTION 28. That Section 37-805, Idaho Code, be, and the same is hereby amended to read as follows:

37-805. DEFINITIONS. The word "person" as used in this chapter shall include individuals, partnerships, associations and corporations.

The terms "board" or "state-board-of-public--health" "department" shall mean the state-board-of-health-and-welfare department of agriculture of the state of Idaho.

"Milk or milk products" as used in this chapter shall be defined as and include those products enumerated and defined in the standard milk ordinance referred to in section 37-801, subsection (1), Idaho Code.

SECTION 29. That Section 37-806, Idaho Code, be, and the same is hereby amended to read as follows:

37-806. PENALTY FOR VIOLATIONS -- INJUNCTIONS. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than ten dollars ($10.00) nor more than three hundred dollars ($300), and on the complaint of the state-board-of-health-and-welfare department any person operating in violation of said chapter may be enjoined in a suit in equity.

SECTION 30. That Section 37-810, Idaho Code, be, and the same is hereby amended to read as follows:

37-810. ADMINISTRATION OF ACT -- PUBLICATION OF GRADE STANDARDS. This act shall be administered by the department of agriculture and the department of health-and-welfare of the state of Idaho. It shall be the duty of the department of agriculture of the state of Idaho to publish in pamphlet form the regulations heretofore referred to in this act, and to make said regulations now in effect and hereafter
adopted immediately available to all interested parties in pamphlet form. The definition and grade standards now established and as estab-
lished hereafter by the said United States department of health, edu-
cation and welfare and the United States department of agriculture
shall be effective in the state of Idaho from and after the date on
which they are published in said pamphlet form by the department of
agriculture of the state of Idaho; provided that nothing in this chap-
ter shall prohibit the manufacture, distribution or sale within the
state of Idaho of cottage cheese containing less than four per cent
(4%) butterfat, providing all other standards prescribed by law have
been met and that the container be clearly labeled to indicate the low
butterfat content as prescribed by regulations of the department of
agriculture of the state of Idaho.

SECTION 31. That Section 37-1203, Idaho Code, be, and the same is
hereby amended to read as follows:

37-1203. VIOLATIONS UNLAWFUL. It shall be unlawful for any per-
son, partnership, firm or corporation to manufacture, dispense, sell
or offer to sell any frozen dessert or frozen novelty which does not
conform to the standards set forth in this act, and it shall be unlaw-
ful to manufacture, sell, offer for sale or dispense such frozen des-
serts or frozen novelties without having and displaying the appro-
priate labels and signs required by section 37-1202, Idaho Code. It shall
be unlawful to manufacture, sell, offer to sell or dispense any frozen
dessert or frozen novelty, whether herein defined or not, unless the
same shall conform to one (1) of the definitions or standards herein
described.

SECTION 32. This act shall be in full force and effect on and
after July 1, 1993.

Approved March 30, 1992.

CHAPTER 94
(H.B. No. 673)

AN ACT
RELATING TO HOSPITAL DISTRICT ELECTIONS; AMENDING CHAPTER 13, TITLE
39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-1330A, IDAHO
CODE, TO AUTHORIZE CANCELLATION OF A SCHEDULED BOARD ELECTION IF
THERE IS ONLY A SINGLE CANDIDATE; AMENDING CHAPTER 13, TITLE 39,
IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-1330B, IDAHO CODE,
TO PRESCRIBE THE PROCEDURE AND TIMING FOR DECLARING THE INTENTION
OF A WRITE-IN CANDIDATE TO SERVE IF ELECTED TO A DISTRICT HOSPITAL
BOARD.

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

SECTION 1. That Chapter 13, Title 39, Idaho Code, be, and the
same is hereby amended by the addition thereto of a NEW SECTION, to be
known and designated as Section 39-1330A, Idaho Code, and to read as follows:

39-1330A. ONE NOMINATION -- NO BOARD ELECTION. In the event that after the expiration of the date for filing nominations, as provided in section 39-1330, Idaho Code, it appears that only one (1) qualified candidate has been nominated for each position to be filled and if no declaration of intent has been timely filed pursuant to section 39-1330B, Idaho Code, it shall not be necessary to hold an election, and the board may, no later than seven (7) days before the scheduled date of the election, declare each nominated candidate elected as trustee, and the secretary shall immediately make and deliver to such person a certificate of election.

SECTION 2. That Chapter 13, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 39-1330B, Idaho Code, and to read as follows:

39-1330B. WRITE-IN CANDIDACY -- DECLARATION OF INTENT. Write-in candidates shall be permitted for election to membership of the board at any election provided for in section 39-1330, Idaho Code; provided, however, that no write-in vote for board membership shall be counted unless the person for whom such vote is cast has filed a declaration of intent with the district stating that such person will serve in that office and is qualified for board membership if elected. Such declaration of intent shall be filed with the district's secretary not later than eleven (11) days before the scheduled date of the next election.

Approved March 30, 1992.

CHAPTER 95
(H.B. No. 682, As Amended in the Senate)

AN ACT
RELATING TO DUTIES OF A CORONER; REPEALING SECTION 31-2806, IDAHO CODE; AMENDING CHAPTER 28, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-2806, IDAHO CODE, TO PROVIDE WHEN THE CORONER SHALL BE AUTHORIZED TO ACT AS THE SUBSTITUTE FOR THE COUNTY SHERIFF, AND TO PROVIDE WHEN THE SENIOR DEPUTY SHERIFF SHALL TEMPORARILY FILL THE VACANCY CREATED BY THE DEATH, ABSENCE OR RESIGNATION OF THE SHERIFF.

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

SECTION 1. That Section 31-2806, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 28, 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 31-2806, Idaho Code, and to read as follows:

31-2806. CORONER TO ACT AS SUBSTITUTE FOR SHERIFF. The coroner shall be authorized to act as the substitute for the county sheriff when the sheriff declares he is disqualified from acting due to a conflict of interest in a proceeding or matter; provided, however, that the senior deputy sheriff, as defined in section 31-2006, Idaho Code, shall temporarily fill the vacancy created by the death, absence or resignation of the sheriff.

Approved March 30, 1992.

CHAPTER 96
(H.B. No. 685, As Amended in the Senate)

AN ACT
RELATING TO PLANNING AND ZONING COMMISSIONS; AMENDING SECTION 67-6504, IDAHO CODE, TO ALLOW FOR THE APPOINTMENT OF A PERSON TO A COMMISSION AFTER TWO YEARS RESIDENCE IN THE COUNTY.

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

SECTION 1. That Section 67-6504, Idaho Code, be, and the same is hereby amended to read as follows:

67-6504. PLANNING AND ZONING COMMISSION -- CREATION -- MEMBERSHIP -- ORGANIZATION -- RULES -- RECORDS -- EXPENDITURES -- STAFF. A city council or board of county commissioners, hereafter referred to as a governing board, may exercise all of the powers required and authorized by this chapter in accordance with this chapter. If a governing board does not elect to exercise the powers conferred by this chapter, it shall establish by ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided in section 67-6509, Idaho Code, a planning commission and a zoning commission or a planning and zoning commission acting in both capacities, which may act with the full authority of the governing board, excluding the authority to adopt ordinances. The powers of the board of county commissioners conferred by this chapter shall apply to the unincorporated area of the county. Legally authorized planning, zoning, or planning and zoning commissions existing prior to enactment of this chapter shall be considered to be duly constituted under this chapter unless changed in accordance with the notice and hearing procedures provided in section 67-6509, Idaho Code.

(a) Membership—Each commission shall consist of not less than three (3) nor more than twelve (12) voting members, all appointed by a mayor or chairman of the county board of commissioners and confirmed by majority vote of the governing board. An appointed member of a commission must have resided in the county for five (5) at least two (2) years prior to his appointment, and must remain a resident of the
county during his service on the commission. Not more than one-third (1/3) of the members of any commission appointed by the chairman of the board of county commissioners may reside within an incorporated city of fifteen hundred (1,500) or more population in the county. The ordinance establishing a commission to exercise the powers under this chapter shall set forth the number of members to be appointed. The term of office for members shall be not less than three (3) years, nor more than six (6) years, and the length of term shall be prescribed by ordinance. Vacancies occurring otherwise than through the expiration of terms shall be filled in the same manner as the original appointment. Members may be removed for cause by a majority vote of the governing board. Members shall be selected without respect to political affiliation and may receive such mileage and per diem compensation as provided by the governing board. If a governing board exercises these powers, its members shall be entitled to no additional mileage or per diem compensation.

(b) Organization—Each commission shall elect a chairman and create and fill any other office that it may deem necessary. A commission may establish subcommittees, advisory committees or neighborhood groups to advise and assist in carrying out the responsibilities under this chapter. A commission may appoint nonvoting ex officio advisors as may be deemed necessary.

(c) Rules, Records, and Meetings—Written organization papers or by-laws consistent with this chapter and other laws of the state for the transaction of business of the commission shall be adopted. A record of meetings, hearings, resolutions, studies, findings, permits, and actions taken shall be maintained. All meetings and records shall be open to the public. At least one (1) regular meeting shall be held each month for not less than nine (9) months in a year. A majority of voting members of the commission shall constitute a quorum.

(d) Expenditures and Staff—With approval of a governing board, the commission may receive and expend funds, goods, and services from the federal government or agencies and instrumentalities of state or local governments or from civic and private sources and may contract with these entities and provide information and reports as necessary to secure aid. Expenditures by a commission shall be within the amounts appropriated by a governing board. Within such limits, any commission is authorized to hire employees and technical advisors, including but not limited to planners, engineers, architects, and legal assistants.

Approved March 30, 1992.

CHAPTER 97
(H.B. No. 688)

AN ACT
RELATING TO AGRICULTURAL COMMODITY WAREHOUSEMEN; PROVIDING LEGISLATIVE INTENT; AMENDING CHAPTER 7, PART 2, TITLE 28, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 28-7-209A, IDAHO CODE, TO PROVIDE FOR
THE PRIORITY AND ENFORCEMENT OF AGRICULTURAL COMMODITY WAREHOUSEMEN LIENS, TO DEFINE A TERM AND TO SPECIFY APPLICABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. The legislature finds that the agricultural commodity warehousing industry is an essential component of a vigorous and productive agricultural industry, and that a recent decision of the Idaho supreme court interpreting the lien rights of agricultural warehousing concerns threatens to create impediments to the efficient operation and equitable treatment of such concerns. The legislature further finds that it is imperative that the changes affected by this legislation be in place before the commencement of the upcoming 1992 agricultural crop year, and that as a result, an emergency exists.

SECTION 2. That Chapter 7, Part 2, Title 28, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 28-7-209A, Idaho Code, and to read as follows:

28-7-209A. LIENS OF AGRICULTURAL COMMODITY WAREHOUSEMEN. (1) An agricultural commodity warehouseman, as such term is defined in subsection (2) of this section has a lien, dependent upon possession, upon any agricultural commodity deposited with the warehouseman, or stored in or upon the warehouseman's premises, and any proceeds of sale of such agricultural commodity, which lien shall secure payment of any and all lawful charges incurred or payable for the storage, preservation, transportation, labor, weighing, testing, processing, milling, improvement, sale or similar expense incurred with regard to such agricultural commodity.

(2) As used in this section, the term "agricultural commodity warehouseman" shall include any person, partnership, corporation or other lawful business organization which owns or operates a warehousing, storage, weighing, milling or processing facility which is predominantly employed for the purpose of storing, keeping, preserving, processing, milling, cleaning, bagging, boxing or otherwise handling any agricultural commodity for or to the benefit of the owner or depositor thereof.

(3) Notwithstanding the provisions of section 28-7-209, Idaho Code, or any of the provisions of chapters 7 or 9, title 28, Idaho Code, the lien created in favor of an agricultural commodity warehouseman in this section shall have the priority conferred upon other statutory liens under section 28-9-310, Idaho Code.

(4) If the charges secured by the lien conferred in this section shall not have been paid by or before the date called for by any contract, agreement or document to title between the agricultural commodity warehouseman and the owner or depositor of such agricultural commodity, or thirty (30) days after written demand for payment shall have been made upon the owner or depositor, whichever shall be earlier, the lien may be enforced in the manner specified in section 28-7-210(1), Idaho Code.

(5) The provisions of this section and the lien created hereby
shall be applicable to any agricultural commodity deposited or stored with any agricultural commodity warehouseman within this state after March 1, 1992.

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

Approved March 30, 1992.

CHAPTER 98
(H.B. No. 741)

AN ACT RELATING TO TEACHERS; AMENDING SECTION 33-1202, IDAHO CODE, TO DELETE CITIZENSHIP REQUIREMENTS FOR ELIGIBILITY FOR OBTAINING A TEACHING CERTIFICATE.

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

SECTION 1. That Section 33-1202, Idaho Code, be, and the same is hereby amended to read as follows:

33-1202. ELIGIBILITY FOR CERTIFICATE. Each applicant for a certificate must:

1. Have attained the age of eighteen (18) years;
2. Have completed specific minimum requirements in college training as specified in uniform regulations of the state board of education;
3. Be free from tuberculosis or other contagious disease; but if at any time there is probable cause to believe that any such employee of the district is so afflicted, the board shall cause examination to be made by a licensed physician, and may exclude the employee from service without loss of pay pending determination whether so afflicted;
4. Be a citizen of the United States, or have declared an intention to become a citizen, but if full citizenship is not granted within seven (7) years after such declaration, any certificate issued to such person shall be revoked automatically. The limitation herein shall not apply in any case of international exchange of teachers approved by the state board of education.

The state board of education may refuse to issue or authorize a certificate to any applicant for such reason as would have constituted grounds for revoking a certificate.

Approved March 30, 1992.
AN ACT
RELATING TO PROPERTY TAX REDUCTION BENEFITS; AMENDING SECTIONS 63-117, 63-120A AND 63-122, IDAHO CODE, TO PROVIDE ADDITIONAL DEFINITIONS, TO PROVIDE PROPER REFERENCES, TO PROVIDE FOR ADJUSTMENTS IN INCOME LIMITATIONS AND MAXIMUM AND MINIMUM BENEFITS COMMENCING IN 1992, AND TO PROVIDE FOR EARLIER SUBMISSION OF DOCUMENTS TO THE STATE TAX COMMISSION; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION FOR SECTIONS 1 AND 3.

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

SECTION 1. That Section 63-117, Idaho Code, be, and the same is hereby amended to read as follows:

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

(a) "Income" means the sum of federal adjusted gross income as defined in the Internal Revenue Code (as defined by section 63-3004, Idaho Code), alimony, support money, income from inheritances, nontaxable strike benefits, the gross amount of any pension or annuity (including railroad retirement benefits), all payments received under the federal social security act, state unemployment insurance laws, and veterans' disability pensions and compensation), nontaxable interest received from the federal government or any of its instrumentalities or a state government or any of its instrumentalities, workmen's compensation and the gross amount of "loss of earnings" insurance. It does not include capital gains, gifts from nongovernmental sources, inheritances, or medical expenses care as defined by section 213(f)(d) of the Internal Revenue Code, incurred by the household. Documentation of medical expenses may be required by the county assessor, board of equalization and state tax commission. "Income" shall be that received in the calendar year immediately preceding the year in which a claim is filed. Where a claimant does not file a federal tax return the claimant's federal adjusted gross income, for purposes of this section, shall be an income equivalent to federal adjusted gross income had the claimant filed a federal tax return.

(b) "Household" means the association of claimant and any person or persons who live in the same dwelling, sharing and share its furnishings, facilities, and accommodations and expenses. The term includes any person owing a duty of support to the applicant pursuant to section 32-1002, Idaho Code, unless the person qualifies as a "nonhousehold member" pursuant to subsection (c) of this section. The term does not include bona fide lessees, tenants, or roomers and boarders on contract.

(c) "Nonhousehold member" means any nonspouse who lives in the claimant's dwelling for the purpose of providing protective oversight, caregiving, or personal care services to the claimant, or who is receiving disability benefits pursuant to subsection (f)(iv) of this
section.

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

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

(f) "Claimant" means a person who has filed a claim under the provisions of sections 63-117 through and including 63-125, Idaho Code. To be eligible to file a claim, a person must have been domiciled in this state during the calendar year immediately preceding the year in which his the claim was filed, and must have owned a homestead, evidenced by proof of taxes levied, in this state during the calendar year immediately preceding the year in which his the claim was filed, and on January 1 of the year in which the claim was filed must be:

(i) must be not less than sixty-five (65) years old on January 1 of the year in which his the claim was filed, or
(ii) a fatherless or motherless child under the age of eighteen (18) years of age, or
(iii) a widow or widower, or
(iv) a disabled person who is receiving disability benefits recognized as disabled pursuant to 42 USCA 423, 45 USCA 228, 45 USCA 231, or 5 USCA 8337, or
(v) a disabled veteran of any war engaged in by the United States, whose disability is recognized as a service connected disability of a degree of ten percent (10%) or more, or who has a pension for nonservice connected disabilities, in accordance with laws and regulations administered by the United States veterans administration, or
(vi) a person as specified in 42 USCA 1701 who was or is entitled to receive benefits because he is known to have been taken by a hostile force as a prisoner, hostage, or otherwise, or
(vii) blind.

(g) "Owner" means a person holding title in fee simple or holding a certificate of motor vehicle title (either of which may be subject to mortgage, deed of trust or other lien) or who has retained or been granted a life estate. "Owner" shall also include any person who as grantor created a revocable trust and named himself as beneficiary of that trust. "Owner" shall not include any person that otherwise occupies property as beneficiary of a trust. "Owner" includes a vendee in possession under a land sale contract. Any partial ownership shall be considered ownership for determining qualification for property tax reduction benefits, however, the amount of tax reduction under section 63-120, Idaho Code, and regulations promulgated pursuant to section 63-1204, Idaho Code, shall be reduced to a proportion commensurate
with the proportion of the partial ownership interest. Where title to property is held by a person who has died without timely filing a claim for property tax reduction, the estate shall be the "owner."

(h) (i) "Primary dwelling place" means the claimant's dwelling place on January 1 of the year for which the claim is made. The primary dwelling place is the single place where a claimant has his true, fixed and permanent home and principal establishment, and to which whenever the individual is absent he has the intention of returning. A claimant must establish the dwelling to which the claim relates as his home by clear and convincing evidence or by establishing that the dwelling is where the claimant resided on January 1 and:

(1) at least six (6) months during the prior year; or
(2) the majority of the time the claimant owned the dwelling if owned by the claimant less than one (1) year; or
(3) the majority of the time after the claimant first occupied the dwelling if occupied by the claimant less than one (1) year.

(ii) Notwithstanding the provisions of paragraph (i) of this subsection, the property upon which the claimant makes application shall be deemed to be the claimant’s home if the claimant is otherwise qualified and resides in a care facility and does not allow the property upon which the claimant has made application to be occupied by persons paying a consideration to occupy the dwelling. A care facility is a hospital, skilled nursing facility, intermediate care facility or intermediate care facility for the mentally retarded as defined in section 39-1301, Idaho Code, or a facility as defined in section 39-3302(15), Idaho Code, or a home other than the one upon which the applicant makes application where a claimant who is unable to reside in the home upon which the application is made lives and receives help in daily living, protection and security.

SECTION 2. That Section 63-120A, Idaho Code, be, and the same is hereby amended to read as follows:

63-120A. REGULATIONS -- CHANGES IN INCOME LIMITATIONS AND TAX REDUCTION AMOUNTS. Commencing in 1992 the state tax commission shall promulgate regulations adjusting the income limitations and tax reduction amounts to reflect cost of living fluctuations. Said regulations shall effect change in each income limitation by a percentage equal as near as practicable to the annual cost of living percentage modification as determined by the secretary of health and human services pursuant to 42 USCA 415(i). The lowest limitation shall allow a maximum reduction of four eight hundred dollars ($4800), or actual taxes, whichever is less. Each income limitation and reduction amount shall be prorated based on the basic four eight hundred dollars ($4800) maximum reduction, in practicable increments so that the highest income limitation will provide for a reduction of fifty one hundred dollars ($5100+00), or actual taxes, whichever is less. The tax commission shall promulgate said regulations each and every year the secretary of health and human services announces said cost of living modification. The regulations shall be promulgated no later than October 1 of each
such year and shall be effective for claims filed in and for the follow­ ing ad valorem tax year.

SECTION 3. That Section 63-122, Idaho Code, be, and the same is hereby amended to read as follows:

63-122. PROCEDURE AFTER CLAIM APPROVAL. (1) Immediately after claims have been approved by the board of equalization, the county assessor shall prepare a property tax reduction roll, which shall be in addition to the real property assessment roll, and the personal property assessment roll, which property tax reduction roll shall show:

(a) the name of the taxpayer;
(b) the description of the property for which a reduction in taxes is claimed, suitably detailed to meet the requirements of the individual county;
(c) the property's current prior year's market value— and or the assessor's best estimate of current assessed market value;
(d) the amount of tax reduction for which the applicant is eligible as determined by the applicant's household income, pursuant to sections 63-120 and 63-120A, Idaho Code.

(2) As soon as possible, but in any event by no later than the fourth Monday of July, the property tax reduction roll shall be certified to the county auditor and to the state tax commission in the manner prescribed by section 63-4137—Idaho—Code regulations promulgated by the state tax commission. The property tax reduction roll shall be accompanied by a copy of the claim forms for disapproved claims, when requested by the state tax commission and a copy of the approved claims form signed by each claimant.

(3) (a) As soon as possible, but in any event by no later than the fourth Monday of October, the county auditor shall complete the property tax reduction roll by adding the following information:

(i) the current year's levy for the code area in which the property is situated; and
(ii) the amount of tax reduction claimed based on the current year's market value and the current year's levy; and
(iii) the current year's market value.

(b) As soon as possible, but in any event no later than the fourth Monday of October, the county auditor shall certify the completed property tax reduction roll to the state tax commission in the manner prescribed by section 63-4137—Idaho—Code regulations promulgated by the state tax commission.

(4) The state tax commission shall calculate the total of all claims for reduction in taxes from current year's property taxes, evidenced by the abstracts and claims forms from all the counties. If the total of all reductions claimed exceeds the amount of dollars provided by appropriation for such purpose, the tax commission shall calculate the percent reduction that must be made, and certify such reduction to each county auditor by the third Monday in November. If no reduction is required, each county auditor shall be notified by the third Monday in November of the amount of property tax reduction to be granted.
(5) The state tax commission may audit each and every claim submitted to it, and, any other provision of law notwithstanding, may utilize income tax returns previously filed by the claimant or by any member of his household to determine household income of the claimant.

(6) If it is determined by the tax commission that a claim is erroneous the tax commission shall disapprove so much of the claim as necessary in order to conform with statutory standards. Notice of disapproval shall be provided to the claimant by the fourth Monday of October and to the county auditor of the county from which the claim was received. Any claimant whose claim is disapproved in whole or in part by the tax commission may:

(a) file a claim with the board of equalization for an ordinary tax exemption pursuant to sections 63-105BB and 63-107, Idaho Code; such claims must be filed between the fourth Monday of November and the first Monday of December; the board of equalization shall convene during such period for the purpose of hearing and determining these claims in addition to the purposes set forth in section 63-1904, Idaho Code;

(b) appeal such disapproval by the tax commission to the board of tax appeals or to the district court of the county of residence of this the taxpayer within thirty (30) days.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1 and 3 of this act shall be in full force and effect on and after passage and approval, and retroactively to January 1, 1992.

Approved March 30, 1992.

CHAPTER 100
(H.B. No. 782)

AN ACT RELATING TO PAY-PER-TELEPHONE CALL SERVICES; AMENDING SECTION 48-1104, IDAHO CODE, AS ENACTED BY HOUSE BILL NO. 595, SECOND REGULAR SESSION, FIFTY-FIRST IDAHO LEGISLATURE, TO PROVIDE THAT CERTAIN LISTINGS IN DIRECTORIES DO NOT CONSTITUTE AN ADVERTISEMENT, AND TO PROVIDE THAT CERTAIN LISTINGS BY SUBJECT CATEGORY SHALL CONSPICUOUSLY DISCLOSE THAT THE CALL IS A PAY-PER-TELEPHONE CALL.

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

SECTION 1. That Section 48-1104, Idaho Code, as enacted by House Bill No. 595, Second Regular Session, Fifty-first Idaho Legislature, be, and the same is hereby amended to read as follows:

48-1104. ADVERTISEMENTS. (1) If the total charge for the pay-per-phone call service is more than two dollars ($2.00), advertisements by information providers for pay-per-phone call services must clearly and conspicuously disclose, as that term is defined by
the Idaho consumer protection act and regulations promulgated thereunder, the price or cost of the service being advertised, and contain the information required to be set forth in subsection (2) of section 48-1103, Idaho Code, except as provided in subsection (2) of this section.

(2) For purposes of this chapter, a listing in any section of a directory in which businesses or professions are listed alphabetically and which directory is not published more often than twice in a consecutive twelve (12) month period of time, does not constitute an advertisement. Information providers that advertise pay-per-telephone call services in the section of a directory which lists businesses by subject category, and which directory is not published more often than twice in a consecutive twelve (12) month period of time, shall conspicuously disclose in the advertisement that the service is a pay-per-telephone call service but need not disclose the price or cost of the service.

Approved March 30, 1992.

CHAPTER 101
(H.B. No. 796)

AN ACT
RELATING TO WATER RIGHTS AND MOVEMENT OF SALMON; AMENDING SECTION 42-1763, IDAHO CODE, TO PROVIDE DIFFERENT FACTORS THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES SHALL CONSIDER BEFORE APPROVING A RENTAL OF WATER FOR USE OUTSIDE OF IDAHO; AMENDING CHAPTER 17, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1763A, IDAHO CODE, TO PROVIDE FOR AUTHORITY FOR RENTAL OF STORAGE WATER TO AUGMENT LOWER SNAKE RIVER FLOWS FOR CERTAIN PURPOSES IN THE SNAKE RIVER, AND TO PROVIDE APPLICATION OF THE ACT REGARDING BENEFICIAL USE; DECLARING AN EMERGENCY; AND PROVIDING A SUNSET CLAUSE.

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

SECTION 1. That Section 42-1763, Idaho Code, be, and the same is hereby amended to read as follows:

42-1763. RENTALS FROM BANK -- APPROVAL BY DIRECTOR. The terms and conditions of any rental of water from the water supply bank must be approved by the director of the department of water resources. The director of the department of water resources may reject and refuse approval for or may partially approve for a less quantity of water or may approve upon conditions any proposed rental of water from the water supply bank where the proposed use is such that it will reduce the quantity of water available under other existing water rights, the water supply involved is insufficient for the purpose for which it is sought, the rental would cause the use of water to be enlarged beyond that authorized under the water right to be rented, or it will conflict with the local public interest where the local public interest
is defined as the affairs of the people in the area directly affected by the proposed use. Such rentals shall be approved only for uses within the state of Idaho. The director shall consider in determining whether to approve a rental of water for use outside of the state of Idaho those factors enumerated in subsection (3) of section 42-401, Idaho Code.

SECTION 2. That Chapter 17, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-1763A, Idaho Code, and to read as follows:

42-1763A. INTERIM AUTHORITY FOR RENTAL OF STORAGE WATER TO AUGMENT LOWER SNAKE RIVER FLOWS DURING THE MIGRATION OF SNAKE RIVER SALMON. (1) Notwithstanding the legislative approval required in section 42-108, Idaho Code, storage water from reservoirs within the state of Idaho may be rented through the water bank operated by the Idaho water resource board pursuant to sections 42-1761 through 42-1764, Idaho Code, pursuant to water bank rules or through local rental pools created pursuant to section 42-1765, Idaho Code, to augment flows in and out of the state of Idaho for salmon migration provided said flows are used for power production purposes within the state of Idaho.

(2) During the test period, the director shall not be required to determine under section 42-1763, Idaho Code, whether the water supply is sufficient for the purpose for which it is sought, whether the rental would cause the use of water to be enlarged beyond that authorized under the water right to be rented, whether such use is in the public interest, or whether such use is consistent with the factors enumerated under subsection (3) of section 42-401, Idaho Code.

(3) Any water made available for the purposes of this section shall be obtained only from willing lessors. Any stored water released for the purposes of this section from reservoirs located within a basin having a local rental pool committee established pursuant to section 42-1765, Idaho Code, shall be rented pursuant to this section only through the local rental pool committee.

(4) The board may make water available from the water bank or through the local rental pool committees for the purposes of this section in accordance with an annual water flow augmentation plan prepared by those entities proposing the rental of water and approved by the director. The director's review and approval of such plan shall be based upon, among other things, a determination that the water rented pursuant to this act will be used as part of a regional coordinated effort to enhance salmon migration and that other parties are making a proportional contribution to solving the salmon migration problem.

(5) Nothing in this act shall constitute a finding by the legislature that the rental or use of water for augmentation of flows for salmon migration is a beneficial use of water, is in the public interest, or whether such use injures existing water rights.

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.
SECTION 4. Section 2 of this act shall be null, void and of no force and effect on and after January 1, 1995.

Approved March 30, 1992.

CHAPTER 102
(S.B. No. 1325)

AN ACT
RELATING TO IMMUNIZATION OF SCHOOL AGE CHILDREN; AMENDING SECTION 39-4801, IDAHO CODE, TO PROVIDE THAT IMMUNIZATION IS REQUIRED FOR CHILDREN TO ATTEND SCHOOL.

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

SECTION 1. That Section 39-4801, Idaho Code, be, and the same is hereby amended to read as follows:

39-4801. IMMUNIZATION REQUIRED. Except as provided in section 39-4802, Idaho Code, any child in Idaho of school age may attend grades preschool and kindergarten through five twelve of any public, private or parochial elementary school operating in this state if otherwise eligible, provided that upon admission, the parent or guardian shall provide a statement to the school authorities regarding the child's immunity to certain childhood diseases. This statement shall provide a certificate signed by a physician or his representative, that such child has received, or is in the process of receiving immunizations as specified by the board of health and welfare, or can effectively demonstrate, through verification in a form approved by the department of health and welfare, immunity gained through prior contraction of the disease.

Immunizations required and the manner and frequency of their administration shall be as prescribed by the state board of health and welfare and shall conform to recognized standard medical practices in the state. The state board of health and welfare, in cooperation with the state board of education and the Idaho school boards association, shall promulgate appropriate rules and regulations for the enforcement of the required immunization program and specify reporting requirements of schools, pursuant to the provisions of chapter 52, title 67, Idaho Code.

Approved March 31, 1992.
CHAPTER 103
(H.B. No. 579)

AN ACT
RELATING TO A STATE INSECT; AMENDING CHAPTER 45, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4509, IDAHO CODE, TO PROVIDE THAT THE MONARCH BUTTERFLY IS DESIGNATED AND DECLARED THE STATE INSECT OF IDAHO.

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

SECTION 1. That Chapter 45, 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 67-4509, Idaho Code, and to read as follows:

67-4509. STATE INSECT DESIGNATED. The monarch butterfly is designated and declared to be the state insect of Idaho.

Approved March 31, 1992.

CHAPTER 104
(H.B. No. 786)

AN ACT
RELATING TO PAYMENT OF PROPERTY TAXES BY INSTALLMENTS; AMENDING SECTION 63-1102, IDAHO CODE, TO PERMIT PAYMENT OF REAL PROPERTY TAXES AT ANY TIME AND TO CALCULATE PENALTY AND INTEREST ON DELINQUENT TAXES ON THE REMAINING TAX DUE; AMENDING SECTION 63-1102A, IDAHO CODE, TO ALLOW SCHEDULED PAYMENTS OF CURRENT OR FUTURE TAXES; AMENDING SECTION 63-1103, IDAHO CODE, TO PROVIDE THAT TAX NOTICES SHALL INCLUDE THE EXISTENCE OF ANY TAX CUSTODIAL ACCOUNT; AMENDING SECTION 63-1119, IDAHO CODE, TO PROVIDE FOR PAYMENT OF COSTS, PENALTY AND INTEREST AND POSTING PAYMENT TO THE TAX ROLL; AMENDING SECTION 63-1302, IDAHO CODE, TO PERMIT PAYMENT OF PERSONAL PROPERTY TAXES AT ANY TIME AND TO CALCULATE PENALTY AND INTEREST ON DELINQUENT TAXES ON THE REMAINING TAX DUE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 63-1102, Idaho Code, be, and the same is hereby amended to read as follows:

63-1102. WHEN PAYABLE. (a) 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 halves, the first on or before December 20 and the second on or before June 20 of the following year. The first one-half (1/2) of all taxes
extended on the real property assessment roll is payable to the tax collector without penalty on or before December 20 of the year in which taxes were extended on the roll. The second one-half (1/2) of such taxes is payable without penalty on or before June 20 of the following year. Taxes may be paid in part or in full at any time.

(b) If the first installment one-half (1/2) of the tax extended on the real property assessment roll is not paid on or before December 20, that installment one-half (1/2) becomes delinquent and a penalty of two per cent (2%) shall be added. Interest on the amount of the first installment one-half (1/2) 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 received by the tax collector between December 21 and the first Monday of January to allow the tax roll to be balanced and audited. Payments received by the tax collector during the audit period shall be held in a tax custodial account, but not received until the first Monday in January, as provided in section 63-1102A, Idaho Code. If the tax has been paid in part, penalty and interest shall be calculated on the remaining tax due.

(c) If the second installment one-half (1/2) of the tax extended on the real property assessment roll is not paid on or before June 20, that installment one-half (1/2) becomes delinquent and a penalty of two per cent (2%) shall be added. Interest on the amount of the second installment one-half (1/2) 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 received by the tax collector between June 21 and the first Monday in July to allow the tax roll to be balanced and audited. Payments received by the tax collector during the audit period shall be held in a tax custodial account, but not received until the first Monday in July. If the tax has been paid in part, penalty and interest shall be calculated on the remaining tax due.

(d) If December 20 or June 20 falls on a Saturday or Sunday, any payment required by the provisions of this section shall be payable on the next regular workday following December 20 or June 20. The audit period shall commence on the day following the next working day.

(e) All taxes, together with any penalties and interest collected by the tax collector shall be transmitted to the county auditor by the tax collector as provided in section 63-2103, Idaho Code.

SECTION 2. That Section 63-1102A, Idaho Code, be, and the same is hereby amended to read as follows:

63-1102A. RECEIPT OF DEPOSITS TO BE LATER APPLIED TO PAYMENT OF CURRENT OR FUTURE TAXES -- ISSUANCE OF RECEIPTS. (a) Any person, upon application to the tax collector may establish a payment schedule to allow payments of at least twenty-five dollars ($25.00) or the balance owing, to be accumulated toward the payment of current or future real or personal property taxes including penalty, interest and costs, beginning with the oldest delinquency.

(b) The tax collector shall issue a prenumbered receipt consisting of:

(1) Date paid;
(2) Name and address of person making deposit;
(3) The amount of payment; and
(4) Account identification number or parcel number or legal description.
(c) The county shall pay no interest on any tax custodial receipts, and the amount so deposited cannot be withdrawn by the depositor. Such receipts shall not invalidate any proceedings in the collection of taxes, or in the issuance of any delinquency certificate or any proceedings in the foreclosure of tax liens.
(d) The tax payment received does not satisfy the total tax charge, plus interest and costs, the tax collector shall notify the taxpayer of the amount due shall be posted to the roll when the current tax becomes due.
(e) The tax collector shall post the payment to the tax roll charge when the sufficient payment is received to satisfy the tax lien, including penalty, interest and costs, which include certified mailings, title searches, advertising, and all other expenses for the processing and collection of the delinquent taxes.
(f) The tax collector may return to the depositor any moneys deposited in excess of the amount necessary to satisfy the tax lien.
(g) The tax collector shall be held accountable for all moneys received under this section and shall be liable on his official bond for the custody and safekeeping of such moneys, except as to what may be on deposit in designated depositories under the provisions of the public depository law, which is hereby made applicable to such depositories.

SECTION 3. That Section 63-1103, Idaho Code, be, and the same is hereby amended to read as follows:

63-1103. TAX NOTICE AND RECEIPTS -- DUTY OF TAX COLLECTOR. (a) The tax collector of each county in this state must, prior to the fourth Monday of November in each year, mail to every taxpayer, or to his agent or representative, at his last known post-office address, a tax notice prepared upon forms prescribed by the state tax commission, which shall contain at least the following:
(1) The year in which the tax was levied.
(2) The name and address of the property owner.
(3) An accurate accurate description of the property, or in lieu thereof, the registered tax number.
(4) The uniform parcel number.
(5) Full market value.
(6) The amount of taxes due shown separately and in total:
   a. State;
   b. County;
   c. City;
   d. School district;
   e. And every other tax being separately shown.
(7) All tax levies in tax code area.
(8) The date when such taxes become delinquent.
(9) All delinquency certificates outstanding against said property.
(10) Whether a tax custodial account exists.
(b) The original or copies of tax notices shall be numbered consecutively and the original and duplicate tax notices affecting the same assessment shall bear the same numbers, which numbers must be entered upon the real property assessment roll.

(c) Tax notices prepared by tax code areas shall state that levy sheets are available to the public.

(d) Levy sheets shall list the total tax levy for each taxing district or taxing jurisdiction and total in each tax code area.

(e) If the taxpayer is one other than the equitable titleholder, such as an escrowee, trustee of trust deed or other third party, the taxpayer shall deliver to the equitable titleholder a true copy of the tax notice provided for herein on or before the second Monday of December.

(f) A "tax code area" for purposes of this section shall mean a geographical area made up of one or more taxing districts with one total levy within its boundary.

(g) The original receipts shall be retained for a period of ten (10) years. Tax entries shall be preserved as permanent records by the tax collector either in original form or on microfilm to be made available when necessary for reviewing.

(h) Computer and data processing routines for completion of all phases of the tax roll procedures may be utilized with the responsibility for completion of each office's statutory duties to remain under the supervision of that office. Wherever the designation tax assessment roll appears, data processing or computer procedures and forms to be known as official tax records may be substituted.

SECTION 4. That Section 63-1119, Idaho Code, be, and the same is hereby amended to read as follows:

63-1119. PAYMENT OF ONE-HALF OF YEARLY TAX DELINQUENCY -- ORDER -- RECEIPT. Whenever a tax shall be delinquent for any year, the taxpayer may pay to the tax collector of the county wherein such tax is delinquent, one-half any part of such delinquency for such year together with the costs, penalty and interest thereon. Costs include certified mailings, title searches, advertising, and all other expenses for the processing and collection of the delinquent taxes. Provided, however, that such delinquent tax payment shall be applied to costs, interest, penalty and delinquent tax roll charge in the proportion each bears to the total amount due. Payment applied to the tax roll charge shall be posted directly to the roll. Such payment may only be made paid and accepted upon the oldest delinquency standing on the records of the county tax collector wherein such payment is made unless the taxpayer designates in writing that the payment be applied to current taxes or tenders the exact amount of current taxes. Payment shall then be applied against current taxes. Upon payment of delinquent taxes the tax collector shall issue to the taxpayer a receipt for the sum so paid. In the event payment is mailed to the tax collector, the cancelled check may serve as receipt.

SECTION 5. That Section 63-1302, Idaho Code, be, and the same is hereby amended to read as follows:
63-1302. TAX PAYABLE ON DEMAND -- DELINQUENCY DATE -- PENALTY. (1) All taxes shown on the personal property assessment roll, the manufacturered home assessment roll, and on any subsequent roll, be it personal or manufactured home roll, shall be due and payable to the tax collector on demand and shall become delinquent if not paid on or before the demand due date specified by the tax collector on the demand tax notice. If no demand is made, the taxes shall be paid in two instalments—the taxes may be paid in part or in full until the tax collector issues a warrant of distraint to the sheriff for collection of said taxes. The first half of the taxes shall become delinquent if not paid on or before December 20 and the second half shall become delinquent if not paid on or before June 20, together with a penalty of two per cent (2%) of the amount of the delinquent instalment, plus interest at the rate of one per cent (1%) per month dating back to January 1, shall be calculated on the balance of the delinquent half. If the first half is not paid on or before December 20, the entire tax shall be due and payable together with a penalty of two per cent (2%) of the amount of tax due on the balance of the delinquent instalment half, plus interest at the rate of one per cent (1%) per month dating back to January 1. In the event the taxpayer is unable to pay his personal property tax or manufactured home tax, due on or before December 20, he may appeal to the board of county commissioners, prior to the tax becoming delinquent. If sufficient information is given to satisfy the board that the taxes will be paid, and that an extension should be granted, the board of county commissioners may grant an extension of time to the taxpayer for the payment of the taxes, penalty and interest, not exceeding four (4) months. A warrant of distraint shall not be issued until expiration of the extended time.

(2) Taxes on transient personal property assessed under sections 63-1401 through 63-1414, Idaho Code, shall be payable on demand or if no demand is made, shall become delinquent if not paid on or before December 20.

SECTION 6. This act shall be in full force and effect on and after July 1, 1994.

Approved March 31, 1992.

CHAPTER 105
(H.B. No. 486)

AN ACT
RELATING TO THE ESTABLISHMENT OF A VETERANS MEMORIAL CENTENNIAL BRIDGE; AMENDING CHAPTER 5, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-513, IDAHO CODE, TO DESIGNATE A VETERANS MEMORIAL CENTENNIAL BRIDGE.

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

SECTION 1. That Chapter 5, 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 40-513, Idaho Code, and to read as follows:

40-513. VETERANS MEMORIAL CENTENNIAL BRIDGE ESTABLISHED. The Bennett Bay bridge located on interstate highway I-90 in Kootenai county shall be designated as the "Veterans Memorial Centennial Bridge" to honor those persons who served in the armed forces during periods of wartime as defined by congress. The transportation department shall erect suitable signs so designating the bridge a

Approved April 1, 1992.

CHAPTER 106
(H.B. No. 631, As Amended)

AN ACT
RELATING TO THE COLLECTION OF SPECIAL FUELS TAX AT THE PUMP; AMENDING SECTION 63-2401, IDAHO CODE, TO PROVIDE THAT AN IRREVOCABLE LETTER OF CREDIT IS AN ALTERNATIVE FORM OF BONDING, TO LIMIT BULK TANKS TO THOSE FIXED TO REALTY AND USED TO STORE FUEL USED PRIMARILY FOR PURPOSES OTHER THAN TO PROPEL MOTOR VEHICLES, AND TO PROVIDE THAT A SPECIAL FUEL DEALER INCLUDES A DEALER WHO Sells TO OTHER DEALERS WHO ARE NOT LICENSED, AND TO PROVIDE FOR RETAILERS TO RECEIVE AUTHORITY TO MAKE TAX EXEMPT SALES TO CERTAIN EXEMPT USERS; AMENDING SECTION 63-2416, IDAHO CODE, TO PROVIDE THAT SPECIAL FUEL TAX IS TO BE COLLECTED BY LICENSED SPECIAL FUEL DEALERS AND TO LIMIT EXEMPTION FROM COLLECTION OF TAX WHEN SOLD AT THE PUMP TO GASEOUS SPECIAL FUEL PERMIT HOLDERS, AND PROVIDING AN EXEMPTION FOR CERTAIN FUEL SOLD BY WHOLESALERS; AMENDING SECTION 63-2419, IDAHO CODE, TO ALLOW SPECIAL FUEL DEALERS WHO PURCHASE TAX PAID FUEL TO OPERATE WITHOUT A SPECIAL FUEL DEALER'S LICENSE; AMENDING SECTION 63-2420, IDAHO CODE, TO REQUIRE SPECIAL FUEL DEALERS TO FILE MONTHLY RETURNS, TO REQUIRE SUCH RETURNS TO INCLUDE ALL TAXABLE SALES AND TO ALLOW THE STATE TAX COMMISSION AUTHORITY TO PROVIDE ALTERNATE FILING PERIODS; AMENDING SECTION 63-2421, IDAHO CODE, TO REFER TO SPECIAL FUEL PERMITS ISSUED UNDER THIS CHAPTER THEREBY INCLUDING PERMITS ISSUED UNDER THE INTERNATIONAL FUELS TAX AGREEMENT; AMENDING SECTION 63-2438, IDAHO CODE, TO REFER TO VEHICLES OVER TWENTY-SIX THOUSAND POUNDS TO CONFORM WITH PREVIOUS LEGISLATION AND TO REFER TO SPECIAL FUEL PERMITS ISSUED UNDER THE INTERNATIONAL FUEL TAX AGREEMENT; AMENDING SECTION 63-2439, IDAHO CODE, TO AUTHORIZE MONTHLY SPECIAL FUEL TAX RETURNS; AMENDING SECTION 63-2440, IDAHO CODE, TO AMEND PROVISIONS EXCLUDING CERTAIN SPECIAL FUEL USERS FROM THE SPECIAL FUEL REPORTING REQUIREMENTS; AND PROVIDING AN EFFECTIVE DATE.

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:
(a) Aviation gasoline, defined as a mixture of volatile hydrocarbons blended specifically for use in aircraft reciprocating engines; and
(b) Jet fuel, defined as a mixture of volatile hydrocarbons blended specifically for use in aircraft turbojet and turboprop engines.
(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; or
(c) An irrevocable letter of credit issued to the commission by a bank doing business in this state payable to the state upon failure of the person on whose behalf it is issued to remit any payment due under the provisions of this chapter.
(3) "Bulk storage tank" means a tank with a capacity of fifty-five gallons capacity or more which meets any both 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.
(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 dur-
ing 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 liai-
ability 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 chap-
ter.

(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, copartner-
ship, association, corporation, governmental instrumentality including
the state and all of its agencies and political subdivisions, or any
other group or combination acting as a unit, and the plural as well as
the singular number, unless the intent to give a more limited meaning
is disclosed by the context. Whenever used in any clause prescribing
and imposing a fine or imprisonment, or both, the term "person" as
applied to an association means the partners or members, and as
applied to corporations, the officers.

(15) "Qualified one-way rental truck" means a motor vehicle regis-
tered 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 49-121, 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 sec-
tion 67-7101, Idaho Code; a motor driven cycle or motorcycle as
defined in section 49-114, 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" mean all fuel suitable as fuel for diesel
engines, or a compressed or liquefied 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 subdivi-
sions.

(19) "Special fuels dealer" means any person in the business of
handling special fuels and:

(a) Who delivers any part thereof into the fuel supply tank or
tanks of a motor vehicle not then owned or controlled by him; or
(b) Who sells special fuel to another special fuel dealer who is not a licensed special fuel dealer.

(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.

SECTION 2. That Section 63-2416, Idaho Code, be, and the same is hereby amended to read as follows:

63-2416. TAX IMPOSED. (1) For the privilege of using the public highways, an excise tax is hereby imposed on all special fuels used for the propulsion of any motor vehicle which is licensed or required to be licensed under the laws of this state or which is required to be licensed under the laws of another state and is operated on a highway in this state. The tax shall apply at the same rate as the tax imposed by section 63-2405, Idaho Code. The tax shall attach and be collected at the time of delivery into the motor fuel supply tank of a motor vehicle. Licensed special fuels dealers shall collect the tax and pay it over to the commission.

(2) When the motor vehicle to which the gaseous special fuel is delivered displays a valid gaseous special fuels permit under section 63-243824, Idaho Code, the tax imposed by subsection (1) of this section shall not be collected by the special fuels dealer.

(3) Special fuels delivered into a bulk storage tank shall be presumed to be fuel consumed for nonhighway use and therefore not subject to the tax imposed in subsection (1) of this section.

(4) Special fuels delivered by a special fuel dealer who is also a wholesaler are not subject to the tax imposed in subsection (1) of this section when the fuel is delivered by means of an attended, metered pump and through a hose with an inside diameter of at least one and one-half (1 1/2) inches. The exemption provided in this subsection shall not apply to fuel delivered into the motor fuel supply tank of a motor vehicle.

(5) A licensed special fuel dealer may apply to the state tax commission for authority to sell untaxed special fuel solely to purchasers who will use the special fuel in motor vehicles which are exempt for off-road consumption. Authority to make such sales shall be granted only upon the condition that the special fuels purchaser be registered with the state tax commission and hold a special fuel permit issued under section 63-2440 or 63-2442A, Idaho Code. Dealers granted authority to make untaxed sales under this subsection must maintain a record of all untaxed sales, which record shall include the purchaser's name, address, special fuel permit number, and number of gallons sold. A dealer granted authority to sell untaxed special fuel under this subsection may have such authority revoked by the state tax
commission in the manner provided for the revocation of licenses in section 63-2450, Idaho Code.

SECTION 3. That Section 63-2419, Idaho Code, be, and the same is hereby amended to read as follows:

63-2419. SPECIAL FUELS DEALERS' LICENSES. (1) It shall be unlawful for any person to act as a special fuels dealer in this state unless the person is the holder of a valid special fuels dealer's license issued to him by the commission or purchases all special fuel from a licensed special fuel dealer who charges the tax imposed in section 63-2416, Idaho Code, on all fuel purchased. Application for a special fuels dealer's license shall be made upon a form and in a manner provided by the commission, shall contain information as it deems necessary, and be accompanied by a bond in the amount required in section 63-2428, Idaho Code.

(2) Upon receipt of the application and bond in proper form the commission shall issue to the applicant a special fuels dealer's license unless the applicant:

(a) Is a person who formerly held a license under the provisions of this chapter or any predecessor statute which license, prior to the time of filing the application, had been revoked for cause; or

(b) Who is not the real party in interest and the real party in interest is a person described in subsection (2)(a) of this section.

(3) A special fuels dealer's license shall be valid until suspended or revoked for cause, for failure to maintain the bond required in section 63-2428, Idaho Code, or otherwise canceled.

(4) No special fuels dealer's license shall be transferable.

SECTION 4. That Section 63-2420, Idaho Code, be, and the same is hereby amended to read as follows:

63-2420. RETURNS, PAYMENTS AND DEDUCTIONS BY SPECIAL FUELS DEALERS. (1) For the purpose of reporting the amount of tax due and payable under section 63-2416, Idaho Code, each special fuels dealer shall file with the commission in the manner and form prescribed by it a quarterly monthly tax return or a return for any other reporting period as may be directed by the commission. The return shall include:

(a) An itemized statement of the total number of gallons of special fuels held in inventory by the dealer at the beginning of the period to which the return relates;

(b) An itemized statement of all special fuels received by the dealer during the period of time to which the return relates;

(c) An itemized statement of the number of gallons of special fuels sold or delivered by the dealer during the period to which the return relates which are not subject to tax imposed by this chapter;

(d) The total number of gallons of special fuels delivered into the fuel-tank-of-motor-vehicles-in-this-state subject to tax under this chapter during the period to which the return relates;

(e) The total number of gallons of special fuels remaining in inventory at the end of the period to which the return relates; and
Any other information the commission may require.

The amount of tax due shall be computed by multiplying the taxable gallons determined under subsection (1)(d) of this section by the tax rate established in section 63-2405, Idaho Code, and deducting from the result two percent (2%) of the result. The two percent (2%) deduction authorized herein may be retained by the special fuel dealer filing the return to reimburse him for the expenses incurred by him on behalf of the state of Idaho in collecting and remitting the tax.

The return shall be accompanied by a remittance of the tax shown to be due on the return together with any applicable interest and penalty except when the amounts due are required to be made by electronic funds transfer under section 67-2026, Idaho Code.

Any special fuel dealer required to collect the tax imposed by section 63-2416, Idaho Code, who fails to collect such tax or any special fuel dealer required to remit tax pursuant to this section who fails to make such remittance shall be liable to the commission for the amount of tax not collected or remitted plus any applicable penalty or interest. The commission may collect such amounts in the manner provided in section 63-2434, Idaho Code.

The commission, if it deems it necessary in order to insure payment to or facilitate the collection by the commission of taxes, may require returns for periods other than monthly periods.

That Section 63-2421, Idaho Code, be, and the same is hereby amended to read as follows:

63-2421. RETURNS AND PAYMENT OF USE TAX BY CONSUMERS. (1) Any person who consumes special fuels in a motor vehicle licensed or required to be licensed by the laws of this state, except for motor vehicles displaying a valid special fuels permit under section-63-2438, Idaho Code, this chapter and is subject to the tax imposed by section 63-2417, Idaho Code, shall report the amount of tax liability and pay the taxes due in conjunction with his income or franchise tax return due under the provisions of chapter 30, title 63, Idaho Code, in the manner and form prescribed by the commission. Payment of special fuels taxes shall be made in conjunction with any other taxes due on that return and special fuels taxes due may be offset against refunds of any other taxes shown on the return to be due the taxpayer.

(2) In the case of a person other than one who consumes special fuels in a motor vehicle displaying a valid special fuels permit under section-63-2438, Idaho Code, this chapter and not required to file a return under chapter 30, title 63, Idaho Code, who is subject to the tax imposed by section 63-2417, Idaho Code, the tax shall be paid annually, on a calendar year basis, in the manner and form required by the commission. The return and payment for each calendar year shall be due on or before April 15 of the immediately succeeding calendar year.

That Section 63-2438, Idaho Code, be, and the same is hereby amended to read as follows:

63-2438. SPECIAL FUELS PERMIT. (1) It shall be unlawful for any person to consume special fuels in the propulsion of a motor vehicle over sixty thousand pounds maximum gross weight
on the highways of this state unless each such motor vehicle displays a valid special fuels permit issued by the commission, a permit issued under the provisions of section 63-2442A, Idaho Code, or a valid special fuels trip permit under section 63-2440(2), Idaho Code.

(2) The application for a special fuels permit shall be made to the commission upon a form prepared and furnished by the commission and containing such information as the commission deems necessary.

(3) Upon receipt of the application in proper form, the commission shall issue to the applicant a special fuels permit unless the applicant:

(a) Is a person who formerly held a permit under the provisions of this chapter or any predecessor statute, which permit, prior to the time of filing the application, had been revoked for cause; or

(b) Who is not the real party in interest and the real party in interest is a person described in subsection (3)(a) of this section.

(4) A special fuels permit shall be valid until suspended or revoked for cause, or otherwise canceled.

(5) No special fuels permit shall be transferable.

(6) The special fuels permit may be in the form of a decal or a cab card. It may show the special fuels tax account number of the applicant but shall not be assigned to a specific motor vehicle. The commission may collect a fee for issuance of the special fuels permit, which fee shall not exceed the cost of issuance.

SECTION 7. 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 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 tax return. The return may be filed annually, semiannually, or quarterly or monthly, 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 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 tax return shall be accompanied by the remittance covering the tax due hereunder, for use of special fuels during the preceding
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 spe­
cial 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.

SECTION 8. That Section 63-2440, Idaho Code, be, and the same is
hereby amended to read as follows:

63-2440. EXEMPTIONS FROM SPECIAL FUELS PERMITS AND RETURNS. (1)
Any person who consumes special fuels in the propulsion of a motor
vehicle over twenty-six thousand (26,000) pounds maximum gross weight
upon the highways of this state and all of whose vehicles over twenty­
six thousand (26,000) pounds maximum gross weight operate at least
ninety percent (90%) of their miles in this state may apply to the
commission for exemption from the provisions of sections 63-2438 and
63-2439, Idaho Code, and upon presentation of satisfactory evidence
that the person confines his purchases of special fuels to those
delivered into the motor fuels supply tank of his motor vehicles by a
licensed special fuels dealer in this state, the commission may exempt
the person from the display of special fuels permits, bonding and
reporting requirements of sections 63-2438 and 63-2439, Idaho Code.

(2) In lieu of obtaining a special fuels permit under section
63-2438, Idaho Code, and in lieu of paying the tax imposed by sections
63-2416 and 63-2417, Idaho Code pursuant to this chapter, any person
operating a motor vehicle over twenty-six thousand (26,000) pounds
maximum gross weight, propelled by special fuels in this state, shall
secure a temporary trip permit under section 49-432, Idaho Code,
authorizing the operation of such vehicle in the state for a period
not to exceed ninety-six (96) hours. The temporary trip permit shall
be obtained through the Idaho transportation department. The fees
shall be those provided by section 49-432, Idaho Code, and the reve­
 nues shall be distributed as provided by section 40-701, Idaho Code.

(3) A motor vehicle owned or operated by another state of the
United States or an agency or political subdivision thereof shall be
exempt from the requirements of sections 63-2438 and 63-2439, Idaho
Code, if the state where the vehicle is owned grants a substantially
similar exemption to vehicles owned by the state of Idaho, its agen­
cies or political subdivisions.

(4) The commission may, in its discretion, grant the owner of any
fleet of qualified one-way rental trucks, as defined in section
63-2401, Idaho Code, an exclusion from the requirements of sections
63-2438 and 63-2439, Idaho Code. The person engaged in the business of
renting qualified one-way rental trucks may apply to the commission
for such an exclusion. The application shall be in such form and con­
tain such information as the commission may require. The application
may be refused, or once granted, may be cancelled by the commission if
it finds the granting of this exclusion may lead to avoidance of any
tax imposed by this chapter.

(5) Special fuel dispensed into the fuel tank of a qualified one-
way--rental-truck vehicle described in subsections (1), (2) and (4) of this section shall be subject to tax at the pump in the manner required in section 63-2416, Idaho Code.

SECTION 9. This act shall be in full force and effect on and after January 1, 1993.

Approved April 1, 1992.

CHAPTER 107
(H.B. No. 832)

AN ACT
EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS FOR THE SPECIAL PROGRAMS FOR FISCAL YEAR 1993; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; AND SETTING FORTH CONDITIONS FOR THE REAPPROPRIATIONS.

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

SECTION 1. It is legislative intent that the expenditures for the Special Programs not exceed the following amount from the listed accounts for the period July 1, 1992, through June 30, 1993:

FROM:
General Account  $3,208,200
Paul L. Fowler Scholarship Account  10,600
State Student Incentive Grant Account  241,000
TOTAL  $3,459,800

SECTION 2. There is hereby appropriated to the Board of Regents of the University of Idaho and the State Board of Education for the Special Programs 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, 1992, through June 30, 1993:

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<th>PERSONNEL COSTS</th>
<th>FOR</th>
<th>OPERATING EXPENDITURES</th>
<th>FOR</th>
<th>TRUSTEE AND BENEFIT PAYMENTS</th>
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SECTION 3. There is hereby reappropriated to the Board of Regents of the University of Idaho for the Forest Utilization Research Program, subject to the provisions of Section 8 of this act, the unexpended and unencumbered balance of any General Account appropriation made to the Forest Utilization Research Program for the period July 1, 1991, through June 30, 1992, to be used for nonrecurring expenditures only for the period July 1, 1992, through June 30, 1993.

SECTION 4. There is hereby reappropriated to the Board of Regents of the University of Idaho for the Idaho Geological Survey Program, subject to the provisions of Section 8 of this act, the unexpended and unencumbered balance of any General Account appropriation made to the Idaho Geological Survey Program for the period July 1, 1991, through June 30, 1992, to be used for nonrecurring expenditures only for the period July 1, 1992, through June 30, 1993.

SECTION 5. There is hereby reappropriated to the State Board of Education for the Scholarships and Grants Program, subject to the provisions of Section 8 of this act, the unexpended and unencumbered balance of any General Account appropriation made to the Scholarships and Grants Program for the period July 1, 1991, through June 30, 1992, to be used for nonrecurring expenditures only for the period July 1, 1992, through June 30, 1993.

SECTION 6. There is hereby reappropriated to the State Board of Education for the Museum of Natural History, subject to the provisions of Section 8 of this act, the unexpended and unencumbered balance of any General Account appropriation made to the Museum of Natural History for the period July 1, 1991, through June 30, 1992, to be used for nonrecurring expenditures only for the period July 1, 1992, through June 30, 1993.

SECTION 7. There is hereby reappropriated to the State Board of Education for the Small Business Development Centers, subject to the provisions of Section 8 of this act, the unexpended and unencumbered balance of any General Account appropriation made to the Small Busi-
ness Development Centers for the period July 1, 1991, through June 30, 1992, to be used for nonrecurring expenditures only for the period July 1, 1992, through June 30, 1993.

SECTION 8. The reappropriation granted in Sections 3 through 7 of this act shall be subject to the following conditions:

(1) If the unexpended and unencumbered balance in the General Account on June 30, 1992, is zero, the reappropriations in Sections 3 through 7 are hereby declared to be null and void.

(2) If the unexpended and unencumbered balance in the General Account on June 30, 1992, is greater than zero but less than the total reappropriation authority granted to all state agencies, the amounts reappropriated in Sections 3 through 7 shall be in the proportion that the reappropriation for each program bears to the total reappropriation authority granted to all state agencies.

Approved April 1, 1992.

CHAPTER 108
(S.B. No. 1267)

AN ACT
RELATING TO RECORDS OF ELEMENTARY AND SECONDARY SCHOOL STUDENTS;
AMENDING SECTION 18-4511, IDAHO CODE, TO REQUIRE THAT BOTH PUBLIC
AND PRIVATE SCHOOLS OBTAIN AND VERIFY THE IDENTITY OF EACH STUDENT
AND TO PROVIDE THAT PROOF OF A STUDENT'S IDENTITY NEED NOT BE
DUPLICATED IN THE RECORD OF A STUDENT TRANSFERRING TO ANOTHER
SCHOOL WITHIN THE SAME SCHOOL DISTRICT IF THAT INFORMATION HAS PRE-
VIOUSLY BEEN VERIFIED.

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

SECTION 1. That Section 18-4511, Idaho Code, be, and the same is hereby amended to read as follows:

18-4511. SCHOOL DUTIES -- RECORDS OF MISSING CHILD -- IDENTIFICATION UPON ENROLLMENT -- TRANSFER OF STUDENT RECORDS. 1. Upon notification by the department of law enforcement of a missing or runaway child report, the school in which the child is currently enrolled shall flag the record of that child in such a manner that whenever a copy of or information regarding the record is requested, the school shall be alerted to the fact that the record is that of a missing or runaway child. The school shall immediately report to the local law enforcement agency any request concerning flagged records or knowledge as to the whereabouts of the missing or runaway child. Upon notification by the department of law enforcement of the return of the missing or runaway child, the school shall remove the flag from the child's record.

2. Upon enrollment of a student for the first time in a public or private or--an elementary or secondary school within-the-same-school district-within-this-state, the school shall notify in writing the
person enrolling the student that within thirty (30) days he must provide either a certified copy of the student's birth certificate or other reliable proof of the student's identity and birthdate, which proof shall be accompanied by an affidavit explaining the inability to produce a copy of the birth certificate. Other reliable proof of the student's identity and birthdate may include a passport, visa or other governmental documentation of the child's identity.

(a) Upon the failure of a person enrolling a student to comply with the provisions of this subsection 2 of this section, the school shall immediately notify the local law enforcement agency of such failure, and shall notify the person enrolling the student, in writing, that he has ten (10) additional days to comply.

(b) The school shall immediately report to the local law enforcement agency any documentation or affidavit received pursuant to this subsection 2 of this section which appears inaccurate or suspicious in form or content.

3. Within fourteen (14) days after enrolling a transfer student, the public or private elementary or secondary school shall request directly from the student's previous school a certified copy of his record. The requesting school shall exercise due diligence in obtaining the copy of the record requested. A student transferring schools within the same school district need not provide proof of identity and birthdate if the student's record already contains such verified information. Any public or private elementary or secondary school which is requested to forward a copy of a transferred student's record to the student's new school shall comply within ten (10) days of receipt of the request, unless the record has been flagged pursuant to subsection 1 of this section, in which case the copy shall not be forwarded and the school shall notify the local law enforcement agency of the request for a flagged record.

4. It shall be the duty of the local law enforcement agency to immediately investigate each report received from a school of a failure to comply with the provisions of subsection 2 or subsection 3 of this section.

Approved April 1, 1992.

CHAPTER 109
(S.B. No. 1295)

AN ACT
RELATING TO THE ENDOWMENT FUND INVESTMENT BOARD; AMENDING SECTION 57-719, IDAHO CODE, TO INCREASE THE COMPENSATION FOR MEMBERS OF THE ENDOWMENT FUND INVESTMENT BOARD.

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

SECTION 1. That Section 57-719, Idaho Code, be, and the same is hereby amended to read as follows:

57-719. BOARD -- APPOINTMENT OF MEMBERS -- TERM -- REMOVAL --
VACANCIES -- ORGANIZATION -- QUORUM -- MEETINGS -- COMPENSATION. The members of the board appointed by the governor shall serve for terms of four (4) years, provided that for the first term the governor shall appoint three (3) members who shall serve for a term of two (2) years, two (2) members who shall serve for a term of three (3) years, and two (2) members who shall serve for a term of four (4) years. Members of the board shall serve until their successors have been selected and qualified.

A member of the board appointed by the governor shall not hold an office, position, or employment in a political party, with the exception of those members from the house of representatives and the senate. An appointed member may be removed from the board for cause by a two-thirds (2/3) vote of the full board.

A vacancy in the appointive membership of the board during a term thereof shall be filled by appointment by the governor for the unexpired term.

There shall be a chairman of the board elected by a majority of the members of the board. A majority of the members of the board shall constitute a quorum for the transaction of business.

The meetings of the board shall be held quarterly at the state capitol in Boise and at other times upon the call of the chairman or a majority of the board. The board members appointed hereunder shall be compensated as provided by section 59-509(gh), Idaho Code, for attending meetings of the board.

Approved April 1, 1992.

CHAPTER 110
(S.B. No. 1302)

AN ACT
RELATING TO EMERGENCY MEDICAL SERVICES; AMENDING SECTION 39-141, IDAHO CODE, TO ALPHABETIZE, RENUMBER AND PROVIDE ADDITIONAL DEFINITIONS.

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

SECTION 1. That Section 39-141, Idaho Code, be, and the same is hereby amended to read as follows:

39-141. DEFINITIONS. As used in this act:
(B1) "Ambulance" means any privately or publicly owned motor vehicle that is specifically designed or constructed, and equipped, and is intended to be used for and is maintained or operated for the transportation of patients, including dual purpose police patrol cars and funeral coaches or hearses which otherwise comply with the provisions of this act.
(B2) "Board" means the Idaho board of health and welfare provided in section 39-183, Idaho Code.
(B3) "Certified Basic Life Support Personnel" means individuals who have completed and successfully passed examinations for training and skills proficiency in one (1) or several levels of basic life sup-
port activity as prescribed and certified by the department of health and welfare. These several levels of basic life support services shall include:

(1a) *EM---"Crash-Injury-Management" FR --- "First Responder"* (hereafter *EM FR*) means an individual certified by the EMS bureau of the Idaho *department* of health and welfare as an emergency-care officer FR on the basis of successful completion of a forty-(40) hour-crash-injury-management-(EM) FR course approved by the board and subsequent required continuing training.

(2) *EMU---"Quick-Response-Unit" (hereafter EMU) means an individual certified by the EMS bureau of the Idaho department of health and welfare as a EMS crewman on the basis of successful completion of a fifty-(50) hour-Quick-Response-Unit-(EMU) course and subsequent required continuing training.

(3b) *EMT -- "Emergency Medical Technician" (hereafter EMT) means an individual certified by the EMS bureau of the Idaho department of health and welfare on the basis of successful completion of an eighty-one- (81) hour-emergency-medical-technician-(EMT) course approved by the board and subsequent required continuing training.

(4c) *EMT-A -- "Emergency Medical Technician-Ambulance" (hereafter EMT-A) means an individual certified by the EMS bureau of the Idaho department of health and welfare on the basis of successful completion of an eighty-one-(81) hour EMT course approved by the board and in addition, successful completion of at least-fifty-(50) hours of supervised infield ambulance experience, and subsequent required continuing training.

(5) "Transfer" means the transportation of a patient from one (1) medical care facility to another.

Approved April 1, 1992.

CHAPTER 111  
(S.B. No. 1315)

AN ACT  
RELATING TO PORTS OF ENTRY; AMENDING SECTION 40-511, IDAHO CODE, TO PROVIDE FOR THE STOPPING AND INSPECTION OF ANY VEHICLE OR COMBINATION OF VEHICLES WITH A MAXIMUM GROSS WEIGHT OF EIGHTEEN THOUSAND POUNDS OR MORE, AND PROVIDING FOR THE STOPPING AND INSPECTION OF VEHICLES OR COMBINATIONS OF VEHICLES WITH A GROSS MAXIMUM WEIGHT OF TEN THOUSAND POUNDS OR MORE WHICH ARE TRANSPORTING LIVESTOCK OR PLACARDABLE HAZARDOUS MATERIALS.

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

SECTION 1. That Section 40-511, Idaho Code, be, and the same is hereby amended to read as follows:
40-511. STOPPING AND INSPECTION. (1) Wherever by the laws of the state of Idaho any vehicle with a maximum gross weight of ten eighteen thousand (188,000) pounds or more, excepting those transporting livestock or placardable quantities of hazardous materials, is used to transport any merchandise, product or commodity within the state, within the state to without the state, or from without the state to within the state, the owner or operator of either the motor vehicle or trailer, as defined in chapter 1, title 49, Idaho Code, used to transport such merchandise, product or commodity is hereby required to stop at such ports of entry or checking stations established by the Idaho transportation department and submit to inspection, grading or weighing, for compliance with the laws of the state of Idaho.

(2) Vehicles or combinations of vehicles with a maximum gross weight of ten thousand (10,000) pounds or more transporting livestock or placardable quantities of hazardous materials are required to stop at all ports of entry or checking stations established by the Idaho transportation department.

(3) It shall be the duty of such owner or operator of every motor vehicle or trailer to drive the motor vehicle or trailer upon any state owned stationary or portable scale or private scale, certified by the state of Idaho when requested to do so by any peace officer, excepting fish and game officers, or authorized employees of the Idaho transportation department.

(4) Authorized employees of the transportation department may stop any vehicle with a maximum gross weight of ten eighteen thousand (188,000) pounds or more by displaying a flashing red light if the authorized employee has probable cause to believe the vehicle bypassed a weighing or inspection station. Authorized employees may direct a vehicle which has bypassed a weighing or inspection station to return to the bypassed inspection or weighing station and may issue a citation for failure to stop as required in this section. The operator of a vehicle shall bring the vehicle to a stop, pulling off the traveled portion of the highway when directed to do so by an authorized employee of the transportation department by use of emergency lights or siren.

Approved April 1, 1992.

CHAPTER 112
(S.B. No. 1323, As Amended)

AN ACT
RELATING TO SCHOOL DISTRICTS; AMENDING CHAPTER 6, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-603, IDAHO CODE, TO GIVE THE BOARD OF TRUSTEES OF A SCHOOL DISTRICT THE POWER AND AUTHORITY TO REQUIRE THAT STUDENTS SATISFY INDEBTEDNESS OR RETURN PROPERTY TO THE SCHOOL DISTRICT AND TO PROVIDE AN EXCEPTION.

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

SECTION 1. That Chapter 6, 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 33-603, Idaho Code, and to read as follows:

33-603. PAYMENT OF FEES OR RETURNING OF PROPERTY. The board of trustees of each school district shall have the power and the ability to require as a condition of graduation, as a condition of issuance of a diploma or certificate, that any or all indebtedness incurred by the person when he was a student be satisfied, or that all books or other instructional material, uniforms, athletic equipment, advances on loans, or other personal property of the school district borrowed by the person when he was a student of the district be returned. Provided, the board of trustees of a school district or its designated employees may excuse the requirements of this section upon an adequate showing of financial need or other exigency and shall not delay transfer of school records to another school district or enrollment of the student in any other school.

Approved April 1, 1992.

CHAPTER 113
(S.B. No. 1332)

AN ACT
RELATING TO THREATS AGAINST ELECTED OFFICIALS; AMENDING SECTION 18-1353A, IDAHO CODE, TO PROVIDE CRIMINAL SANCTIONS FOR THREATS AGAINST THE STATE ELECTED OFFICIALS OF THE LEGISLATIVE OR JUDICIAL BRANCH OF STATE GOVERNMENT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 18-1353A, Idaho Code, be, and the same is hereby amended to read as follows:

18-1353A. THREATS AGAINST STATE ELECTED OFFICIALS OF THE EXECUTIVE, LEGISLATIVE OR JUDICIAL BRANCH. Whoever knowingly and willfully deposits for conveyance in the mail or for a delivery from any post office or by any letter carrier, any letter, paper, writing, print, missive, or document containing any threat to take the life of or to inflict bodily harm upon any state elected official of the executive, legislative or judicial branch or person appointed to fill the vacancy of a state elected official of the executive, legislative or judicial branch of the state of Idaho, or knowingly and willfully otherwise makes any such threat against a state elected official of the executive, legislative or judicial branch or person appointed to fill the vacancy of a state elected official of the executive, legislative or judicial branch of the state of Idaho is guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed one thousand dollars ($1,000) and shall be sentenced to not to exceed one (1) year in the county jail. Upon a second or subsequent conviction the defendant shall be guilty of a felony and shall be sentenced to a
terms of not to exceed five (5) years in the state penitentiary.

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, 1992.

CHAPTER 114
(S.B. No. 1337)

AN ACT
RELATING TO JOINT EXERCISE OF POWERS AGREEMENTS; AMENDING SECTION 31-1430A, IDAHO CODE, TO PROVIDE FOR AGREEMENTS FOR JOINT USE, OWNERSHIP AND/OR OPERATION OF LAND, EQUIPMENT OR FACILITIES; AND AMENDING SECTION 67-2328, IDAHO CODE, TO PROVIDE FOR ACTIONS WHICH INCLUDE JOINT USE, OWNERSHIP AND/OR OPERATION AGREEMENTS.

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

SECTION 1. That Section 31-1430A, Idaho Code, be, and the same is hereby amended to read as follows:

31-1430A. COOPERATION BETWEEN FIRE PROTECTION DISTRICTS IN IDAHO AND FIRE PROTECTION DISTRICTS AND MUNICIPALITIES OF OTHER STATES. Fire protection districts created under this chapter are hereby empowered to enter into written agreements with fire protection districts within the state of Idaho and of neighboring states and with counties, incorporated cities and privately funded organizations or associations within the state of Idaho and of neighboring states for their mutual protection, joint use, ownership and/or operation of land, equipment or facilities, or for the protection of either of the contracting parties.

Agreements may provide for a consideration of mutual protection, joint use, ownership and/or operation of land, equipment or facilities, or for protection at a fixed monetary consideration or a monetary consideration based on the reasonable value of services actually rendered under the agreement. Any monetary consideration payable under such agreements by a fire protection district created under this chapter may be paid only out of the treasury of the fire protection district.

SECTION 2. That Section 67-2328, Idaho Code, be, and the same is hereby amended to read as follows:

67-2328. JOINT EXERCISE OF POWERS. (a) Any power, privilege or authority, authorized by the Idaho Constitution, statute or charter, held by the state of Idaho or a public agency of said state, may be exercised and enjoyed jointly with the state of Idaho or any other public agency of this state having the same powers, privilege or authority; but never beyond the limitation of such powers, privileges
or authority; and the state or public agency of the state, may exercise such powers, privileges and authority jointly with the United States, any other state, or public agency of any of them, to the extent that the laws of the United States or sister state, grant similar powers, privileges or authority, to the United States and its public agencies, or to the sister state and its public agencies; and provided the laws of the United States or a sister state allow such exercise of joint power, privilege or authority. The state or any public agency thereof when acting jointly with another public agency of this state may exercise and enjoy the power, privilege and authority conferred by this act; but nothing in this act shall be construed to extend the jurisdiction, power, privilege or authority of the state or public agency thereof, beyond the power, privilege or authority said state or public agency might have if acting alone.

(b) Any state or public agency may enter into agreements with one another for joint or cooperative action which includes, but is not limited to, joint use, ownership and/or operation agreements pursuant to the provisions of this act. Appropriate action by ordinance, resolution, or otherwise pursuant to law of the governing bodies of these participating public agencies shall be necessary before any such agreement may enter into force.

(c) Any such agreement shall specify the following:

1. Its duration.
2. The precise organization, composition and nature of any separate legal or administrative entity created thereby together with the powers delegated thereto, provided such entity may be legally created.
3. Its purpose or purposes.
4. The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor.
5. The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination.
6. Any other necessary and proper matters.

(d) In the event that the agreement does not establish a separate legal entity to conduct the joint or cooperative undertaking, the agreement shall, in addition to items (1), (3), (4), (5), and (6) of subsection (c) of this section, contain the following:

1. Provision for an administrator or a joint board responsible for administering the joint or cooperative undertaking. In the case of a joint board, public agencies party to the agreement shall be represented.
2. The manner of acquiring, holding, and disposing of real and personal property used in the joint or cooperative undertaking.
3. No agreement made pursuant to this act shall relieve any public agency of any obligation or responsibility imposed upon it by law except that to the extent of actual and timely performance thereof by a joint board or other legal or administrative entity created by an agreement made hereunder, said performances may be offered in satisfaction of the obligation or responsibility.

Approved April 1, 1992.
C. 115 '92

CHAPTER 115
(S.B. No. 1342)

AN ACT

RELATING TO LICENSING OF DRIVERS; AMENDING SECTION 49-105, IDAHO CODE, TO DEFINE A PERMIT AS A DRIVER'S LICENSE, TO REDEFINE CROSS VEHICLE WEIGHT BY ADDING MANUFACTURER, AND TO REDEFINE THE TERM, "CLASS C"; AMENDING SECTION 49-113, IDAHO CODE, TO REDEFINE LICENSE IN ORDER TO BE CONSISTENT WITH PRACTICES; AMENDING SECTION 49-119, IDAHO CODE, TO REDEFINE RESIDENT; AMENDING SECTION 49-123, IDAHO CODE, TO REDEFINE COMMERCIAL VEHICLE; AMENDING SECTION 49-202, IDAHO CODE, TO PROVIDE A FEE FOR ACCIDENT REPORT INQUIRIES, AND TO PROVIDE THAT THE DEPARTMENT SHALL CANCEL A LICENSE AND/OR IDENTIFICATION CARD FOR NONPAYMENT; AMENDING SECTION 49-236, IDAHO CODE, TO PROVIDE PROPER REFERENCES; AMENDING SECTION 49-302, IDAHO CODE, TO EXEMPT RECREATIONAL VEHICLE OPERATORS FROM OBTAINING A COMMERCIAL LICENSE; AMENDING SECTION 49-303, IDAHO CODE, TO PROVIDE CONDITIONS UNDER WHICH THE DEPARTMENT WILL NOT ISSUE A DRIVER'S LICENSE, TO DEFINE "DAYLIGHT HOURS," AND TO PROVIDE THAT APPLICANTS APPLYING FOR A CLASS A, B, OR C LICENSE MUST HAVE AT LEAST ONE YEAR OF DRIVING EXPERIENCE; AMENDING SECTION 49-305, IDAHO CODE, TO DEFINE DAYLIGHT HOURS ONLY; AMENDING SECTION 49-306, IDAHO CODE, TO IDENTIFY REQUIREMENTS ON AN APPLICATION, TO PROVIDE FOR THE SKILLS TEST FEE DISTRIBUTION, TO PROVIDE CONTRACTORS WITH AUTHORITY TO COLLECT FEES, AND TO REMOVE THE DOLLAR AMOUNT FOR THE USE OF CONTRACTORS' VEHICLES; AMENDING SECTION 49-310, IDAHO CODE, TO PROVIDE THAT THE HOST OF A FOREIGN STUDENT MAY BE A LIABILITY SIGNER; AMENDING SECTION 49-315, IDAHO CODE, TO REQUIRE THAT THE TERM, "UNDER 21" BE PLACED ON THE LICENSE IN CONFORMANCE WITH CURRENT LICENSING PRACTICES AND TO PROVIDE REQUIREMENTS FOR LICENSE PHOTOGRAPHS; AMENDING SECTION 49-317, IDAHO CODE, TO PROVIDE CODE REFERENCES; AMENDING SECTION 49-318, IDAHO CODE, TO CLARIFY REQUIREMENTS FOR OBTAINING A DUPLICATE LICENSE, AND TO PROVIDE A REFERENCE TO RULES; AMENDING SECTION 49-319, IDAHO CODE, TO ADD NAME CHANGE REQUIREMENTS WHICH ARE CONSISTENT WITH CURRENT PRACTICES BY RULE, TO SPECIFY WHEN A PERSON MUST TAKE A KNOWLEDGE TEST, TO ADD THE TERM, "REFUSED" IN CONFORMANCE WITH CURRENT PRACTICES, TO REQUIRE THAT APPLICANTS SURRENDER EXPIRED LICENSES, AND TO PROVIDE THE DEPARTMENT WITH THE AUTHORITY TO RENEW DRIVERS' LICENSES BY MAIL; AMENDING SECTION 49-322, IDAHO CODE, TO PROVIDE FOR CANCELLING A CDL LICENSE AND TO DISQUALIFY A CDL DRIVER FROM OPERATING A COMMERCIAL VEHICLE UPON LICENSE CANCELLATION; AMENDING SECTION 49-324, IDAHO CODE, TO PROVIDE FOR PRIVILEGES TO BE SUSPENDED; AMENDING SECTION 49-326, IDAHO CODE, TO PROVIDE AUTHORITY TO SUSPEND PRIVILEGES, TO CHANGE THE TERM, "GLASSES" TO BE CONSISTENT WITH CURRENT PRACTICES, TO PROVIDE THE DEPARTMENT WITH THE AUTHORITY TO SUSPEND WHEN THE VISUAL ACUITY DOES NOT MEET REQUIREMENTS, TO ADD CODE REFERENCES AUTHORIZING THE DEPARTMENT TO SUSPEND, AND TO PROVIDE FOR AN ADMINISTRATIVE HEARING AND RESTRICTED DRIVING PRIVILEGES; AMENDING SECTION 49-327, IDAHO CODE, TO PROVIDE THE DEPARTMENT WITH THE AUTHORITY TO REQUEST THAT ANY PEACE OFFICER SECURE A DRIVER'S LICENSE AND RETURN IT TO THE DEPARTMENT; AMENDING SECTION 49-328, IDAHO CODE, TO CHANGE THE DIS-
TRIBUTION OF REINSTATEMENT FEES; AMENDING SECTION 49-331, IDAHO CODE, TO PROVIDE FOR DRIVING PRIVILEGES; AMENDING SECTION 49-953, IDAHO CODE, TO CORRECT A DISTANCE FIGURE; AMENDING SECTION 49-1202, IDAHO CODE, TO PROVIDE A REFERENCE; AMENDING SECTION 49-1208, IDAHO CODE, TO PROVIDE FOR MAINTAINING PROOF OF FINANCIAL RESPONSIBILITY; AMENDING SECTION 49-1209, IDAHO CODE, TO DELETE A REFERENCE; REPEALING SECTION 49-1211, IDAHO CODE; AMENDING SECTION 49-1213, IDAHO CODE, TO DELETE A REFERENCE; AMENDING SECTION 49-1217, IDAHO CODE, TO REMOVE AUTHORITY TO DESIGNATE RESTRICTIONS ON A LICENSE; AMENDING SECTION 49-1222, IDAHO CODE, TO PROVIDE FOR THE SURRENDER OF A LICENSE WHEN REVOKED OR CANCELLED, AND TO AUTHORIZE THE DEPARTMENT MAY DIRECT A PEACE OFFICER TO SECURE THE LICENSE; AMENDING SECTION 49-1224, IDAHO CODE, TO PROVIDE REQUIREMENTS TO BECOME A SELF-INSURER; AMENDING SECTION 49-1301, IDAHO CODE, TO PROVIDE FOR REVOCATION OF PRIVILEGES AND A CODE REFERENCE; AMENDING SECTIONS 49-1401 AND 49-1404, IDAHO CODE, TO PROVIDE FOR PRIVILEGES TO BE SUSPENDED; AMENDING SECTION 49-1416, IDAHO CODE, TO CHANGE AGENCY AUTHORITY TO BE CONSISTENT WITH CURRENT PRACTICES; AMENDING SECTION 49-1505, IDAHO CODE, TO CLARIFY THAT NO RESTRICTED PERMIT SHALL BE ISSUED IN CONFORMANCE WITH CURRENT PRACTICES, AND TO PROVIDE FOR PRIVILEGES AND PERMITS TO BE REINSTATED; AMENDING SECTION 49-2443, IDAHO CODE, TO PROVIDE FOR INFORMATION REQUIRED ON AN APPLICATION; AMENDING SECTION 49-2444, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR AN IDENTIFICATION CARD, TO AUTHORIZE THE DEPARTMENT TO CANCEL AND TO ALLOW THE DEPARTMENT TO REQUEST THAT ANY PEACE OFFICER SECURE THE CARD; AMENDING SECTION 18-8001, IDAHO CODE, TO PROVIDE FOR NOTIFICATION OF ADDRESS; AMENDING SECTION 18-8002, IDAHO CODE, TO CLARIFY THAT THE DRIVER OF A COMMERCIAL VEHICLE WHO REFUSES TO SUBMIT TO AN EVIDENTIARY TEST SHALL NOT BE ISSUED A PERMIT TO OPERATE A COMMERCIAL VEHICLE; AMENDING SECTION 18-8005, IDAHO CODE, TO SPECIFY THAT A COMMERCIAL DRIVER IS SUBJECT TO THE SAME PROVISIONS AND PENALTIES AS ANY OTHER OPERATOR, TO REMOVE REFERENCE TO CLASS D DRIVING PRIVILEGES AND TO PROVIDE CODE REFERENCES; AMENDING SECTION 18-8007, IDAHO CODE, TO PROVIDE A CODE REFERENCE; AND AMENDING SECTION 33-1701, IDAHO CODE, TO PROVIDE PROPER NOMENCLATURE.

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

SECTION 1. That Section 49-105, Idaho Code, be, and the same is hereby amended to read as follows:

49-105. DEFINITIONS -- D.

(1) "Dealer" means every person in the business of buying, selling or exchanging five (5) or more new or used vehicles, new or used motorcycles, snow machines or motorscooters, travel trailers, all-terrain vehicles or motor homes in any calendar year, either outright or on conditional sale, bailment, lease, chattel mortgage, or otherwise, or who has an established place of business for the sale, lease, trade, or display of these vehicles. No insurance company, bank, finance company, public utilities company, or other person coming into possession of any vehicle, as an incident to its regular business, who shall sell that vehicle under any contractual rights it may have,
shall be considered a dealer. See also "salvage pool", section 49-120, Idaho Code.

(2) "Dealer's selling agreement." (See "Franchise", section 49-107, Idaho Code)

(3) "Department" means the Idaho transportation department acting directly or through its duly authorized officers and agents, except in chapters 6 and 9, title 49, Idaho Code, where the term means the Idaho department of law enforcement, except as otherwise specifically provided.

(4) "Designated family member" means the spouse, child, grandchild, parent, brother or sister of the owner of a vehicle dealership who, in the event of the owner's death, is entitled to inherit the ownership interest in the dealership under the same terms of the owner's will, or who has been nominated in any other written instrument, or who, in the case of an incapacitated owner of a dealership, has been appointed by a court as the legal representative of the dealer's property.

(5) "Director" means the director of the Idaho transportation department, except in chapters 6, 9 and 22, title 49, Idaho Code, where the term means the director of the Idaho department of law enforcement.

(6) "Disqualification" means withdrawal by the department of commercial vehicle driving privileges.

(7) "Distributor" means any person, firm, association, corporation or trust, resident or nonresident, who has a franchise from a manufacturer of vehicles to distribute vehicles in this state, and who in whole or in part sells or distributes new vehicles to dealers or who maintains distributor representatives.

(8) "Distributor branch" means a branch office similarly maintained by a distributor for the same purposes a factory branch is maintained.

(9) "Distributor representative" means any person, firm, association, corporation or trust, and each officer and employee thereof engaged as a representative of a distributor or distributor branch of vehicles for the purpose of making or promoting the sale of vehicles, or for supervising or contacting dealers or prospective dealers.

(10) "District" means:

(a) Business district. The territory contiguous to and including a highway when within any six hundred (600) feet along the highway there are buildings in use for business or industrial purposes, including hotels, banks or office buildings, railroad stations and public buildings which occupy at least three hundred (300) feet of frontage on one side or three hundred (300) feet collectively on both sides of the highway.

(b) Residential district. The territory contiguous to and including a highway not comprising a business district when the property on the highway for a distance of three hundred (300) feet or more is in the main improved with residences, or residences and buildings in use for business.

(c) Urban district. The territory contiguous to and including any highway which is built up with structures devoted to business, industry or dwelling houses.

(11) "Documented vessel" means a vessel having a valid marine doc-
(12) "Drag race" means the operation of two (2) or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of the vehicles within a certain distance or time limit.

(13) "Driver" means every person who drives or is in actual physical control of a vehicle.

(14) "Driver's license" means a license or permit issued by the department or by any other jurisdiction to an individual which authorizes the individual to operate a motor vehicle or commercial motor vehicle on the highways in accordance with the requirements of title 49, Idaho Code.

(15) "Driver's license - classes of" are issued for the operation of a vehicle based on the size of the vehicle or the type of load and mean:

(a) Class A. This license shall be issued and valid for the operation of any combination of motor vehicles with a manufacturer's gross combination weight rating (GCWR) in excess of twenty-six thousand (26,000) pounds, provided the manufacturer's gross vehicle weight rating (GVWR) of the vehicle(s) being towed is in excess of ten thousand (10,000) pounds. Recreational vehicles are exempt from this class of license. Persons holding a valid class A license may also operate vehicles requiring a class B, C, or D license for operation, with any appropriate endorsements.

(b) Class B. This license shall be issued and valid for the operation of any single vehicle with a manufacturer's gross vehicle weight rating (GVWR) in excess of twenty-six thousand (26,000) pounds, or any such vehicle towing a vehicle not in excess of ten thousand (10,000) pounds manufacturer's gross vehicle weight rating (GVWR). Recreational vehicles are exempt from this class of license. Persons holding a valid class B license may also operate vehicles requiring a class C license, with any appropriate endorsements, and vehicles requiring a class D license.

(c) Class C. This license shall be issued and valid for the operation of vehicles designed any single vehicle or combination of vehicles that does not meet the definition of class A or class B, as defined in this section, but that either is designed to transport sixteen (16) or more persons, including the driver, or vehicles is placarded for hazardous materials provided that the vehicle is a single vehicle less than twenty-six thousand (26,000) pounds GVWR or any such vehicle towing a vehicle not in excess of ten thousand (10,000) pounds GVWR. Recreational vehicles are exempt from this class of license. Persons holding a valid class C license may also operate vehicles requiring a class D license.

(d) Class D. This license shall be issued and valid for the operation of a motor vehicle that is not a commercial vehicle as defined in section 49-123, Idaho Code.

(16) "Driver's license endorsements" mean special authorizations that are required to be displayed on a driver's license which permit
the driver to operate certain types of commercial vehicles or commercial vehicles hauling certain types of cargo.

(a) "Endorsement T - Double/triple trailer" means this endorsement is required on a class A license to permit the licensee to operate a vehicle authorized to tow more than one (1) trailer.

(b) "Endorsement H - Hazardous material" means this endorsement is required on a class A, B or C license if the driver is operating a vehicle transporting a hazardous material that is required to be placarded under the hazardous materials transportation act and by rules and regulations of the U.S. department of transportation.

(c) "Endorsement P - Passenger" means this endorsement is required on a class A, B or C license to permit the licensee to operate a vehicle designed to transport sixteen (16) or more persons, including the driver.

(d) "Endorsement N - Tank vehicle" means this endorsement is required on a class A, B or C license to permit the licensee to operate a vehicle which is designed to transport any liquid or gaseous materials within a tank that is either permanently or temporarily attached to the vehicle. This definition does not include portable tanks having a rated capacity under one thousand (1,000) gallons.

(17) "Driveway" means a private road giving access from a public way to a building on abutting grounds.

(18) "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.

SECTION 2. That Section 49-113, Idaho Code, be, and the same is hereby amended to read as follows:

49-113. DEFINITIONS -- L.

(1) "Laned highway" means a highway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

(2) "Lane of travel." (See "Traffic lane", section 49-121, Idaho Code)

(3) "Legal owner" means any person notated as "lien holder" of a vehicle, the notation appearing on the title records of the department and on the respective certificate of title.

(4) "License" or "license to operate a motor vehicle" means any driver's license or any other license or permit to operate a motor vehicle issued under, or granted by, the laws of this state, including:

(a) Any temporary license or instruction permit;

(b) The privilege of any person to drive a motor vehicle whether or not such person holds a valid license;

(c) Any nonresident's operating privilege;

(d) Any special permit issued by the department.

(5) "Licensing authority" as used in chapter 20 of this title with reference to Idaho, means the department.

(6) "Lien" or "encumbrance" means every security interest in any vehicle other than security interests in vehicles held in inventory for sale.
(7) "Lien holder" means a person holding a security interest in a vehicle.
(8) "Light weight" or "unladen weight" means the scale weight of a vehicle equipped for operation, but without any cargo on it.
(9) "Local authorities" mean every county, highway district, municipal and other local board or body having authority to enact regulations and ordinances relating to traffic under the constitution and laws of this state.

SECTION 3. That Section 49-119, Idaho Code, be, and the same is hereby amended to read as follows:

49-119. DEFINITIONS -- R.
(1) "Racing" means the use of one or more vehicles in an attempt to outgain, outdistance, or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle, or to test the physical stamina or endurance of drivers over long-distance driving routes.
(2) "Radio operator, amateur" means any person licensed by the Federal Communications Commission to engage in private and experimental two-way radio operation and holding a conditional class license or higher.
(3) "Railroad" means a carrier of persons or property upon cars operated upon stationary rails.
(4) "Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.
(5) "Railroad sign" or "signal" means any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.
(6) "Recreational vehicle" means a motor home, travel trailer, truck camper or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy. It does not include pick-up hoods, shells, or canopies designed, created or modified for occupational usage. School buses or van type vehicles which are converted to recreational use, are defined as recreational vehicles.
(7) "Registered owner" means any person required to register a vehicle, whether or not a lien holder appears on the title in the records of the department.
(8) "Registration" means the registration certificate or certificates and license plate or plates issued under the laws of this state pertaining to the registration of vehicles.
(9) "Rental utility trailer" means a utility trailer offered for hire to the general public for private or commercial use.
(10) "Rescission of sale." (See section 28-2-608, Idaho Code)
(11) "Resident" means a person who resides within Idaho and who has declared Idaho to be his state of residence. A resident shall be considered in violation of laws relating to vehicle registration, vehicle titling, and licensing of drivers, where applicable, subsequent to ninety (90) days of continuous residence within the state for purposes of vehicle registration, titling, a driver's license or an identification card, a person whose domicile has been within Idaho continuously
for a period of at least ninety (90) days, excluding a full-time student who is a resident of another state. A person, including a full-time student who has established a domicile in Idaho may declare residency earlier than ninety (90) days for vehicle registration, titling, driver's license and identification card purposes. Establishment of residency shall include a spouse and dependent children who reside with that person in the domicile. A domicile shall not be a person's workplace, vacation or part-time residence.

(12) "Residential district." (See "District", section 49-105, Idaho Code)

(13) "Residential neighborhood" for purposes of this chapter, is an area abutting a highway which is used primarily for nontransient human habitation, parks and churches.

(14) "Revocation of driver's license" means the termination by formal action of the department or as otherwise provided in this title of a person's driver's license or privilege to operate a motor vehicle on the highways, which terminated driver's license or privilege shall not be subject to renewal or restoration except that an application for a new driver's license may be presented and acted upon by the department after the expiration of the applicable period of time prescribed in this title.

(15) "Ridesharing arrangement" means the nonprofit transportation in a passenger motor vehicle with a seating capacity not exceeding fifteen (15) people including the driver, which is not otherwise used for commercial purposes or as a public conveyance, whereby a fixed group, not exceeding fifteen (15) people including passengers and driver, is transported between their residences or nearby termini, and their places of employment or educational or other institutions or termini near those places, in a single daily round trip where the driver is also on the way to or from his place of employment or education or other institution.

(16) "Right-of-way" means the right of one (1) vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other. The term shall not be interpreted to mean that a highway user is relieved from the duty to exercise reasonable care at all times and from doing everything to prevent an accident. Failure to yield right-of-way shall not be construed as negligence per se or as prima facie evidence of negligence.

(17) "Roadway" means that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of sidewalks, shoulders, berms and rights-of-way.

SECTION 4. That Section 49-123, Idaho Code, be, and the same is hereby amended to read as follows:

49-123. DEFINITIONS -- V.
(1) "Vehicle" means:
(a) General. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.
(b) Authorized emergency vehicle. Vehicles operated by any fire
department or law enforcement agency of the state of Idaho or any political subdivision of the state, ambulances, vehicles belonging to personnel of voluntary fire departments while in performance of official duties only, sheriff's search and rescue vehicles which are under the immediate supervision of the county sheriff, wreckers which are engaged in motor vehicle recovery operations and are blocking part or all of one or more lanes of traffic, other emergency vehicles designated by the director of the department of law enforcement or vehicles authorized by the Idaho transportation board and used in the enforcement of laws specified in section 40-510, Idaho Code, pertaining to vehicles of ten thousand (10,000) pounds or greater.

(c) Commercial vehicle or commercial motor vehicle. For the purposes of chapter 3 of this title, (driver licenses), a motor vehicle or combination of motor vehicles designed or used to transport passengers or property if the motor vehicle:

1. Has a manufacturer's gross vehicle weight rating--or--gross combination weight rating (GCWR) in excess of twenty-six thousand and one (26,001) or--more pounds inclusive of a towed unit with a manufacturer's gross vehicle weight rating (GVWR) of more than ten thousand (10,000) pounds; or
2. Has a manufacturer's gross vehicle weight rating (GVWR) in excess of twenty-six thousand (26,000) pounds; or
3. Is designed to transport sixteen (16) or more persons people, including the driver; or
4. Is of any size; and is transporting used in the transportation of materials found to be hazardous for the purposes of the hazardous material transportation act and which is required require the motor vehicle to be placarded under the hazardous materials regulations. (49 CFR part 172, subpart F).

For the purposes of chapter 4 of this title (motor vehicle registration), 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 10, title 49, Idaho Code, and including drilling rigs, construction, drilling and wrecker cranes, log jammers, log loaders, and similar vehicles which are normally operated in an overweight or oversize condition or both, but shall not include those vehicles registered pursuant to sections 49-402 and 49-402A, Idaho Code, or exempted by section 49-426, Idaho Code. A motor vehicle used in a ridesharing arrangement that has a seating capacity for not more than fifteen (15) persons, including the driver, shall not be a "commercial vehicle" under the provisions of this title relating to equipment requirements, rules of the road, or registration.

(d) Farm vehicle. 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 the 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 sections 49-402 and 49-402A, Idaho Code.

(e) Foreign vehicle. Every vehicle of a type required to be registered under the provisions of this title brought into this state from another state, territory or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this state.

(f) Glider kit vehicle. Every large truck manufactured from a kit manufactured by a manufacturer of large trucks which consists of a frame, cab complete with wiring, instruments, fenders and hood and front axles and wheels. The "glider kit" is made into a complete assembly by the addition of the engine, transmission, rear axles, wheels and tires.

(g) Motor vehicle. Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails, except vehicles moved solely by human power and motorized wheelchairs.

(h) Noncommercial vehicle. For the purposes of chapter 4 of this title, (motor vehicle registration), a noncommercial vehicle shall not include those vehicles required to be registered under sections 49-402 and 49-402A, Idaho Code, and means all other vehicles or combinations of vehicles which are not commercial vehicles or farm vehicles, but shall include motor homes. 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.

(i) Reconstructed vehicle. Every vehicle that has been rebuilt using like make and model parts and visually appears as a vehicle that was originally constructed under a distinctive manufacturer. This includes a salvage vehicle which is damaged to the extent that a "reconstruct" brand is required, and other vehicles which have been reconstructed by the use of a kit designed to be used to construct an exact replica of a vehicle which was previously constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles. A glider kit vehicle is not a reconstructed vehicle.

(j) Salvage vehicle. Every vehicle damaged to the extent that the owner, or an insurer, or other person acting on behalf of the owner, determines that the cost of parts and labor minus the salvage value makes it uneconomical to repair or rebuild. When an insurance company has paid money or has made other monetary settlement as compensation for a total loss of any motor vehicle, such motor vehicle shall be considered to be a salvage vehicle.

(k) Specially constructed vehicle. Every vehicle of a type
required to be registered not originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction and cannot be visually identified as a vehicle produced by a particular manufacturer. This includes:

1. A vehicle that has been structurally modified so that it does not have the same appearance as a similar vehicle from the same manufacturer; or
2. A vehicle that has been constructed entirely from homemade parts and materials not obtained from other vehicles; or
3. A vehicle that has been constructed by using major component parts from one or more manufactured vehicles and cannot be identified as a specific make or model; or
4. A vehicle constructed by the use of a custom kit that cannot be visually identified as a specific make or model.

(1) Total loss vehicle. Every vehicle that is deemed to be uneconomical to repair due to scrapping, dismantling or destruction. A total loss shall occur when an insurance company or any other person pays or makes other monetary settlement to the owner when it is deemed to be uneconomical to repair the damaged vehicle. The compensation for total loss as defined herein shall not include payments by an insurer or other person for medical care, bodily injury, vehicle rental or for anything other than the amount paid for the actual damage to the vehicle.

(2) "Vehicle identification number." (See "Identifying number", section 49-110, Idaho Code)

(3) "Vehicle salesman" means any person who, for a salary, commission or compensation of any kind, is employed either directly or indirectly, or regularly or occasionally by any dealer to sell, purchase or exchange, or to negotiate for the sale, purchase or exchange of vehicles. (See also "full-time salesman", section 49-107, Idaho Code, and "part-time salesman", section 49-117, Idaho Code)

(4) "Veteran." (See section 65-509, Idaho Code)

(5) "Violation" means a conviction of a misdemeanor charge involving a moving traffic violation, or an admission or judicial determination of the commission of an infraction involving a moving traffic infraction, except bicycle infractions.

SECTION 5. That Section 49-202, Idaho Code, be, and the same is hereby amended to read as follows:

49-202. DUTIES OF DEPARTMENT. (1) All registration and driver's license records in the office of the department shall be public records and open to inspection by the public during normal business hours.

(2) In addition to other fees required by law to be collected by the department, the department shall collect the following:
   (a) For certifying a copy of any record pertaining to any vehicle license, any certificate of title, or any driver's license .. $8.00
   (b) For issuing every Idaho certificate of title ............... $8.00
   (c) For furnishing a duplicate copy of any Idaho certificate of title .................................................. $8.00
   (d) For issuance or transfer of every certificate of title on a
new or used vehicle or other titled vehicle in an expedited manner (rush titles), in addition to any other fee required by this section $15.00

(e) For furnishing a duplicate copy of any receipt of registration $3.00

(f) For answering inquiries as to registration or ownership of motor vehicles or driver's license records, per vehicle registration, accident report records, title or per driver's license record $4.00

(g) For services in furnishing copies of files of vehicle or other registrations, vehicle titles, or driver's licenses per hour $10.00

(h) Placing "stop" cards in vehicle registration or title files, each $12.00

(i) For issuance of an assigned or replacement vehicle identification number (VIN) $10.00

(j) For a vehicle identification number (VIN) inspection whether conducted by a city or county peace officer or any other peace officer or designated agent of the state of Idaho, per inspection $3.00

(k) For all duplicate registration stickers, each $1.00

(l) For issuing letters of temporary vehicle clearance to Idaho based motor carriers $10.00

(mm) For all sample license plates, each $12.00

(3) The fees required in this section shall not apply when the service is furnished to any federal, state, county or city peace officer when such service is required in the performance of their duties as peace officers.

(4) The department shall pay three dollars ($3.00) of the fee collected by a county assessor or other agent of the department as provided in subsection (2)(a) through (f) of this section, to the county assessor of the county or agent collecting such fee, which shall be deposited with the county treasurer and credited to the county current expense fund. The remainder of the fees collected as provided in that subsection shall be paid by the department to the state treasurer and placed in the state highway account. The fee collected under subsection (2)(k) of this section for a VIN inspection shall be placed in the city general fund if conducted by a city peace officer, in the county current expense fund if conducted by a county peace officer, or paid to the state treasurer and placed to the credit of the department of law enforcement if conducted by the Idaho state police or in the state highway account if conducted by the department.

(5) The department as often as practicable may provide to law enforcement agencies the record of stolen and recovered motor vehicles and suspensions and revocations of driver licenses via the Idaho law enforcement telecommunications system (ILETS).

(6) The department shall provide the forms prescribed in chapter 5 of this title, shall receive and file in its office in Boise, Idaho, all instruments required in chapter 5 of this title to be filed with the department, shall prescribe a uniform method of numbering certificates of title, and maintain in the department indices for such certificates of title. All indices shall be by motor or identification number and alphabetical by name of the owner, and the department shall
maintain two (2) separate files on each vehicle, one, a motor or identification number file, the other a file by the name of the owner.

(7) The department shall file each registration application received, and when satisfied as to the genuineness and regularity of the application, and that the applicant is entitled to the registration, shall register the vehicle therein described and the owner thereof in suitable records under a distinctive registration number assigned to the vehicle and to the owner thereof, alphabetically under the name of the owner, and numerically and alphabetically under the engine or identification number and name of the vehicle.

(8) The department shall not grant an application for the registration of a vehicle when:

(a) The applicant is not entitled to registration under the provisions of this title; or

(b) The applicant has neglected or refused to furnish the department with the information required in the appropriate form or reasonable additional information required by the department, or has failed to comply with the provisions of section 49-436, Idaho Code, in past registration periods; or

(c) The fees required by law have not been paid, or where fees for past registration periods are due, owing and unpaid.

(9) The department has the authority to request any person, based upon evidence, to submit to medical, highway, or written examinations, to protect the safety of the public upon the highways.

(10) The department shall rescind and cancel the registration of any vehicle:

(a) Which the department shall determine is unsafe or unfit to be operated or is not equipped as required by law;

(b) Whenever the person to whom the registration card or registration plate has been issued shall make or permit to be made any unlawful use of the same or permit their use by a person not entitled thereto;

(c) For any violation of vehicle registration requirements by the owner or operator in the current or past registration periods;

(d) Whenever a motor carrier as defined in section 61-801, Idaho Code, has his permit revoked for any cause except at the request of the permit holder, as provided in section 61-808, Idaho Code, or whenever an interstate carrier has his registration revoked by reason of a revocation of his interstate commerce commission operating authority;

(e) For nonpayment by the owner or operator of the vehicle of use fees computed under sections 49-434 and 49-435, Idaho Code;

(f) For failure of the owner or operator to file the reports required or nonpayment of fees assessed against the owner by the department pursuant to audit under the provisions of section 49-436, Idaho Code.

(11) The department shall not reregister or permit a vehicle to operate on a special trip permit until all use fees, penalties and interest have been paid.

(12) The department shall institute educational programs, demonstrations, exhibits and displays;

(13) The department shall cancel a driver's license when fees required by law have not been paid or where fees for past periods are
due, owing and unpaid including nonsufficient fund checks;

(14) The department shall examine persons and vehicles by written, oral and physical tests without compulsion except as provided by law;

(145) The department shall employ expert and special help as needed in the department;

(156) The department shall compile accident statistics and disseminate information relating to those statistics;

(167) The department shall cooperate with the United States in the elimination of road hazards, whether of a physical, visual or mental character.

(178) The department shall place and maintain traffic-control devices, conforming to the board's manual and specifications, upon all state highways as it shall deem necessary to indicate and to carry out the provisions of this title or to regulate, warn, or guide traffic. No local authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the department except by the latter's permission.

(189) The department may conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it shall find that the structure cannot with safety to itself withstand vehicles traveling at a speed otherwise permissible under this title, shall determine and declare the maximum speed of vehicles which the structure can safely withstand, and shall cause or permit suitable signs stating the maximum speed to be erected and maintained before each end of the structure.

(1920) Whenever the department shall determine on the basis of an engineering and traffic investigation that slow speeds on any highway or part of a highway impede the normal and reasonable movement of traffic, the department may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law, and that limit shall be effective when posted upon appropriate fixed or variable signs.

(201) The department shall regulate or prohibit the use of any controlled-access highway by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic.

(212) The department shall erect and maintain traffic-control devices on controlled-access highways on which any prohibitions are applicable.

(223) Wherever a highway crosses one or more railroads at grade, the department or local authorities within their respective jurisdictions shall place and maintain stop signs, directing vehicular traffic approaching the crossing to come to a full stop prior to entering the crossing at all railroad crossings where electric or mechanical warning signals do not exist. Placement of these stop signs shall be mandatory except when in the determination of the department or local authorities the existence of stop signs at a given crossing would constitute a greater hazard than their absence.

Nothing in this subsection shall be construed as granting immunity to any railroad company as to liability, if any, for an accident which might occur at a crossing where stop signs are erected and in place, but liability, if any, shall be determined as provided by law. Liability on the part of governmental authorities on account of absence of
any stop sign at a crossing shall be determined as provided by law.

(234) The department and local authorities are authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving on the left side of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of those zones and when signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey those directions.

(245) The department and local authorities in their respective jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of the movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this title or title 40, Idaho Code.

(256) The department and local highway authorities within their respective jurisdictions may place official traffic-control devices prohibiting, limiting or restricting the stopping, standing or parking of vehicles on any highway where such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles unduly interferes with the free movement of traffic thereon.

SECTION 6. That Section 49-236, Idaho Code, be, and the same is hereby amended to read as follows:

49-236. PENALTIES. (1) It is a misdemeanor for any person to violate any of the provisions of this title except the provisions of chapters 6 through 9, unless otherwise specifically provided.

(2) It is an infraction for any person to violate any of the provisions of chapters 6 through 9 of this title unless otherwise specifically provided.

(3) Any offense punishable by imprisonment in the state penitentiary is a felony.

(4) Punishments shall be as provided in sections 18-111, 18-112, 18-113 and 18-113A, Idaho Code, unless otherwise specifically provided.

(5) Whenever a person is arrested for any violation of the provisions of this title declared to be a felony, he shall be dealt with in like manner as upon arrest for the commission of any other felony.

(6) It is an infraction punishable by a fine of seventy-five dollars ($75.00) for any person to violate the provisions of either section 49-12289, 49-1232 or 49-1428, Idaho Code.

SECTION 7. That Section 49-302, Idaho Code, be, and the same is hereby amended to read as follows:

49-302. WHAT PERSONS ARE EXEMPT FROM LICENSE. The following persons are exempt from licensing if driving privileges are not suspended, cancelled, or revoked, disqualified, denied or refused:

(1) Any person while driving or operating any special mobile equipment, farm tractor, or implement of husbandry moved on a highway.
(2) Farmers are exempt from obtaining a class A, B or C driver's license to operate a commercial motor vehicle which is:
(a) Controlled and operated by a farmer; and
(b) Used to transport either agricultural products, farm machinery, farm supplies, or both, to or from a farm; and
(c) Not used in the operations of a common or contract motor carrier; and
(d) Used within one hundred fifty (150) miles of the person's farm.

(3) Any person is exempt from obtaining a class A, B or C driver's license for the operation of fire fighting or other emergency equipment used in response to emergencies involving the preservation of life or property.

(4) Any person is exempt from obtaining a class A, B or C license to operate a commercial vehicle which is exclusively used to transport personal possessions or family members for nonbusiness or recreational purposes.

(5) A nonresident who is at least fifteen (15) years of age and who has in his immediate possession a valid driver's license issued to him in his home state or country may operate a motor vehicle in Idaho only as a class D operator with driving privileges restricted to daylight hours only, and with full privileges at sixteen (16) years of age, and only if Idaho residency is not established.

(6) A nonresident who has in his immediate possession a valid commercial driver's license issued to him in his home state or country may operate a motor vehicle in Idaho.

(7) A nonresident who is at least eighteen (18) years of age, whose home state or country does not require the licensing of operators, may operate a motor vehicle as a class D operator only, for a period of not more than ninety (90) days in any calendar year, if the motor vehicle is currently registered in the home state or country of the nonresident.

(8) A nonresident on active duty in the armed forces of the United States who has a valid driver's license issued by his home jurisdiction, and such nonresident's spouse or dependent son or daughter who has a valid driver's license issued by such person's home jurisdiction.

(9) Any active duty military personnel, and members of the reserves and national guard on active duty including personnel on full time national guard duty, personnel on part-time training and national guard military technicians who as civilians are required to wear military uniforms and are subject to the code of military justice, are exempt from obtaining a commercial driver's license to operate military vehicles.

SECTION 8. That Section 49-303, Idaho Code, be, and the same is hereby amended to read as follows:

49-303. WHAT PERSONS SHALL NOT BE LICENSED. The department shall not issue any driver's license, instruction permit, driver's training permit, privileges or right to drive and if issued, may revoke or cancel the driver's license of a person who:
(1) As an operator of a vehicle requiring a class D driver's
license, is under the age of seventeen (17) years, except that the department may issue a driver's license to any person who has successfully completed an approved driver training course and who is at least fifteen (15) years of age, with driving privileges restricted to daylight hours only, and with full privileges at sixteen (16) years of age. The restriction of daylight hours only shall mean that period of time one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset.

(2) As an operator of a vehicle requiring a class D driver's license, is under the age of seventeen (17) years and has not successfully completed an approved driver training course.

(3) As an operator of a commercial vehicle requiring a class A, B or C driver's license is under the age of eighteen (18) years.

(4) Applicants with less than one (1) year of driving experience, as evidenced by a valid class D driver's license shall not be issued a class A, B or C driver's license.

(5) As a driver has had his license, instruction permit, driver training permit, privileges or right to drive suspended for the duration of the suspension, nor to any person whose license has been revoked, until the expiration of one (1) year after the license was revoked.

(56) Is an habitual drunkard, or is addicted to the use of narcotic drugs.

(67) Has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to competency by the methods provided by law.

(78) Is required by the provisions of this chapter to take an examination, unless that person shall have successfully passed such examination.

(89) May be required under any law of this state to deposit proof of financial responsibility and who has not deposited that proof.

(910) The department has good cause to believe that the operation of a motor vehicle on the highways by that person would be harmful to public safety or welfare.

(101) Is disqualified for a class A, B or C license, except he may be issued a class D driver's license.

SECTION 9. That Section 49-305, Idaho Code, be, and the same is hereby amended to read as follows:

49-305. INSTRUCTION PERMITS AND TEMPORARY LICENSES. (1) Upon passage of a knowledge test for the license class type, the department may issue an instruction permit for the type of vehicle(s) the person will be operating, entitling the applicant, while having the permit in his immediate possession, to drive a motor vehicle upon the highways for a period of at least one hundred eighty (180) days. That person must be accompanied by an adult licensed driver who holds at least the same class of driver's license and who is actually occupying a seat beside the driver.

(a) Any person who has reached the age of fifteen (15) years, and who has successfully completed an approved driver training course may apply for a class D instruction permit with driving privileges
restricted to daylight hours only, and with full privileges at six­teen (16) years of age. The restriction of daylight hours only shall mean that period of time one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset.  

(b) Any person who has reached the age of eighteen (18) years may apply for a class A, B or C instruction permit.  

(c) Until April 1, 1992, direct, uninterrupted audio or audiovi­
sual electronic communication between the holder of a class A, B or 
C instruction permit and a driver instructor may be substituted for 
the driver instructor's physical presence in the vehicle if:  

(i) The driver instructor holds the same or higher class of 
driver's license; and  

(ii) The behind-the-wheel instruction is administered pursuant 
to a driver training program that is formally recognized and 
operated within the state according to state standards for such 
programs; and  

(iii) The behind-the-wheel instruction occurs solely within 
the boundaries of the state and within the radius of uninter­ 
rupted electronic communication between the permit holder and the 
driver instructor as long as the distance between the two 
parties does not exceed one (1) mile; and  

(iv) The behind-the-wheel training occurs while the vehicle is 
used for training purposes exclusively and not for purposes of 
transporting passengers or property; and  

(v) The vehicle being driven is not of a type whose operator 
would require an endorsement on his driver's license for 
double/triple trailers, tank vehicles or hazardous material.  

(d) On and after April 1, 1992, federal highway administration 
rules and regulations concerning instruction permits, as specified 
in 49 CFR part 383, will be in effect for commercial motor vehi­
cles.  

(2) The department may, in its discretion, issue a temporary class D driver's license to an applicant for a class D driver's license per­mitting him to operate a motor vehicle while the department is com­pleting its investigation and determination of all facts relative to 
the applicant's right to receive a driver's license. The temporary 
license must be in the applicant's immediate possession while operat­
ing a motor vehicle, and it shall be invalid when the applicant's 
driver's license has been issued or for good cause has been refused.  

SECTION 10. That Section 49-306, Idaho Code, be, and the same is 
hereby amended to read as follows:  

49-306. APPLICATION FOR DRIVER'S LICENSE OR INSTRUCTION PERMIT.  

(1) Every application for an instruction permit or for a driver's 
license shall be made upon a form furnished by the department and 
shall be verified by the applicant before a person authorized to 
administer oaths. Officers and employees of the department and sher­
iffs and their deputies are authorized to administer the oaths without 
charge. Every application for a permit or driver's license shall be 
accompanied by the following fee, none of which is refundable:  

(a) Class A, B, C license ........................................... $23.50  

(b) Class D license ................................................. $19.50
(c) Class A, B, C instruction permit ........................................ $15.50
(d) Class D instruction permit ................................................ $11.50
(e) Duplicate driver's license or permit issued under section 49-318, Idaho Code ................................................................. $11.50
(f) Driver's license extension issued under section 49-319, Idaho Code ..................................................................... $ 6.50
(g) License classification change (upgrade) ............................ $15.50
(h) Endorsement addition ............................................................ $11.50
(i) Class A, B, C skills tests .......................................................... $35.00
(j) Class D skills test ................................................................. $ 3.00
(k) Knowledge test ...................................................................... $ 3.00

(2) Every application shall state the full name, date of birth, place of birth, sex, Idaho residence address and mailing address, if different, of the applicant, height, weight, hair color, eye color, and for a class A, B, or C driver's license the applicant's social security number for his class A, B, or C driver's license as verified by the applicant's social security card. Every application shall also state whether the applicant has previously been licensed as a driver, and if so, when and by what state or country, and whether a driver's license has or privileges have ever been suspended, revoked, denied, disqualified, cancelled or whether an application has ever been refused, and if so, the date of and reason for the suspension, revocation, denial, disqualification, cancellation or refusal and the applicant's oath that all information is correct as signified by the applicant's signature. The applicant may be required to submit proof of identity and date and place of birth as set forth in a certified copy of his birth certificate or other satisfactory evidence of birth-date to satisfy the issuing officer or the department.

(3) Whenever an application is received from a person previously licensed in another jurisdiction, the department shall request a copy of the driver's record from the other jurisdiction and the national driver register. When received, the driver's record from the previous jurisdiction shall become a part of the driver's record in this state with the same force and effect as though entered on the driver's record in this state in the original instance.

(4) Whenever the department receives a request for a driver's record from another licensing jurisdiction, the record shall be forwarded without charge.

(5) The department shall notify the commercial driver license information system of the proposed application for a class A, B or C driver's license to insure identification of the person and to obtain clearance to issue the license.

(6) 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:
(a) Deposit an amount equal to five dollars ($5.00) from each driver's license or instruction permit application fees, application for a duplicate driver's license or permit, classification change, and additional endorsement in the current expense fund; and
(b) Deposit an amount equal to three dollars ($3.00) from each fee for a knowledge test or class D skills test in the current expense fund; and
(c) Remit the remainder to the state treasurer.
(7) When the fees required under this section are collected by a state officer or agency, they shall be paid over to the state treasurer.

(8) 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:

(a) Two dollars ($2.00) of each fee for a driver's license shall be deposited in the emergency medical services account II created in section 39-146A, Idaho Code; and

(b) Sixteen dollars and fifty cents ($16.50) of each fee for a class A, B, or C driver's license shall be deposited in the state highway account; and

(c) Ten dollars and fifty cents ($10.50) of each fee for a class A, B, or C instruction permit or driver's license classification change shall be deposited in the state highway account; and

(d) Six dollars and fifty cents ($6.50) of each fee for a duplicate class A, B, or C driver's license, class A, B, or C driver's license extension, or additional endorsement shall be deposited in the state highway account; and

(e) Five dollars and thirty cents ($5.30) of each fee for a class D driver's license shall be deposited in the driver training account; and

(f) Seven dollars and twenty cents ($7.20) of each fee for a class D driver's license shall be deposited in the highway distribution account; and

(g) Two dollars and sixty cents ($2.60) of each fee for a class D instruction permit, duplicate class D license or permit, and class D license extension shall be deposited in the driver training account; and

(h) Three dollars and ninety cents ($3.90) of each fee for a class D instruction permit, duplicate class D license or permit, and class D license extension shall be deposited in the highway distribution account; and

(i) Thirty-five dollars ($35.00) of each fee for a class A, B, or C skills test shall be deposited in the state highway account. The contractor which administered the skills test shall be entitled to thirty dollars ($30.00) of this fee.

(9) The contractor administering the skills test shall be entitled to thirty dollars ($30.00) of the skills test fee. A contractor administering the skills test may collect twenty-dollars-$20.00 an additional fee for the use of the contractor's vehicle for the skills test.

SECTION 11. That Section 49-310, Idaho Code, be, and the same is hereby amended to read as follows:

49-310. APPLICATIONS OF PERSONS UNDER THE AGE OF EIGHTEEN YEARS.

(1) The application of any person under the age of eighteen (18) years for an instruction permit, restricted driver's license or driver's license shall be signed and verified before a person authorized to administer oaths by either the father or mother of the applicant, if both are living and have custody of him; or if either be dead, then by the surviving parent who has custody of him; or by the Idaho resident
host of a foreign exchange student, or in the event neither parent is living, or if living and does not have the custody of the applicant, then by the person or guardian having such custody or by an employer of the applicant. In the event there is no guardian or employer then some other responsible person willing to assume the obligation for the applicant may sign the application. The person willing to assume responsibility for the applicant must be at least eighteen (18) years of age.

(2) Any negligence or wilful misconduct of a person under the age of eighteen (18) years when operating a motor vehicle upon a highway shall be imputed to the person who signed the application of that person for a permit or driver's license, and that person shall be jointly and severally liable with the permit or driver's license holder for any damage caused by negligence or wilful misconduct, except as otherwise provided by law.

(3) In the event a permit or driver's license holder under the age of eighteen (18) years deposits, or there is deposited upon his behalf, proof of financial responsibility in respect to the operation of any motor vehicle, in form and in amounts as required under the motor vehicle financial responsibility laws of this state, or by the director if the form and amount is not fixed by law, then the department may accept the application when signed by one (1) parent or guardian of the applicant, and while that proof is maintained the parent or guardian shall not be subject to the liability imposed under subsection (2) of this section.

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

SECTION 12. That Section 49-315, Idaho Code, be, and the same is hereby amended to read as follows:

49-315. LICENSES ISSUED TO DRIVERS. (1) The department shall issue to every qualifying applicant a driver's license as applied for, which shall bear a distinguishing number assigned to the licensee, the full name, date of birth, Idaho residence address, sex, weight, height, eye color, hair color, color photograph, name of this state, date of issuance, date of expiration, license class, endorsements, restrictions and "under 21 until (month, day, year)", if applicable, and the applicant's signature—and-no. No driver's license shall be valid until it has been signed on the signature line of the license by the licensee.

(2) Every driver's license shall bear a color photograph of the licensee, which shall be taken by the examiner at the time the application is made. The photograph shall normally be taken without headgear or other clothing or device that disguises or otherwise conceals the face or head of the applicant, but the requirement for an uncovered face photograph may be waived by the department for medical
or safety purposes. A driver's license may contain a statement or indication of the medical condition of the licensee.

(3) The department shall notify the commercial driver license information system that a class A, B or C driver's license has been issued as required by 49 CFR part 383.

(4) A licensee desiring to donate any or all organs or tissue in the event of death, pursuant to the provisions for donation of anatomical gifts as set forth in chapter 34, title 39, Idaho Code, at the option of the donor may indicate this desire on the driver's license by the imprinting of the word "donor" on the license.

SECTION 13. That Section 49-317, Idaho Code, be, and the same is hereby amended to read as follows:

49-317. RESTRICTED DRIVER'S LICENSES. (1) The department, upon issuing a driver's license, shall have authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate, or other restrictions applicable to the licensee as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(2) The department may either issue a special restricted driver's license or may set forth restrictions upon the usual driver's license form.

(3) The department may, upon receiving satisfactory evidence of any violation of the restrictions of a driver's license, suspend or revoke the driver's license or privileges for a period of thirty (30) days but the licensee shall be entitled to a hearing as provided in section 49-326, Idaho Code.

SECTION 14. That Section 49-318, Idaho Code, be, and the same is hereby amended to read as follows:

49-318. DUPLICATE DRIVER LICENSES. In the event that an instruction permit or driver's license is lost or destroyed, or a name of a licensee is changed by marriage or otherwise legally changed, the person to whom the permit or driver's license was issued may, upon payment of the fee fixed in section 49-306, Idaho Code, and upon furnishing satisfactory proof to the department that the permit or driver's license has been lost or destroyed, or the name has been changed, obtain a duplicate or substitute permit or driver's license. The applicant shall provide proof of identity and date and place of birth and identity as set forth in a certified copy of his birth certificate and other satisfactory evidence. In the case of a name change, the applicant shall provide legal documentation to verify the change in accordance with department rules.

SECTION 15. That Section 49-319, Idaho Code, be, and the same is hereby amended to read as follows:

49-319. EXPIRATION AND RENEWAL OF DRIVER'S LICENSE. (1) Every driver's license originally issued to a driver shall expire on the
licensee's birthday in the fourth year following the issuance of the driver's license. Every driver's license shall be renewable on or before its expiration, but not more than twelve (12) months before, upon application, payment of the required fee, and satisfactory completion of the required eyesight and hearing examination. No knowledge test shall be required for renewal of a driver's license, except for renewal of a hazardous material endorsement. Appropriate knowledge tests shall be required for an upgrade in a driver's license class. In the case of a name change, the applicant shall provide legal documentation to verify the change in accordance with department rules.

(2) When a driver's license has been expired for less than twelve (12) months, the renewal of the driver's license shall start from the original date of expiration regardless of the year in which the application for renewal is made. If the driver's license is expired for more than twelve (12) months, the applicant shall be required to take the knowledge test and the application shall expire on the licensee's birthday in the fourth year following issuance of the driver's license.

(3) (a) If a driver's license has expired or will expire and the licensee is temporarily out-of-state except on active military duty, and the driver's license has not, as provided by law, been suspended, revoked, cancelled, denied, refused or disqualified, the licensee may request in writing on a form prescribed by the department an extension of the driver's license. The request shall be accompanied by the fee fixed in section 49-306, Idaho Code, and the extension shall be less than a twelve (12) month period. If the department determines that an extension of the driver's license is necessary, it may issue a certificate of extension showing the date to which the expired driver's license is extended, and this certificate shall be attached to the expired driver's license. Certificates of extension are limited to one (1) per licensee.

(b) Upon returning to the state of Idaho, the licensee shall within ten (10) days, apply for a renewal of the expired driver's license and surrender the certificate of extension and the expired driver's license.

(c) A hazardous material endorsement cannot be extended.

(4) An Idaho driver's license issued to any person prior to serving on active duty in the armed forces of the United States, or a member of the immediate family accompanying such a person, if valid and in full force and effect upon entering active duty, shall remain in full force and effect and shall, upon application, be renewable extended for a period of four (4) years so long as active duty continues, if the driver's license is not suspended, denied, disqualified, cancelled or revoked, as provided by law, during the active duty, and the driver's license shall remain in full force and effect sixty (60) days following the date the holder is released from active duty.

(5) The department may use a mail renewal process for class D licenses based on criteria established by rule and regulation.

SECTION 16. That Section 49-322, Idaho Code, be, and the same is hereby amended to read as follows:

49-322. AUTHORITY OF DEPARTMENT TO CANCEL DRIVER'S LICENSE. (1)
The department shall cancel any driver's license upon determining that the licensee was not entitled to the issuance of the driver's license, or that the licensee failed to give the required or correct information in his application, or committed fraud in making the application.

(2) Upon a cancellation, the licensee shall surrender the cancelled driver's license to the department.

(3) The department shall cancel a person's commercial driver's license upon determining that the class A, B, or C licensee has falsified information. Upon cancellation of a class A, B, or C driver's license, the licensee shall be disqualified from operating a commercial motor vehicle for a period of sixty (60) days.

SECTION 17. That Section 49-324, Idaho Code, be, and the same is hereby amended to read as follows:

49-324. SUSPENDING RESIDENT'S LICENSE AND PRIVILEGES UPON CONVICTION IN ANOTHER STATE. The department shall suspend, disqualify or revoke the driver's license or privilege of any resident of this state or the privilege of a nonresident to operate a motor vehicle in this state upon receiving notice of the conviction of that person in another state of an offense which, if committed in this state, would be grounds for the suspension, disqualification or revocation of the driver's license and privileges of the driver. The department shall forward a certified copy or electronic transfer to the national driver register.

SECTION 18. That Section 49-326, Idaho Code, be, and the same is hereby amended to read as follows:

49-326. AUTHORITY OF DEPARTMENT TO SUSPEND, DISQUALIFY OR REVOKE DRIVER'S LICENSE AND PRIVILEGES. (1) If the court has not ordered the suspension of a license or privileges, the department is authorized to suspend, disqualify or revoke the license or privileges of a driver without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee driver:

(a) Has committed an offense for which mandatory revocation or disqualification of license or privileges is required upon conviction;

(b) Has been convicted in any court in this state of an offense against a municipal ordinance which would have been grounds for suspension, revocation or disqualification of his driver's license or privileges had the charge been prosecuted under a state law;

(c) Is incompetent to drive a motor vehicle;

1. Any person who in the opinion of the department, based upon recommendation of the person's personal physician, is afflicted with or subject to any condition which brings about momentary or prolonged lapses of consciousness or control, which is or may become chronic, or when the person is suffering from a physical or mental disability or disease serving to prevent him from exercising reasonable and ordinary control over a motor vehicle while operating it upon the streets and highways, or any person who is unable to understand highway signs, warning, regulating or directing traffic, is incompetent to drive a
motor vehicle.

2. Any person who shall not have minimum visual acuity with or without glasses corrective lenses of 20/40 in at least one (1) eye as determined by the Snellen system or other available systems is incompetent to operate a motor vehicle, however, the department shall have the authority to license such person upon the recommendation of an ophthalmologist or qualified physician and upon passage of a skills test. At 20/70 or more in both eyes with or without corrective lenses the department may suspend the driver's license and privileges. Any person who applies for or receives any type of tax, welfare or other benefits or exemptions for the blind shall be conclusively presumed incompetent to operate a motor vehicle.

3. Any person, department, or political subdivision of the state of Idaho who receives an application for any type of tax, welfare, aid or other benefits or exemptions for the blind shall immediately forward the name, address, sex, date of birth, and date of application of the applicant to the department;

(d) Has permitted an unlawful or fraudulent use of a driver's license;
(e) Has committed an offense in another state which if committed in Idaho would be grounds for suspension, disqualification or revocation;
(f) Has been convicted of the offense of reckless driving, or fleeing or attempting to elude a peace officer, and providing that the operating privilege shall be suspended for a period of thirty (30) days upon conviction and providing further, that if a second conviction occurs within a two (2) year period of time from the time of the first conviction, the suspension shall be for ninety (90) days, and if a third conviction shall occur within a three (3) year period of time from the time of the first conviction, the period of suspension shall be for one (1) year;
(g) Has failed to satisfy a judgment as set forth in chapter 12, title 49, Idaho Code;
(h) Has failed to maintain proof of financial responsibility as set forth in chapter 12, title 49, Idaho Code;
(i) Has a driving record which shows a violation point count of twelve (12) or more points in any consecutive twelve (12) month period;
(j) Is an habitual violator of the traffic laws of the state of Idaho;
(k) Has been convicted of the offense of violation of a restricted license and providing the driver's license and privileges be suspended for a period of thirty (30) days;
(l) Has been convicted for the offense of leaving the scene of an accident involving damages to a vehicle, the period of revocation shall be one (1) year;
(m) Has been convicted for the offense of leaving the scene of an accident resulting in injury or death, the period of revocation shall be one (1) year.

(2) A violation point is assessed for conviction of any charge or with proof of any infraction involving a moving traffic violation. A
value of one (1) point shall be given for a less serious violation and up to four (4) points for a more serious violation. Conviction or proof of infraction for only one (1) violation arising from one (1) occasion of arrest or citation shall be counted in determining the violation point count.

(3) The department is authorized and directed to establish a violation point count system for various moving traffic violations and infractions occurring either within or without the state of Idaho, affecting all holders of driver's licenses issued by the department.

(4) Upon suspending, revoking or disqualifying the driver's license or privileges of any person, the department shall immediately notify the licensee in writing, and upon his request shall afford him an opportunity for a hearing before the director. The hearing shall be held within twenty (20) days after receipt of the request, and be held in the county where the licensee resides unless the department and the licensee agree that the hearing may be held in some other county. The notice and hearing shall be required prior to the imposition of additional suspension or disqualification periods beyond the periods as set forth in this section. Upon a hearing the director or his duly authorized agent may administer oaths, may issue subpoenas for the attendance of witnesses and the production of relevant books and papers, and may require a reexamination of the licensee. Upon the hearing the department shall either rescind its order or, with good cause, may extend the suspension or disqualification of the driver's license or revoke the driver's license. Whenever a driver's license, permit or driving privilege has been suspended or revoked by the department as provided in this section, other than as set forth in subsections (1)(c), (d), (g) or (h) or (m), the department may issue a temporary restricted permit restricting the time, area and purpose of use. The application, eligibility requirements and form of the temporary restricted permit shall be provided by administrative rule.

(5) The department shall not suspend a driver's license or privileges for a period of more than one (1) year and upon revoking a driver's license or privileges shall not in any event grant application for a new driver's license until the expiration of one (1) year after the revocation. The provisions of this subsection shall not be applicable with respect to the issuance of temporary restricted permits as provided in section 49-325, Idaho Code.

(6) The department shall not disqualify a driver for a period longer than specified by 49 CFR part 383.

SECTION 19. That Section 49-327, Idaho Code, be, and the same is hereby amended to read as follows:

49-327. SURRENDER AND RETURN OF DRIVER'S LICENSE. (1) Upon suspending, cancelling or revoking a driver's license, the department shall require that the driver's license shall be surrendered to and be retained by the department. At the end of the period of suspension, revocation or cancellation the driver's license so surrendered shall be returned to the licensee if applicable.

(2) If any person shall fail to return to the department the Idaho driver's license as required, the department may direct any peace
officer to secure its possession and return the driver's license to the department.

SECTION 20. That Section 49-328, Idaho Code, be, and the same is hereby amended to read as follows:

49-328. REINSTATEMENT OF REVOKED, DISQUALIFIED OR SUSPENDED DRIVER'S LICENSE -- FEE -- WHEN REINSTATEMENT PROHIBITED. (1) When the period of revocation, disqualification or suspension of a driver's license has expired, or the reason for the revocation, disqualification or suspension no longer exists, the department shall reinstate the driver's license or driving privileges on application of the driver. The application shall be in the form prescribed by the department and accompanied by a reinstatement fee of fifteen dollars ($15.00) which shall be deposited in the state highway account.

(2) A driver's license which has been suspended under section 49-1505, Idaho Code, for failure to pay an infraction penalty shall not be reinstated until the licensee provides proof that the infraction penalty has been paid to the court.

(3) In addition to any other fees required in this section to be collected, the department shall collect twenty-five dollars ($25.00) for reinstating a driver's license after conviction for driving under the influence while suspended, without privileges, and after conviction or other violation of any other traffic related misdemeanor or infraction, of which fees twenty dollars ($20.00) shall be paid over to the county treasurer of the county in which the conviction occurred for support of that county's justice fund, or the current expense fund if no county justice fund has been established and the five dollars ($5.00) shall be deposited in the state highway account.

SECTION 21. That Section 49-331, Idaho Code, be, and the same is hereby amended to read as follows:

49-331. UNLAWFUL USE OF DRIVER'S LICENSE. It is a misdemeanor for any person:

(1) To display or cause or permit to be displayed or have in his possession any mutilated or illegible, cancelled, revoked, suspended, disqualified, fictitious or fraudulently altered driver's license;

(2) To lend his driver's license to any other person or knowingly permit the use of his driver's license by another;

(3) To display or represent as one's own a driver's license not issued to him;

(4) To fail or refuse to surrender to the department, upon its lawful demand, any driver's license which has been suspended, revoked, disqualified or cancelled;

(5) To use a false or fictitious name in any application for a driver's license, or to knowingly make a false statement, or to knowingly conceal a material fact or otherwise commit a fraud in any application;

(6) To permit any unlawful use of a driver's license issued to him;

(7) To manufacture, produce, sell, offer for sale or transfer to another person any document purporting to be a certificate of birth or
driver's license; or

(8) To do any act forbidden or fail to perform any act specified in this chapter.

In addition to the misdemeanor penalties that may be imposed for violation of the provisions of paragraphs (1) through (7) of this section, the court upon conviction may enter an order directing the department to suspend the driver's license, a permit to drive, privileges or any nonresident's driving privileges for a period of ninety (90) days. 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 22. That Section 49-953, Idaho Code, be, and the same is hereby amended to read as follows:

49-953. DISPLAY OF WARNING DEVICES WHEN VEHICLE DISABLED. (1) Whenever any truck, bus, truck tractor, trailer, semitrailer, or pole trailer is disabled upon the traveled portion or the shoulder of any highway outside of any municipality at any time when lighted lamps are required on vehicles, the driver of the vehicle shall display the following warning devices upon the highway during the time the vehicle is disabled on the highway except as provided in subsection (2):

(a) A lighted fusee, a lighted red electric lantern or a portable red emergency reflector shall be immediately placed at the traffic side of the motor vehicle in the direction of the nearest approaching traffic.

(b) As soon thereafter as possible, but in any event within the burning period of the fusee (15 minutes), the driver shall place three (3) liquid-burning flares (pot torches), or three (3) lighted red electric lanterns, or three (3) portable red emergency reflectors on the traveled portion of the highway in the following order:

1. One, approximately two hundred (200) feet from the disabled vehicle in the center of the lane occupied by the vehicle and toward traffic approaching in that lane.

2. One, approximately two hundred (200) feet in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by the vehicle.

3. One at the traffic side of the disabled vehicle not less than ten (10) feet rearward or forward in the direction of the nearest approaching traffic. If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with paragraph 1. of this subsection, it may be used for this purpose.

(2) Whenever any vehicle referred to in this section is disabled within five hundred (500) feet of a curve, hill crest, or other obstruction to view, the warning signal in that direction shall be placed to afford ample warning to other users of the highway, but in no case less than five hundred (500) feet from the disabled vehicle.

(3) Whenever any vehicle of a type referred to in this section is disabled upon any portion of a divided highway during the time that lights are required, the appropriate warning devices prescribed in
subsections (1) and (5) of this section shall be placed one (1) at a
distance of approximately two hundred (200) feet from the vehicle in
the center of the lane occupied by the stopped vehicle and in the
direction of traffic approaching in that lane; one (1) at a distance of
approximately two hundred (200) feet from the vehicle, in the
center of the lane occupied by the vehicle and in the direction of
traffic approaching in that lane; and one (1) at the traffic side of
the vehicle and approximately ten (10) feet from the vehicle in the
direction of the nearest approaching traffic.

(4) Whenever any vehicle of a type referred to in this section is
disabled upon the traveled portion or the shoulder of a highway out­
side any municipality at any time when the display of fusees, flares,
red electric lanterns or portable red emergency reflectors is not
required, the driver of the vehicle shall display two (2) red flags
upon the highway in the lane of traffic occupied by the disabled vehi­
cle, one (1) at a distance of approximately two hundred (200) feet in
advance of the vehicle, and one (1) at a distance of approximately two
hundred (200) feet to the rear of the vehicle.

(5) Whenever any motor vehicle used in the transportation of
explosives or any cargo tank truck used for the transportation of any
flammable liquid or compressed flammable gas, or any motor vehicle
using compressed gas as a fuel, is disabled upon a highway at any time
or place mentioned in subsection (1) of this section, the driver of
the vehicle shall immediately display one (1) red electric lantern or
portable red emergency reflector placed on the highway at the traffic
side of the vehicle, and two (2) red electric lanterns or portable red
reflectors, one (1) placed approximately two hundred (200) feet to the
front and one (1) placed approximately two hundred (200) feet to the
rear of the disabled vehicle in the center of the traffic lane occu­
pied by the vehicle. Flares, fusees, or signals produced by flame
shall not be used as warning devices for disabled vehicles of the type
mentioned in this subsection.

(6) Flares, fusees, red electric lanterns, portable red emergency
reflectors, and flags to be displayed as required in this section
shall conform with the requirements of section 49-952, Idaho Code.

SECTION 23. That Section 49-1202, Idaho Code, be, and the same is
hereby amended to read as follows:

49-1202. DEPARTMENT TO FURNISH OPERATING RECORD. The department
shall upon request furnish any person a certified abstract of the
operating record of any person subject to the provisions of this chap­
ter providing fees have been paid pursuant to section 49-202. Idaho
Code. The abstract shall also fully designate the motor vehicles, if
any, registered in the name of the person. If there is no record of
any conviction of the person of violating any law relating to the
operation of a motor vehicle or of any injury or damage caused by that
person, the department shall so certify. These abstracts shall not be
admissible as evidence in any action for damages or criminal proceed­
ings arising out of a motor vehicle accident.

SECTION 24. That Section 49-1208, Idaho Code, be, and the same is
hereby amended to read as follows:
49-1208. PROOF REQUIRED UPON CERTAIN CONVICTIONS. (1) If a person is not licensed, but by final order or judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial or has entered a plea of guilty for any offense requiring the suspension or revocation of the driver's license, or for operating a motor vehicle upon the highways without being licensed to do so, no driver's license shall be issued to that person until he gives and maintains proof of financial responsibility.

(2) Whenever the department or a court suspends, or the department revokes a resident's driver's license or nonresident's driving privilege by reason of a conviction, forfeiture of bail, or upon a plea or finding of guilty, the license or privilege shall remain suspended or revoked unless the person shall have previously given or shall immediately give and maintain proof of financial responsibility.

(3) Any person who is convicted of violating the provisions of either section 49-1229, 49-1232 or 49-1428, Idaho Code, shall give and maintain proof of financial responsibility throughout the three (3) year period following such conviction.

(4) Whenever a person is required to maintain proof of financial responsibility, and who is not a resident of Idaho, files and maintains proof of financial responsibility in his home state the department shall reinstate the person's driving privileges as long as proof of financial responsibility is maintained in the person's home state.

SECTION 25. That Section 49-1209, Idaho Code, be, and the same is hereby amended to read as follows:

49-1209. ALTERNATE METHODS OF GIVING PROOF. Proof of financial responsibility shall be furnished for each motor vehicle registered by any person required to give proof and may be given by filing:

(1) A certificate of insurance as provided in section 49-1210 or 49-1211, Idaho Code; or

(2) A bond as provided in section 49-1215, Idaho Code; or

(3) A certificate of deposit of money or securities as provided in section 49-1216, Idaho Code; or

(4) A certificate of self-insurance as provided in section 49-1224, Idaho Code.

SECTION 26. That Section 49-1211, Idaho Code, be, and the same is hereby repealed.

SECTION 27. That Section 49-1213, Idaho Code, be, and the same is hereby amended to read as follows:

49-1213. NOTICE OF CANCELLATION OR TERMINATION OF CERTIFIED POLICY. When an insurance carrier has certified a motor vehicle liability policy under section 49-1210, or 49-1211, Idaho Code, the insurance so certified shall not be cancelled or terminated until at least ten (10) days after a notice of cancellation or termination of the insurance so certified shall be filed with the department. A policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any motor vehicle designated in both certificates.
SECTION 28. That Section 49-1217, Idaho Code, be, and the same is hereby amended to read as follows:

49-1217. OWNER MAY GIVE PROOF FOR OTHERS. Whenever any person required to give proof of financial responsibility is or later becomes an operator in the employ of any owner, or is or later becomes a member of the immediate family or household of the owner, the department shall accept proof given by the owner in lieu of proof by the other person to permit that other person to operate a motor vehicle for which the owner has given proof as required. The department shall designate the restrictions imposed by this section on the face of the person's driver's license.

SECTION 29. That Section 49-1222, Idaho Code, be, and the same is hereby amended to read as follows:

49-1222. SURRENDER OF IDAHO DRIVER'S LICENSE. Any person whose Idaho driver's license shall have been suspended, canceled or revoked as provided in this chapter, or whose policy of insurance or bond, when required under this chapter, shall have been canceled or terminated, or who shall neglect to furnish other proof upon request of the department, shall immediately return his driver's license to the department. If any person shall fail to return to the department the driver's license as required, the department may direct any peace officer to secure its possession and return the driver's license to the department.

SECTION 30. That Section 49-1224, Idaho Code, be, and the same is hereby amended to read as follows:

49-1224. SELF-INSURERS. (1) Any person in whose name more than twenty-five (25) motor vehicles are registered and titled in Idaho, or engaged in the operation of a railroad, street railway system or public utility subject to the regulation of the public utilities commission irrespective of the number of vehicles registered, may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the department.

(2) The department may, in its discretion, upon the application of such a person, issue a certificate of self-insurance and certificate of liability insurance in a form as the department prescribes when the department is satisfied that the person is possessed and will continue to be possessed of ability to pay judgments obtained against that person upon application, and providing a statement by a certified public accountant attesting the applicant's net worth is five hundred thousand dollars ($500,000), a list of vehicles and an application fee of forty dollars ($40.00) which shall be deposited in the state highway account.

(3) The self-insurer will be required to submit an annual financial statement showing net worth of five hundred thousand dollars ($500,000), a list of vehicles and a forty dollar ($40.00) issue fee to be deposited in the state highway account.

(4) Upon not less than five (5) days' notice and a hearing pursuant to the notice, the department may upon reasonable grounds cancel a
certificate of self-insurance. Failure to pay any judgment within thirty (30) days after a judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

SECTION 31. That Section 49-1301, Idaho Code, be, and the same is hereby amended to read as follows:

49-1301. ACCIDENTS INVOLVING DAMAGE TO VEHICLE. (1) 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 the vehicle at the scene of the accident, or as close as possible, and shall immediately return to, and in every event shall remain at, the scene of the accident until he has fulfilled the requirements of law. A stop as required by this section shall be made without obstructing traffic more than is necessary.

(2) Any person failing to stop or to comply with the requirements under these circumstances shall be guilty of a misdemeanor.

(3) The department shall revoke for a period of one (1) year the driver's license, privileges or permit to drive, or the nonresident operating privilege, of any person convicted of a violation of the provisions of this section and section 49-326, Idaho Code.

SECTION 32. That Section 49-1401, Idaho Code, be, and the same is hereby amended to read as follows:

49-1401. RECKLESS DRIVING. (1) Any person who drives or is in actual physical control of any vehicle upon a highway, or upon public or private property open to public use, carelessly and heedlessly or without due caution and circumspection, and at a speed or in a manner as to endanger or be likely to endanger any person or property, or who passes when there is a line in his lane indicating a sight distance restriction, shall be guilty of reckless driving and upon conviction shall be punished as provided in subsection (2) of this section.

(2) Every person convicted of reckless driving under this section shall be punished by imprisonment in the county or municipal jail for a period of not less than five (5) days nor more than ninety (90) days, or by a fine of not less than twenty-five dollars ($25.00) nor more than three hundred dollars ($300), or by both fine and imprisonment. On a second or subsequent conviction shall be punished by imprisonment for not less than ten (10) days nor more than six months, or by a fine of not less than fifty dollars ($50.00) nor more than three hundred dollars ($300), or by both fine and imprisonment. The department shall suspend the driver's license or privileges of any such person as provided in section 49-326, Idaho Code.

(3) Inattentive driving shall be considered a lesser offense than reckless driving and shall be applicable in those circumstances where the conduct of the operator has been inattentive, careless or imprudent, in light of the circumstances then existing, rather than heedless or wanton, or in those cases where the danger to persons or property by the motor vehicle operator's conduct is slight.
SECTION 33. That Section 49-1404, Idaho Code, be, and the same is hereby amended to read as follows:

49-1404. FLEEING OR ATTEMPTING TO ELUDE A PEACE OFFICER -- PENALTY. (1) Any driver of a motor vehicle who wilfully flees or attempts to elude a pursuing police vehicle when given a visual or audible signal to bring the vehicle to a stop, shall be guilty of a misdemeanor. The signal given by a peace officer may be by emergency lights or siren.

(2) A person convicted of a violation of the provisions of this section shall be punished by imprisonment in the county or city jail for a period of not less than five (5) days nor more than ninety (90) days, or by a fine of not less than twenty-five dollars ($25.00) nor more than three hundred dollars ($300), or by both fine and imprisonment. On a second or subsequent conviction that person shall be punished by imprisonment for not less than ten (10) days nor more than six (6) months, or by a fine of not less than fifty dollars ($50.00) nor more than three hundred dollars ($300), or by both fine and imprisonment. The department shall suspend the driver's license or privileges of a person convicted for a violation of the provisions of this section as provided in section 49-326, Idaho Code.

SECTION 34. That Section 49-1416, Idaho Code, be, and the same is hereby amended to read as follows:

49-1416. RECORD OF TRAFFIC CASES -- REPORT OF CONVICTIONS TO DEPARTMENT. (1) Every magistrate or judge of a court shall keep or cause to be kept a record of every traffic complaint, traffic citation, or other legal form of traffic charge deposited with or presented to the court, and shall keep a record of every official action by the court in reference thereto, including a record of every conviction, forfeiture resulting from every traffic complaint or citation deposited with or presented to the court.

(2) Within ten (10) days after a conviction or forfeiture of bail of a person upon a charge of violating any provision of this title or other law regulating the operation of vehicles on highways, the magistrate or clerk of the court or clerk of the court of record in which the conviction was had or bail was forfeited shall prepare and immediately forward to the department an abstract of the record of the case in which the person was convicted or forfeited bail. The abstract shall be certified by the person required to prepare the abstract to be true and correct. A report need not be made of any conviction involving the illegal parking or standing of a vehicle.

(3) The abstract shall be made upon a form furnished by the department as prescribed by the supreme court and shall include the name and address of the party charged, the number if any of his operator's or chauffeur's driver's license, the registration number of the motor vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether bail was forfeited, and the amount of the fine or forfeiture as applicable.

(4) Every court of record shall also forward a like report to the department upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.
(5) The failure, refusal, or neglect of any judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal.

(6) The department shall keep all abstracts received at its main office, and abstracts shall be open to public inspection during reasonable business hours.

SECTION 35. That Section 49-1505, Idaho Code, be, and the same is hereby amended to read as follows:

49-1505. SUSPENSION OF DRIVER'S LICENSE AND PRIVILEGES FOR FAILURE TO PAY UNDERLYING TRAFFIC INFRACTION PENALTY -- APPEAL. (1) The department shall immediately suspend the driver's license, permit and operating privileges of any driver upon receiving notice from any court of the state that a person has failed to pay the penalty for a traffic infraction judgment. The notice may be sent to the department by any court which shall certify that a judgment for an infraction not involving a pedestrian or a bicycle violation has been entered against the person and that he has failed to pay the penalty after notice and hearing, or opportunity for hearing, as prescribed by rule of the supreme court. No notice of nonpayment of an infraction penalty shall be sent to the department if the court finds that the person failing to pay the penalty has a complete and continuing financial inability to pay the penalty.

(2) The suspension of operating privileges under this section shall continue for a period of ninety (90) days or until the penalty has been paid, whichever comes first, from notice of suspension by the department. The suspension shall be processed by the department in the same manner as other suspensions under section 49-326, Idaho Code, except that no hearing shall be held by the department and the department shall not issue any temporary restricted permit. Upon receipt of the notice of nonpayment of the penalty from the court, the department shall perform the ministerial duty of giving official notification of suspension of the driver's license and operating privileges.

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

(4) After the expiration of a ninety (90) day suspension under this section, the driver's license, permit and driving privileges of the driver whose driver's license was permit and driving privileges were suspended shall not be reinstated under the provisions of section 49-328, Idaho Code, nor renewed under the provisions of section 49-319, Idaho Code, until the penalty for the infraction has been paid to the court in the county in which the citation was issued.

(5) Any person operating a motor vehicle after the expiration of a ninety (90) day suspension under this section, whose driver's license, privileges or permit has not been reinstated under the provisions of section 49-328, Idaho Code, or renewed under the provisions of section
49-319, Idaho Code, shall be in violation of the provisions of section 49-301, Idaho Code, for operating a motor vehicle without a driver's license.

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

SECTION 36. That Section 49-2443, Idaho Code, be, and the same is hereby amended to read as follows:

49-2443. APPLICATION. Application for an identification card must be made in person before an examiner authorized by the department to issue driver licenses. The examiner shall obtain the following from the applicant:

(1) The true and full name and Idaho residence address and mailing address, if different, of the applicant;
(2) The identity and date and place of birth of the applicant as set forth in a certified copy of his birth certificate—or and other satisfactory evidence of identity acceptable to the examiner or the department;
(3) The place of birth of the applicant;
(4) The height and weight of the applicant;
(5) The color of eyes and hair of the applicant; and
(6) Applicant's signature.

SECTION 37. That Section 49-2444, Idaho Code, be, and the same is hereby amended to read as follows:

49-2444. IDENTIFICATION CARD ISSUED. (1) The department shall issue an identification card which shall set forth the information contained in the application, in a form as prescribed by the department. Each card shall be issued a distinguishing number and shall bear upon it a color photograph of the applicant which shall be taken by the examiner at the time of application. The photograph shall normally be taken without headgear or other clothing or device that disguise or otherwise conceals the face or head of the applicant, but the requirement for an uncovered face photograph may be waived by the department for medical or safety purposes. No person shall receive an identification card unless and until he surrenders to the department all identification cards in his possession issued to him by Idaho or any other jurisdiction, or until he executes an affidavit that he does not possess an identification card. A notation of "under 21 until (month, day, year)" shall be made if applicable. The fee for an identification card shall be seven dollars and fifty cents ($7.50) of
which five dollars ($5.00) shall be retained by the county and credited to the current expense fund, and two dollars and fifty cents ($2.50) shall be deposited in the state treasury to the credit of the highway distribution account. Every identification card shall expire on the cardholder's birthday in the fourth year following issuance of the card.

(2) Every identification card shall be renewable on or before its expiration, but not more than twelve (12) months before, and upon application and payment of the required fee.

(3) When an identification card has been expired for less than twelve (12) months, the renewal of the identification card shall start from the original date of expiration regardless of the year in which the application for renewal is made. If the identification card is expired for more than twelve (12) months, the application shall expire on the applicant's birthday in the fourth year following issuance of the identification card.

(4) A person possessing an identification card desiring to donate any or all organs or tissue in the event of death, pursuant to the provisions for donation of anatomical gifts as set forth in chapter 34, title 39, Idaho Code, at the option of the donor may indicate this desire on the identification card by the imprinting of the word "donor" on the identification card.

(5) In the case of a name change, the applicant shall provide legal documentation to verify the change in accordance with department rules.

(6) The department shall cancel any identification card upon determining that the person was not entitled to the issuance of the identification card, or that the person failed to give the required and correct information in his application or committed fraud in making the application. Upon cancellation, the person shall surrender the cancelled identification card to the department.

(7) If any person shall fail to return to the department the identification card as required, the department may direct any peace officer to secure its possession and return the identification card to the department.

SECTION 38. That Section 18-8001, Idaho Code, be, and the same is hereby amended to read as follows:

18-8001. DRIVING WITHOUT PRIVILEGES. (1) Any person who drives or is in actual physical control of any motor vehicle upon the highways of this state with knowledge that his driver's license, driving privileges or permit to drive is revoked, disqualified or suspended in this state or any other jurisdiction is guilty of a misdemeanor.

(2) A person has knowledge that his license, driving privileges or permit to drive is revoked, disqualified or suspended when:

(a) He has actual knowledge of the revocation, disqualification or suspension of his license, driving privileges or permit to drive; or

(b) He has received oral or written notice from a verified, authorized source, that his license, driving privileges or permit to drive was revoked, disqualified or suspended; or

(c) Notice of the suspension, disqualification or revocation of
his license, driving privileges or permit to drive was mailed by
certified mail to his address as shown in the department records;
and if such notice was returned it was remailed to his address as
shown on the citation which resulted in the suspension, disqualifi-
cation or revocation, and if such notice was returned it was
remailed to his address as shown in the department records, and he
failed to receive the notice or learn of its contents as a result
of his own unreasonable, intentional or negligent conduct; or
(d) He has knowledge of, or a reasonable person in his situation
exercising reasonable diligence would have knowledge of, the exis-
tence of facts or circumstances which, under Idaho law, might have
caused the revocation, disqualification or suspension of his
license, driving privileges or permit to drive.
(3) Any person who pleads guilty to or is found guilty of a viola-
tion of subsection (1) for the first time:
(a) Shall be sentenced to jail for a mandatory minimum period of
not less than two (2) days, and may be sentenced to not more than
six (6) months;
(b) May be fined an amount not to exceed five hundred dollars
($500); and
(c) Shall have his driving privileges suspended by the court for
an additional six (6) months following the end of any period of
suspension, disqualification or revocation existing at the time of
the violation; the defendant may request restricted driving privi-
leges during the period of the suspension or disqualification,
which the court may allow if the defendant shows by a preponderance
of the evidence that driving privileges are necessary for his
employment or for family health needs.
(4) Any person who pleads guilty to or is found guilty of a viola-
tion of subsection (1) for a second time within five (5) years, irre-
spective of the form of the judgment(s) or withheld judgment(s):
(a) Shall be sentenced to jail for a mandatory minimum period of
not less than twenty (20) days, and may be sentenced to not more
than one (1) year;
(b) May be fined an amount not to exceed one thousand dollars
($1,000); and
(c) Shall have his driving privileges suspended by the court for
an additional one (1) year following the end of any period of sus-
pension, disqualification or revocation existing at the time of the
second violation, during which time he shall have absolutely no
driving privileges of any kind.
(5) Any person who has pled guilty to or been found guilty of more
than two (2) violations of the provisions of subsection (1) of this
section within five (5) years, notwithstanding the form of the
judgment(s) or withheld judgment(s), is guilty of a felony; and
(a) Shall be sentenced to the custody of the state board of cor-
rection for not to exceed three (3) years; provided that notwith-
standing the provisions of section 19-2601, Idaho Code, should the
court impose any sentence other than incarceration in the state
penitentiary, the defendant shall be sentenced to the county jail
for a mandatory minimum period of not less than thirty (30) days;
and further provided that notwithstanding the provisions of section
18-111, Idaho Code, a conviction under this section shall be deemed
a felony;
(b) May be fined an amount not to exceed three thousand dollars ($3,000); and
(c) Shall have his driving privileges suspended by the court for an additional three (3) years following the end of any period of suspension, disqualification or revocation existing at the time of the violation, during which time he shall have absolutely no driving privileges of any kind.
(6) A minor may be prosecuted for a violation of subsection (1) of this section under title 16, Idaho Code.
(7) If a person is convicted for a violation of section 18-8004 or 18-8006, Idaho Code, and at the time of arrest had no driving privileges, the penalties imposed by this section shall be in addition to any penalties imposed under the provisions of section 18-8005 or 18-8006, Idaho Code, and not in lieu thereof.

SECTION 39. That Section 18-8002, Idaho Code, be, and the same is hereby amended to read as follows:

18-8002. TESTS OF DRIVER FOR ALCOHOL CONCENTRATION, PRESENCE OF DRUGS OR OTHER INTOXICATING SUBSTANCES. (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 evidentiary testing for concentration of alcohol as defined in section 18-8004, Idaho Code, and to have given his consent to evidentiary testing for the presence of drugs or other intoxicating substances, provided that such testing 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 in violation of the provisions of section 18-8004, Idaho Code, or section 18-8006, Idaho Code.
(2) Such person shall not have the right to consult with an attorney before submitting to such evidentiary testing.
(3) At the time evidentiary testing for concentration of alcohol, or for the presence of drugs or other intoxicating substances is requested, the person shall be informed that if he refuses to submit to or if he fails to complete, evidentiary testing:
(a) His driver's license will be seized by the police officer and a temporary permit applicable-to-class-B-driving--privileges--only, will be issued; provided, however, that no peace officer shall issue a temporary permit pursuant to this section to a driver whose driver's license or permit has already been and is suspended or revoked because of previous violations, and in no instance shall a temporary permit be issued to drive a driver of a commercial vehicle who refuses to submit to or fails to complete an evidentiary test;
(b) He has the right to request a hearing within seven (7) days to show cause why he refused to submit to, or complete evidentiary testing;
(c) If he does not request a hearing or does not prevail at the hearing, his driver's license will be suspended absolutely for one hundred eighty (180) days if this is his first refusal and one (1) year if this is his second refusal within five (5) years; and
(d) After submitting to evidentiary testing he may, when practica-
ble, at his own expense, have additional tests made by a person of his own choosing.

(4) If the motorist refuses to submit to or complete evidentiary testing after the information has been given in accordance with subsection (3) above:

(a) His driver's license or permit shall be seized by the police officer and forwarded to the court and a temporary permit applicable--to--class--B--driving--privileges-only; 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 driver's license or permit has already been and is suspended or revoked because of previous violations and in no instance shall a temporary permit be issued to a driver of a commercial vehicle who refuses to submit to or fails to complete an evidentiary test;

(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 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 submit to, or complete, evidentiary testing, and the burden of proof shall be upon the defendant; the court shall suspend all his driving privileges immediately for one hundred eighty (180) days for a first refusal and one (1) year for a second refusal within five (5) years 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 eighty (180) days for a first refusal and one (1) year for a second refusal within five (5) years, during which time he shall have absolutely no driving privileges of any kind; and

(d) After submitting to evidentiary testing 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 results of evidentiary testing for alcohol concentration or for the presence of drugs or other intoxicating substances taken at the direction of the police officer unless the additional test was denied by the police officer.

(5) Any suspension 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 or for the presence of drugs or other intoxicating substances 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.

(9) For the purposes of this section, "evidentiary testing" shall mean a procedure or test or series of procedures or tests, including the additional test authorized in subsection (10) of this section, utilized to determine the concentration of alcohol or the presence of drugs or other intoxicating substances in a person.

(10) A person who submits to a breath test for alcohol concentration, as defined in subsection (4) of section 18-8004, Idaho Code, may also be requested to submit to a second evidentiary test of blood or urine for the purpose of determining the presence of drugs or other intoxicating substances if the police officer has reasonable cause to believe that a person was driving under the influence of any drug or intoxicating substance or the combined influence of alcohol and any drug or intoxicating substance. The police officer shall state in his or her report the facts upon which that belief is based.

SECTION 40. That Section 18-8005, Idaho Code, be, and the same is hereby amended to read as follows:

18-8005. PENALTIES. (1) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004(1)(a), Idaho Code, for the first time is guilty of a misdemeanor; and
(a) May be sentenced to jail for not to exceed six (6) months;
(b) May be fined an amount not to exceed one thousand dollars ($1,000);
(c) Shall be advised by the court in writing at the time of sentencing of the penalties that will be imposed for second or subsequent violations of the provisions of section 18-8004, Idaho Code, which advice shall be signed by the defendant, and a copy retained by the court and another copy retained by the prosecuting attorney; and
(d) Shall have his driving privileges suspended by the court for a period not to exceed one hundred eighty (180) days; the defendant may request class-B restricted driving privileges during the period of the suspension which the court may allow, if the defendant shows by a preponderance of the evidence that driving privileges are necessary for his employment or for family health needs.

(2) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004(1)(b), Idaho Code, for the first time is guilty of a misdemeanor and subject to the provisions of section 49-335, Idaho Code.
(a) The provisions of section 18-8005(1), Idaho Code; and
(b) The provisions of section 49-335, Idaho Code.

(3) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004(1)(c), Idaho Code, for the first time, is guilty of a misdemeanor and is subject to:
(a) The provisions of section 18-8005(1), Idaho Code; and
(b) The provisions of section 49-335, Idaho Code.

(4) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004, Idaho Code, for the second time within five (5) years, notwithstanding the form of the judgment(s) or withheld judgment(s), is guilty of a misdemeanor; and
(a) Shall be sentenced to jail for a mandatory minimum period of not less than ten (10) days the first forty-eight (48) hours of which must be consecutive, and may be sentenced to not more than one (1) year;
(b) May be fined an amount not to exceed two thousand dollars ($2,000);
(c) Shall be advised by the court in writing at the time of sentencing, of the penalties that will be imposed for subsequent violations of the provisions of section 18-8004, Idaho Code, which advice shall be signed by the defendant, and a copy retained by the court and another copy retained by the prosecuting attorney;
(d) Shall surrender his driver's license or permit to the court; and
(e) Shall have his driving privileges suspended by the court for an additional mandatory minimum period of one (1) year after release from confinement, during which one (1) year period absolutely no driving privileges of any kind may be granted; and
(f) If the person has pled guilty or was found guilty for the second time within five (5) years of a violation of the provisions of section 18-8004(1)(b) or (c), Idaho Code, then the provisions of section 49-335, Idaho Code, shall apply.

(5) Any person who pleads guilty to or is found guilty of three (3) or more violations of the provisions of section 18-8004, Idaho Code, or of one (1) or more violations of the provisions of section 18-8006, Idaho Code, within five (5) years, notwithstanding the form of the judgment(s) or withheld judgment(s), shall be guilty of a felony; and
(a) Shall be sentenced to the custody of the state board of correction for not to exceed five (5) years; provided that notwithstanding the provisions of section 19-2601, Idaho Code, should the court impose any sentence other than incarceration in the state penitentiary, the defendant shall be sentenced to the county jail for a mandatory minimum period of not less than thirty (30) days; and further provided that notwithstanding the provisions of section 18-111, Idaho Code, a conviction under this section shall be deemed a felony;
(b) May be fined an amount not to exceed five thousand dollars ($5,000);
(c) Shall surrender his driver's license or permit to the court; and
(d) Shall have his class-B driving privileges suspended by the court for a mandatory minimum period of one (1) year after release;
from imprisonment, and may have his Class D driving privileges sus-
pended by the court for not to exceed five (5) years after release
from imprisonment, during which time he shall have absolutely no
driving privileges of any kind.

(6) For the purposes of subsections (4) and (5) of this section,
convictions of violation of the provisions of section 18-8004, Idaho
Code, shall be considered by the court to determine if a later convic-
tion is a second or subsequent conviction only if such convictions
were of violations committed on or after July 1, 1983.

(7) Any person who pleads guilty to or is found guilty of a viola-
tion of the provisions of section 18-8004 or 18-8006, Idaho Code,
shall undergo, at his own expense, (or at county expense through the
procedures set forth in chapters 34 and 35, title 31, Idaho Code,) and
prior to the sentencing date, an alcohol evaluation by an alcohol
evaluation facility approved by the Idaho department of health and
welfare. In the event the alcohol evaluation indicates the need for
alcohol treatment, the evaluation shall contain a recommendation by
the evaluator as to the most appropriate treatment program, together
with the estimated cost thereof, and recommendations for other suit-
able alternative treatment programs, together with the estimated costs
thereof. The person shall request that a copy of the completed evalua-
tion be forwarded to the court. The court shall take the evaluation
into consideration in determining an appropriate sentence. If a copy
of the completed evaluation has not been provided to the court, the
court may proceed to sentence the defendant; however, in the such
event, it shall be presumed that alcohol treatment is required unless
the defendant makes a showing by a preponderance of evidence that
treatment is not required. If the defendant has not made a good faith
effort to provide the completed copy of the evaluation to the court,
the court may consider the failure of the defendant to provide the
report as an aggravating circumstance in determining an appropriate
sentence. If treatment is ordered, in no event shall the person or
facility doing the evaluation be the person or facility that provides
the treatment unless this requirement is waived by the sentencing
court, with the exception of federally recognized Indian tribes or
federal military installations, where diagnosis and treatment are
appropriate and available. Nothing herein contained shall preclude the
use of funds authorized pursuant to the provisions of chapter 3, title
39, Idaho Code, for court-ordered alcohol treatment for indigent
defendants.

(8) At the time of sentencing, the court shall be provided with
the following information:
(a) The results, if administered, of any evidentiary test for
alcohol and/or drugs;
(b) A computer or teletype or other acceptable copy of the
person's driving record;
(c) Information as to whether the defendant has pled guilty to or
been found guilty of violation of the provisions of section 18-8004
or 18-8006, Idaho Code, or a similar offense within the past five
(5) years, notwithstanding the form of the judgment(s) or withheld
judgment(s); and
(d) The alcohol evaluation required in subsection (5) of this sec-
tion, if any.
A minor may be prosecuted for a violation of the provisions of section 18-8004, Idaho Code, under title 16, Idaho Code. In addition to any other penalty, if a minor pleads guilty to or is found guilty of a violation of the provisions of section 18-8004, Idaho Code, he shall have his driving privileges suspended or denied for an additional one (1) year following the end of any period of suspension or revocation existing at the time of the violation, or until he reaches the age of eighteen (18) years, whichever period is greater. During the period of additional suspension or denial, absolutely no driving privileges shall be allowed.

In the event that the alcohol evaluation required in subsection (7) of this section recommends alcohol treatment, the court shall order the person to complete a treatment program in addition to any other sentence which may be imposed, unless the court determines that alcohol treatment would be inappropriate or undesirable, in which event, the court shall enter findings articulating the reasons for such determination on the record. The court shall order the defendant to complete the preferred treatment program set forth in the evaluation, or a comparable alternative, unless it appears that the defendant cannot reasonably obtain adequate financial resources for such treatment. In that event, the court may order the defendant to complete a less costly alternative set forth in the evaluation, or a comparable program. Such treatment shall, to the greatest extent possible, be at the expense of the defendant. In the event that funding is provided for or on behalf of the defendant by an entity of state government, restitution shall be ordered to such governmental entity in accordance with the restitution procedure for crime victims, as specified under chapter 53, title 19, Idaho Code. Nothing contained herein shall be construed as requiring a court to order that a governmental entity shall provide alcohol treatment at government expense unless otherwise required by law.

Any person who is disqualified shall not be granted restricted driving privileges to operate a commercial motor vehicle.

SECTION 41. That Section 18-8007, Idaho Code, be, and the same is hereby amended 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 driver'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 transportation department shall revoke for a period of one (1) year the driver's 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 as provided in section 49-326, Idaho Code.

SECTION 42. That Section 33-1701, Idaho Code, be, and the same is hereby amended to read as follows:

33-1701. DRIVER TRAINING COURSES. In conjunction with its supervision of traffic on public highways, the Idaho transportation department of law enforcement is directed to cooperate with the state board of education in its establishment of driver training courses in the public schools of the state.

Approved April 1, 1992.

CHAPTER 116
(S.B. No. 1373)

AN ACT
RELATING TO AN IDAHO ARCHAEOLOGICAL SURVEY; AMENDING TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 39, TITLE 33, IDAHO CODE, TO CREATE THE IDAHO ARCHAEOLOGICAL SURVEY UNDER THE AUTHORITY OF THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO, TO CREATE A BOARD FOR THE ARCHAEOLOGICAL SURVEY, TO PROVIDE FOR MEETINGS OF THE BOARD, TO PROVIDE DUTIES, TO PROVIDE FOR REPORTS, AND TO CREATE THE ARCHAEOLOGICAL SURVEY ACCOUNT.

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

SECTION 1. That Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 39, Title 33, Idaho Code, and to read as follows:
CHAPTER 39
IDAHO ARCHAEOLOGICAL SURVEY

33-3901. IDAHO ARCHAEOLOGICAL SURVEY CREATED -- PURPOSE -- DEFINITION -- ADVISORY BOARD. (1) There is hereby created the Idaho archaeological survey, to be administered as a special cooperative program under the authority of the Idaho state board of education and the board of regents of the university of Idaho. It is the policy of the state of Idaho that the archaeological resources recovered from within the state, and their associated documentation, be accorded long-term curation within the state to ensure their continued accessibility by the educational programs of the state universities and for the public benefit of the citizens of the state of Idaho. It is a policy of the state of Idaho that archaeological inventories conducted within the state be documented in a comprehensive database accessible by educational programs and for other public purposes consistent with the protection of these resources. The survey shall be the lead state entity for the compilation, coordination, preservation and dissemination of archaeological survey data and long-term curation of collections for Idaho. This information is to be acquired through field and laboratory investigations by the staff of the survey and through cooperative programs with other governmental and private agencies, including the educational programs at the state universities which recover, use and care for archaeological materials. Nothing in this chapter shall limit the established role of the state universities in archaeological research and educational programs using archaeological materials.

(2) For the purposes of this chapter "archaeological resources" refer to both cultural remains and associated environmental materials recovered by archaeological studies and to sites on the landscape containing materials potentially supportive of anthropological or historical archaeological studies.

(3) There is hereby established a board for the survey which shall consist of the following members: the Idaho state archaeologist, who shall be director of the survey and nonvoting chairman of the advisory board, the academic vice presidents of the university of Idaho, Idaho state university and Boise state university or their designated representatives; the governor of the state of Idaho or his designated representative; and a member of the public who shall be elected by a majority vote of the advisory board and who shall serve for a term of two (2) years. Should a vacancy occur in the public member position, the board shall appoint a replacement to serve the remainder of the term. Members of the board shall be compensated as provided in section 59-509(b), Idaho Code, which compensation shall be paid from the archaeological survey account created in section 33-3905, Idaho Code. A quorum of the board shall be required to be present to conduct business.

33-3902. MEETINGS -- OFFICE -- STATE ARCHAEOLOGIST. The board shall hold annual meetings at the Idaho state historical society, the university of Idaho, Idaho state university or Boise state university on the first Monday of June of each year and shall hold such other meetings as it may deem necessary. The chief office of the survey and the office of its secretary shall be maintained at the Idaho state
historical society. The professional archaeologist holding the position of state archaeologist in the Idaho state historical society is designated director of the survey.

33-3903. DUTIES -- PUBLICATIONS -- COOPERATION WITH OTHER AGENCIES -- SATELLITE OFFICES. It shall be the duty of the Idaho archaeological survey to establish standards for documenting archaeological inventories; to establish standards for curation of archaeological collections; to conduct statewide studies in the field; to perform laboratory studies; to prepare and publish reports on the archaeological resources of the state; to perform analyses and long-term curation of archaeological collections and site inventory information; to determine and distribute to participating institutions an equitable portion of survey and inventory funds from the federal historic preservation funds received by the state of Idaho; and to fix a price upon printed reports and deposit receipts from sales in the archaeological survey account to be used for the preparation and publication of reports of the survey and for no other purpose. The survey shall be allowed to seek and accept funded projects from and form cooperative programs with state and federal agencies and private funding sources for support of the survey's inventory and curation activities. All moneys received from these projects shall be deposited in the archaeological survey account and shall be used for the aforementioned projects and services. The survey shall be allowed to have satellite offices at the university of Idaho, Idaho state university and Boise state university for the purpose of caring for archaeological collections or survey information or both.

33-3904. REPORTS. The Idaho archaeological survey shall annually, on or before the first day of January, make to the governor of the state and to the executive director of the Idaho state board of education and the board of regents of the university of Idaho a report detailing major events during the preceding year concerning the archaeological resources of the state, a report of its expenditures and of the work of the survey during the preceding year, and budget requests for the following year; and it shall make a similar report of its doings and its expenditures to the state legislature through the legislative council.

33-3905. ARCHAEOLOGICAL SURVEY ACCOUNT. There is hereby created in the dedicated fund of the state treasury, the archaeological survey account. Moneys in the account shall consist of appropriations, gifts, grants, bequests or moneys from any other source and shall be utilized by the state archaeological survey to implement and carry out the provisions of this chapter. Moneys in the account may be expended only pursuant to appropriation by the legislature except for funds received under contracts and grants which may be expended for those purposes without action by the legislature.

Approved April 1, 1992.
CHAPTER 117
(S.B. No. 1375)

AN ACT
RELATING TO COMMERCIAL VEHICLE INSTRUCTION PERMITS; AMENDING SECTION 49-305, IDAHO CODE, TO EXTEND THE TIME DURING WHICH A PERMITTEE MAY OPERATE A VEHICLE UNACCOMPANIED BY AN INSTRUCTOR WHEN THERE IS COMMUNICATION BETWEEN THE PERMITTEE AND THE INSTRUCTOR USING REMOTE ELECTRONIC DEVICES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-305, Idaho Code, be, and the same is hereby amended to read as follows:

49-305. INSTRUCTION PERMITS AND TEMPORARY LICENSES. (1) Upon passage of a knowledge test for the license class type, the department may issue an instruction permit for the type of vehicle(s) the person will be operating, entitling the applicant, while having the permit in his immediate possession, to drive a motor vehicle upon the highways for a period of at least one hundred eighty (180) days. That person must be accompanied by an adult licensed driver who holds at least the same class of driver's license and who is actually occupying a seat beside the driver.

(a) Any person who has reached the age of fifteen (15) years, and who has successfully completed an approved driver training course may apply for a class D instruction permit with driving privileges restricted to daylight hours only, and with full privileges at sixteen (16) years of age.

(b) Any person who has reached the age of eighteen (18) years may apply for a class A, B or C instruction permit.

(c) Until April 1, 1992, direct, uninterrupted audio or audiovisual electronic communication between the holder of a class A, B or C instruction permit and a driver instructor may be substituted for the driver instructor's physical presence in the vehicle if:

(i) The driver instructor holds the same or higher class of driver's license; and

(ii) The behind-the-wheel instruction is administered pursuant to a driver training program that is formally recognized and operated within the state according to state standards for such programs; and

(iii) The behind-the-wheel instruction occurs solely within the boundaries of the state and within the radius of uninterrupted electronic communication between the permit holder and the driver instructor as long as the distance between the two parties does not exceed one (1) mile; and

(iv) The behind-the-wheel training occurs while the vehicle is used for training purposes exclusively and not for purposes of transporting passengers or property; and

(v) The vehicle being driven is not of a type whose operator would require an endorsement on his driver's license for
(d) On and after April 1, 1992, federal highway administration rules and regulations concerning instruction permits, as specified in 49 CFR part 383, will be in effect for commercial motor vehicles.

(2) The department may, in its discretion, issue a temporary class D driver's license to an applicant for a class D driver's license permitting him to operate a motor vehicle while the department is completing its investigation and determination of all facts relative to the applicant's right to receive a driver's license. The temporary license must be in the applicant's immediate possession while operating a motor vehicle, and it shall be invalid when the applicant's driver's license has been issued or for good cause has been refused.

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, 1992.

CHAPTER 118
(S.B. No. 1376)

AN ACT
RELATING TO DRIVERS' LICENSES AND IDENTIFICATION CARDS; AMENDING SECTION 49-306, IDAHO CODE, TO PROVIDE THAT A DRIVER'S LICENSE OR INSTRUCTION PERMIT SHALL NOT CONTAIN A SOCIAL SECURITY NUMBER AND TO AUTHORIZE DISCLOSURE OF SOCIAL SECURITY NUMBERS TO CERTAIN GOVERNMENT AGENCIES OR ENTITIES; AMENDING SECTION 49-2443, IDAHO CODE, TO INCLUDE AN APPLICANT'S SOCIAL SECURITY NUMBER ON AN APPLICATION FOR AN IDENTIFICATION CARD; AND AMENDING SECTION 49-2444, IDAHO CODE, TO PROVIDE THAT IDENTIFICATION CARDS SHALL NOT CONTAIN SOCIAL SECURITY NUMBERS AND TO AUTHORIZE DISCLOSURE OF SOCIAL SECURITY NUMBERS TO CERTAIN GOVERNMENTAL AGENCIES OR ENTITIES.

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

SECTION 1. That Section 49-306, Idaho Code, be, and the same is hereby amended to read as follows:

49-306. APPLICATION FOR DRIVER'S LICENSE OR INSTRUCTION PERMIT.
(1) Every application for an instruction permit or for a driver's license shall be made upon a form furnished by the department and shall be verified by the applicant before a person authorized to administer oaths. Officers and employees of the department and sheriffs and their deputies are authorized to administer the oaths without charge. Every application for a permit or driver's license shall be accompanied by the following fee, none of which is refundable:
   (a) Class A, B, C license ..................................... $23.50
   (b) Class D license ............................................. $19.50
   (c) Class A, B, C instruction permit ........................ $15.50
(d) Class D instruction permit ........................................... $11.50
(e) Duplicate driver's license or permit issued under section 49-318, Idaho Code .................................................. $11.50
(f) Driver's license extension issued under section 49-319, Idaho Code ................................................................. $ 6.50
(g) License classification change (upgrade) .......................... $15.50
(h) Endorsement addition .................................................. $11.50
(i) Class A, B, C skills tests .......................................... $35.00
(j) Class D skills test .................................................... $ 3.00
(k) Knowledge test .......................................................... $ 3.00
(2) Every application shall state the full name, date of birth, sex, Idaho residence address of the applicant, height, weight, hair color, eye color, and applicant's social security number for a class A, B, or C driver's license. A driver's license or instruction permit issued on and after January 1, 1993, shall not contain an applicant's social security number. An applicant's social security number shall be exempt from disclosure except for inquiries from agencies or institutions authorized to obtain such information by federal law or regulation, from peace officers or from jury commissioners. Every application shall also state whether the applicant has previously been licensed as a driver, and if so, when and by what state or country, and whether a driver's license has ever been suspended, revoked, denied, disqualified, or whether an application has ever been refused, and if so, the date of and reason for the suspension, revocation, denial, disqualification or refusal and the applicant's oath that all information is correct. The applicant may be required to submit proof of date of birth as set forth in a certified copy of his birth certificate or other satisfactory evidence of birth date to satisfy the issuing officer.
(3) Whenever an application is received from a person previously licensed in another jurisdiction, the department shall request a copy of the driver's record from the other jurisdiction and the national driver register. When received, the driver's record from the previous jurisdiction shall become a part of the driver's record in this state with the same force and effect as though entered on the driver's record in this state in the original instance.
(4) Whenever the department receives a request for a driver's record from another licensing jurisdiction, the record shall be forwarded without charge.
(5) The department shall notify the commercial driver license information system of the proposed application for a class A, B or C driver's license to insure identification of the person and to obtain clearance to issue the license.
(6) 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:
(a) Deposit an amount equal to five dollars ($5.00) from each driver's license or instruction permit application fees, application for a duplicate driver's license or permit, classification change, and additional endorsement in the current expense fund; and
(b) Deposit an amount equal to three dollars ($3.00) from each fee for a knowledge test or class D skills test in the current expense fund; and
(c) Remit the remainder to the state treasurer.

(7) When the fees required under this section are collected by a state officer or agency, they shall be paid over to the state treasurer.

(8) 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:

(a) Two dollars ($2.00) of each fee for a driver's license shall be deposited in the emergency medical services account II created in section 39-146A, Idaho Code; and

(b) Sixteen dollars and fifty cents ($16.50) of each fee for a class A, B, or C driver's license shall be deposited in the state highway account; and

(c) Ten dollars and fifty cents ($10.50) of each fee for a class A, B, or C instruction permit or driver's license classification change shall be deposited in the state highway account; and

(d) Six dollars and fifty cents ($6.50) of each fee for a duplicate class A, B, or C driver's license, class A, B, or C driver's license extension, or additional endorsement shall be deposited in the state highway account; and

(e) Five dollars and thirty cents ($5.30) of each fee for a class D driver's license shall be deposited in the driver training account; and

(f) Seven dollars and twenty cents ($7.20) of each fee for a class D driver's license shall be deposited in the highway distribution account; and

(g) Two dollars and sixty cents ($2.60) of each fee for a class D instruction permit, duplicate class D license or permit, and class D license extension shall be deposited in the driver training account; and

(h) Three dollars and ninety cents ($3.90) of each fee for a class D instruction permit, duplicate class D license or permit, and class D license extension shall be deposited in the highway distribution account; and

(i) Thirty-five dollars ($35.00) of each fee for a class A, B, or C skills test shall be deposited in the state highway account. The contractor which administered the skills test shall be entitled to thirty dollars ($30.00) of this fee.

(9) A contractor administering the skills test may collect twenty dollars ($20.00) for the use of the contractor's vehicle for the skills test.

SECTION 2. That Section 49-2443, Idaho Code, be, and the same is hereby amended to read as follows:

49-2443. APPLICATION. Application for an identification card must be made in person before an examiner authorized by the department to issue driver licenses. The examiner shall obtain the following from the applicant:

(1) The true and full name and Idaho address of the applicant;

(2) The date of birth of the applicant as set forth in a certified copy of his birth certificate, or other satisfactory evidence of identity;
(3) The place of birth of the applicant;
(4) The height and weight of the applicant;
(5) The color of eyes and hair of the applicant; and
(6) Applicant’s signature; and
(7) Applicant’s social security number.

SECTION 3. That Section 49-2444, Idaho Code, be, and the same is hereby amended to read as follows:

49-2444. IDENTIFICATION CARD ISSUED. (1) The department shall issue an identification card which shall set forth the information contained in the application, in a form as prescribed by the department. All identification cards issued on or after January 1, 1993, shall not contain the applicant's social security number. An applicant's social security number shall be exempt from disclosure except for inquiries from agencies or institutions authorized to obtain such information by federal law or regulation, from peace officers or from jury commissioners. Each card shall be issued a distinguishing number and shall bear upon it a color photograph of the applicant which shall be taken by the examiner at the time of application. The fee for an identification card shall be seven dollars and fifty cents ($7.50) of which five dollars ($5.00) shall be retained by the county and credited to the current expense fund, and two dollars and fifty cents ($2.50) shall be deposited in the state treasury to the credit of the highway distribution account. Every identification card shall expire on the cardholder's birthday in the fourth year following issuance of the card.

(2) Every identification card shall be renewable on or before its expiration, but not more than twelve (12) months before, and upon application and payment of the required fee.

(3) When an identification card has been expired for less than twelve (12) months, the renewal of the identification card shall start from the original date of expiration regardless of the year in which the application for renewal is made. If the identification card is expired for more than twelve (12) months, the application shall expire on the applicant's birthday in the fourth year following issuance of the identification card.

(4) A person possessing an identification card desiring to donate any or all organs or tissue in the event of death, pursuant to the provisions for donation of anatomical gifts as set forth in chapter 34, title 39, Idaho Code, at the option of the donor may indicate this desire on the identification card by the imprinting of the word "donor" on the identification card.

Approved April 1, 1992.
TION 33-3717, IDAHO CODE, TO CLARIFY THE RESIDENCY LAW FOR TUITION PURPOSES; AND PROVIDING AN EFFECTIVE DATE.

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 who has one (1) or more parent or parents or court-appointed guardians who are domiciled in the state of Idaho. Domicile, in the case of a parent or guardian, means that individual's true, fixed and permanent home and place of habitation. It is the place where that individual intends to remain, and to which that individual expects to return when that individual leaves without intending to establish a new domicile elsewhere. To qualify under this section, the parent, parents or guardian must be residing--in--the--state-on have maintained a bona fide domicile in the state of Idaho for at least one (1) year prior to the opening day of the term for which the student matriculates.

(b) Any student, who receives less than fifty percent (50%) of the student's support from a parent, parents or legal guardians who are not residents of this state for voting purposes, but which student has continuously resided in the state of Idaho for twelve (12) months next preceding the opening day of the term during which the student proposes to attend the college or university and who has in fact established a bona fide domicile in this state primarily for purposes other than educational.

(c) Subject to subsection (3) of this section, 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 the student's 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 that residence when the student's 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 their 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) A "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of subsection (2) of this section, and shall include:

(a) A student attending an institution in this state with the aid of financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one (1) year after the completion of the semester for which such assistance is last provided.

(b) A person who is not a citizen of the United States of America, who does not have permanent or temporary resident status or does not hold "refugee-parolee" or "conditional entrant" status with the United States immigration and naturalization service or is not otherwise permanently residing in the United States under color of the law and who does not also meet and comply with all applicable requirements of this section.

(4) The establishment of a new domicile in Idaho by a person formerly domiciled in another state has occurred if such person is physically present in Idaho primarily for purposes other than educational and can show satisfactory proof that such person is without a present intention to return to such other state or to acquire a domicile at some other place outside of Idaho. Institutions determining whether a student is domiciled in the state of Idaho primarily for purposes other than educational shall consider, but shall not be limited to the following factors:

(a) Registration and payment of Idaho taxes or fees on a motor vehicle, mobile home, travel trailer, or other item of personal
property for which state registration and the payment of a state tax or fee is required.
(b) Filing of Idaho state income tax returns.
(c) Permanent full-time employment or the hourly equivalent thereof in the state of Idaho.
(d) Registration to vote for state elected officials in Idaho at a general election.
(35) 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.
(46) 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.
(57) 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.
(68) 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.
(79) 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.
(810) 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, 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 one (1) calendar year previous to the application date.

SECTION 2. This act shall be in full force and effect on and after January 15, 1993.

Approved April 1, 1992.

CHAPTER 120
(S.B. No. 1431)

AN ACT
RELATING TO THE COMMISSION ON HUMAN RIGHTS; AMENDING SECTION 67-5904, IDAHO CODE, TO INCREASE THE AMOUNT OF COMPENSATION PAID TO MEMBERS OF THE COMMISSION.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-5904, Idaho Code, be, and the same is hereby amended to read as follows:

67-5904. ORGANIZATION OF COMMISSION -- COMPENSATION OF MEMBERS. The commission shall annually select a president and vice president. Members shall each be compensated as provided by section 59-509(fh), Idaho Code. The commission may appoint a staff director to serve at its pleasure. Other subordinate staff necessary to accomplish the commission's mission shall be subject to the provisions of chapter 53, title 67, Idaho Code.

Approved April 1, 1992.

CHAPTER 121
(S.B. No. 1440)

AN ACT
RELATING TO CONDUCT BY PUBLIC SERVANTS AND ETHICS IN GOVERNMENT; AMENDING CHAPTER 13, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-1361A, IDAHO CODE, TO PROVIDE AN EXCEPTION TO STATE CONFLICT OF INTEREST LAWS FOR NONCOMPENSATED APPOINTED PUBLIC SERVANTS; AMENDING CHAPTER 2, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-209, IDAHO CODE, TO PROVIDE AN EXCEPTION FOR NONCOMPENSATED PUBLIC OFFICIALS; AND AMENDING CHAPTER 7, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-704A, IDAHO CODE, TO PROVIDE AN EXCEPTION FOR NONCOMPENSATED PUBLIC OFFICIALS.

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

SECTION 1. That Chapter 13, 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 18-1361A, Idaho Code, and to read as follows:

18-1361A. NONCOMPENSATED APPOINTED PUBLIC SERVANT -- EXCEPTION. When a person is a public servant by reason of his appointment to a governmental entity board for which the person receives no salary or fees for his service on said board, it shall not constitute a violation of the provisions of subsection (1)(d) of section 18-1359, Idaho Code, for a public servant to contract with the public body of which he is a member if he strictly observes the following procedure:

(1) The contract is competitively bid and the public servant submits the low bid; and

(2) The public servant takes no part in the preparation of the contract or bid specifications, or voting on or approval of the contract or bid specifications; and

(3) The public servant makes full disclosure, in writing, to all members of the governing body, council or board of said public body of his interest and intention to bid on the contract; and
(4) The public servant has not violated any provision of Idaho law pertaining to competitive bidding or improper solicitation of business.

SECTION 2. That Chapter 2, 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 59-209, Idaho Code, and to read as follows:

59-209. NONCOMPENSATED PUBLIC OFFICIAL -- EXCEPTION. When a person is a public official by reason of his appointment or election to a governing board of a governmental entity for which the person receives no salary or fee as compensation for his service on said board, he shall not be prohibited from having an interest in any contract made or entered into by the board of which he is a member, if he strictly observes the procedure set out in section 18-1361A, Idaho Code.

SECTION 3. That Chapter 7, 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 59-704A, Idaho Code, and to read as follows:

59-704A. NONCOMPENSATED PUBLIC OFFICIAL -- EXCEPTION. When a person is a public official by reason of his appointment or election to a governing board of a governmental entity for which the person receives no salary or fee as compensation for his service on said board, he shall not be prohibited from having an interest in any contract made or entered into by the board of which he is a member, if he strictly observes the procedure set out in section 18-1361A, Idaho Code.

Approved April 1, 1992.
hereby amended to read as follows:

39-411. COMPOSITION OF DISTRICT BOARD -- QUALIFICATIONS OF MEMBERS -- APPOINTMENT AND REMOVAL -- TERMS. For those districts comprised of less than eight (8) counties, the district board of health shall consist of seven (7) members to be appointed by the boards of county commissioners within each district acting jointly, and each board of county commissioners may appoint a board member. For those districts comprised of eight (8) counties, the district board of health shall consist of eight (8) members and each board of county commissioners may appoint a board member. Each member of the district board of health shall be a citizen of the United States, a resident of the state of Idaho and the public health district for one (1) year immediately last past, and a qualified elector. One (1) member of the district board, if available to serve, shall be a physician licensed by the Idaho state board of medicine and no more than one (1) member shall be appointed from any professional or special interest group. All members shall be chosen with due regard to their knowledge and interest in public health and in promoting the health of the citizens of the state and the public health district. Representation shall be assured from rural as well as urban population groups. All appointments to the district board shall be confirmed by a majority vote of all the county commissioners of all the counties located within the public health district. Any member of the district board may be removed by majority vote of all the county commissioners of all the counties located within the district. The members of the district board, each year, shall select a chairman and a vice-chairman.

The members of the district board of health shall be appointed for the purpose of organization as follows: One (1) member to be appointed for a term of one (1) year, one (1) for two (2) years, one (1) for three (3) years, two (2) for four (4) years and two (2) for five (5) years. Each succeeding vacancy shall be filled by the boards of county commissioners within the district acting jointly and with confirmation as herein described for a term of five (5) years, subject to reappointment; and vacancies on the board for an unexpired term shall be filled for the balance of the unexpired term.

SECTION 2. That Section 39-419, Idaho Code, be, and the same is hereby amended to read as follows:

39-419. VIOLATION OF PUBLIC HEALTH LAWS -- MISDEMEANOR -- CIVIL LIABILITY FOR EXPENSE. (1) It shall be unlawful for any person, association, or corporation, and the officers thereof to wilfully violate, disobey, or disregard the provisions of the public health laws or the terms of any lawful notice, order, standard, rule, regulation, or ordinance issued pursuant thereto; or

(2) Any person, association, or corporation, or the officers thereof, violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding three hundred dollars ($300), or by imprisonment in the county jail for a term not exceeding six (6) months, or by both such fine and imprisonment. In addition to fine and imprisonment, any person, association or corporation, or the officers
thereof, found to be in violation of this act or the rules and regulations promulgated thereunder shall be liable for any expense incurred by the district board of health in enforcing this act, or in removing or terminating any nuisance, source of filth, cause of sickness, or health hazard. Conviction under the penalty provisions of this act or any other health law or rules and regulations promulgated thereunder shall not relieve any person from any civil action in damages that may exist for any injury resulting from any violation of the public health laws or rules and regulations promulgated by the district board of health.

(3) A violator of any law, rule or regulation within the jurisdiction of the district shall be liable in an amount not in excess of the limits prescribed in subsection (6) of section 39-108, Idaho Code. The district board may seek recovery by commencing an action in the district court of the county wherein the violation occurred. Amounts recovered shall be paid into the general fund of the county wherein the violation occurred after deduction of costs and expenses deposited as required by the provisions of section 39-414(5), Idaho Code.

SECTION 3. That Section 39-421, Idaho Code, be, and the same is hereby amended to read as follows:

39-421. SPECIAL COUNSEL OF DISTRICT BOARD. The district board is hereby authorized to engage special counsel to defend it and the members in all action and proceedings brought against it or them with respect to their official duties hereunder. In addition, such special counsel may bring any civil action requested by the district board. The special counsel when approved by the attorney general may enter an appearance as a special assistant attorney general may request the prosecuting attorney of any county within the district for appointment as special prosecutor to assist in prosecuting any alleged violations of any of the provisions of this chapter which occurred within such county. Upon receipt of such request, the prosecutor of such county may forthwith designate the district's special counsel as special prosecutor to assist in prosecuting the alleged offender, and such special counsel shall have all the powers of a prosecuting attorney while acting as special prosecuting attorney. Compensation of such special counsel for acting as special prosecutor shall be paid by the district and subject to recovery as provided in section 39-419, Idaho Code.

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

Approved April 1, 1992.
AN ACT
RELATING TO FIREFIGHTERS' RETIREMENT; AMENDING SECTIONS 72-1461, 72-1462, 72-1463, 72-1464 AND 72-1465, IDAHO CODE, TO PROVIDE FOR DEATH BENEFITS FOR SURVIVING SPOUSES AND TO PROVIDE FOR REINSTATEMENT OF ELIGIBILITY FOR BENEFITS TERMINATED SOLELY BECAUSE OF A SURVIVING SPOUSE'S REMARRIAGE ON OR AFTER JULY 1, 1987.

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

SECTION 1. That Section 72-1461, Idaho Code, be, and the same is hereby amended to read as follows:

72-1461. DEATH BENEFITS -- SPOUSE AND THE SURVIVING CHILD OR CHILDREN OF FIREFIGHTER KILLED IN PERFORMANCE OF DUTY. (1) In the event a paid firefighter is killed or sustains injury from which death results, while in the performance of his duty and leaves surviving a spouse or a spouse with the firefighter's surviving child or children, the spouse, during his or her lifetime, shall be paid from the public employee retirement account the same pension the deceased firefighter would have been entitled to had the deceased firefighter retired as of the date of death, but in no event less than a monthly sum equal to: (a) sixty-five percent (65%) of the average paid firefighter's salary or wage in this state, if the deceased firefighter was an Option I firefighter; or, (b) sixty-five percent (65%) of the deceased firefighter's average monthly salary or wage, based on his average final compensation, if the deceased firefighter was an Option II firefighter. If the surviving spouse should die, the full retirement pay shall be paid to the firefighter's surviving child or children until they reach the age of eighteen (18) years or shall marry, whichever occurs first; provided, however, that if said deceased firefighter shall have died without leaving a surviving spouse and leaving surviving a child or children, said firefighter's surviving child or children shall be entitled to be paid from the public employee retirement account the same pension the deceased firefighter would have been entitled to had the deceased firefighter retired as of the date of death, until they shall reach the age of eighteen (18) years or shall marry, whichever occurs first. (2) The monthly benefits provided for in this section shall vary annually according to the cost of living adjustment as set forth in section 72-1471, Idaho Code. (3) Those benefits payable under the provisions of subsection (1), or under the provisions of section 72-1429G, Idaho Code, which were ordered prior to July 1, 1978, shall continue under the provisions of this chapter in effect at the time such benefit payment was ordered. (4) Eligibility for benefits of surviving spouses that was terminated on or after July 1, 1987, solely because of the spouse's remarriage is hereby reinstated effective July 1, 1992. Such spouses are entitled to have the benefits, including any cost of living allowances approved by the board effective on or after July 1, 1987, commence
prospectively effective July 1, 1992, or upon their application to the retirement system, whichever is later.

SECTION 2. That Section 72-1462, Idaho Code, be, and the same is hereby amended to read as follows:

72-1462. DEATH BENEFITS -- SPOUSE OF RETIRED FIREFIGHTER. (1) In the event a paid firefighter, retired on retirement pay, shall die and leave surviving a spouse, who was such spouse for over five (5) years immediately prior to said firefighter's death, but no minor children, such surviving spouse shall receive for life the retirement benefits to which the deceased firefighter was entitled.

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

(3) Eligibility for benefits of surviving spouses that was terminated on or after July 1, 1987, solely because of the spouse's remarriage is hereby reinstated effective July 1, 1992. Such spouses are entitled to have the benefits, including any cost of living allowances approved by the board effective on or after July 1, 1987, commence prospectively effective July 1, 1992, or upon their application to the retirement system, whichever is later.

SECTION 3. That Section 72-1463, Idaho Code, be, and the same is hereby amended to read as follows:

72-1463. DEATH BENEFITS -- SURVIVING SPOUSE AND SURVIVING CHILD OR CHILDREN OF RETIRED FIREFIGHTER. (1) In the event a paid firefighter, retired on retirement pay, shall die and leave surviving a spouse, of over five (5) years immediately prior to the firefighter's death, or a spouse and firefighter's surviving child or children, the spouse, during the spouse's lifetime shall be paid the retirement pay to which the deceased firefighter was eligible; and if the surviving spouse dies the full retirement pay shall be paid to the firefighter's surviving child or children until they reach the age of eighteen (18) years or shall marry, whichever occurs first. Should a paid firefighter, retired on retirement pay, die without leaving a surviving spouse, and leave surviving him or her a minor child or children, said child or children shall be entitled to receive the pension to which said firefighter was entitled until they marry or shall attain eighteen (18) years of age, whichever occurs first.

(2) Eligibility for benefits of surviving spouses that was terminated on or after July 1, 1987, solely because of the spouse's remarriage is hereby reinstated effective July 1, 1992. Such spouses are entitled to have the benefits, including any cost of living allowances approved by the board effective on or after July 1, 1987, commence prospectively effective July 1, 1992, or upon their application to the retirement system, whichever is later.

SECTION 4. That Section 72-1464, Idaho Code, be, and the same is hereby amended to read as follows:
72-1464. DEATH BENEFITS -- SURVIVING SPOUSE AND CHILDREN OF FIREFIGHTER DYING FROM CAUSES UNCONNECTED WITH DUTIES BUT DURING SERVICE AFTER FIVE YEARS. (1) In the event a paid firefighter who shall have died from causes unconnected with said firefighter's official duties, but during the period of said firefighter's service, leaves surviving a spouse or a spouse with firefighter's surviving child or children, and who shall have completed less than twenty (20) years, but more than five (5) years of active service as defined in subsection (H) of section 72-1403, Idaho Code, as a paid firefighter, said spouse, during the spouse's lifetime shall be paid from the account a monthly sum equal to: (a) two per cent (2%) of the average paid firefighter's salary or wage in this state, if the deceased firefighter was an Option I firefighter, for each year's active service; or, (b) two per cent (2%) of said firefighter's average monthly salary or wage, based on his average final compensation, if the deceased firefighter was an Option II firefighter, for each year's active service. The monthly sum for Option I benefits shall vary annually, according to the determination of the average paid firefighter's salary or wage in this state as set forth in section 72-1431, Idaho Code. If said surviving spouse dies, said monthly sum shall be paid to the firefighter's surviving child or children until they reach the age of eighteen (18) years or shall marry, whichever occurs first; provided, however, that if said deceased firefighter shall have died without leaving a surviving spouse and leaving surviving a child or children, said firefighter's surviving child or children shall be entitled to receive said monthly sum until they shall reach the age of eighteen (18) years or shall marry, whichever occurs first.

(2) In the event a paid firefighter who shall have died from causes unconnected with said firefighter's official duties, but during the period of said firefighter's service, leaves surviving a spouse or a spouse with firefighter's surviving child or children, and who shall have completed less than twenty-five (25) years, but more than twenty (20) years of active service as defined in subsection (H) of section 72-1403, Idaho Code, as a paid firefighter, said spouse, during his or her lifetime shall be paid from the account a monthly sum equal to the sum the firefighter would have received under the provisions of section 72-1435, Idaho Code, had said firefighter retired as of the date of death. The monthly retirement sum shall vary annually according to the determination of the cost of living adjustment as set forth in section 72-1471, Idaho Code, and if said spouse dies said monthly sum shall be paid to the firefighter's surviving child or children until they reach the age of eighteen (18) years or shall marry, whichever occurs first, provided, however, that if said deceased firefighter shall have died without leaving a surviving spouse and leaving surviving a child or children, said firefighter's surviving child or children shall be entitled to receive said monthly sum until they shall reach the age of eighteen (18) years or shall marry, whichever occurs first.

(3) Those benefits payable under the provisions of subsections (1) and (2) of this section which were ordered prior to July 1, 1978, shall continue under the provisions of this chapter in effect at the time such benefit payment was ordered.
(4) Eligibility for benefits of surviving spouses that was terminated on or after July 1, 1987, solely because of the spouse's remarriage is hereby reinstated effective July 1, 1992. Such spouses are entitled to have the benefits, including any cost of living allowances approved by the board effective on or after July 1, 1987, commence prospectively effective July 1, 1992, or upon their application to the retirement system, whichever is later.

SECTION 5. That Section 72-1465, Idaho Code, be, and the same is hereby amended to read as follows:

72-1465. DEATH BENEFITS -- SPOUSE AND CHILDREN OF FIREFIGHTER DYING FROM CAUSES UNCONNECTED WITH DUTIES BUT DURING SERVICE AFTER TWENTY-FIVE YEARS. (1) In the event a paid firefighter who shall have died from causes unconnected with said firefighter's official duties, but during the period of said firefighter's service, and left surviving a spouse or a spouse with the firefighter's surviving child or children, and who shall have completed twenty-five (25) years' active service as defined in subsection (H) of section 72-1403, Idaho Code, as a paid firefighter, said spouse, during his or her lifetime shall be paid from the account a monthly sum equal to: (a) sixty-five per cent (65%) of the average paid firefighter's salary or wage in this state, if the deceased firefighter was an Option I firefighter; or, (b) sixty-five per cent (65%) of said firefighter's average monthly salary or wage, based on his average final compensation, if the deceased firefighter was an Option II firefighter. The monthly sum shall vary annually according to the determination of the cost of living adjustment as set forth in section 72-1471, Idaho Code, and if he or she dies said monthly sum shall be paid to the firefighter's surviving child or children until they shall reach the age of eighteen (18) years or shall marry, whichever occurs first; provided, however, that if said deceased firefighter shall have died without leaving a surviving spouse and leaving a child or children, said firefighter's surviving child or children shall be entitled to receive the pension which said firefighter was entitled until they shall reach the age of eighteen (18) years or shall marry, whichever occurs first.

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

(3) Eligibility for benefits of surviving spouses that was terminated on or after July 1, 1987, solely because of the spouse's remarriage is hereby reinstated effective July 1, 1992. Such spouses are entitled to have the benefits, including any cost of living allowances approved by the board effective on or after July 1, 1987, commence prospectively effective July 1, 1992, or upon their application to the retirement system, whichever is later.

Approved April 1, 1992.
AN ACT

RELATING TO GOVERNMENTAL OVERHEAD EXPENSES; AMENDING SECTION 67-3524, IDAHO CODE, TO PROVIDE A PROCESS FOR DISTRIBUTING GOVERNMENTAL OVERHEAD EXPENSES AMONG AND BETWEEN STATE AGENCIES BY IMPOSING A CHARGE FOR TRANSACTIONS, AND TO PROVIDE FOR UTILIZATION OF THE CHARGES; REPEALING SECTIONS 67-3525, 67-3529 AND 67-3530, IDAHO CODE; AND PROVIDING FOR DETERMINING RATES FOR FISCAL YEAR 1992-93.

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

SECTION 1. That Section 67-3524, Idaho Code, be, and the same is hereby amended to read as follows:

67-3524. EQUITABLE DISTRIBUTION OF GOVERNMENT OVERHEAD AS-RESPECTS SPECIAL-OPERATING-FUNDS EXPENSE. (1) It is declared the public policy of this state that governmental overhead expenses should be equitably distributed and that the special-operating-funds existing in the state treasury, except endowment funds, endowment-income funds, retirement funds, or any cooperative-welfare-funds, should among and between all of the boards, commissions, agencies, and other state and public entities utilizing the state auditor's or state treasurer's services and functions to help defray the general fund expense of state government incurred by reason of any resulting from the existence and operation of such funds under the laws creating the same, severally.

(2) Based on the advice of the state auditor, the state treasurer, the administrator of the division of financial management, and a representative named by the joint finance-appropriations committee, the board of examiners shall determine governmental overhead rates composed of a financial transaction charge, and a separate personnel/payroll processing charge.

The rates shall be established annually by not later than August 15, to be applicable during the succeeding fiscal year.

The financial transaction charge shall be a uniform charge applied to all financial transactions processed by the state auditor through the accounting system.

The personnel/payroll processing charge shall be applied to all personnel/payroll transactions processed by the state auditor.

(3) The charges imposed in this section shall be imposed and collected monthly by the state auditor and utilized by the state auditor for maintaining the state's accounting system and the state's personnel/payroll system.

SECTION 2. That Sections 67-3525, 67-3529 and 67-3530, Idaho Code, be, and the same are hereby repealed.

SECTION 3. For the fiscal year commencing July 1, 1992, only, the financial transaction charge rate and the payroll/personnel processing charge rate shall be those rates estimated by the State Auditor's Office and used by the Division of Financial Management for calcula-
tion of budget allowances.

Approved April 1, 1992.

CHAPTER 125
(S.B. No. 1486)

AN ACT

APPROPRIATING MONEYS TO THE INDUSTRIAL COMMISSION FOR FISCAL YEAR 1993.

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

SECTION 1. There is hereby appropriated to the Industrial Commission the following amount, to be expended for the designated programs according to the designated expense classes from the listed accounts for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. COMPENSATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industrial Administration Account $1,950,200</td>
<td>$684,800</td>
<td>$399,300</td>
<td>$674,000</td>
<td>$3,708,300</td>
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<tr>
<td>Federal Grant Account 4,000</td>
<td>4,800</td>
<td></td>
<td></td>
<td>8,800</td>
</tr>
<tr>
<td>Miscellaneous Revenue Account</td>
<td></td>
<td>12,100</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,954,200</td>
<td>$701,700</td>
<td>$399,300</td>
<td>$674,000</td>
</tr>
<tr>
<td>B. REHABILITATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industrial Administration Account $1,880,800</td>
<td>$480,100</td>
<td>$18,500</td>
<td></td>
<td>$2,379,400</td>
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<tr>
<td>C. CRIME VICTIMS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>FROM:</td>
<td></td>
<td></td>
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<tr>
<td>Crime Victims Compensation Account $181,500</td>
<td>$42,000</td>
<td>$14,300</td>
<td>$1,044,000</td>
<td>$1,281,800</td>
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<td>Federal Grant Account 400</td>
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<td>152,000</td>
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<td>152,400</td>
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<td>TOTAL</td>
<td>$181,900</td>
<td>$42,400</td>
<td>$14,300</td>
<td>$1,196,000</td>
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<tr>
<td>GRAND TOTAL</td>
<td>$4,016,500</td>
<td>$1,224,200</td>
<td>$432,100</td>
<td>$1,870,000</td>
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</table>

Approved April 1, 1992.
AN ACT
APPROPRIATING MONEYS TO THE LOTTERY COMMISSION FOR FISCAL YEAR 1993;
AND EXPRESSING LEGISLATIVE INTENT TO CLARIFY THE SCOPE OF THE
APPROPRIATION.

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

SECTION 1. There is hereby appropriated to the Lottery Commission in the Department of Self-Governing Agencies the following amount, to be expended for administrative costs according to the designated expense classes from the listed account for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>$1,585,800</th>
<th>4,563,900</th>
<th>306,400</th>
<th>$6,456,100</th>
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</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$1,585,800</td>
<td>4,563,900</td>
<td>306,400</td>
<td>$6,456,100</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>$4,563,900</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>306,400</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$6,456,100</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

FROM: State Lottery Account

SECTION 2. It is legislative intent that amounts necessary to pay prizes, retailer commissions, advertising and promotional costs shall be continuously appropriated to the Lottery Commission under the provisions of Section 67-7428, Idaho Code.

Approved April 1, 1992.

AN ACT
APPROPRIATING MONEYS TO THE REGULATORY BOARDS FOR FISCAL YEAR 1993.

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

SECTION 1. There is hereby appropriated to the regulatory boards in the Department of Self-Governing Agencies the following amounts, to be expended according to the designated expense classes from the listed accounts for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. STATE ATHLETIC DIRECTOR:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$4,800</td>
<td>$4,800</td>
<td></td>
</tr>
<tr>
<td>State Regulatory Account</td>
<td>4,500</td>
<td>4,500</td>
<td></td>
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<tr>
<td>TOTAL</td>
<td>$9,300</td>
<td>$9,300</td>
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<tr>
<td>Board</td>
<td>Revenue Sources</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>---------------------------------------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B. BOARD OF PHARMACY:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
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<tr>
<td>State Regulatory Account</td>
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<tr>
<td>TOTAL</td>
<td>$263,700</td>
<td></td>
<td></td>
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<tr>
<td><strong>C. BOARD OF ACCOUNTANCY:</strong></td>
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</tr>
<tr>
<td>State Regulatory Account</td>
<td>$134,400</td>
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<td></td>
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<tr>
<td><strong>D. BOARD OF DENTISTRY:</strong></td>
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<tr>
<td>State Regulatory Account</td>
<td>$90,800</td>
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<tr>
<td><strong>E. BOARD OF ENGINEERING EXAMINERS:</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>State Regulatory Account</td>
<td>$117,000</td>
<td></td>
<td></td>
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<tr>
<td><strong>F. BOARD OF MEDICINE:</strong></td>
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<tr>
<td>State Regulatory Account</td>
<td>$244,300</td>
<td></td>
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<tr>
<td><strong>G. BOARD OF NURSING:</strong></td>
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<tr>
<td>State Regulatory Account</td>
<td>$226,500</td>
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<tr>
<td><strong>H. BUREAU OF OCCUPATIONAL LICENSES:</strong></td>
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<tr>
<td>State Regulatory Account</td>
<td>$454,200</td>
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<tr>
<td><strong>I. PUBLIC WORKS CONTRACTORS STATE LICENSE BOARD:</strong></td>
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<td>State Regulatory Account</td>
<td>$171,300</td>
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<tr>
<td><strong>J. IDAHO REAL ESTATE COMMISSION:</strong></td>
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<tr>
<td>State Regulatory Account</td>
<td>$454,300</td>
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<tr>
<td><strong>K. PROFESSIONAL GEOLOGISTS BOARD:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Regulatory Account</td>
<td>$17,600</td>
<td></td>
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<tr>
<td><strong>L. BOARD OF OPTOMETRY:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Regulatory Account</td>
<td>$2,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>M. IDAHO CERTIFIED SHORTHAND REPORTERS BOARD:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Regulatory Account</td>
<td>$11,500</td>
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<td></td>
</tr>
<tr>
<td><strong>N. OUTFITTERS AND GUIDES BOARD:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Regulatory Account</td>
<td>$147,800</td>
<td></td>
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<tr>
<td><strong>O. BOARD OF VETERINARY MEDICINE:</strong></td>
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<td></td>
</tr>
<tr>
<td>State Regulatory Account</td>
<td>$23,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>P. HISPANIC COMMISSION:</strong></td>
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<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$57,400</td>
<td></td>
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</tr>
<tr>
<td>State Regulatory Account</td>
<td>$57,400</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$100,300</td>
<td></td>
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</tr>
</tbody>
</table>
CHAPTER 128
(S.B. No. 1489)

AN ACT
APPROPRIATING MONEYS FOR THE IDAHO SCHOOL FOR THE DEAF AND THE BLIND
FOR FISCAL YEAR 1993; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCE IN THE GENERAL ACCOUNT; AND SETTING FORTH CONDITIONS FOR THE REAPPROPRIATION.

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 School for the Deaf and the Blind the following amount, to be expended according to the designated expense classes from the listed accounts for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$4,075,100</td>
<td>$736,900</td>
<td>$50,000</td>
<td>$4,862,000</td>
</tr>
<tr>
<td>Idaho School for the Deaf and the Blind</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Income Account</td>
<td>85,000</td>
<td></td>
<td></td>
<td>85,000</td>
</tr>
<tr>
<td>Federal Deaf and Blind Children Account</td>
<td>800</td>
<td></td>
<td></td>
<td>800</td>
</tr>
<tr>
<td>Interagency Billing and Receipts Account</td>
<td>4,000</td>
<td>24,300</td>
<td></td>
<td>28,300</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$4,079,100</td>
<td>$847,200</td>
<td>$50,000</td>
<td>$4,976,100</td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby reappropriated to the State Board of Education for the Idaho School for the Deaf and the Blind, subject to the provisions of Section 3 of this act, the unexpended and unencumbered balance of any General Account appropriation made to the Idaho School for the Deaf and the Blind for the period July 1, 1991, through June 30, 1992, to be used for nonrecurring expenditures only for the period July 1, 1992, through June 30, 1993.

SECTION 3. The reappropriation granted in Section 2 of this act shall be subject to the following conditions:

(1) If the unexpended and unencumbered balance in the General
Account on June 30, 1992, is zero, the reappropriation in Section 2 is hereby declared to be null and void.

(2) If the unexpended and unencumbered balance in the General Account on June 30, 1992, is greater than zero but less than the total reappropriation authority granted to all state agencies, the amount reappropriated in Section 2 shall be in the proportion that the reappropriation for the Idaho School for the Deaf and the Blind bears to the total reappropriation authority granted to all state agencies.

Approved April 1, 1992.

CHAPTER 129
(S.B. No. 1494)

AN ACT
APPROPRIATING MONEYS FOR THE WICHE/UNIVERSITY OF UTAH PROGRAM FOR FISCAL YEAR 1993; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; AND SETTING FORTH CONDITIONS FOR THE REAPPROPRIATION.

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

SECTION 1. There is hereby appropriated to the State Board of Education the following amount to be expended for the WICHE/University of Utah Program according to the designated expense class from the listed account for the period July 1, 1992, through June 30, 1993:

FOR: Trustee and Benefit Payments $513,900
FROM: General Account $513,900

SECTION 2. There is hereby reappropriated to the State Board of Education for the WICHE/University of Utah Program, subject to the provisions of Section 3 of this act, the unexpended and unencumbered balance of any General Account appropriation made to the WICHE/University of Utah Program for the period July 1, 1991, through June 30, 1992, to be used for nonrecurring expenditures only for the period July 1, 1992, through June 30, 1993.

SECTION 3. The reappropriation granted in Section 2 of this act shall be subject to the following conditions:

(1) If the unexpended and unencumbered balance in the General Account on June 30, 1992, is zero, the reappropriation in Section 2 is hereby declared to be null and void.

(2) If the unexpended and unencumbered balance in the General Account on June 30, 1992, is greater than zero but less than the total reappropriation authority granted to all state agencies, the amount reappropriated in Section 2 shall be in the proportion that the WICHE/University of Utah Program reappropriation bears to the total reappropriation authority granted to all state agencies.

Approved April 1, 1992.
CHAPTER 130
(S.B. No. 1495)

AN ACT
APPROPRIATING MONEYS FOR THE WAMI MEDICAL EDUCATION PROGRAM FOR FISCAL YEAR 1993; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; AND SETTING FORTH CONDITIONS FOR THE REAPPROPRIATION.

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

SECTION 1. There is hereby appropriated to the Board of Regents of the University of Idaho the following amount to be expended for the WAMI Medical Education Program according to the designated expense classes from the listed accounts for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FOR</th>
<th>PERSONNEL COSTS</th>
<th>FOR</th>
<th>OPERATING EXPENDITURES</th>
<th>FOR</th>
<th>CAPITAL OUTLAY</th>
<th>FOR</th>
<th>TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$421,000</td>
<td></td>
<td>$63,100</td>
<td></td>
<td>$12,500</td>
<td></td>
<td>$1,682,100</td>
<td>$2,178,700</td>
</tr>
<tr>
<td>Interagency Billing and Receipts Account</td>
<td></td>
<td>$9,800</td>
<td></td>
<td>$2,000</td>
<td></td>
<td>$78,400</td>
<td></td>
<td>90,200</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$430,800</td>
<td>$65,100</td>
<td>$12,500</td>
<td>$1,760,500</td>
<td>$2,268,900</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby reappropriated to the Board of Regents of the University of Idaho for the WAMI Medical Education Program, subject to the provisions of Section 3 of this act, the unexpended and unencumbered balance of any General Account appropriation made to the WAMI Medical Education Program for the period July 1, 1991, through June 30, 1992, to be used for nonrecurring expenditures only for the period July 1, 1992, through June 30, 1993.

SECTION 3. The reappropriation granted in Section 2 of this act shall be subject to the following conditions:

(1) If the unexpended and unencumbered balance in the General Account on June 30, 1992, is zero, the reappropriation in Section 2 is hereby declared to be null and void.

(2) If the unexpended and unencumbered balance in the General Account on June 30, 1992, is greater than zero but less than the total reappropriation authority granted to all state agencies, the amount reappropriated in Section 2 shall be in the proportion that the WAMI Medical Education Program reappropriation bears to the total reappropriation authority granted to all state agencies.

Approved April 1, 1992.
CHAPTER 131
(S.B. No. 1497)

AN ACT
APPROPRIATING MONEYS FOR COMMUNITY COLLEGE SUPPORT FOR FISCAL YEAR 1993.

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, 1992, through June 30, 1993:

FROM:
General Account $8,441,400

Approved April 1, 1992.

CHAPTER 132
(S.B. No. 1354, As Amended)

AN ACT
RELATING TO INSURANCE; AMENDING CHAPTER 21, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-2144, IDAHO CODE, TO PROVIDE THAT ALL DISABILITY INSURANCE CONTRACTS WHICH PROVIDE COVERAGE FOR MASTECTOMIES SHALL PROVIDE COVERAGE FOR MAMMOGRAPHY EXAMINATIONS, AND DESCRIBING BENEFITS TO BE PROVIDED; AMENDING CHAPTER 22, TITLE 41, IDAHO CODE, TO PROVIDE THAT ALL GROUP DISABILITY INSURANCE POLICIES WHICH PROVIDE COVERAGE FOR MASTECTOMIES SHALL PROVIDE COVERAGE FOR MAMMOGRAPHY EXAMINATIONS, AND DESCRIBING BENEFITS TO BE PROVIDED; AMENDING CHAPTER 34, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-3441, IDAHO CODE, TO PROVIDE THAT ALL SERVICE CORPORATION SUBSCRIBER'S CONTRACTS WHICH PROVIDE COVERAGE FOR MASTECTOMIES SHALL PROVIDE COVERAGE FOR MAMMOGRAPHY EXAMINATIONS, AND DESCRIBING BENEFITS TO BE PROVIDED; AMENDING CHAPTER 39, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-3936, IDAHO CODE, TO PROVIDE THAT ALL HEALTH MAINTENANCE ORGANIZATION POLICIES, CONTRACTS, PLANS OR CERTIFICATES WHICH PROVIDE COVERAGE FOR MASTECTOMIES SHALL PROVIDE COVERAGE FOR MAMMOGRAPHY EXAMINATIONS, AND DESCRIBING BENEFITS TO BE PROVIDED; AND AMENDING CHAPTER 40, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-4025, IDAHO CODE, TO PROVIDE THAT ALL SELF-FUNDED PLANS WHICH PROVIDE COVERAGE FOR MASTECTOMIES SHALL PROVIDE COVERAGE FOR MAMMOGRAPHY EXAMINATIONS, AND DESCRIBING BENEFITS TO BE PROVIDED.

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

SECTION 1. That Chapter 21, Title 41, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be
known and designated as Section 41-2144, Idaho Code, and to read as follows:

41-2144. MAMMOGRAPHY COVERAGE. (1) From and after July 1, 1992, all disability contracts which provide coverage for the surgical procedure known as a mastectomy which are delivered, issued for delivery, continued or renewed in this state shall provide minimum mammography examination or equivalent examination coverage. Such coverage shall include at least the following benefits:
   (a) One (1) baseline mammogram for any woman who is thirty-five (35) through thirty-nine (39) years of age.
   (b) A mammogram every two (2) years for any woman who is forty (40) through forty-nine years of age, or more frequently if recommended by the woman's physician.
   (c) A mammogram every year for any woman who is fifty (50) years of age or older.
   (d) A mammogram for any woman desiring a mammogram for medical cause.
Such coverage shall not exceed the cost of the examination.
(2) As used in this section, "mastectomy" means the removal of all or part of the breast for medically necessary reasons as determined by a licensed physician.

SECTION 2. That Chapter 22, Title 41, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 41-2218, Idaho Code, and to read as follows:

41-2218. MAMMOGRAPHY COVERAGE. (1) From and after July 1, 1992, all group or blanket disability insurance policies which provide coverage for the surgical procedure known as a mastectomy which are delivered, issued for delivery, continued or renewed in this state shall provide minimum mammography examination or equivalent examination coverage. Such coverage shall include at least the following benefits:
   (a) One (1) baseline mammogram for any woman who is thirty-five (35) through thirty-nine (39) years of age.
   (b) A mammogram every two (2) years for any woman who is forty (40) through forty-nine years of age, or more frequently if recommended by the woman's physician.
   (c) A mammogram every year for any woman who is fifty (50) years of age or older.
   (d) A mammogram for any woman desiring a mammogram for medical cause.
Such coverage shall not exceed the cost of the examination.
(2) As used in this section, "mastectomy" means the removal of all or part of the breast for medically necessary reasons as determined by a licensed physician.

SECTION 3. That Chapter 34, Title 41, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 41-3441, Idaho Code, and to read as follows:
41-3441. MAMMOGRAPHY COVERAGE. (1) From and after July 1, 1992, all group subscriber's contracts which provide coverage for the surgical procedure known as a mastectomy which are delivered, issued for delivery, continued or renewed in this state shall provide minimum mammography examination or equivalent examination coverage. Such coverage shall include at least the following benefits:

(a) One (1) baseline mammogram for any woman who is thirty-five (35) through thirty-nine (39) years of age.

(b) A mammogram every two (2) years for any woman who is forty (40) through forty-nine years of age, or more frequently if recommended by the woman's physician.

(c) A mammogram every year for any woman who is fifty (50) years of age or older.

(d) A mammogram for any woman desiring a mammogram for medical cause.

Such coverage shall not exceed the cost of the examination.

(2) As used in this section, "mastectomy" means the removal of all or part of the breast for medically necessary reasons as determined by a licensed physician.

SECTION 4. That Chapter 39, Title 41, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 41-3936, Idaho Code, and to read as follows:

41-3936. MAMMOGRAPHY COVERAGE. (1) From and after July 1, 1992, all health maintenance organization policies, contracts, plans or certificates which provide coverage for the surgical procedure known as a mastectomy which are delivered, issued for delivery, continued or renewed in this state shall provide minimum mammography examination or equivalent examination coverage. Such coverage shall include at least the following benefits:

(a) One (1) baseline mammogram for any woman who is thirty-five (35) through thirty-nine (39) years of age.

(b) A mammogram every two (2) years for any woman who is forty (40) through forty-nine years of age, or more frequently if recommended by the woman's physician.

(c) A mammogram every year for any woman who is fifty (50) years of age or older.

(d) A mammogram for any woman desiring a mammogram for medical cause.

Such coverage shall not exceed the cost of the examination.

(2) As used in this section, "mastectomy" means the removal of all or part of the breast for medically necessary reasons as determined by a licensed physician.

SECTION 5. That Chapter 40, 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 41-4025, Idaho Code, and to read as follows:

41-4025. MAMMOGRAPHY COVERAGE. (1) From and after July 1, 1992, all self-funded plans which provide coverage for the surgical proce-
The removal of all or part of the breast for medically necessary reasons as determined by a licensed physician.

Approved April 1, 1992.
18-8004, Idaho Code, or section 18-8006, Idaho Code.
(2) Such person shall not have the right to consult with an attorney before submitting to such evidentiary testing.
(3) At the time evidentiary testing for concentration of alcohol, or for the presence of drugs or other intoxicating substances is requested, the person shall be informed that if he refuses to submit to or if he fails to complete, evidentiary testing:
(a) His driver's license will be seized by the peace officer and a temporary permit applicable to class D driving privileges only, will be issued; provided, however, that no peace officer shall issue a temporary permit pursuant to this section to a driver whose driver's license or permit has already been and is suspended or revoked because of previous violations, and in no instance shall a temporary permit be issued to drive a commercial vehicle;
(b) He has the right to request a hearing within seven (7) days to show cause why he refused to submit to, or complete evidentiary testing;
(c) If he does not request a hearing or does not prevail at the hearing, his driver's license will be suspended absolutely for one hundred eighty (180) days if this is his first refusal and one (1) year if this is his second refusal within five (5) years; and
(d) After submitting to evidentiary testing 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 submit to or complete evidentiary testing after the information has been given in accordance with subsection (3) above:
(a) His driver's license or permit shall be seized by the peace officer and forwarded to the court and a temporary permit applicable to class D driving privileges only, shall be issued by the peace 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 driver's 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 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 submit to, or complete, evidentiary testing, and the burden of proof shall be upon the defendant; the court shall suspend all his driving privileges immediately for one hundred eighty (180) days for a first refusal and one (1) year for a second refusal within five (5) years unless it finds that the peace officer did not have probable legal 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 peace officer of the circumstances of the refusal, the court shall suspend his driving privileges for one hundred eighty (180) days for a first refusal and one (1) year for a second refusal within five (5) years, during which time he shall have absolutely no driving privileges of any kind; and
(d) After submitting to evidentiary testing at the request of the police peace 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 results of evidentiary testing for alcohol concentration or for the presence of drugs or other intoxicating substances taken at the direction of the police peace officer unless the additional test was denied by the police peace officer.
(5) Any suspension 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, whether or not such person has privileges to practice in the hospital in which a body fluid sample is obtained or an evidentiary test is made, shall be held liable--in-damages--in incur 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,--titte-18,--Idaho-Code;--or--criminal liability for any act arising out of administering an evidentiary test for alcohol concentration or for the presence of drugs or other intoxicating substances at the request or order of a police peace officer in the manner described by in this section; provided, that nothing in this section shall relieve any such person or legal entity from civil liability arising from the failure to exercise the community standard of care.
(a) This immunity extends to any person who assists any individual to withdraw a blood sample for evidentiary testing at the request or order of a peace officer, which individual is authorized to withdraw a blood sample under the provisions of section 18-8003, Idaho Code, regardless of the location where the blood sample is actually withdrawn.
(b) A peace officer is empowered to order an individual authorized in section 18-8003, Idaho Code, to withdraw a blood sample for evidentiary testing when the peace officer has probable cause to believe that the suspect has committed any of the following offenses:
(i) Aggravated driving under the influence of alcohol, drugs or other intoxicating substance as provided in section 18-8006, Idaho Code;
(ii) Vehicular manslaughter as provided in subsections (3)(a), (b) and (c) of section 18-4006, Idaho Code;
(iii) Aggravated operating of a vessel on the waters of the state while under the influence of alcohol, drugs or other intoxicating substances as provided in section 67-7035, Idaho Code; or
Any criminal homicide involving a vessel on the waters of the state while under the influence of alcohol, drugs or other intoxicating substances.

Nothing herein shall limit the discretion of the hospital administration to designate the qualified hospital employee responsible to withdraw the blood sample.

The law enforcement agency that requests or orders withdrawal of the blood sample shall pay the reasonable costs to withdraw such blood sample, perform laboratory analysis, preserve evidentiary test results, and testify in judicial proceedings.

The withdrawal of the blood sample may be delayed or terminated if:

1. In the reasonable judgment of the hospital personnel withdrawal of the blood sample may result in serious bodily injury to hospital personnel or other patients; or
2. The licensed health care professional treating the suspect believes the withdrawal of the blood sample is contraindicated because of the medical condition of the suspect or other patients.

"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.

Any written notice required by this section shall be effective upon mailing.

For the purposes of this section, "evidentiary testing" shall mean a procedure or test or series of procedures or tests, including the additional test authorized in subsection (10) of this section, utilized to determine the concentration of alcohol or the presence of drugs or other intoxicating substances in a person.

A person who submits to a breath test for alcohol concentration, as defined in subsection (4) of section 18-8004, Idaho Code, may also be requested to submit to a second evidentiary test of blood or urine for the purpose of determining the presence of drugs or other intoxicating substances if the police peace officer has reasonable cause to believe that a person was driving under the influence of any drug or intoxicating substance or the combined influence of alcohol and any drug or intoxicating substance. The police peace officer shall state in his or her report the facts upon which that belief is based.

SECTION 2. That Section 18-8003, Idaho Code, be, and the same is hereby amended to read as follows:

18-8003. PERSONS AUTHORIZED TO WITHDRAW BLOOD FOR THE PURPOSES OF DETERMINING CONTENT OF ALCOHOL OR OTHER INTOXICATING SUBSTANCES. (1) Only a licensed physician, qualified medical technologist, registered nurse, phlebotomist trained in a licensed hospital or educational institution or other medical personnel trained in a licensed hospital or educational institution to withdraw blood can, at the order or request of a police peace officer, withdraw blood for the purpose of determining the content of alcohol, drugs or other intoxicating substances therein. This limitation shall not apply to the taking of a urine, saliva or breath specimen. For purposes of this section: (a) the term "qualified medical technologist" shall be deemed to mean a
person who meets the standards of a "clinical laboratory technologist" as set forth by the then current rules and regulations of the social security administration of the United States department of health and human services pursuant to subpart M of part 405, chapter III, title 20, of the code of federal regulation; and (b) the terms "phlebotomist" and "other medical personnel" shall be deemed to mean persons who meet the standards for the withdrawing of blood as designated and qualified by the employing medical facility or other employing entity of those persons.

(2) The person tested may, at his own expense, have a person of his own choosing, who is authorized to make a test, administer an evidentiary test for alcohol concentration in addition to the one administered at the request of a peace officer.

SECTION 3. That Section 67-7034, Idaho Code, be, and the same is hereby amended to read as follows:

67-7034. 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, as defined in subsection (5) of this section, or more, as shown by analysis of his blood, urine, breath, or other bodily substance, to operate or be in actual physical control of a vessel on the waters of the state of Idaho.

(2) Any person having an alcohol concentration of less than 0.10, as defined in subsection (5) of this section, as shown by analysis of his blood, urine, breath, or other bodily substance, by a test requested by an authorized law enforcement officer shall not be prosecuted for operating under the influence of alcohol, except as provided in subsection (3) of this section. Any person who does not take a test to determine alcohol concentration or whose test result is determined by the court to be unreliable or inadmissible against him, may be prosecuted for operating or being in actual physical control of a vessel while under the influence of alcohol, drugs, or any other intoxicating substances, or other competent evidence.

(3) If the results of the test requested by an authorized law enforcement officer show a person's alcohol concentration of less than 0.10, as defined in subsection (5) 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) Persons authorized to withdraw blood for the purposes of determining content of alcohol or other intoxicating substances are those persons authorized in section 18-8003, Idaho Code. Immunity from liability in any civil proceeding for specified causes of action shall be extended to personnel as provided in section 18-8002, Idaho Code.

(5) 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 law enforcement or by a laboratory approved by the Idaho department of law enforcement 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 law enforcement. 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 law enforcement or by any other method approved by the Idaho department of law enforcement 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.

(6) It is unlawful for any person who is an habitual user of, or under the influence of any narcotic drug, or who is under the influence of any other drug or any combination of alcohol and any drug to a degree which renders him incapable of safely operating a vessel to operate or be in actual physical control of a vessel on the waters of the state of Idaho. The fact that any person charged with a violation of the provisions of this subsection is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of a violation of the provisions of this subsection.

(7) Notwithstanding any other provision of law, any evidence of conviction under this section shall be admissible in any civil action for damages resulting from the occurrence. A conviction for the purposes of this section means that the person has pled guilty or has been found guilty, notwithstanding the form of the judgment or withheld judgment.

Approved April 2, 1992.

CHAPTER 134
(S.B. No. 1339, As Amended)

AN ACT
RELATING TO HOSPITAL STAFF MEMBERSHIP; AMENDING SECTION 39-1301, IDAHO CODE, TO FURTHER DEFINE PHYSICIAN TO INCLUDE PERSONS LICENSED BY THE STATE BOARD OF PODIATRY; AND AMENDING CHAPTER 13, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-1395, IDAHO CODE, TO PROVIDE STANDARDS FOR DETERMINING STAFF MEMBERSHIP FOR HOSPITALS.

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

SECTION 1. That Section 39-1301, Idaho Code, be, and the same is hereby amended to read as follows:

39-1301. DEFINITIONS. For purposes of this act the following definitions will apply:
(a) "Hospital" means a facility which:
(1) Is primarily engaged in providing, by or under the supervision
of physicians,
(a) concentrated medical and nursing care on a twenty-four (24) hour basis to inpatients experiencing acute illness; and
(b) diagnostic and therapeutic services for medical diagnosis and treatment, psychiatric diagnosis and treatment, and care of injured, disabled, or sick persons; and
(c) rehabilitation services for injured, disabled, or sick persons; and
(d) obstetrical care.
(2) Provides for care of two (2) or more individuals for twenty-four (24) or more consecutive hours.
(3) Is staffed to provide professional nursing care on a twenty-four (24) hour basis.
(b) "Skilled nursing facility" (nursing home) means a facility whose design and function shall provide area, space and equipment to meet the health needs of two (2) or more individuals who, at a minimum, require inpatient care and services for twenty-four (24) or more consecutive hours for unstable chronic health problems requiring daily professional nursing supervision and licensed nursing care on a twenty-four (24) hour basis, restorative, rehabilitative care, and assistance in meeting daily living needs. Medical supervision is necessary on a regular, but not daily, basis.
(c) "Intermediate care facility" (nursing home) means a facility:
(1) Whose design and function shall provide area, space and equipment to meet the restorative, rehabilitative, recreational, intermittent health needs, and daily living needs of two (2) or more individuals who require in-residence care and services for twenty-four (24) or more consecutive hours;
(2) Whose design and function will provide for regular but less than daily medical and skilled nursing care.
(d) "Intermediate care facility for the mentally retarded (ICFMR)" means a non-nursing home facility, designed and operated to meet the educational, training, habilitative and medical needs of the developmentally disabled.
(e) "Proprietary home health agency" means a private or investor-owned, profit-making agency which provides multiple service health care programs. These programs must be physician directed and must include skilled nursing and at least one other service and be centrally administered and coordinated. The services are provided in the patient's place of residence to the patient or his family for the purpose of promoting, maintaining, or restoring health or minimizing the effects of illness or disability.
(f) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.
(g) "Government unit" means the state, or any county, municipality, or other political subdivision, or any department, division, board or other agency thereof.
(h) "Licensing agency" means the department of health and welfare.
(i) "Board" means the board of health and welfare.
(j) "Physician" means an individual licensed to practice medicine and surgery by the Idaho state board of medicine or the Idaho state board of podiatry.
SECTION 2. That Chapter 13, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 39-1395, Idaho Code, and to read as follows:

39-1395. PRACTICE OF PODIATRY -- MEDICAL STAFF MEMBERSHIP. Except as otherwise provided in this section, no provision or provisions of this section shall in any way change or modify the authority or power of the governing body of any hospital to make such rules, standards or qualifications for medical staff membership as they, in their discretion, may deem necessary or advisable, or to grant or refuse membership on a medical staff.

An applicant for medical staff membership may not be denied membership solely on the ground that the applicant holds a license to practice podiatry issued by the Idaho state board of podiatry. The criteria utilized for granting medical staff membership shall be reasonable and shall not discriminate against podiatry.

The process for considering applications for medical staff membership and privileges shall afford each applicant due process.

All applications for medical staff membership shall be acted upon within one hundred twenty (120) days from the date the required information is submitted.

The accordance and delineation of clinical privileges for podiatrists shall be determined on an individual basis and commensurate with the applicant's education, training, experience and demonstrated competence. In implementing these procedures, each hospital shall formulate and apply reasonable standards that do not discriminate in the evaluation of an applicant's credentials.

A podiatrist with medical staff privileges may initiate admission, but the admission is not complete until the history and physical is performed and signed by a physician licensed pursuant to chapter 18, title 54, Idaho Code. A member of the medical staff licensed pursuant to chapter 18, title 54, Idaho Code, shall have responsibility for the overall medical care of the patient while in the hospital. Arrangements for the services of a member of the medical staff licensed pursuant to chapter 18, title 54, Idaho Code, for the purposes of this section shall be the sole responsibility of the admitting podiatrist and not that of the hospital or any other member of the medical staff.

Approved April 2, 1992.

CHAPTER 135
(H.B. No. 523, As Amended in the Senate)

AN ACT
RELATING TO THE BOARD OF MORTICIANS; AMENDING SECTION 54-1115, IDAHO CODE, TO AUTHORIZE INCREASED LICENSE FEES.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 54-1115, Idaho Code, be, and the same is hereby amended to read as follows:

54-1115. LICENSE FEES. There shall be paid with the filing of any application for an original license, or the applications for any renewal of a license, the following license fees:

A. Twenty-five--dollars--($25.00) Not more than fifty dollars ($50.00) for a mortician license.
B. Twenty-five--dollars--($25.00) Not more than fifty dollars ($50.00) for a funeral director license.
C. Thirty-five--dollars--($35.00) Not more than seventy-five dollars ($75.00) for a funeral establishment license.
D. Fifteen--dollars--($15.00) Not more than fifty dollars ($50.00) for a resident trainee license.
E. Not more than fifty dollars ($50.00) for a certificate of authority.
F. Not more than fifty dollars ($50.00) application fee for endorsement and/or examination.

All licenses shall be issued on a calendar or fiscal year basis, as determined by the board, and there shall be no proration of fees for a part year license. All fees shall be paid to the bureau of occupational licenses.

Approved April 2, 1992.

CHAPTER 136
(H.B. No. 548)

AN ACT
RELATING TO CONSTRUCTION OF PUBLIC PROJECTS; AMENDING SECTION 67-5711C, IDAHO CODE, TO PROVIDE THAT CONTRACTS BE AWARDED TO THE LOWEST RESPONSIBLE AND RESPONSIVE BIDDERS, AND TO PROVIDE THAT PROPERTY USED BY AN AGENCY IN WORK MUST BE ACQUIRED THROUGH THE DIVISION OF PURCHASING; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-5711C, Idaho Code, be, and the same is hereby amended to read as follows:

67-5711C. CONSTRUCTION OF PUBLIC PROJECTS -- COMPETITIVE SEALED BIDDING. (1) All construction contracts for public works shall be awarded by to the lowest responsible and responsive bidder after receipt of competitive sealed bidding except as otherwise provided in sections 67-5713 and 67-5711B, Idaho Code.

(2) An invitation for bids shall be issued and shall include a project description and all contractual terms and conditions applicable to the public works.

(3) Adequate public notice of the invitation for bids shall be
given at least fourteen (14) days prior to the date set forth therein for the opening of bids. Such notice may include publication at least fourteen (14) days prior to bid opening in a newspaper of general circulation in the area where the work is located.

(4) Bids shall be opened publicly at the time and place designated in the invitation for bids. The amount of each bid and such other relevant information as may be specified by rules, together with the name of each bidder, shall be entered on a record and the record shall be open to public inspection. After the time of the award all bids and bid documents shall be open to public inspection in accordance with the provisions of sections 9-337 through 9-347 and 67-5725, Idaho Code.

(5) With respect to a project having a written cost estimate of greater than two thousand five hundred dollars ($2,500) but less than the public works limit established in section 67-5711, Idaho Code, the agency, if it does not perform the work with existing physical plant staff, must award a written contract to the lowest responsible and responsive bidder after soliciting at least three (3) documented informal bids from contractors licensed in Idaho to perform public works contracts, if reasonably available. Adequate public notice of the invitation for informal bids shall be given at least seven (7) days prior to the date set forth therein for the receipt of the informal bids. Such notice may include publication at least seven (7) days prior to bid opening in a newspaper of general circulation in the area where the work is located; or the agency may advertise the invitation for bids in appropriate trade journals, and otherwise notify persons believed to be interested in the award of a contract. Informal bids must be submitted by the contractor in writing in response to a prepared written document describing the project's scope of work in sufficient detail so as to enable a contractor familiar with such work to prepare a responsible bid. Nothing herein exempts an agency from the responsibility of utilizing formal plans and specifications if the work involves the public health or safety as described in chapters 3 and 12, title 54, Idaho Code. The agency must document receipt of the informal bids in the project file.

(6) Any personal property including goods, parts, supplies and equipment which is to be supplied or provided by a state agency for use in any public work, project, or preventive maintenance program, whether the public work, project, or preventive maintenance program is constructed, undertaken or performed by agency in-house personnel, or by delegation pursuant to section 67-5710A, Idaho Code, or otherwise provided or supplied by the agency to a contractor, the personal property, goods, parts, supplies or equipment supplied or provided by the agency must be purchased or procured by the agency through the division of purchasing in accordance with the Idaho Code.

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

Approved April 2, 1992.
CHAPTER 137
(H.B. No. 564, As Amended)

AN ACT
RELATING TO ALCOHOL AND DRUG ABUSE; AMENDING TITLE 33, IDAHO CODE, BY
THE ADDITION OF A NEW CHAPTER 47, TITLE 33, IDAHO CODE, TO ESTAB-
LISH THE YOUTH EDUCATION ACCOUNT IN THE STATE TREASURY, TO PROVIDE
THAT MONEYS IN THE ACCOUNT BE USED EXCLUSIVELY FOR THE PRODUCTION
AND PURCHASE OF RADIO AND TELEVISION ADVERTISING DESIGNED TO ADVISE
CHILDREN OF THE RISKS AND PROBLEMS ASSOCIATED WITH THE USE OF ALCO-
HOL, DRUGS AND TOBACCO, TO SPECIFY THE ACCOUNT'S FUNDING SOURCES,
TO PROVIDE FOR ADMINISTRATION OF THE ACCOUNT BY THE GOVERNOR'S COM-
MISSION ON ALCOHOL AND DRUG ABUSE, TO ESTABLISH THE YOUTH EDUCATION
ACCOUNT ADVISORY COMMITTEE, TO PROVIDE FOR THE APPOINTMENT AND COM-
PENSATION OF COMMITTEE MEMBERS, TO ESTABLISH THE DUTIES OF THE COM-
MITTEE, AND TO PROVIDE FOR AN ANNUAL REPORT TO THE GOVERNOR, THE
SUPERINTENDENT OF PUBLIC INSTRUCTION AND THE LEGISLATURE ON THE USE
OF FUNDS IN THE ACCOUNT.

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

SECTION 1. That Title 33, Idaho Code, be, and the same is hereby
amended by the addition thereto of a NEW CHAPTER, to be known and des-
ignated as Chapter 47, Title 33, Idaho Code, and to read as follows:

CHAPTER 47
YOUTH EDUCATION ACCOUNT

33-4701. YOUTH EDUCATION ACCOUNT ESTABLISHED. There is hereby
established in the state treasury an account to be known as the youth
education account. Moneys in the account shall be used exclusively for
the production and purchase of radio and television advertising
designed to advise children of the risks and problems associated with
the use of alcohol, drugs and tobacco. Moneys in the account shall be
comprised of appropriations, donations, contributions, gifts or grants
from any source for purposes consistent with the provisions of this
chapter. Moneys in the account are subject to appropriation to the
governor's commission on alcohol and drug abuse for expenditure pursu-
ant to the provisions of this chapter.

The state board of education, the department of health and welfare,
the department of law enforcement and the transportation department
may contribute funds and seek grants to the youth education account.

Not less than seventy per cent (70%) of the moneys in the account
shall be used each year for advertising pertaining to alcohol and
alcohol abuse.

33-4702. ADMINISTRATION OF THE ACCOUNT. The governor's commission
on alcohol and drug abuse is charged with the administration of the
youth education account and is hereby authorized to enter into con-
tracts for the production of radio and television advertising and for
the purchase of broadcast time utilizing funds derived exclusively
from the account; but no elected officer or candidate for elective
office may participate in the advertising. Broadcast time shall be purchased throughout the state, with the extent and concentration of time purchased to be determined by the population of the area to be reached.

33-4703. ADVISORY COMMITTEE ESTABLISHED. (1) The youth education account advisory committee is hereby established. The committee shall be comprised of four (4) members, two (2) members to be appointed by the governor and two (2) members to be appointed by the superintendent of public instruction. The term of office for each committee member shall be two (2) years. Each member of the committee shall be a citizen of the United States and a bona fide resident of this state and shall have broadcast advertising experience. Vacancies in any unexpired term shall be filled by the original appointing authority for the remainder of the unexpired term. In the performance of their official duties each committee member shall be compensated as provided in section 59-509(b), Idaho Code.

(2) The committee shall prepare a yearly advertising plan, shall produce or review proposed advertising and shall provide advice and assistance to the governor's commission on alcohol and drug abuse on the administration of the youth education account.

(3) Neither advisory committee members nor their employers may contract for services to be paid with moneys from the youth education account.

33-4704. ANNUAL REPORT. The governor's commission on alcohol and drug abuse shall annually submit a report to the governor, the superintendent of public instruction and the legislature on the source of moneys deposited into the account and the purposes for which disbursements from the account have been made.

Approved April 2, 1992.
20-605. COSTS OF CONFINEMENT. The county wherein any court has entered an order pursuant to section 20-604, Idaho Code, shall pay all direct and indirect costs of the detention or confinement of the person to the governmental unit or agency owning or operating the jail or confinement facilities in which the person was confined or detained. The amount of such direct and indirect costs shall be determined on a per day per person basis by agreement between the county wherein the court entered the order and the county or governmental unit or agency owning or operating such jail or confinement facilities. In the absence of such agreement or order fixing the cost as provided in section 20-606, Idaho Code, the daily charge for each person confined or detained shall be the sum of twenty thirty-five dollars ($2035.00) per day, plus the actual cost of any medical or dental services; provided, however, that the county may determine whether the detained or confined person is eligible for any local, state, federal or private program that covers dental, medical and/or burial expenses. That person will be required to apply for those benefits, and any such benefits obtained may be applied to the detained or confined person’s incurred expenses, and in the event of the death of such detained or confined person, the county wherein the court entered the order shall pay all actual burial costs. In case a person confined or detained was initially arrested by a city police officer for violation of the motor vehicle laws of this state or for violation of a city ordinance, the cost of such confinement or detention shall be a charge against such city by the county wherein the order of confinement was entered. All payments under this section shall be acted upon for each calendar month by the second Monday of the month following the date of billing.

SECTION 2. That Section 20-612, Idaho Code, be, and the same is hereby amended to read as follows:

20-612. RECEPTION AND BOARD OF PRISONERS. The sheriff must receive all persons committed to jail by competent authority except mentally ill persons not charged with a crime and juveniles. It shall be the duty of the board of county commissioners to furnish all persons committed to the county jail with necessary food, clothing and bedding, and the board of county commissioners is authorized to pay therefor out of the county treasury under such rules and regulations as they may prescribe.

SECTION 3. That Section 20-624, Idaho Code, be, and the same is hereby amended to read as follows:

20-624. IMPRISONMENT FOR FINE. Whenever any prisoner, under conviction for any criminal offense, is confined in any jail for non-payment of any fine, the district court, upon satisfactory evidence of such inability, may, in lieu thereof, confine such person in the county jail at the rate of ten thirty-five dollars ($1035.00) per day until the fine imposed is satisfied.

Approved April 2, 1992.
CHAPTER 139
(H.B. No. 581)

AN ACT
RELATING TO DRIVING UNDER THE INFLUENCE OF ALCOHOL, DRUGS OR OTHER INTOXICATING SUBSTANCES; AMENDING SECTION 18-8005, IDAHO CODE, TO REVISE CRITERIA FOR ARRIVING AT PENALTIES FOR PERSONS WHO HAVE PREVIOUSLY PLED GUILTY OR HAVE BEEN FOUND GUILTY OF DRIVING UNDER THE INFLUENCE OF ALCOHOL, DRUGS OR OTHER INTOXICATING SUBSTANCES.

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

SECTION 1. That Section 18-8005, Idaho Code, be, and the same is hereby amended to read as follows:

18-8005. PENALTIES. (1) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004(1)(a), Idaho Code, for the first time is guilty of a misdemeanor; and
(a) May be sentenced to jail for not to exceed six (6) months;
(b) May be fined an amount not to exceed one thousand dollars ($1,000);
(c) Shall be advised by the court in writing at the time of sentencing of the penalties that will be imposed for second-or subsequent violations of the provisions of section 18-8004, Idaho Code, which advice shall be signed by the defendant, and a copy retained by the court and another copy retained by the prosecuting attorney; and
(d) Shall have his driving privileges suspended by the court for a period not to exceed one hundred eighty (180) days; the defendant may request class D restricted driving privileges during the period of the suspension which the court may allow, if the defendant shows by a preponderance of the evidence that driving privileges are necessary for his employment or for family health needs.
(2) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004(1)(b), Idaho Code, for the first time is subject to the provisions of section 49-335, Idaho Code.
(3) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004(1)(c), Idaho Code, for the first time, is guilty of a misdemeanor and is subject to:
(a) The provisions of section 18-8005(1), Idaho Code; and
(b) The provisions of section 49-335, Idaho Code.
(4) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004, Idaho Code, for-the--second time who previously has been found guilty of or has pled guilty to a violation of the provisions of section 18-8004, Idaho Code, or any substantially conforming foreign criminal violation within five (5) years, notwithstanding the form of the judgment(s) or withheld judgment(s), is guilty of a misdemeanor; and
(a) Shall be sentenced to jail for a mandatory minimum period of not less than ten (10) days the first forty-eight (48) hours of which must be consecutive, and may be sentenced to not more than
one (1) year;
(b) May be fined an amount not to exceed two thousand dollars ($2,000);
(c) Shall be advised by the court in writing at the time of sentencing, of the penalties that will be imposed for subsequent violations of the provisions of section 18-8004, Idaho Code, which advice shall be signed by the defendant, and a copy retained by the court and another copy retained by the prosecuting attorney;
(d) Shall surrender his driver's license or permit to the court; and
(e) Shall have his driving privileges suspended by the court for an additional mandatory minimum period of one (1) year after release from confinement, during which one (1) year period absolutely no driving privileges of any kind may be granted.
(5) Any person who pleads guilty to or is found guilty of three (3) or more a violations of the provisions of section 18-8004, Idaho Code, or--of--one--(t) who previously has been found guilty of or has pled guilty to two (2) or more violations of the provisions of section 18-8006, Idaho Code, or any substantially conforming foreign criminal violation, or any combination thereof, within five (5) years, notwithstanding the form of the judgment(s) or withheld judgment(s), shall be guilty of a felony; and
(a) Shall be sentenced to the custody of the state board of correction for not to exceed five (5) years; provided that notwithstanding the provisions of section 19-2601, Idaho Code, should the court impose any sentence other than incarceration in the state penitentiary, the defendant shall be sentenced to the county jail for a mandatory minimum period of not less than thirty (30) days; and further provided that notwithstanding the provisions of section 18-111, Idaho Code, a conviction under this section shall be deemed a felony;
(b) May be fined an amount not to exceed five thousand dollars ($5,000);
(c) Shall surrender his driver's license or permit to the court; and
(d) Shall have his class D driving privileges suspended by the court for a mandatory minimum period of one (1) year after release from imprisonment, and may have his class D driving privileges suspended by the court for not to exceed five (5) years after release from imprisonment, during which time he shall have absolutely no driving privileges of any kind.
(6) For the purposes of subsections (4) and (5) of this section, convictions of violation of the provisions of section 18-8004, Idaho Code, shall be considered by the court to determine if a later conviction is a second or subsequent conviction only if such convictions were of violations committed on or after July 1, 1983 purpose of computation of the enhancement period in subsections (4), (5) and (7) of this section, the time that elapses between the date of commission of the offense and the date the defendant pleads guilty or is found guilty for the pending offense shall be excluded. If the determination of guilt against the defendant is reversed upon appeal, the time that elapsed between the date of the commission of the offense and the date the defendant pleads guilty or is found guilty following the appeal
(7) Notwithstanding the provisions of subsections (4) and (5) of this section, any person who has pled guilty or has been found guilty of a felony violation of the provisions of section 18-8004, Idaho Code, or a violation of the provisions of section 18-8006, Idaho Code, and within ten (10) years pleads guilty or is found guilty of a further violation of the provisions of section 18-8004, Idaho Code, shall be guilty of a felony and shall be sentenced pursuant to subsection (5) of this section.

(8) For the purpose of subsections (4) and (5) of this section, a substantially conforming foreign criminal violation exists when a person has pled guilty to or has been found guilty of a violation of any federal law or law of another state, or any valid county, city, or town ordinance of another state substantially conforming to the provisions of section 18-8006, Idaho Code. The determination of whether a foreign criminal violation is substantially conforming is a question of law to be determined by the court.

(9) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004 or 18-8006, Idaho Code, shall undergo, at his own expense, (or at county expense through the procedures set forth in chapters 34 and 35, title 31, Idaho Code,) and prior to the sentencing date, an alcohol evaluation by an alcohol evaluation facility approved by the Idaho department of health and welfare. In the event the alcohol evaluation indicates the need for alcohol treatment, the evaluation shall contain a recommendation by the evaluator as to the most appropriate treatment program, together with the estimated cost thereof, and recommendations for other suitable alternative treatment programs, together with the estimated costs thereof. The person shall request that a copy of the completed evaluation be forwarded to the court. The court shall take the evaluation into consideration in determining an appropriate sentence. If a copy of the completed evaluation has not been provided to the court, the court may proceed to sentence the defendant; however, in the such event, it shall be presumed that alcohol treatment is required unless the defendant makes a showing by a preponderance of evidence that treatment is not required. If the defendant has not made a good faith effort to provide the completed copy of the evaluation to the court, the court may consider the failure of the defendant to provide the report as an aggravating circumstance in determining an appropriate sentence. If treatment is ordered, in no event shall the person or facility doing the evaluation be the person or facility that provides the treatment unless this requirement is waived by the sentencing court, with the exception of federally recognized Indian tribes or federal military installations, where diagnosis and treatment are appropriate and available. Nothing herein contained shall preclude the use of funds authorized pursuant to the provisions of chapter 3, title 39, Idaho Code, for court-ordered alcohol treatment for indigent defendants.

(10) At the time of sentencing, the court shall be provided with the following information:

(a) The results, if administered, of any evidentiary test for alcohol and/or drugs;

(b) A computer or teletype or other acceptable copy of the
person's driving record;
(c) Information as to whether the defendant has pled guilty to or been found guilty of violation of the provisions of section 18-8004 or 18-8006, Idaho Code, or a similar offense within the past five (5) years, notwithstanding the form of the judgment(s) or withheld judgment(s); and
(d) The alcohol evaluation required in subsection (5) of this section, if any.

(911) A minor may be prosecuted for a violation of the provisions of section 18-8004, Idaho Code, under title 16, Idaho Code. In addition to any other penalty, if a minor pleads guilty to or is found guilty of a violation of the provisions of section 18-8004, Idaho Code, he shall have his driving privileges suspended or denied for an additional one (1) year following the end of any period of suspension or revocation existing at the time of the violation, or until he reaches the age of eighteen (18) years, whichever period is greater. During the period of additional suspension or denial, absolutely no driving privileges shall be allowed.

(102) In the event that the alcohol evaluation required in subsection (7) of this section recommends alcohol treatment, the court shall order the person to complete a treatment program in addition to any other sentence which may be imposed, unless the court determines that alcohol treatment would be inappropriate or undesirable, in which event, the court shall enter findings articulating the reasons for such determination on the record. The court shall order the defendant to complete the preferred treatment program set forth in the evaluation, or a comparable alternative, unless it appears that the defendant cannot reasonably obtain adequate financial resources for such treatment. In that event, the court may order the defendant to complete a less costly alternative set forth in the evaluation, or a comparable program. Such treatment shall, to the greatest extent possible, be at the expense of the defendant. In the event that funding is provided for or on behalf of the defendant by an entity of state government, restitution shall be ordered to such governmental entity in accordance with the restitution procedure for crime victims, as specified under chapter 53, title 19, Idaho Code. Nothing contained herein shall be construed as requiring a court to order that a governmental entity shall provide alcohol treatment at government expense unless otherwise required by law.

(113) Any person who is disqualified shall not be granted restricted driving privileges to operate a commercial motor vehicle.

Approved April 2, 1992.

CHAPTER 140
(H.B. No. 600, As Amended)

AN ACT
RELATING TO THE FISH AND GAME ACCOUNT; AMENDING SECTION 36-107, IDAHO CODE, TO PROVIDE FOR THE ANNUAL TRANSFER OF MONEYS FROM THE FISH
AND GAME ACCOUNT TO THE UNIVERSITY OF IDAHO FOR USE IN WILDLIFE AND DOMESTIC LIVESTOCK DISEASE RESEARCH.

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

SECTION 1. That Section 36-107, Idaho Code, be, and the same is hereby amended to read as follows:

36-107. FISH AND GAME ACCOUNT. (a) The director shall promptly transmit to the state treasurer all moneys received by him, from the sale of hunting, fishing and trapping licenses, tags and permits or from any other source connected with the administration of the provisions of the Idaho fish and game code or any law or regulation for the protection of wildlife, including moneys received from the sale of predatory animal furs taken under the provisions of this chapter, and the state treasurer shall deposit all such moneys in the fish and game account, which is hereby established, reserved, set aside, appropriated in the dedicated fund, and made available until expended as may be directed by the commission in carrying out the purposes of the Idaho fish and game code or any law or regulation promulgated for the protection of wildlife, and shall be used for no other purpose. Pending expenditure or use, surplus moneys in the fish and game account shall be invested by the state treasurer in the manner provided for idle state moneys in the state treasury by section 67-1210, Idaho Code. Interest received on all such investments shall be paid into the account. The state auditor shall annually, by August 1 of each year, transfer the sum of one hundred thousand dollars ($100,000) from the fish and game account to the University of Idaho Caine Veterinary Teaching and Research Center for disease research regarding the interaction of disease between wildlife and domestic livestock. Said moneys shall be expended on projects agreed upon by the University of Idaho Caine Veterinary Teaching and Research Center and the state wildlife veterinarian.

(b) The commission shall govern the financial policies of the department and shall, as provided by law, fix the budget for the operation and maintenance of its work for each fiscal year. Said budget shall not be exceeded by the director.

(ic) The sum of two dollars ($2.00) from each license authorized in sections 36-406(a) and 36-407(b), Idaho Code, which entitle a person to fish, shall be used for the construction, repair, or rehabilitation of state fish hatcheries, fishing lakes, or reservoirs.

(jd) The department is authorized to expend up to one dollar and fifty cents ($1.50) from each resident deer and elk tag sold and five dollars ($5.00) from each nonresident deer and elk tag sold to fund the department's big game landowner-sportsman's relations program.

Approved April 2, 1992.
AN ACT
RELATING TO PUBLIC WORKS CONTRACTORS; AMENDING SECTION 54-1926, IDAHO CODE, TO PROVIDE A MAXIMUM AMOUNT OF RETAINAGE A CONTRACTOR MAY WITHHOLD FROM A SUBCONTRACTOR ON PUBLIC WORKS AND TO PROVIDE FOR REMITTANCE OF THE RETAINAGE TO THE CONTRACTOR.

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

SECTION 1. That Section 54-1926, Idaho Code, be, and the same is hereby amended to read as follows:

54-1926. PERFORMANCE AND PAYMENT BONDS REQUIRED OF CONTRACTORS FOR PUBLIC BUILDINGS AND PUBLIC WORKS OF THE STATE, POLITICAL SUBDIVISIONS AND OTHER PUBLIC INSTRUMENTALITIES -- REQUIREMENTS FOR BONDS -- GOVERNMENTAL OBLIGATIONS. Before any contract for the construction, alteration, or repair of any public building or public work or improvement of the state of Idaho, or of any county, city, town, municipal corporation, township, school district, public educational institution, or other political subdivision, public authority, or public instrumentality, or of any officer, board, commission, institution, or agency of the foregoing, is awarded to any person, he shall furnish to the state of Idaho, or to such county, city, town, municipal corporation, township, school district, public educational institution, or other political subdivision, public authority, or public instrumentality, or to such officer, board, commission, institution, or agency thereof, bonds which shall become binding upon the award of the contract to such person, who is hereinafter designated as "contractor":

(1) A performance bond in any amount to be fixed by the contracting body, but in no event less than fifty per cent (50%) of the contract amount conditioned upon the faithful performance of the contract in accordance with the plans, specifications and conditions thereof. Said bond shall be solely for the protection of the public body awarding the contract.

(2) A payment bond in an amount to be fixed by the contracting body but in no event less than fifty per cent (50%) of the contract amount, solely for the protection of persons supplying labor or materials, or renting, leasing, or otherwise supplying equipment to the contractor or his subcontractors in the prosecution of the work provided for in such contract.

(3) Public bodies requiring a performance bond or payment bond in excess of fifty per cent (50%) of the total contract amount shall not be authorized to withhold from the contractor or subcontractor any amount exceeding five per cent (5%) of the total amount payable to the contractor as retainage. Further, the public body shall release to the contractor any retainage for those portions of the project accepted by the contracting public body and the contractors as complete within thirty (30) days after such acceptance. Contractors, contracting with subcontractors pursuant to contract work with a public body, shall not
be authorized to withhold from the subcontractor any amount exceeding five per cent (5%) of the total amount payable to the subcontractor as retainage. The contractor shall remit the retainage to the subcontractor within thirty (30) days after completion of the subcontract.

Each bond shall be executed by a surety company or companies duly authorized to do business in this state, or the contractor may deposit any of the type of government obligations listed in subsection (h) of section 54-1901, Idaho Code, in lieu of furnishing a surety company performance or payment bond or bonds. In the case of contracts of the state or a department, board, commission, institution, or agency thereof the aforesaid bonds shall be payable to the state, or particular state agency where authorized. In case of all other contracts subject to this act, the bonds shall be payable to the public body concerned.

Said bonds shall be filed in the office of the department, board, commission, institution, agency or other contracting body awarding the contract.

Nothing in this section shall be construed to limit the authority of the state of Idaho or other public body hereinabove mentioned to require a performance bond or other security in addition to these, or in cases other than the cases specified in this act.

It shall be illegal for the invitation for bids, or any person acting or purporting to act, on behalf of the contracting body to require that such bonds be furnished by a particular surety company, or through a particular agent or broker.

Approved April 2, 1992.

CHAPTER 142
(H.B. No. 614, As Amended)

AN ACT RELATING TO THE CONTINUATION OF CHILD SUPPORT GUIDELINES; REPEALING SECTION 3, CHAPTER 411, LAWS OF 1989, AS AMENDED BY SECTION 1, CHAPTER 208, LAWS OF 1991; AMENDING SECTION 32-706A, IDAHO CODE, TO PROVIDE A SUNSET DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 3, Chapter 411, Laws of 1989, as amended by Section 1, Chapter 208, Laws of 1991, be, and the same is hereby repealed.

SECTION 2. That Section 32-706A, Idaho Code, be, and the same is hereby amended to read as follows:

32-706A. PURPOSE -- AUTHORIZATION TO ADOPT GUIDELINES -- GUIDELINES TO BE PRESUMPTIVE. A. The purpose of this act is to provide compliance with recent federal action whereby the congress of the United States has enacted 42 USC 667 as amended by public law 100-485, 102 STAT 2343, which measure requires that, effective October 13, 1989, as
a condition to having a state plan for the receipt of federal aid for dependent children funds approved, a state must establish child support guidelines, which are to have a rebuttable presumption of being the correct amount for purposes of setting the level of child support, unless in a particular case the court finds, under criteria established by the legislature of the state that application of the guidelines would be unjust or inappropriate. In addition, the purpose of this act is to recognize and give presumptive effect to the child support guidelines which have been adopted by the supreme court of the state of Idaho, to be effective on and after April 1, 1989, which guidelines have been declared by the supreme court to be advisory, as an aid for the litigants and the courts to evaluate the needs of the children and the resources of the parents in determining the appropriate level of child support.

B. The legislature hereby authorizes and encourages the supreme court of the state of Idaho to adopt and to periodically review for modification, guidelines to promote uniform and adequate child support awards, to supplement the factors set forth in section 32-706, Idaho Code, to be used as an aid and a structure for litigants and courts to evaluate the individual circumstances of the needs of children and the resources of parents, in determining the levels of child support, and in evaluating the evidentiary circumstances of each individual case.

C. In arriving at the amount to be ordered as child support, the court, in addition to considering the factors described in section 32-706, Idaho Code, shall also apply the guidelines adopted by the supreme court of the state of Idaho on January 27, 1989, and as those guidelines are from time to time amended. There shall be a rebuttable presumption that the amount of the award which would result from the application of the guidelines is the amount of child support to be awarded, unless evidence is presented in a particular case which indicates that an application of the guidelines would be unjust or inappropriate. If the court determines that circumstances exist to permit a departure from the guidelines, the judge making the determination shall make a written or specific finding on the record that the application of the guidelines would be unjust or inappropriate in the particular case before the court.

D. The provisions of this section shall be null, void and of no force and effect on and after July 1, 1993.

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

Approved April 2, 1992.
49-510, IDAHO CODE, TO ALLOW THIRTY CALENDAR DAYS FROM THE CREATION OF A LIEN OR ENCUMBRANCE ON A MOTOR VEHICLE FOR FILING OF THE LIEN OR ENCUMBRANCE TO PERFECT THE SECURITY INTEREST.

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

SECTION 1. That Section 49-510, Idaho Code, be, and the same is hereby amended to read as follows:

49-510. LIENS AND ENCUMBRANCES -- FILING -- FEE -- NOTATION ON CERTIFICATE -- CONSTRUCTIVE NOTICE. No lien or encumbrance on any vehicle registered under the laws of this state created subsequent to December 31, 1986, irrespective of whether such registration was effected prior or subsequent to the creation of the lien or encumbrance, shall be perfected as against creditors or subsequent purchasers or encumbrancers without notice until the holder of the lien or encumbrance, or his successor or assignee, has complied with the requirements of section 49-504, Idaho Code, and has filed the properly completed title application and all required supporting documents with the department or an agent of the department.

When the holder of a lien or encumbrance, his successor or assignee, has filed with the department or agent of the department a properly completed title application and supporting documents as required by section 49-504, Idaho Code, it shall be the duty of the department or agent of the department to file the same, indorsing on the title application the date and hour received of the creation of the lien or encumbrance. A lien is perfected as of the time of its creation if the transaction is notarized and if the filing is completed with the department or an agent of the department within thirty (30) calendar days thereafter; otherwise, as of the date of the filing with the department or an agent of the department. If the title application is incomplete or if the supporting documents are incomplete or missing, the title application and supporting documents as submitted will be returned to the lien holder or his successor or assignee for correction and, if the application is not resubmitted in a complete form, including completed supporting documents, to the department or to the agent of the department within twenty (20) days of their having been returned to the lien holder or his successor or assignee, the original date and hour of receipt by the department or agent of the department shall be void.

When the department is satisfied as to the genuineness and regularity of the documents submitted, it shall issue a new certificate of title which shall contain the name of the owner of the vehicle, the name and address of each holder of a lien or encumbrance, and a statement of all liens or encumbrances which have been filed with the department, together with the date of each lien or encumbrance and the date and hour received by the department or agent of the department. The filing of a lien or encumbrance and the notation of it upon the certificate of title shall be a condition of perfection and shall constitute constructive notice of the lien or encumbrance and its contents to creditors and subsequent purchasers and encumbrancers. All liens or encumbrances so filed with the department and noted upon the certificate of title shall be perfected and take priority according to
the order of time in which the same are noted upon the certificate of title by the department.

Approved April 2, 1992.

CHAPTER 144
(H.B. No. 661)

AN ACT
RELATING TO THE SALE OF STATE TIMBER; AMENDING SECTION 58-411, IDAHO CODE, TO PROVIDE THAT BID DEPOSITS SHALL BE MADE IN A FORM ACCEPTABLE TO THE STATE.

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

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

58-411. SALE OF TIMBER. Timber belonging to the state of Idaho may be sold at public auction by the state board of land commissioners, at their option, as follows: ten percent (10%) of the estimated value of the timber, after deducting the development credits attendant to the sale of the timber, shall be due-and-payable-on-the-day-of-sale; and if the purchase price is greater than the estimated value of the timber, ten percent (10%) of the difference presented as a bid deposit, in a form acceptable to the state, on the day of sale. Ten percent (10%) of the purchase price of the timber, after deducting the development credits attendant to the sale of the timber, shall be due and payable within ten (10) days of the date of sale. This sum shall be retained by the director of the department of lands as a cash reserve for the duration of the sale. The balance of such purchase price shall be paid at such time as the timber is scaled and billed with interest computed from the date of sale to the date of billing at the rate per annum set by the state board of land commissioners. Lump sum sales may be sold for cash at the time of sale or upon such terms and conditions as the state board of land commissioners may prescribe.

Approved April 2, 1992.

CHAPTER 145
(H.B. No. 710)

AN ACT
RELATING TO CRIMES AGAINST CHILDREN; AMENDING SECTION 18-1506, IDAHO CODE, TO CLARIFY THE ELEMENTS OF THE CRIME OF SEXUAL ABUSE OF A CHILD UNDER THE AGE OF SIXTEEN YEARS; AMENDING SECTION 18-1507, IDAHO CODE, TO PROVIDE A DEFINITION OF BESTIALITY; AND AMENDING SECTION 18-1508, IDAHO CODE, TO CLARIFY THE ELEMENTS OF THE CRIME
OF LEWD CONDUCT WITH A MINOR CHILD UNDER SIXTEEN.

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) It is a felony for any person eighteen (18) years of age or older who--shall, with the intent to gratify the lust, passions, or sexual desire of the actor, minor child or third party, to:
   (a) solicit a minor child under the age of sixteen (16) years to participate in a sexual act, or
   (b) cause or have sexual contact with such a minor child, not amounting to lewd conduct as defined by in section 18-1508, Idaho Code, or
   (c) make any photographic or electronic recording of such a minor 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 and shall be imprisoned in the state prison for a period not to exceed fifteen (15) years.

(2) For the purposes of this section "solicit" means any offensive written, verbal, or physical act which is intended to communicate to the such minor child the desire of the actor or third party to participate in a sexual act or participate in sexual foreplay, or the actor's desire to gratify lust by the means of sexual contact, photographing or observing the such minor child engaged in sexual contact.

(3) For the purposes of this section "sexual contact" means any physical contact between the such minor child and the--actor any person, or between children which is caused by the actor, or the actor causing the such minor child to have self contact, any of which is intended to gratify the lust or sexual desire of the actor or a third party.

(4) Any person guilty of a violation of the provisions of this section shall be imprisoned in the state prison for a period not to exceed fifteen (15) years.

SECTION 2. 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) "Bestiality" means a sexual connection in any manner between a human being and any animal.
(b) "Child" means a person who is less than eighteen (18) years of age.
(bc) "Commercial purpose" means the intention, objective, anticipation, or expectation of monetary gain or other material consideration, compensation, remuneration, or profit.
(ed) "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.
(de) "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.
(ef) "Explicit sexual conduct" means sexual intercourse, erotic fondling, erotic nudity, masturbation, sadomasochism, or sexual excitement, or bestiality.
(fg) "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.
(gh) "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.
(hi) "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.
(ij) "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.
(jk) "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 3. That Section 18-1508, Idaho Code, be, and the same is hereby amended to read as follows:

18-1508. LEWD CONDUCT WITH MINOR OR CHILD UNDER SIXTEEN. Any person who shall willfully and lewdly commit any lewd or lascivious act or acts upon or with the body or any part or member thereof of a minor or child under the age of sixteen (16) years, including but not limited to, genital-genital contact, oral-genital contact, anal-genital contact, oral-anal contact, manual-anal contact, or manual-genital contact, whether between persons of the same or opposite sex, or who shall involve a such minor or child in any act of bestiality or sadomasochistic abuse-or-lewd-exhibition as any of such acts are defined in section 18-1507, Idaho Code, when any of such acts are done with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of such person, or of such minor or child, or third party, shall be guilty of a felony and shall be imprisoned in the state prison for a term of not more than life.

Approved April 2, 1992.
SECTION 1. That Section 19-402, Idaho Code, be, and the same is hereby amended to read as follows:

19-402. COMMENCEMENT OF PROSECUTIONS FOR CRIMES AGAINST CHILDREN AND OTHER FELONIES. (1) A prosecution for any felony other than murder or any felony committed upon or against a minor child must be commenced by the filing of the complaint or the finding of an indictment within three (3) years after its commission. Except as provided in subsection (2) of this section, a prosecution for any felony committed upon or against a minor child must be commenced within five (5) years after the commission of the offense by the filing of the complaint or a finding of an indictment.

(2) A prosecution under section 18-1506 or 18-1508, Idaho Code, must be commenced within five (5) years after the date the child reaches eighteen (18) years of age.

(3) A prosecution under section 18-1506A, Idaho Code, must be commenced within three (3) years after the date of initial disclosure by the victim.

Approved April 2, 1992.

CHAPTER 147
(H.B. No. 733)

AN ACT
RELATING TO THE RIGHT OF TELEPHONE CORPORATIONS TO USE HIGHWAYS; AMENDING SECTION 62-701, IDAHO CODE, TO PROVIDE FOR THE INSTALLATION OF TELEPHONE LINES BENEATH THE SURFACE OF PUBLIC ROADS, LANDS AND WATERS AND TO DELETE REFERENCES TO TELEGRAPH.

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

SECTION 1. That Section 62-701, Idaho Code, be, and the same is hereby amended to read as follows:

62-701. RIGHT TO USE HIGHWAYS. Telegraph and Telephone corporations may construct or install telephone lines of telephone or telephone along and beneath the surface of or upon any public road or highway, or along beneath the surface of or across any of the waters or lands within this state, and may erect or install poles, posts, piers or abutments for supporting the insulators, wires and other necessary fixtures of their lines in such manner and at such points as not to incommode the public use of the road or highway, or interrupt the navigation of the waters.

Approved April 2, 1992.
AN ACT
RELATING TO TELECOMMUNICATIONS RELAY SERVICES; AMENDING TITLE 61, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 13, TITLE 61, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS AND INTENT, TO PROVIDE DEFINITIONS, TO PROVIDE FOR A CONTRACT BETWEEN THE PUBLIC UTILITIES COMMISSION AND AN ADMINISTRATOR TO ESTABLISH A PROGRAM FOR TELECOMMUNICATIONS RELAY SERVICES, TO PROVIDE REQUIREMENTS FOR A CONTRACT WITH A PROVIDER OF TELECOMMUNICATIONS RELAY SERVICES, TO ESTABLISH A TELECOMMUNICATIONS RELAY SERVICES FUND, TO PROVIDE FOR EXPENDITURES FROM THE FUND, TO PROVIDE FOR PARTICIPATION IN THE TELECOMMUNICATIONS RELAY SERVICES PROGRAM ESTABLISHED BY THE COMMISSION, TO PROVIDE FOR PAYMENTS TO THE TELECOMMUNICATIONS RELAY SERVICES FUND BY TELEPHONE CORPORATIONS, TO AUTHORIZE THE COMMISSION TO APPROVE APPLICATIONS BY TELEPHONE CORPORATIONS TO PROVIDE TELECOMMUNICATIONS RELAY SERVICES THROUGH AN ALTERNATIVE TELECOMMUNICATIONS RELAY SERVICES PROVIDER, TO PROVIDE FOR APPLICATION TO THE COMMISSION FOR A RATE INCREASE TO COVER PAYMENTS MADE TO THE TELECOMMUNICATIONS RELAY SERVICES FUND, AND TO PROVIDE POWERS AND DUTIES OF THE COMMISSION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Title 61, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 13, Title 61, Idaho Code, and to read as follows:

CHAPTER 13
TELECOMMUNICATIONS RELAY SERVICES

61-1301. LEGISLATIVE FINDINGS AND INTENT. Title IV of the Americans with disabilities act, public law 101-336, requires that on or before July 26, 1993, telephone corporations providing interstate or intrastate telephone services provide telecommunications relay services (TRS) for individuals who are hearing-impaired or speech-impaired that will allow them to engage in telephone communication in a manner functionally equivalent to that of individuals without hearing or speech impairments. The legislature finds that it is in the public interest to provide for the appointment of a TRS administrator who can coordinate TRS services and assist the state in applying for certification of the state TRS program by the federal deadline of October 1, 1992. This certification, if approved by the federal communications commission, will allow every telephone corporation providing intrastate service in Idaho to meet its obligations under federal law by participating in the state telecommunications relay services program.

61-1302. DEFINITIONS. In this chapter:
(1) "Administrator" means the person with whom the Idaho public utilities commission contracts to administer the program for delivery
of telecommunications relay services.

(2) "Commission" means the Idaho public utilities commission.

(3) "Communications impaired" mean individuals who are hearing-impaired or speech-impaired as defined in title IV, section 401, Americans with disabilities act of 1990, public law 101-336, 104 stat. 327, 336-69 (47 U.S.C. section 225) or regulations promulgated pursuant thereto.

(4) "Local exchange company" means a telephone corporation which provides access lines to residential and business customers with the associated transmission of two (2) way interactive switched voice communication within a geographic area where basic local exchange rates rather than message telecommunications service rates apply.

(5) "Message telecommunications service" shall have the meaning prescribed in section 62-603(6), Idaho Code.

(6) "Program" means the effort directed by the administrator pursuant to this chapter to establish and operate an Idaho system to provide telecommunications relay services.

(7) "Telephone corporation" shall have the meaning prescribed in section 62-603(10), Idaho Code.

(8) "Telecommunications relay services (TRS)" mean services through which a communications impaired person, using specialized telecommunications equipment, may send and receive messages to and from a noncommunications impaired person whose telephone is not equipped with specialized telecommunications equipment and through which a noncommunications impaired person may, by using voice communication, send and receive messages to and from a communications impaired person.

61-1303. ADMINISTRATOR'S CONTRACT -- TRS PROVIDER'S CONTRACT -- REQUIREMENTS.

(1) (a) The commission shall contract with a qualified person to administer the program in accordance with the purposes of this chapter and to secure certification of the program by the federal communications commission. The program administrator shall not be an employee or officer of the state of Idaho, but shall have the capacity to sue and be sued with reference to administration of the program, except as hereinafter provided.

(b) The administrator's contract shall require, but shall not be limited to, the following:

(i) that the administrator consult with, and receive recommendations from, the advisory committee, or a representative thereof, appointed by the commission pursuant to section 61-1306, Idaho Code;

(ii) that the administrator post a fidelity bond in such amount as may be required by the commission;

(iii) that the administrator meet timetables necessary to secure certification of the program by the federal communications commission;

(iv) that the administrator, upon such terms as to the commission may seem reasonable, issue a request for proposals to providers of message relay services requesting responsive proposals to provide such services as may be necessary for the program;
(v) that the administrator evaluate the responsive proposals and recommend one (1) or more proposals to the commission for its review and approval;
(vi) that the administrator enter into a contract with the provider of TRS, which contract and provider have been approved by the commission;
(vii) that the administrator consult with the Idaho state council for the deaf and hard of hearing concerning program design and delivery of message relay services to communications impaired persons within the state of Idaho; and
(viii) that the administrator perform such other services concerning the program as may be deemed reasonable and necessary by the commission.

(2) In addition to such other contractual terms as may be necessary or desirable, the administrator shall require, under the terms of the contract with the provider of TRS, that:
(a) The system be available statewide for operation seven (7) days a week, twenty-four (24) hours per day, three hundred sixty-five (365) days per year, for intrastate calls;
(b) The system relay all messages promptly and accurately;
(c) The provider preserve the confidentiality of all TRS communications, including the fact and contents of the communications; and
(d) The system make available to communications impaired individuals intrastate telecommunications relay services in the state of Idaho that meet or exceed the requirements of applicable regulations of the federal communications commission and which otherwise comply with all applicable state and federal laws.

(3) Except in cases of criminal or willful misconduct, gross negligence or willful violation of the provisions of this chapter, neither the commission, the administrator, the provider of TRS, nor the providers of underlying communications services shall be liable for any claims, actions, damages, or causes of action arising out of or resulting from the establishment, participation in, or operation of TRS.

(4) The administrator may receive contributions, gifts and grants on behalf of and in aid of the program. Such contributions, gifts and grants shall be deposited in the Idaho telecommunications relay services fund established pursuant to section 61-1304, Idaho Code.

61-1304. TELECOMMUNICATIONS RELAY SERVICES FUND. (1) The administrator shall establish a fund for the provision of relay services under this chapter, not including customer premises equipment, to be known and designated as the Idaho telecommunications relay services fund, in such depository and under such regulations as shall be established by the commission, to which shall be credited:
(a) All monetary contributions, gifts and grants received by the administrator;
(b) All charges billed and collected pursuant to section 61-1305, Idaho Code.

(2) No funds derived from charges billed and collected pursuant to section 61-1305, Idaho Code, shall be used for the acquisition of end user text telephones.

(3) All moneys deposited in the telecommunications relay fund
shall be expended for the purpose of defraying the expenses, debts and costs incurred in carrying out the provisions of this chapter, and for defraying administrative expenses of the administrator, including necessary expenses for consultants to the administrator, expenses for travel, supplies and equipment and other expenses of the administrator necessary for the implementation of the provisions of this chapter. All moneys credited to the telecommunications relay services fund may be expended by the administrator at such times and in such manner as may be authorized by the commission.

61-1305. PARTICIPATION IN PROGRAM. (1) All telephone corporations providing basic local exchange service within the state of Idaho and all telephone corporations providing intrastate message telecommunications service within the state of Idaho, including those otherwise exempt from the jurisdiction of the commission pursuant to section 61-104, Idaho Code, and those providing local exchange services or message telecommunications services pursuant to the telecommunications act of 1988, chapter 6, title 62, Idaho Code, shall except as provided in subsection (2) of this section, provide TRS in accordance with the program established by the commission, and shall pay into the telecommunications relay services fund such sums as may represent the telephone corporation's share of the cost of the program, based upon an allocation methodology duly adopted by the commission in accordance with its rulemaking procedures.

(2) The commission shall permit a telephone corporation to provide telecommunications relay services to its customers by a TRS provider other than the provider approved by the commission and shall waive the telephone corporation's obligation to participate in the program if the commission finds, upon application by a telephone corporation, that the following facts exist:

(a) The telephone corporation will continue to meet its obligation to its Idaho customers in accordance with the standards set forth in the Americans with disabilities act; and

(b) The nonparticipation of such telephone corporation will not substantially impair the operation or provision of TRS pursuant to the program adopted by the commission.

(3) Each telephone corporation subject in whole or in part to the commission's ratemaking authority may apply to the commission for authority to increase its rates and charges in an amount not to exceed its payments to the telecommunications relay services fund pursuant to this chapter or the costs it incurs in providing TRS through an alternative TRS provider as authorized by the commission pursuant to subsection (2) of this section. Such applications shall plainly state the amount of the proposed increase, its manner of calculation, and the proposed recovery method, but shall not require a full cost-of-service filing or general ratemaking presentation. The commission shall promptly consider and act upon such applications.

61-1306. POWERS AND DUTIES OF THE COMMISSION. The commission shall promulgate such rules, policies and procedures as may be necessary to govern administration of the program and ensure that the program is in compliance with any applicable federal laws or regulations including, but not limited to, regulations providing for:
(1) An advisory committee of the telephone industry to assist the administrator;
(2) Consultation by the administrator with the Idaho state council for the deaf and hard of hearing;
(3) Periodic recontracting with and auditing of the administrator and TRS provider;
(4) Timetables for the administrator's duties that will require the administrator to meet the deadline of October 1, 1992, for applying for certification of the state TRS program;
(5) Formulas apportioning the costs of the administrator and TRS provider among the telephone corporations that will share those costs pursuant to section 61-1305, Idaho Code;
(6) Consideration by the commission of customer complaints from TRS users; and
(7) Any other matters deemed necessary for the implementation of TRS in Idaho.

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

Approved April 2, 1992.

CHAPTER 149
(H.B. No. 779)

AN ACT
RELATING TO PUBLIC TRANSPORTATION SERVICES; AMENDING SECTION 21-104, IDAHO CODE, TO REMOVE REFERENCE TO PUBLIC TRANSPORTATION FROM STATE AERONAUTICS OPERATIONS; AMENDING SECTION 21-119, IDAHO CODE, TO REMOVE REFERENCE TO PUBLIC TRANSPORTATION IN THE ENFORCEMENT OF AERONAUTICS LAWS; AMENDING SECTION 40-312, IDAHO CODE, TO ASSIGN RESPONSIBILITY FOR DEVELOPMENT OF A STATEWIDE PUBLIC TRANSPORTATION PLAN TO THE IDAHO TRANSPORTATION BOARD; AMENDING CHAPTER 5, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-514, IDAHO CODE, TO PROVIDE PUBLIC TRANSPORTATION DUTIES OF THE DEPARTMENT, TO CREATE THE PUBLIC TRANSPORTATION ADVISORY COUNCIL, TO CREATE AN INTERAGENCY WORKING GROUP, TO CREATE REGIONAL ADVISORY COMMITTEES AND TO PROVIDE MEMBERSHIP AND REIMBURSEMENT FOR THE ADVISORY COUNCIL, THE WORKING GROUP AND THE REGIONAL ADVISORY COMMITTEES.

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

SECTION 1. That Section 21-104, Idaho Code, be, and the same is hereby amended to read as follows:

21-104. DEVELOPMENT OF AERONAUTICS — GENERAL SUPERVISION. The department shall have general supervision over aeronautics and public transportation within this state. It is empowered and directed to encourage, foster, and assist in the development of aeronautics and public-transportation in this state and to encourage the establishment
of airports and air navigation facilities. It shall cooperate with and assist the federal government, the municipalities of this state, and other persons in the development of aeronautics and public transportation, and shall seek to coordinate the aeronautical and public transportation activities of these bodies and persons. Municipalities are authorized to cooperate with the department in the development of aeronautics and public transportation and aeronautics and public transportation facilities in this state.

SECTION 2. That Section 21-119, Idaho Code, be, and the same is hereby amended to read as follows:

21-119. ENFORCEMENT OF AERONAUTICS LAWS. (a) Enforcement Officers. It shall be the duty of the director and employees of the department, and every state and municipal officer charged with the enforcement of state and municipal laws, to enforce and assist in the enforcement of this act and of all rules, regulations and orders issued pursuant thereto and of all other laws of this state relating to aeronautics and public transportation; and in that connection each of the aforesaid persons is authorized to inspect and examine at reasonable hours any premises, and the buildings and other structures thereon, where airports, air navigation facilities, air schools, or other aeronautical activities are operated or conducted. In aid of the enforcement of this act, the rules, regulations and orders issued pursuant thereto and of all other laws of the state relating to aeronautics and public transportation, general police powers are hereby conferred upon the director and such of the employees of the department as may be designated by it to exercise such powers.

(b) Court Aid. The department is authorized, in the name of the state, to enforce the provisions of this act and the rules, regulations and orders issued pursuant thereto by injunction or other legal process in the courts of this state.

SECTION 3. That Section 40-312, Idaho Code, be, and the same is hereby amended to read as follows:

40-312. POWERS AND DUTIES — RULES AND REGULATIONS. The board shall:

(1) Prescribe rules and regulations affecting state highways and turnpike projects, and enforce compliance with those rules and regulations.

(2) Establish rules and regulations for the expenditure of all moneys appropriated or allotted by law to the department or the board. The board shall cooperate with the counties and highway districts in the expenditure of funds and shall establish a uniform system of accounting in the expenditure of moneys and a uniform method for allocation of funds, by counties and highway districts as shall be necessary in the construction and maintenance of highways by counties and districts in cooperation with the state and the United States, or either, but the initiatory power of expenditure of any of those moneys shall rest with the county or district in which expenditure of the moneys mentioned is to be made.

(3) Make reasonable regulations for the installation, construc-
tion, maintenance, repair, renewal and relocation of facilities of any utility or communication transmitting entity, in, on, along, over, across, through or under any project on the federal-aid primary or secondary systems or on the interstate system, including extensions within urban areas. Whenever the board shall determine, after notice and opportunity for hearing, that it is necessary that any facilities which now are, or hereafter may be, located in, on, along, over, across, through or under any federal-aid primary or secondary system or on the interstate system, including extensions within urban areas, should be relocated, the utility owning or operating the facilities shall relocate them in accordance with the order of the board. In case of any relocation of facilities, the utility owning or operating the facilities, its successors or assigns, may maintain and operate the facilities, with the necessary appurtenances, in the new location or locations.

(4) Prescribe and enforce regulations for the erection and maintenance of advertising structures permitted by sections 40-1909, 40-1913, and 40-1914, Idaho Code, designed to protect the safety of the users of the highway and otherwise to achieve the objectives set forth in section 40-1903, Idaho Code, and consistent with the national policy set forth in section 131, title 23, United States Code, and the national standards promulgated by the secretary of transportation. The board shall not prescribe or enforce rules or regulations that are more restrictive than those authorized under section 131, title 23, United States Code. Proceedings for review of any action taken by the board pursuant to this section shall be instituted under the provisions of chapter 52, title 67, Idaho Code.

(5) Prescribe rules and regulations to implement the provisions of chapter 20, title 40, Idaho Code, and other rules and regulations relating to relocation assistance as may be necessary under existing federal laws and rules and regulations promulgated thereunder. Rules and regulations shall include provisions relating to:
   (a) Standards for decent, safe and sanitary dwellings;
   (b) Eligibility of displaced persons for relocation assistance payments, procedural methods whereby persons may make application for and claim payments and the amounts of them; and
   (c) Other rules and regulations consistent with the provisions of chapter 20, title 40, Idaho Code, as are considered necessary or appropriate to carry out the provisions of that chapter.

(6) Establish by rule a statewide comprehensive plan for public transportation.

SECTION 4. That Chapter 5, 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 40-514, Idaho Code, and to read as follows:

40-514. PUBLIC TRANSPORTATION SERVICES -- PUBLIC TRANSPORTATION SERVICES ADVISORY COUNCIL CREATED -- INTERAGENCY WORKING GROUP CREATED -- REGIONAL ADVISORY COMMITTEES CREATED. (1) The department shall coordinate planning of public funds from all sources expended on public transportation services in Idaho, and all state agencies and public entities shall annually report to the department the amount of
funding, personnel and vehicles directed to provide transportation for Idaho citizens. Upon receipt of such information, the department shall:

(a) Develop a uniform data collection system which includes funding, personnel and equipment information on all state and other publicly-supported transportation services;
(b) In cooperation with other state agencies and public entities, develop a comprehensive plan for public transportation;
(c) Provide assistance to operators of local and regional transportation systems that are consistent with public program objectives;
(d) Maintain a state commitment to improve public transportation for presently served areas and unserved areas; and
(e) Increase the efficiency and productivity of publicly-funded transportation services.

(2) There is hereby created the public transportation services advisory council to advise the Idaho transportation department.

The advisory council shall be composed of six (6) members appointed by the Idaho transportation board. Two (2) members shall be appointed from each of the three (3) transportation department director districts as provided in section 40-303, Idaho Code. The term of each member shall be six (6) years and the initial appointments to the council shall be such that one (1) member shall be appointed each year thereafter.

The number of council meetings per year shall not exceed the number of meetings authorized by the board.

Members of the advisory council shall be reimbursed according to the provisions of section 59-509(g), Idaho Code.

(3) The director of the Idaho transportation department together with the directors of the affected state agencies shall establish an interagency working group to advise and assist the department in analyzing public transportation needs, identifying areas for coordination, and developing strategies for eliminating procedural and regulatory barriers to coordination at the state level. The group shall undertake detailed work assignments related to transportation services which promote cooperation and collaboration among systems.

The working group shall be composed of one (1) staff representative from each of the following agencies which expend public funds for transportation services:

(a) Idaho office on aging;
(b) Idaho head start association;
(c) Idaho department of health and welfare;
(d) Idaho department of education;
(e) Idaho transportation department;
(f) Community transportation association;
(g) Idaho council on developmental disabilities; and
(h) Any other participating agency.

Members of the working group shall be reimbursed by their respective agencies according to the provisions of section 59-509(b), Idaho Code.

(4) The transportation board shall appoint two (2) regional advisory committees within each of the three (3) transportation department director districts as provided in section 40-303, Idaho Code. Each committee shall be composed of not more than four (4) members who
shall advise and assist the council members in planning, resource identification, coordination and evaluation of regional and local transportation services. The term of each regional advisory committee member shall not exceed three (3) years and members may be reappointed. The number of committee meetings per year for each of the committees shall not exceed the number authorized by the board. Members shall be reimbursed by the department for travel and expenses according to the limits specified in section 67-2008, Idaho Code.

Approved April 2, 1992.

CHAPTER 150
(H.B. No. 807)

AN ACT
RELATING TO LEGISLATIVE DISTRICTS; AMENDING SECTION 67-202, IDAHO CODE, AS ENACTED IN SECTION 2, CHAPTER 13, LAWS OF 1992, TO REVISE A LEGISLATIVE DISTRICT DESCRIPTION; PROVIDING THAT THE REQUIREMENTS OF SECTION 34-301, IDAHO CODE, ARE WAIVED IN SO FAR AS THE PROVISIONS OF THIS ACT MAY REQUIRE A PRECINCT BOUNDARY TO BE ADJUSTED TO MEET THE REQUIREMENTS OF THIS ACT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-202, Idaho Code, as enacted in Section 2, Chapter 13, Laws of 1992, be, and the same is hereby amended to read as follows:

SECTION 2. That Chapter 2, 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 67-202, Idaho Code, and to read as follows:

67-202. LEGISLATIVE DISTRICTS -- SENATORS ELECTED -- REPRESENTATIVES ELECTED. The state is divided into thirty-five (35) legislative districts. One (1) senator shall be elected from each legislative district. Two (2) representatives shall be elected from each legislative district. The names, numbers and boundaries of the precincts and counties herein referred to in describing the area included within the legislative districts shall be as the same existed for the general election of 1988. The counties and precincts constituting the legislative district areas follow:

(1) Legislative District No. 1 shall include all the area contained within Boundary County; and all the area contained within the following precincts of Bonner County: No. 1, No. 2, No. 3, that portion of No. 4 lying east of Lake Pend Oreille, No. 5, No. 7, No. 8, No. 9, that portion of No. 10 lying north of the Pend Oreille River, No. 12, No. 14, No. 15, No. 16, No. 17, No. 18, No. 20, No. 21, No. 23, No. 24, that portion of No. 25 lying north of the Pend Oreille River, No. 26, No. 27, No. 28, No. 29, No. 30, No. 32, No. 33, that portion of No. 34 lying north and east of a line beginning at the
intersection of Westmond Road with S. Sagle Road, west and south on Westmond Road to U.S. Highway 95, north on U.S. Highway 95 to Cocolalla Loop Road, then on Cocolalla Loop Road to Cocolalla Creek, then along Cocolalla Creek to the intersection with the western boundary of the precinct, No. 35 and No. 36.

(2) Legislative District No. 2 shall include all the area contained within the following precincts of Bonner County: that portion of No. 4 lying west of Lake Pend Oreille, No. 6, that portion of No. 10 lying south of the Pend Oreille River, No. 11, No. 13, No. 22, that portion of No. 25 lying south of the Pend Oreille River, No. 31, and that portion of No. 34 lying south and west of a line beginning at the intersection of Westmond Road with S. Sagle Road, west and south on Westmond Road to U.S. Highway 95, north on U.S. Highway 95 to Cocolalla Loop Road, then on Cocolalla Loop Road to Cocolalla Creek, then along Cocolalla Creek to the intersection with the western boundary of the precinct; and all the area contained within the following precincts of Kootenai County: that portion of No. 12 lying south of a line beginning at the intersection of East Pole Line Avenue and N. Heutter Road, west to N. Meyer Road, then south and west on N. Meyer Road and E. 16th Avenue to the Ross Point Rathdrum Highway, No. 13, No. 14, No. 15, No. 16, No. 17, No. 18, No. 19, No. 21, No. 22 and No. 30.

(3) Legislative District No. 3 shall include all the area contained within the following precincts of Kootenai County: No. 1, No. 3, No. 4, No. 5, No. 6, No. 7, No. 8, No. 10, No. 11, that portion of No. 12 lying north of a line beginning at the intersection of East Pole Line Avenue and N. Heutter Road, then west to N. Meyer Road, then south and west on N. Meyer Road and E. 16th Avenue to the Ross Point Rathdrum Highway, that portion of No. 20 lying west of a line beginning at the intersection of Lancaster Road and N. Strahorn Road, south on N. Strahorn Road to E. Miles Road, east on E. Miles Road to N. Lakeview Drive, southwest on N. Lakeview Drive to E. Hayden Avenue, east on E. Hayden Avenue to the intersection with the city boundary of Hayden Lake before reaching East Street, then north and east following the city boundary to its extension into Hayden Lake, following a nonvisible line through Hayden Lake to the mouth of Windy Bay, following Windy Creek and its extension to its intersection with the boundary of Precinct 31, and No. 32.

(4) Legislative District No. 4 shall include all the area contained within Shoshone County; all the area contained within the following precincts of Benewah County: Plummer and Tensed; and all of the area contained within the following precincts of Kootenai County: No. 2, No. 9, that portion of No. 20 lying east of a line beginning at the intersection of Lancaster Road and N. Strahorn Road, south on N. Strahorn Road to E. Miles Road, east on E. Miles Road to N. Lakeview Drive, southwest on N. Lakeview Drive to E. Hayden Avenue, east on E. Hayden Avenue to the intersection with the city boundary of Hayden Lake before reaching East Street, then north and east following the city boundary to its extension into Hayden Lake, following a nonvisible line through Hayden Lake to the mouth of Windy Bay, following Windy Creek and its extension to its intersection with the boundary of Precinct 31, No. 23, No. 24, No. 25, No. 26, No. 27, No. 28, No. 29 and No. 31.
(5) Legislative District No. 5 shall include all the area contained within the following precincts of Latah County: No. 1, No. 2, No. 3, No. 4, No. 5, No. 6, No. 7, No. 8, No. 9, No. 10, No. 11, No. 12, No. 13, No. 14, No. 15, No. 16, No. 17, No. 18, No. 19, No. 20, No. 21, No. 23, No. 24, No. 26, No. 27, No. 28, No. 29, No. 30 and No. 31.

(6) Legislative District No. 6 shall include all the area contained within the following precincts of Nez Perce County: Hatwai, Lewiston No. 1, Lewiston No. 2, Lewiston No. 3, Lewiston No. 4, Lewiston No. 5, Lewiston No. 6, Lewiston No. 7, Lewiston No. 8, Lewiston No. 9, Lewiston No. 10, Lewiston No. 11, Lewiston No. 12, Lewiston No. 13, Lewiston No. 14, Lewiston No. 15, Lewiston No. 16, Lewiston No. 17, Lewiston No. 18, Lewiston No. 19, Lewiston No. 20, Lewiston No. 21, Lewiston No. 22, Lewiston No. 23, Lewiston No. 24, Lewiston No. 25, Lewiston No. 26, Rimrock, Tammany and Webb.

(7) Legislative District No. 7 shall include all the area contained within Clearwater and Lewis Counties; all the area contained within the following precincts of Benewah County: Benewah, Center, College, Emida, Fernwood, Santa, St. Joe, St. Maries and Townsite; all the area contained within the following precincts of Idaho County: Big Butte, Clearwater, Cottonwood No. 1, Cottonwood No. 2, Elk City, Ferdinand, Glover, Harpster, Joseph, Kamiah, Keuterville, Kooskia, Lowell, Stites and Woodland; all the area contained within the following precincts of Latah County: No. 22, No. 25 and No. 32; and all the area contained within the following precincts of Nez Perce County: Culdesac, Gifford, Lapwai, Leland, Lenore, Peck and Spaulding.

(8) Legislative District No. 8 shall include all the area contained within Adams, Boise and Valley Counties; all the area contained within the following precincts of Gem County: Bench, Brick, Butte, Central Emmett, Emerson, Montour/Sweet, North Emmett, Ola, South Emmett and West Emmett; and all the area contained within the following precincts of Idaho County: Fenn, Grangeville No. 1, Grangeville No. 2, Grangeville No. 3, Grangeville No. 4, Grangeville No. 5, Greenland, Pollock, Riggins, Slatecreek and Whitebird.

(9) Legislative District No. 9 shall include all the area contained within Payette and Washington Counties; and all the area contained within the following precincts of Gem County: Hanna, Letha and Lincoln.

(10) Legislative District No. 10 shall include all the area contained within the following precincts of Canyon County: No. 1, No. 4, No. 5, No. 6, No. 7, No. 8, No. 9, No. 10, No. 12, No. 15, No. 27, No. 29, No. 51, No. 52, No. 57 and No. 62.

(11) Legislative District No. 11 shall include all the area contained within the following precincts of Canyon County: No. 3, No. 18, No. 20, No. 22, No. 28, No. 32, No. 33, No. 34, No. 35, No. 36, No. 42, No. 54, No. 56, No. 58 and all of No. 59 except that block bounded by Crestview and New York Avenue and that block of No. 59 bounded by S. Florence Street.

(12) Legislative District No. 12 shall include all the area contained within the following precincts of Canyon County: No. 19, No. 21, No. 23, No. 25, No. 30, No. 38, No. 40, No. 44, No. 45, No. 46, No. 47, No. 49, No. 50, No. 55, that block of No. 59 bounded by Crestview and New York Avenue, and that block of No. 59 bounded by S.
Florence Street, No. 60 and No. 61.

(13) Legislative District No. 13 shall include all the area contained within the following precincts of Ada County: No. 3, No. 4, No. 9, that portion of No. 12 lying east and north of Gowen Road and Pleasant Valley Road, No. 26, No. 27, No. 33, No. 35, No. 37, No. 45, No. 61, No. 62, No. 64, that portion of No. 69 lying east of Pleasant Valley Road, that portion of No. 79 lying east of Owyhee Street, No. 111, No. 113, No. 114 and No. 121.

(14) Legislative District No. 14 shall include all the area contained within the following precincts of Ada County: No. 29, No. 52, that portion of No. 63 lying west of Cloverdale Road, No. 65, No. 67, No. 71, No. 72, No. 73, No. 74, No. 88, that portion of No. 90 lying north of Amity Road, No. 94, No. 95, No. 96, No. 97, No. 98, No. 100, No. 105, No. 106, and that portion of No. 122 lying west of Eagle Road.

(15) Legislative District No. 15 shall include all the area contained within the following precincts of Ada County: No. 15, No. 16, No. 55, that portion of No. 63 lying east of Cloverdale Road, No. 75, No. 76, No. 86, No. 87, No. 104, No. 119, No. 120, that portion of No. 122 lying east of Eagle Road and No. 123.

(16) Legislative District No. 16 shall include all the area contained within the following precincts of Ada County: No. 8, that portion of No. 17 lying east of N. Milwaukee Street, No. 20, No. 23, No. 32, No. 38, No. 42, No. 49, No. 50, No. 54, No. 58, No. 59, No. 82, No. 89, No. 107, No. 117 and No. 118.

(17) Legislative District No. 17 shall include all the area contained within the following precincts of Ada County: No. 2, No. 10, No. 13, No. 14, that portion of No. 17 lying west of N. Milwaukee Street, No. 36, No. 39, No. 40, No. 43, No. 44, No. 48, No. 51, No. 53, No. 56, No. 57, No. 60, No. 78, that portion of No. 79 lying west of Owyhee Street, No. 81 and No. 84.

(18) Legislative District No. 18 shall include all the area contained within the following precincts of Ada County: that portion of No. 12 lying west of Gowen Road and Pleasant Valley Road, No. 66, No. 68, that portion of No. 69 lying west of Pleasant Valley Road, No. 70, No. 85, that portion of No. 90 lying south of Amity, No. 91, No. 92, No. 93, No. 99, No. 101, No. 102, No. 103, No. 109, No. 112 and No. 116.

(19) Legislative District No. 19 shall include all the area contained within the following precincts of Ada County: No. 1, No. 5, No. 6, No. 7, No. 11, No. 18, No. 19, No. 21, No. 22, No. 24, No. 25, No. 28, No. 30, No. 31, No. 34, No. 41, No. 46, No. 47, No. 77, No. 80, No. 83, No. 108, No. 110 and No. 115.

(20) Legislative District No. 20 shall include all the area contained within Owyhee County; and all the area contained within the following precincts of Elmore County: Chattin Flats, Glenns Ferry No. 1, Glenns Ferry No. 2, Hammett, Mayfield, Mountain Home No. 1, Mountain Home No. 2, Mountain Home No. 3, Mountain Home No. 4, Mountain Home No. 5, Mountain Home No. 6, Mountain Home No. 7 and Mountain Home No. 8.

(21) Legislative District No. 21 shall include all the area contained within Blaine, Camas and Lincoln Counties; all the area contained within the following precincts of Elmore County: Atlanta,
Camas, King Hill, Pine and Prairie; and all the area contained within the following precincts of Gooding County: Bliss, Gooding East, Gooding Northeast, Gooding Northwest, Gooding West, Tuttle, Wendell East, Wendell Rural and Wendell West.

(22) Legislative District No. 22 shall include all the area contained within the following precincts of Gooding County: Hagerman, Orchard Valley and West Point; and all the area contained within the following precincts of Twin Falls County: Buhl No. 1, Buhl No. 2, Buhl No. 3, Buhl No. 4, Buhl No. 5, Buhl No. 6, Buhl No. 7, Castleford, Clover, Deep Creek, Filer No. 1, Filer No. 2, Filer No. 3, Maroa, Twin Falls No. 3, Twin Falls No. 4, Twin Falls No. 5, Twin Falls No. 7, Twin Falls No. 18, Twin Falls No. 20, Twin Falls No. 23 and Twin Falls No. 24.

(23) Legislative District No. 23 shall include all the area contained within the following precincts of Twin Falls County: Hansen, Hollister, Kimberly No. 1, Kimberly No. 2, Kimberly No. 3, Twin Falls No. 1, Twin Falls No. 2, Twin Falls No. 6, Twin Falls No. 8, Twin Falls No. 9, Twin Falls No. 10, Twin Falls No. 11, Twin Falls No. 12, Twin Falls No. 13, Twin Falls No. 14, Twin Falls No. 15, Twin Falls No. 16, Twin Falls No. 17, Twin Falls No. 19, Twin Falls No. 21 and Twin Falls No. 22.

(24) Legislative District No. 24 shall include all the area contained within Jerome County; and all the area contained within the following precincts of Minidoka County: Acequia, Emerson, Paul, Pioneer, Rupert No. 1, Rupert No. 3, that portion of Rupert No. 4 lying north of State Highway No. 25, east of 100-Er Road and north of 100 North Road of a line beginning at the intersection of State Highway No. 25 with the eastern boundary (the Snake River), then west on State Highway No. 25 to 100 East Road, then north on 100 East Road to 100 North Road, then west on 100 North Road to the precinct boundary, and Rupert No. 5.

(25) Legislative District No. 25 shall include all the area contained within Cassia County; all the area contained within the following precincts of Minidoka County: Heyburn No. 1, Heyburn No. 2, Rupert No. 2, and that portion of Rupert No. 4 lying south of State Highway No. 25, east of 100-Er Road and north of 100 North Road a line beginning at the intersection of State Highway No. 25 and the eastern precinct boundary (the Snake River), then west on State Highway No. 25 to 100 East Road, then north on 100 East Road to 100 North Road, then west on 100 North Road to the precinct boundary; and all the area contained within the following precinct of Twin Falls County: Murtaugh.

(26) Legislative District No. 26 shall include all the area contained within Clark, Custer, Jefferson and Lemhi Counties.

(27) Legislative District No. 27 shall include all the area contained within Madison County; and all the area contained within the following precincts of Fremont County: Egin, Island Park, Newdale, Parker, Teton and Wilford.

(28) Legislative District No. 28 shall include all the area contained within Teton County; all the area contained within the following precincts of Fremont County: Ashton No. 1, Ashton No. 2, Chester, Drummond, Lamont, St. Anthony No. 1, St. Anthony No. 2, St. Anthony No. 3, Squirrel, Twin Groves and Warm River/Green Timber; and all the area contained within the following precincts of Bonneville County:
No. 21, No. 23, No. 40, No. 43, No. 44, No. 45, No. 46, No. 47, No. 52, No. 53, No. 54 and No. 55.

(29) Legislative District No. 29 shall include all the area contained within the following precincts of Bonneville County: No. 1, No. 2, No. 3, No. 4, No. 5, No. 6, No. 7, No. 8, No. 9, No. 13, No. 14, No. 22, No. 36, No. 37, No. 38, No. 39 and No. 41.

(30) Legislative District No. 30 shall include all the area contained within the following precincts of Bonneville County: No. 10, No. 11, No. 12, No. 15, No. 16, No. 17, No. 18, No. 19, No. 20, No. 24, No. 25, No. 26, No. 42, No. 48, No. 49, No. 50, No. 51, No. 56 and No. 57.

(31) Legislative District No. 31 shall include all the area contained within Butte County; and all the area contained within the following precincts of Bingham County: that portion of Blackfoot No. 1 lying outside the Fort Hall Indian Reservation, that portion of Blackfoot No. 2 lying north of Mitchell Street, Fisher Avenue and E. Alice Street, Blackfoot No. 5, that portion of East Firth lying outside the Fort Hall Indian Reservation, East Shelley, Groveland, Jameston, Moreland, Pingree, Riverside, Rockford, Shelley, Wapello, West Shelley and West Firth.

(32) Legislative District No. 32 shall include all the area contained within Bear Lake, Caribou, Franklin and Oneida Counties; and all the area contained within the following precincts of Bannock County: that portion of Arimo lying west of a line beginning at the intersection of Smith Canyon Road with the railroad tracks and a road running parallel to the tracks on the west, north on this road into Arimo on S. Front Street to Woodland Avenue, west on Woodland Avenue to Old Highway 91 and north on Old Highway 91 to the precinct boundary, and Downey.

(33) Legislative District No. 33 shall include all the area contained within the following precincts of Bannock County: No. 1, No. 2, No. 3, No. 4, No. 5, No. 6, No. 7, No. 8, No. 9, No. 10, No. 11, No. 12, No. 21, No. 22, that portion of No. 28 lying outside the Pocatello City limits, No. 29, No. 33, that portion of No. 34 lying outside the Chubbuck City limits, No. 50, that portion of Arimo lying east of a line beginning at the intersection of Smith Canyon Road with the railroad tracks and a road running parallel to the tracks on the west, north on this road into Arimo on S. Front Street to Woodland Avenue, west on Woodland Avenue to Old Highway 91 and north on Old Highway 91 to the precinct boundary, Inkom, Lava Hot Springs and McCammon.

(34) Legislative District No. 34 shall include all the area contained within the following precincts of Bannock County: No. 13, No. 14, No. 15, No. 16, No. 17, No. 18, No. 19, No. 20, No. 23, No. 24, No. 25, No. 26, No. 27, that portion of No. 28 lying within the Pocatello City limits, No. 30, No. 31, No. 32, No. 51, No. 52, No. 53, No. 82, that portion of No. 85 lying east of U.S. Highway 91, and that portion of No. 87 lying east of U.S. Highway 91 and south of Reservation Road.

(35) Legislative District No. 35 shall include all the area contained within Power County; all the area contained within the following precincts of Bannock County: that portion of No. 34 lying within the Chubbuck City limits, No. 81, No. 83, No. 84, that portion of No. 85 lying west of U.S. Highway 91, No. 86 and that portion of No. 87
lying west of U.S. Highway 91 and north of Reservation Road; and all
the area contained within the following precincts of Bingham County:
Aberdeen, that portion of Blackfoot No. 1 lying within the Fort Hall
Indian Reservation, that portion of Blackfoot No. 2 lying south of
Mitchell Street, Fisher Avenue and E. Alice Street, Blackfoot No. 3,
Blackfoot No. 4, Blackfoot No. 6, that portion of East Firth lying
within the Fort Hall Indian Reservation, Fort Hall and
Sterling/Springfield.

SECTION 2. The time sequence provided in section 34-301, Idaho
Code, which requires the establishment of precinct boundaries prior to
January 15 in a general election year, is specifically waived for the
purposes of this act insofar as the provisions of this act may require
a precinct boundary to be adjusted to meet the requirements of this
act. Any precinct boundary adjustments required by this act shall be
accomplished by the county commissioners as soon as is practicable.

SECTION 3. An emergency existing therefor, which emergency is
hereby declared to exist, the provisions of this act shall be in full
force and effect on and after passage and approval for all purposes of
the Fifty-second and succeeding Idaho Legislatures.

Approved April 2, 1992.

CHAPTER 151
(H.B. No. 811)

AN ACT
RELATING TO SEWER AND WATER DISTRICTS; AMENDING SECTION 42-3222, IDAHO
CODE, TO STRIKE REFERENCE TO A LIMITATION ON INDEBTEDNESS OF A DIS-
TRICT.

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

SECTION 1. That Section 42-3222, Idaho Code, be, and the same is
hereby amended to read as follows:

42-3222. INDEBTEDNESS OF FIVE-THOUSAND-DOLLARS-OR-MORE DISTRICT --
SUBMISSION OF PROPOSITION TO ELECTORATE. Whenever any board shall, by
resolution, determine that the interest of said district and the pub-
lic 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 $5,000--or
more--and--in--any--event--when-the-indebtedness that 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 inter-
est 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.

Approved April 2, 1992.

CHAPTER 152
(H.B. No. 817)

AN ACT
RELATING TO ELECTION PRECINCTS; AMENDING SECTION 34-301, IDAHO CODE, TO PROVIDE THAT BOUNDARIES OF ELECTION PRECINCTS MAY BE ADJUSTED AFTER JANUARY 15 UNDER CONDITIONS SPECIFIED; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 34-301, Idaho Code, be, and the same is hereby amended to read as follows:

34-301. ESTABLISHMENT OF ELECTION PRECINCTS BY COUNTY COMMISSIONERS -- LISTS AND MAPS TO BE FURNISHED TO SECRETARY OF STATE. The board of county commissioners in each county shall establish a convenient number of election precincts therein. The board of county commissioners may establish an absentee voting precinct for each legislative district within the county. The boundaries of such absentee precincts shall be the same as those of the legislative districts for which they were established. The board shall have the authority to create new or consolidate established precincts only within the boundaries of the legislative districts provided by section 67-202, Idaho Code. No county shall have less than two (2) precincts. This board action shall be done no later than January 15 in a general election year. The January 15 deadline shall be waived during a general election year in which a legislative or court ordered redistricting plan is adopted. In such cases, any precinct boundary adjustments shall be accomplished by the county commissioners as soon as is practicable.

The county clerk of each county shall provide, and the secretary of state shall maintain in his office, a current and accurate report of the following:
(a) A list of all precincts within the county;
(b) A map of all precincts within the county;
(c) A count of voters registered for the latest general election, by precinct;
(d) A count of votes cast at the latest general election, by precinct.

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

Approved April 2, 1992.

CHAPTER 153
(H.B. No. 836)

AN ACT
RELATING TO THE INCOME TAX INVESTMENT CREDIT; AMENDING SECTION 63-3029B, IDAHO CODE, TO DEFINE THE TERM "IDAHO SITUS" TO PROVIDE THAT PROPERTY MUST BE PHYSICALLY PRESENT IN IDAHO TO ACQUIRE AN IDAHO SITUS AND TO PROVIDE FOR THE ATTRIBUTION OF CREDIT FOR PROPERTY USED BOTH IN AND OUTSIDE IDAHO; DECLARING AN EMERGENCY, PROVIDING A RETROACTIVE EFFECTIVE DATE AND PROVIDING APPLICATION.

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.

(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 eldest 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.

(8) For purposes of this section, property has a situs in Idaho during a taxable year if it is used in Idaho at any time during the taxable year. Property not used in Idaho during a taxable year does not have a situs in Idaho in the taxable year during which the property is not used in Idaho or in any subsequent taxable year. No credit or carry-over of credit is permitted under this section if the credit or carry-over relates to property that does not have a situs in Idaho during the taxable year for which the credit or carry-over is claimed. The situs of rolling stock and movable property must be established by records maintained by the taxpayer which are created reasonably contemporaneously with the use of the property.

(9) In the case of property used both in and outside Idaho, the taxpayer may elect to compute the qualified investment in property with a situs in Idaho for all such investments first qualifying during that year in one, but only one, of the following ways:

(a) the amount of each qualified investment in a specific asset shall be separately computed based on the percentage of the actual use of the property in Idaho by using a measure of the use, such as total miles or total machine hours. that most accurately reflects the beneficial use during the taxable year in which it is first acquired, constructed, reconstructed, erected or placed into service; provided, that the asset is placed in service more than ninety (90) days before the end of the taxable year. In the case of assets acquired, constructed, reconstructed, erected or placed into service within ninety (90) days prior to the end of the taxable year in which the investment first qualifies, the measure of the use of that asset within Idaho for that year shall be based upon the percentage of use in Idaho during the first ninety (90) days of use of the asset;

(b) the total investment in qualified property used both inside
and outside Idaho during the taxable year in which it is first acquired, constructed, reconstructed, erected or placed into service shall be multiplied by a factor equal to the Idaho property factor determined pursuant to section 63-3027(j) through (l), Idaho Code, for the same year.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 1992. This act applies to credits and to carry-over of credits under section 63-3029B, Idaho Code, allowable for taxable years beginning on and after January 1, 1992, without regard to the taxable year during which an investment first qualified for the Idaho investment tax credit.

Approved April 2, 1992.

CHAPTER 154
(S.B. No. 1464)

AN ACT

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

* SECTION 1. That Section 2, Chapter 258, Laws of 1991, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the Office of the Governor the following amounts, to be expended for the designated programs according to the designated expense classes from the listed accounts, for the period July 1, 1991, through June 30, 1992:

<table>
<thead>
<tr>
<th>FOR</th>
<th>FOR</th>
<th>FOR TRUSTEE AND</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERSONNEL</td>
<td>OPERATING</td>
<td>CAPITAL</td>
</tr>
<tr>
<td>COSTS</td>
<td>EXPENDITURES</td>
<td>OUTLAY</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>I. GOVERNOR'S OFFICE ADMINISTRATION:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$765,100</td>
<td>$309,600</td>
</tr>
<tr>
<td>II. GOVERNOR'S RESIDENCE:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$6,200</td>
<td></td>
</tr>
<tr>
<td>III. GOVERNOR'S EXPENSE ALLOWANCE: To be expended pursuant to Section 67-808d, Idaho Code:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$7,000</td>
<td></td>
</tr>
</tbody>
</table>
### IV. SOCIAL SERVICES:

Federal Program Administration Account $ 3,900 $ 73,000 $ 76,900

### V. COMMISSION ON CHILDREN AND YOUTH:

General Account $ 52,200 $ 7,200 $ 59,400

Federal Program Administration Account 50,300 84,200 134,500

**TOTAL** $102,500 $ 91,400 $193,900

### VI. ENERGY:

Federal Program Administration Account $ 12,100 $ 12,100

### VII. COLUMBIA BASIN/ENDANGERED SPECIES ISSUES:

General Account 50,000 134,100 $184,100

Public Utilities Commission Account $200,000 $ 200,000

**TOTAL** 50,000 134,100 $184,100

**GRAND TOTAL** 50,000 134,100 $184,100

### SECTION 2. That Section 1, Chapter 256, Laws of 1991, be, and the same is hereby amended to read as follows:

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

**FOR:**

- Trustee and Benefit Payments $5,000
- General Account $5,000

### SECTION 3. That Section 1, Chapter 196, Laws of 1991, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the Office of the Governor for the Division of Financial Management the following amount, to be expended according to the designated expense classes from the listed accounts for the period July 1, 1991, through June 30, 1992:
### FOR PERSONNEL FOR OPERATING FOR CAPITAL TOTAL

<table>
<thead>
<tr>
<th>FROM:</th>
<th>GENERAL ACCOUNT</th>
<th>INDIRECT COST RECOVERY</th>
<th>INTERAGENCY BILLING AND RECEIPTS ACCOUNT</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERSONNEL COSTS</td>
<td>$933,800</td>
<td>$22,800</td>
<td>$38,600</td>
<td>$1,242,200</td>
</tr>
<tr>
<td>OPERATING EXPENDITURES</td>
<td>$218,600</td>
<td></td>
<td>$23,900</td>
<td></td>
</tr>
<tr>
<td>CAPITAL OUTLAY</td>
<td>$1,155,500</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,308,900</td>
<td>$22,800</td>
<td>$62,500</td>
<td>$1,394,200</td>
</tr>
</tbody>
</table>

### FOR PERSONNEL FOR OPERATING FOR CAPITAL TOTAL

<table>
<thead>
<tr>
<th>FROM:</th>
<th>GENERAL ACCOUNT</th>
<th>INDIRECT COST RECOVERY</th>
<th>INTERAGENCY BILLING AND RECEIPTS ACCOUNT</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERSONNEL COSTS</td>
<td>$165,600</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OPERATING EXPENDITURES</td>
<td>$126,400</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CAPITAL OUTLAY</td>
<td>$10,200</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TRUSTEE AND BENEFIT PAYMENTS</td>
<td>$3,999</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$353,899</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### FOR PERSONNEL FOR OPERATING FOR CAPITAL TOTAL

<table>
<thead>
<tr>
<th>FROM:</th>
<th>GENERAL ACCOUNT</th>
<th>INDIRECT COST RECOVERY</th>
<th>INTERAGENCY BILLING AND RECEIPTS ACCOUNT</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERSONNEL COSTS</td>
<td>$252,700</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OPERATING EXPENDITURES</td>
<td>$126,400</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CAPITAL OUTLAY</td>
<td>$10,200</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TRUSTEE AND BENEFIT PAYMENTS</td>
<td>$4,493,600</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,882,900</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
SECTION 6. That Section 1, Chapter 107, Laws of 1991, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the Office of the Governor for the Human Rights Commission the following amount, to be expended according to designated expense classes from the listed accounts, for the period July 1, 1991, through June 30, 1992:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$239,800</td>
<td>$97,200</td>
<td>$7,000</td>
<td>$344,000</td>
<td>340,200</td>
</tr>
<tr>
<td>Human Rights Federal Account</td>
<td>60,200</td>
<td>41,500</td>
<td>101,700</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$300,000</td>
<td>$138,700</td>
<td>$7,000</td>
<td>$445,700</td>
<td>441,900</td>
</tr>
</tbody>
</table>

SECTION 7. That Section 1, Chapter 191, Laws of 1991, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the Office of the Governor for the Commission for the Blind the following amount, to be expended according to the designated expense classes from the listed accounts, for the period July 1, 1991, through June 30, 1992:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$546,600</td>
<td>$101,500</td>
<td>$7,000</td>
<td>$426,800</td>
<td>1,069,600</td>
</tr>
<tr>
<td>Blind Commission Donations Account</td>
<td>3,000</td>
<td></td>
<td></td>
<td></td>
<td>3,000</td>
</tr>
<tr>
<td>Randolph Sheppard Account</td>
<td>26,600</td>
<td>48,000</td>
<td>85,100</td>
<td>159,700</td>
<td></td>
</tr>
<tr>
<td>Idaho Commission for the Blind Account</td>
<td>586,500</td>
<td>269,200</td>
<td>14,000</td>
<td>560,200</td>
<td>1,429,900</td>
</tr>
<tr>
<td>Interagency Billing and Receipts Account</td>
<td>10,100</td>
<td>8,600</td>
<td>18,700</td>
<td></td>
<td>1,086,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,159,700</td>
<td>$428,800</td>
<td>$24,000</td>
<td>$1,199,900</td>
<td>1,429,900</td>
</tr>
</tbody>
</table>

SECTION 8. That Section 1, Chapter 103, Laws of 1991, be, and the
same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the Office of the Governor for the Commission on Women's Programs the following amount, to be expended according to the designated expense classes from the listed accounts for the period July 1, 1991, through June 30, 1992:

<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$12,500</td>
<td>$11,200</td>
<td>$24,700</td>
</tr>
<tr>
<td>Commission on Women's Programs Account</td>
<td>500</td>
<td>500</td>
<td>1,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$12,500</td>
<td>$11,700</td>
<td>$24,700</td>
</tr>
</tbody>
</table>

SECTION 9. That Section 1, Chapter 187, Laws of 1991, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the Office of the Governor for the Military Division, the following amounts to be expended for the listed programs from the listed accounts for the period July 1, 1991, through June 30, 1992:

<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$115,100</td>
<td>$178,400</td>
<td>$300,500</td>
</tr>
<tr>
<td>Adjutant General Receipts Account</td>
<td>52,800</td>
<td>52,800</td>
<td>105,600</td>
</tr>
<tr>
<td>Federal and State Contracts Account</td>
<td>3,142,800</td>
<td>2,364,900</td>
<td>5,507,700</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$3,257,900</td>
<td>$2,596,100</td>
<td>$5,861,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C. DISASTER SERVICES FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$309,500</td>
<td>304,500</td>
<td></td>
</tr>
<tr>
<td>Federal Indirect Cost Account</td>
<td>783,800</td>
<td>55,100</td>
<td></td>
</tr>
</tbody>
</table>
### IDAHO SESSION LAWS

C. 154 '92

#### FOR PERSONNEL COSTS

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$1,261,100</td>
<td>$1,060,100</td>
<td>$1,028,700</td>
<td>1,909,700</td>
</tr>
<tr>
<td>Idaho Travel and Convention Account</td>
<td>303,100</td>
<td>1,105,000</td>
<td>1,045,900</td>
<td>2,454,000</td>
</tr>
<tr>
<td>Idaho Development and Publicity Account</td>
<td>345,500</td>
<td>122,700</td>
<td>8,624,900</td>
<td>9,093,100</td>
</tr>
<tr>
<td>Economic and Community Affairs Account</td>
<td>2,424,000</td>
<td>14,232,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FOR PERSONNEL COSTS</td>
<td>FOR OPERATING EXPENDITURES</td>
<td>FOR CAPITAL OUTLAY</td>
<td>FOR TRUSTEE AND BENEFIT PAYMENTS</td>
<td>TOTAL</td>
</tr>
<tr>
<td>---------------------</td>
<td>-----------------------------</td>
<td>-------------------</td>
<td>----------------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>Account 506,100</td>
<td>290,700</td>
<td></td>
<td>$ 50,000</td>
<td>846,800</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 616,900</td>
<td>$ 362,700</td>
<td>$ 50,000</td>
<td>$ 1,025,600</td>
</tr>
</tbody>
</table>

II. GENERAL SERVICES:
FROM:
General Account $ 398,000 $ 66,900 $ 464,900
Interagency Billing and Receipts Account $ 1,111,400 571,900 220,700 1,904,000
TOTAL $ 1,509,400 $ 638,800 $ 220,700 $ 2,368,900

III. PUBLIC WORKS:
FROM:
General Account $ 1,481,900 $ 1,400,000 $ 4,734,300
Permanent Building Account $ 932,100 364,000 4,550,000 5,746,100
TOTAL $ 1,760,500 $ 3,151,400 $ 7,045,000 $11,956,900

IV. PURCHASING:
FROM:
General Account $ 325,200 $ 145,100 $ 485,300
Interagency Billing and Receipts Account $ 1,146,000 1,672,000 480,300
Federal Surplus Property Revolving Account $ 246,600 150,200 $ 396,800
TOTAL $ 1,717,800 $ 1,967,300 $ 3,997,400 $ 3,877,100

V. INSURANCE MANAGEMENT:
FROM:
Employee Group Insurance Account $ 180,000 $ 131,000 $ 311,000
Risk Retention Account $ 244,400 128,900 373,300
TOTAL $ 424,400 $ 259,900 $ 684,300

GRAND TOTAL $ 6,029,000 $ 6,388,700 $ 4,087,100 $ 7,095,000 $ 6,922,700
$ 6,371,000 412,700 7,078,700 19,891,400
SECTION 12. That Section 3, Chapter 259, Laws of 1991, be, and the same is hereby amended to read as follows:

SECTION 3. There is hereby appropriated to the Department of Revenue and Taxation 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, 1991, through June 30, 1992:

<table>
<thead>
<tr>
<th>FOR</th>
<th>PERSONNEL COSTS</th>
<th>FOR</th>
<th>OPERATING EXPENDITURES</th>
<th>FOR</th>
<th>CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
</table>

A. GENERAL SERVICES:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>General Account</th>
<th>Personnel Operating Capital Outlay</th>
<th>Capital Outlay</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$ 2,075,000</td>
<td>$ 994,200</td>
<td>$ 973,100</td>
</tr>
<tr>
<td></td>
<td>950,500</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Tax Commission Administration Account 27,600 27,600
Highway Suspense Account 217,500 65,700 6,400 289,600
Interagency Billing and Receipts Account 54,600 54,600
TOTAL $ 2,292,500 $ 1,142,100 $ 979,500 $ 4,444,600 4,370,400

B. AUDIT AND COLLECTIONS:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>General Account</th>
<th>Personnel Operating Capital Outlay</th>
<th>Capital Outlay</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$ 5,901,000</td>
<td>$ 997,500</td>
<td>$ 89,200</td>
</tr>
<tr>
<td></td>
<td>923,200</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Multi-State Tax Compact Account 148,300 148,300
Tax Commission Administration Account 149,500 54,400 203,900
Unclaimed Property Account 215,700 77,200 10,100 303,000
Highway Suspense Account 606,800 131,100 31,400 769,300
Interagency Billing and Receipts Account 4,000 4,000
TOTAL $ 6,873,000 $ 1,412,500 $ 130,700 $ 8,416,200 8,341,900

C. COUNTY SUPPORT:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>General Account</th>
<th>Personnel Operating Capital Outlay</th>
<th>Capital Outlay</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$ 1,568,300</td>
<td>$ 442,600</td>
<td>$ 31,600</td>
</tr>
<tr>
<td></td>
<td>421,400</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
C. 154 '92

FOR PERSONNEL COSTS
FOR OPERATING EXPENDITURES
FOR CAPITAL OUTLAY
TOTAL

Interagency Billing and Receipts Account
TOTAL $1,568,300 35,100 $ 477,700 $ 31,600 $2,077,600
456,500

D. REVENUE OPERATIONS:
FROM:

General Account $1,897,600 $4,705,700 $49,600 $2,962,700
977,200

Tax Commission Administration Account 25,400 25,400

Highway Suspense Account 165,600 173,400 339,000

Interagency Billing and Receipts Account 5,200

TOTAL $2,063,200 $4,219,700 $49,600 $3,331,700
1,181,200

E. BOARD OF TAX APPEALS:
FROM:

General Account $44,400 $12,700

GRAND TOTAL $12,841,400 $4,764,700 $1,191,400 $8,296,900
4,087,000

SECTION 13. That Section 2, Chapter 195, Laws of 1991, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the Department of Labor and Industrial Services the following amounts, to be expended for the designated programs according to the designated expense classes from the listed accounts for the period July 1, 1991, through June 30, 1992:

FOR PERSONNEL COSTS
FOR OPERATING EXPENDITURES
FOR CAPITAL OUTLAY
TOTAL

A. ADMINISTRATION:
FROM:

General Account $45,500 $4,300 $400 $50,200

Electrical Board Account 187,900 11,800 1,400 201,100

Plumbing Board Account 87,500 7,100 700 95,300
### FOR PERSONNEL COSTS

<table>
<thead>
<tr>
<th>Account</th>
<th>66,000</th>
<th>13,800</th>
<th>500</th>
<th>80,300</th>
</tr>
</thead>
<tbody>
<tr>
<td>Idaho Building Code Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interagency Billing and Receipts</td>
<td>56,200</td>
<td>29,000</td>
<td>500</td>
<td>85,700</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$443,100</td>
<td>$66,000</td>
<td>$3,500</td>
<td>$512,600</td>
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</table>

### B. SAFETY COMPLIANCE:

#### FROM:

<table>
<thead>
<tr>
<th>General Account</th>
<th>$43,500</th>
<th>$15,100</th>
<th>$54,600</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electrical Board Account</td>
<td>41,200</td>
<td>8,500</td>
<td>49,700</td>
</tr>
<tr>
<td>Plumbing Board Account</td>
<td>1,012,500</td>
<td>316,700</td>
<td>$15,000</td>
</tr>
<tr>
<td>Idaho Building Code Account</td>
<td>469,700</td>
<td>166,600</td>
<td>55,900</td>
</tr>
<tr>
<td>Manufactured Housing Account</td>
<td>374,400</td>
<td>76,100</td>
<td>36,000</td>
</tr>
<tr>
<td>Mine Safety Training Grant Account</td>
<td>30,400</td>
<td>16,300</td>
<td>46,700</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,963,900</td>
<td>$599,200</td>
<td>$106,900</td>
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</tbody>
</table>

### C. INDUSTRIAL RELATIONS AND SAFETY:

#### FROM:

<table>
<thead>
<tr>
<th>General Account</th>
<th>$260,200</th>
<th>$71,100</th>
<th>$331,300</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interagency Billing and Receipts</td>
<td>402,900</td>
<td>144,300</td>
<td>$29,000</td>
</tr>
<tr>
<td>Mine Safety Training Grant Account</td>
<td>37,800</td>
<td>22,200</td>
<td>60,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$700,900</td>
<td>$237,600</td>
<td>$29,000</td>
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</table>

#### GRAND TOTAL:

<table>
<thead>
<tr>
<th></th>
<th>$3,770,200</th>
<th>$905,300</th>
<th>$139,400</th>
<th>$4,115,000</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>$4,107,900</td>
<td>902,800</td>
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<td></td>
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</tbody>
</table>

SECTION 14. That Section 3, Chapter 201, Laws of 1991, be, and the same is hereby amended to read as follows:

SECTION 3. There is hereby appropriated to the Department of Agriculture 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, 1991, through June 30, 1992:
### FOR TRUSTEE AND BENEFIT PAYMENTS

<table>
<thead>
<tr>
<th>A. ADMINISTRATION:</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR PERSONNEL COSTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>$ 233,700</td>
<td>$ 124,200</td>
<td>$ 25,000</td>
<td>$ 382,900</td>
</tr>
<tr>
<td>Interagency Billing and Receipts</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td>38,800</td>
<td>178,400</td>
<td></td>
<td>217,200</td>
</tr>
<tr>
<td>Agriculture Department Inspection</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td>245,100</td>
<td>16,100</td>
<td></td>
<td>261,200</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 517,600</td>
<td>$ 318,700</td>
<td>$ 25,000</td>
<td>$ 861,300</td>
</tr>
</tbody>
</table>

| B. ANIMAL INDUSTRY:                    |                    |                           |                     |            |
| FROM:                                  |                    |                           |                     |            |
| General Account                        |                    |                           |                     |            |
|                                        | $ 518,000           | $ 46,600                  | $ 51,600            | $ 616,200  |
| Livestock Disease Control & T.B. Indemnity | $ 335,700 | $ 185,900                 | $ 30,100            | 551,700    |
| Dairy Industry and Inspection Account  |                    |                           |                     |            |
|                                        | 276,000             | 82,600                    | 22,400              | 381,000    |
| Livestock Dealer License Account       |                    |                           |                     |            |
|                                        | 3,000               | 2,500                     |                     | 5,500      |
| Interagency Billing and Receipts       |                    |                           |                     |            |
| Account                               | 143,500             |                           |                     | 143,500    |
| TOTAL                                 | $ 1,132,700         | $ 461,100                 | $104,100            | $ 1,697,900|

| C. AGRICULTURAL TECHNOLOGY:            |                    |                           |                     |            |
| FROM:                                  |                    |                           |                     |            |
| Water Pollution Control Account        |                    |                           |                     |            |
|                                        | $ 85,300            | $ 21,400                  | $ 21,000            | $ 127,700  |
| Pesticide Account                      |                    |                           |                     |            |
|                                        | 703,900             | 229,200                   | 42,000              | 975,100    |
| TOTAL                                 | $ 789,200           | $ 250,600                 | $ 63,000            | $ 1,102,800|

<p>| D. PLANT INDUSTRY:                     |                    |                           |                     |            |
| FROM:                                  |                    |                           |                     |            |
| General Account                        |                    |                           |                     |            |
|                                        | $ 250,500           | $ 92,100                  | $ 92,200            | $ 434,800  |
| Agriculture Department Inspection Account | 690,700 | 151,200                   | 16,900              | 858,800    |
| Bee Inspection Account                 |                    |                           |                     |            |
|                                        | 24,100              | 6,600                     |                     | 30,700     |
| Commercial Feed and Fertilizer Account |                    |                           |                     |            |</p>
<table>
<thead>
<tr>
<th></th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Account</td>
<td>271,700</td>
<td>89,700</td>
<td>2,600</td>
<td></td>
<td>364,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,237,000</td>
<td>$339,600</td>
<td>$19,500</td>
<td>$92,200</td>
<td>$1,688,300</td>
</tr>
</tbody>
</table>

E. AGRICULTURAL INSPECTIONS:
FROM:
General Account $638,300 $194,400 $80,000 $912,700
Agriculture Department Inspection Account $140,300 50,300 $3,500 194,10
Fresh Fruit and Vegetable Inspection Account 6,782,500 736,000 60,300 290,000 7,868,80
Egg Inspection Account 99,000 23,300 122,30
Public Livestock Market Account 6,800 2,000 8,80
Organic Food Products Administration Account 45,200 9,700 8,000 62,90
TOTAL $7,712,100 $1,015,700 $148,300 $293,500 $9,169,60

F. AGRICULTURAL MARKETING AND DEVELOPMENT:
FROM:
General Account $213,600 $120,200 $5,000 $338,80
Agriculture Department Inspection Account 26,300 26,300
Wheat Statistics Account 2,000 9,100 11,10
Interagency Billing and Receipts Account 40,100 63,700 103,80
Rural Rehabilitation Account 13,000 14,600 $159,100 186,70
TOTAL $295,000 $207,600 $5,000 $159,100 $666,70

G. ANIMAL DAMAGE:
FROM:
General Account $87,600 87,60
Sheep Commission Account 119,600 119,60
Animal Damage Control Account 50,000 50,00
TOTAL $257,200 $257,20

H. SHEEP COMMISSION:
FROM:
General
SECTION 15. That Section 1, Chapter 54, Laws of 1991, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the regulatory boards in the Department of Self-governing Agencies the following amounts, to be expended according to the designated expense classes from the listed accounts for the period July 1, 1991, through June 30, 1992:

| FOR PERSONNEL OPERATING CAPITAL TRUSTEE AND BENEFIT TOTAL |
|---------------|---------------|---------------|---------------|
| Account       | Costs         | Expenditures  | Outlay        | Payments      | TOTAL         |
| Sheep Commission | $ 29,100   | $ 6,400        |               |               | $ 35,500      |
| Account       | $ 97,100     | $ 27,200       |               |               | $ 124,300     |
| TOTAL         | $ 126,200    | $ 33,600       |               |               | $ 159,800     |
| I. HONEY ADVERTISING COMMISSION: |
| FROM: Idaho Honey Advertising |
| Account | $ 300 | $ 13,100 | $ 13,400 |
| J. QUALITY ASSURANCE LABORATORY: |
| FROM: General Account |
| $ 50,000 | $ 115,400 | $ 165,400 |
| GRAND TOTAL | $11,810,100 | $27,798,000 | $414,900 | $802,000 | $15,782,400 |

C. BOARD OF ACCOUNTANCY: |
| FROM: State Board of Accountancy Account | $ 132,600 | $ 147,200 | $ 4,000 | $ 283,800 |

D. BOARD OF DENTISTRY: |
<p>| FROM: |</p>
<table>
<thead>
<tr>
<th>Board/Commission</th>
<th>Description</th>
<th>Cost</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Board of Dentistry</td>
<td>FOR PERSONNEL COSTS</td>
<td>$ 88,800</td>
<td>$ 48,900</td>
<td>$ 3,000</td>
<td>$ 140,700</td>
</tr>
<tr>
<td>E. BOARD OF ENGINEERING EXAMINERS:</td>
<td>FROM: Professional Engineers</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Board of Medicine</td>
<td>FOR OPERATING EXPENDITURES</td>
<td>$ 111,100</td>
<td>$ 102,500</td>
<td>$ 1,500</td>
<td>$ 215,100</td>
</tr>
<tr>
<td>F. BOARD OF MEDICINE:</td>
<td>FROM: State Board of Medicine</td>
<td>$ 232,900</td>
<td>$ 175,500</td>
<td>$ 8,900</td>
<td>$ 417,300</td>
</tr>
<tr>
<td>G. BOARD OF NURSING:</td>
<td>FROM: State Board of Nursing</td>
<td>$ 222,700</td>
<td>$ 137,700</td>
<td>$ 9,000</td>
<td>$ 369,400</td>
</tr>
<tr>
<td>H. BUREAU OF OCCUPATIONAL LICENSES:</td>
<td>FROM: Occupational License</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>I. PUBLIC WORKS CONTRACTORS STATE LICENSE BOARD:</td>
<td>FROM: Public Works Contractors State License Board</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>J. IDAHO REAL ESTATE COMMISSION:</td>
<td>FROM: Idaho Real Estate Brokers Commission Account</td>
<td>$ 449,800</td>
<td>$ 238,700</td>
<td>$ 58,200</td>
<td>$ 746,700</td>
</tr>
<tr>
<td>K. PROFESSIONAL GEOLOGISTS BOARD:</td>
<td>FROM: Professional Geologists</td>
<td>$ 16,500</td>
<td>$ 13,100</td>
<td></td>
<td>$ 29,600</td>
</tr>
<tr>
<td>L. BOARD OF OPTOMETRY:</td>
<td>FROM: State Board of Optometry</td>
<td>$ 2,500</td>
<td>$ 12,500</td>
<td></td>
<td>$ 15,000</td>
</tr>
<tr>
<td>M. IDAHO CERTIFIED SHORTHAND REPORTERS BOARD:</td>
<td>FROM: State Certified Shorthand Reporters Account</td>
<td>$ 6,300</td>
<td>$ 9,400</td>
<td>$ 5,000</td>
<td>$ 20,700</td>
</tr>
<tr>
<td>N. OUTFITTERS AND GUIDES BOARD:</td>
<td>FROM: Outfitters and Guides Board Account</td>
<td>$ 139,000</td>
<td>$ 125,500</td>
<td>$ 9,700</td>
<td>$ 274,200</td>
</tr>
<tr>
<td>O. BOARD OF VETERINARY MEDICINE:</td>
<td>FROM: State Board of Veterinary Medicine Account</td>
<td>$ 22,700</td>
<td>$ 42,700</td>
<td></td>
<td>$ 65,400</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td></td>
<td>$2,286,900</td>
<td>$1,629,500</td>
<td>$109,100</td>
<td>$4,025,500</td>
</tr>
</tbody>
</table>

**Total:**

$4,025,500
SECTION 16. That Section 1, Chapter 76, Laws of 1991, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the Hispanic Commission in the Department of Self-governing Agencies the following amount, to be expended according to the designated expense classes from the listed accounts, for the period July 1, 1991, through June 30, 1992:

<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$48,400</td>
<td>$16,600</td>
<td>$67,300</td>
</tr>
<tr>
<td>Hispanic Commission Account</td>
<td>13,600</td>
<td>13,600</td>
<td>13,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$48,400</td>
<td>$30,200</td>
<td>$80,900</td>
</tr>
</tbody>
</table>

SECTION 17. That Section 2, Chapter 94, Laws of 1991, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the Department of Correction the following amount, to be expended for designated programs according to designated expense classes from the listed accounts for the period July 1, 1991, through June 30, 1992:

<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. ADMINISTRATION AND INSTITUTIONAL SUPPORT:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$4,469,300</td>
<td>$2,832,600</td>
<td>$9,659,500</td>
</tr>
<tr>
<td>Job Training Partnership Account</td>
<td>182,700</td>
<td>8,500</td>
<td>191,200</td>
</tr>
<tr>
<td>On the Job Training Account</td>
<td>76,000</td>
<td>12,100</td>
<td>88,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$4,761,300</td>
<td>$2,949,200</td>
<td>$9,659,500</td>
</tr>
<tr>
<td>B. IDAHO STATE CORRECTIONAL INSTITUTION - BOISE:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$6,829,100</td>
<td>$1,147,900</td>
<td>$8,977,000</td>
</tr>
<tr>
<td>Penitentiary Income Account</td>
<td>948,700</td>
<td>32,900</td>
<td>948,700</td>
</tr>
<tr>
<td>FOR PERSONNEL COSTS</td>
<td>FOR OPERATING EXPENDITURES</td>
<td>FOR CAPITAL OUTLAY</td>
<td>FOR TRUSTEE AND BENEFIT PAYMENTS</td>
</tr>
<tr>
<td>---------------------</td>
<td>-----------------------------</td>
<td>--------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td><strong>Interagency Billing and Receipts</strong> Account 46,600</td>
<td>97,400</td>
<td>144,000</td>
<td>2,262,800</td>
</tr>
<tr>
<td><strong>TOTAL</strong> $6,875,700</td>
<td>$2,364,000</td>
<td>$117,000</td>
<td>$9,256,700</td>
</tr>
<tr>
<td>C. IDAHO CORRECTIONAL INSTITUTION - OROFINO: FROM: General Account $2,548,700</td>
<td>$824,300</td>
<td>$5,600</td>
<td>$48,700</td>
</tr>
<tr>
<td></td>
<td>815,000</td>
<td>22,300</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong> $3,363,700</td>
<td>$846,600</td>
<td>$4,100</td>
<td>$48,700</td>
</tr>
<tr>
<td>D. NORTH IDAHO CORRECTIONAL INSTITUTION - COTTONWOOD: FROM: General Account $1,481,300</td>
<td>$652,400</td>
<td>$183,700</td>
<td>$88,800</td>
</tr>
<tr>
<td><strong>TOTAL</strong> $1,498,900</td>
<td>$706,300</td>
<td>$128,700</td>
<td>$88,800</td>
</tr>
<tr>
<td>E. SOUTH IDAHO CORRECTIONAL INSTITUTION - BOISE: FROM: General Account $1,339,900</td>
<td>$441,800</td>
<td>$22,700</td>
<td>$6,600</td>
</tr>
<tr>
<td><strong>TOTAL</strong> $1,437,300</td>
<td>$534,600</td>
<td>$81,300</td>
<td>$15,000</td>
</tr>
<tr>
<td>F. IDAHO MAXIMUM SECURITY INSTITUTION - BOISE: FROM: General Account $3,707,300</td>
<td>$1,025,500</td>
<td>$48,700</td>
<td>$4,777,500</td>
</tr>
<tr>
<td></td>
<td>990,300</td>
<td>20,800</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong> $4,707,600</td>
<td>$1,155,800</td>
<td>$79,500</td>
<td>$48,700</td>
</tr>
<tr>
<td>G. ST. ANTHONY WORK CAMP: FROM: General Account $952,100</td>
<td>$275,500</td>
<td>$40,700</td>
<td>1,214,300</td>
</tr>
<tr>
<td><strong>TOTAL</strong> $952,100</td>
<td>$439,500</td>
<td>$40,700</td>
<td>1,419,300</td>
</tr>
<tr>
<td>H. FIELD AND COMMUNITY SERVICES: FROM: General Account $4,513,000</td>
<td>$845,900</td>
<td>$528,300</td>
<td>5,887,200</td>
</tr>
</tbody>
</table>
C. 154 '92

PROBATION AND PAROLE RECEIPTS

Account 548,900 57,800 606,700

LAW ENFORCEMENT GRANTS

Account 175,700 55,300 231,000

INTERAGENCY BILLING AND RECEIPTS

Account 187,120 45,000 232,200

TOTAL $5,237,600 $1,437,200 $573,900 $6,891,500

I. PAROLE COMMISSION:

FROM:

General Account $165,000 $69,888 $1,700 $236,588

GRAND TOTAL $27,183,900 $9,865,699 $834,800 $40,996,498

SECTION 18. That Section 2, Chapter 192, Laws of 1991, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the Department of Law Enforcement the following amount, to be expended for the designated programs according to the designated expense classes from the listed accounts for the period July 1, 1991, through June 30, 1992:

FOR

I. CENTRAL ADMINISTRATION:

FROM:

General Account $1,133,000 $332,100 $1,463,000

Federal Motor Carrier Safety Account 33,600 1,000 34,600

Interagency Billing and Receipts Account 35,600 5,300 40,900

TOTAL $1,202,200 $330,400 $1,538,500

II. POLICE SERVICES:

FROM:

General
<table>
<thead>
<tr>
<th>FOR PERSONNEL OPERATING</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Account</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Idaho Law Enforcement</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drug Enforcement</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Justice</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assistance Account</td>
<td>$600,100</td>
<td>$166,000</td>
<td>$2,486,100</td>
</tr>
<tr>
<td>Interagency Billing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>and Receipts Account</td>
<td>$63,100</td>
<td>$322,600</td>
<td>$500,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$4,845,900</td>
<td>$3,795,600</td>
<td>$3,19,399</td>
</tr>
</tbody>
</table>

III. BRAND INSPECTION:
FROM:
State Brand Board
Account $1,479,400 $ 252,400 $ 50,000 $ 1,781,800

IV. RACING COMMISSION:
FROM:
Idaho State Racing Commission
Account $ 371,400 $ 256,000 $ 627,400 |
Idaho Horse Breeders' and Owners' Award
Account $ 125,000 | 125,000 |
County Dog Racing Fund
Account $250,000 | 250,000 |
TOTAL $ 371,400 | $ 256,000 $ 375,000 | $ 1,002,400 |

V. ALCOHOL BEVERAGE CONTROL:
FROM:
General Account $ 573,400 $ 142,800 $ 33,500 | 23,300 | 739,500 |
Interagency Billing and Receipts Account $ 1,000 | $ 1,000 |
TOTAL $ 573,400 | $ 143,800 $ 33,500 | 23,300 $ 740,500 |

VI. POST ACADEMY:
FROM:
Peace Officers Account $ 350,900 $ 421,200 $ 41,300 | 73,700 | 887,100 |
Interagency Billing and Receipts Account $ 5,100 | 4,000 | 9,100 |
SECTION 19. That Section 1, Chapter 325, Laws of 1991, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the Department of Law Enforcement for the Idaho State Police Program the following amount, to be expended according to the designated expense classes from the listed accounts for the period July 1, 1991, through June 30, 1992:

<table>
<thead>
<tr>
<th>FOR</th>
<th>PERSONNEL COSTS</th>
<th>$1,460,000</th>
<th>$67,500</th>
<th>$2,800</th>
<th>$1,510,700</th>
</tr>
</thead>
<tbody>
<tr>
<td>FOR</td>
<td>OPERATING EXPENDITURES</td>
<td>$1,253,300</td>
<td>$2,262,100</td>
<td>$1,282,400</td>
<td>$10,797,800</td>
</tr>
<tr>
<td>FOR</td>
<td>CAPITAL OUTLAY</td>
<td>$126,200</td>
<td>$61,900</td>
<td>$60,000</td>
<td>$248,100</td>
</tr>
<tr>
<td>FOR</td>
<td>TRUSTEE AND BENEFIT PAYMENTS</td>
<td>$873,500</td>
<td>$332,800</td>
<td>$1,206,300</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$10,074,300</td>
<td>$2,892,200</td>
<td>$1,282,400</td>
<td>$85,000</td>
<td>$14,316,100</td>
</tr>
</tbody>
</table>

SECTION 20. That Section 1, Chapter 197, Laws of 1991, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the State Board of Education for the Office of the State Board of Education the following amount to be expended according to the designated expense classes from the listed account for the period July 1, 1991, through June 30, 1992:

<table>
<thead>
<tr>
<th>FOR</th>
<th>PERSONNEL COSTS</th>
<th>$634,400</th>
</tr>
</thead>
<tbody>
<tr>
<td>FOR</td>
<td>OPERATING EXPENDITURES</td>
<td>$348,400</td>
</tr>
<tr>
<td>FOR</td>
<td>CAPITAL OUTLAY</td>
<td>$2,800</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$985,600</td>
<td>$973,700</td>
</tr>
</tbody>
</table>

FROM:
General Account | $985,600 | $973,700 |
SECTION 21. That Section 2, Chapter 200, Laws of 1991, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the Superintendent of Public Instruction/State Department of Education 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, 1991, through June 30, 1992:

<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. MANAGEMENT:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$2,090,200</td>
<td>$302,400</td>
<td>$174,000</td>
<td>$397,400</td>
</tr>
<tr>
<td>Interagency Billing and Receipts Account</td>
<td>59,100</td>
<td>31,000</td>
<td>100</td>
<td>90,200</td>
</tr>
<tr>
<td>Indirect Cost Recovery Account</td>
<td>25,500</td>
<td>52,300</td>
<td>77,800</td>
<td></td>
</tr>
<tr>
<td>Driver Training Account</td>
<td>93,300</td>
<td>89,700</td>
<td>300</td>
<td>$1,354,000</td>
</tr>
<tr>
<td>Commodity Distribution Account</td>
<td>509,300</td>
<td>600</td>
<td>509,900</td>
<td></td>
</tr>
<tr>
<td>Computer Services Account</td>
<td>103,300</td>
<td>32,800</td>
<td>136,100</td>
<td></td>
</tr>
<tr>
<td>Food Services Account</td>
<td>315,900</td>
<td>201,100</td>
<td>17,155,000</td>
<td></td>
</tr>
<tr>
<td>Education Projects, Nonfederal Account</td>
<td>31,200</td>
<td>31,200</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$1,695,300</strong></td>
<td><strong>$1,249,800</strong></td>
<td><strong>$2,000</strong></td>
<td><strong>$31,438,00</strong></td>
</tr>
</tbody>
</table>

| **B. FINANCE AND ADMINISTRATION:** |                             |                   |                                 |       |
| FROM:               |                             |                   |                                 |       |
| General Account     | $493,400                    | $103,100          | $400                            | $1,396,400 |
| Interagency Billing and Receipts Account | 59,100 | 31,000 | 100 | 90,200 |
| Indirect Cost Recovery Account | 25,500 | 52,300 | 77,800 |
| Driver Training Account | 93,300 | 89,700 | 300 | $1,354,000 |
| Commodity Distribution Account | 509,300 | 600 | 509,900 |
| Computer Services Account | 103,300 | 32,800 | 136,100 |
| Food Services Account | 315,900 | 201,100 | 17,155,000 |
| Education Projects, Nonfederal Account | 31,200 | 31,200 |
| **TOTAL**           | **$1,683,800**              | **$1,242,900**    | **1,700**                       | **$31,438,00** |

| **C. STATE-FEDERAL INSTRUCTIONAL SERVICES:** |                             |                   |                                 |       |
| FROM:               |                             |                   |                                 |       |
| General Account     | $632,900                    | $460,400          | $800                            | $1,274,900 |
| Professional Standards Commission Account | 161,300 | 128,900 | 200 | 290,40 |
| Northwest Association of Schools and Colleges Account | 10,300 | 10,300 |
FOR FOR FOR FOR
PERSONNEL OPERATING TRUSTEE AND
COSTS EXPENDITURES BENEFIT TOTAL

Education Projects, 8,600 8,600
Nonfederal 83,800 47,200 131,000
Association for the
Humanities in Idaho 11,200 11,200
Idaho Ag in the Classroom 2,500 3,600 147,900 154,000
Indian Education 66,100 115,800 100 724,100 906,100
Education Projects - 67,800 955,400 1,300 31,813,600 33,674,100
Health and Human
Services 469,200 131,100 700 1,989,400 2,590,400
Elementary and Secondary 4,213,000 3,243,100 5,000 53,424,800 60,885,900
Education 2,235,800 3,189,100 7,100 33,674,100 36,966,399
Education Block Grant 19,989 1,415,100 700 1,989,400 2,590,400

GRAND TOTAL 4,991,999

SECTION 22. That Section 1, Chapter 199, Laws of 1991, be, and the
same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the State Board of Edu­
cation for the Idaho State School for the Deaf and the Blind the fol­
lowing amount, to be expended according to the designated expense
classes from the listed accounts for the period July 1, 1991, through
June 30, 1992:

FOR FOR FOR FOR
PERSONNEL OPERATING TRUSTEE AND
COSTS EXPENDITURES BENEFIT TOTAL

FROM:
General Account $4,000,000 $803,700 $193,900 $4,997,600
State School for the 136,800 4,940,500
Deaf and the Blind

Income Account 53,100 53,100
Federal Deaf and
Blind Children
Account 1,500 1,500
Interagency Billing and
Receipts Account 4,000 19,300 $193,900 $5,018,400
TOTAL $4,005,500 $876,100 $193,900 $5,018,400
SECTION 23. That Section 2, Chapter 260, Laws of 1991, 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 amount, to be expended for the designated programs according to the designated expense classes from the listed accounts for the period July 1, 1991, through June 30, 1992:

<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. ADMINISTRATION AND SUPERVISION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$1,354,800</td>
<td>$215,300</td>
<td>$26,000</td>
<td>$1,596,100</td>
</tr>
<tr>
<td>Carl Perkins Vocational Education Act Account</td>
<td>49,400</td>
<td>163,300</td>
<td></td>
<td>212,700</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,404,200</td>
<td>$378,600</td>
<td>$26,000</td>
<td>$1,808,800</td>
</tr>
<tr>
<td>B. GENERAL PROGRAMS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>84,100</td>
<td>30,800</td>
<td>21,700</td>
<td>4,657,300</td>
</tr>
<tr>
<td>Water Pollution Control Account</td>
<td></td>
<td></td>
<td></td>
<td>61,900</td>
</tr>
<tr>
<td>Carl Perkins Vocational Education Act Account</td>
<td>3,715,000</td>
<td>3,715,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interagency Billing and Receipts Account</td>
<td>66,800</td>
<td></td>
<td></td>
<td>66,800</td>
</tr>
<tr>
<td>TOTAL</td>
<td>84,100</td>
<td>30,800</td>
<td>21,700</td>
<td>8,637,600</td>
</tr>
<tr>
<td>C. POST-SECONDARY PROGRAMS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>18,622,000</td>
<td>18,622,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carl Perkins Vocational Education Act Account</td>
<td>180,000</td>
<td>180,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interagency Billing and Receipts Account</td>
<td>153,000</td>
<td>153,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>18,955,000</td>
<td>18,955,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>D. DISPLACED HOMEMAKER PROGRAM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>30,000</td>
<td>30,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Displaced Homemaker Account</td>
<td>5,000</td>
<td>135,000</td>
<td>140,000</td>
<td></td>
</tr>
</tbody>
</table>
FOR PERSONNEL COSTS  FOR OPERATING EXPENDITURES  FOR TRUSTEE AND BENEFIT PAYMENTS  TOTAL
Carl Perkins Vocational Education Act
Account  341,300  341,300
TOTAL  $ 5,000  $ 506,300  $ 511,300

E. IDAHO STATE COUNCIL ON VOCATIONAL EDUCATION:
FROM:
State Council on Vocational Education
Account $ 80,300  $ 47,200  $ 127,500
GRAND TOTAL  $307,300  30,040,200

SECTION 24. That Section 1, Chapter 79, Laws of 1991, be, and the same is hereby amended to read as follows:

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, 1991, through June 30, 1992:
FROM:
General Account $8,823,199  8,726,300

SECTION 25. That Section 1, Chapter 112, Laws of 1991, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho for Boise State University, Idaho State University, Lewis-Clark State College, the University of Idaho, and the Office of the State Board of Education the following amount, to be expended for the designated program from the listed accounts for the period July 1, 1991, through June 30, 1992:
FOR:
General Education Programs $117,697,400  170,060,000
FROM:
General Account $141,444,900  139,884,600
State Endowment Funds  6,547,100
Interagency Billing and Receipts Account  23,628,300
TOTAL $117,697,400  170,060,000

SECTION 26. That Section 1, Chapter 194, Laws of 1991, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the Board of Regents of the University of Idaho to be expended for the Agricultural Research Extension Service Program the following amount from the listed...
accounts, for the period July 1, 1991, through June 30, 1992:
FROM:
General Account $16,414,100 16,233,400
Water Pollution Control Account 75,000
Hatch Account 1,351,100
Regional Research Account 531,700
Farm Safety Account 20,000
Smith-Lever Account 2,234,700
Interagency Billing and Receipts Account 238,300
TOTAL $20,064,900 20,684,200

SECTION 27. That Section 1, Chapter 185, Laws of 1991, be, and the
same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the Board of Regents of
the University of Idaho and the State Board of Education 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, 1991, through June 30, 1992:

<table>
<thead>
<tr>
<th>FOR PERSONNEL</th>
<th>FOR OPERATING</th>
<th>FOR CAPITAL</th>
<th>FOR TRUSTEE AND BENEFIT</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
<td>FOR EXPENDITURES</td>
<td>FOR OUTLAY</td>
<td>FOR PAYSMENTS</td>
<td></td>
</tr>
<tr>
<td></td>
<td>COSTS</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

A. WOI VETERINARY EDUCATION:
FROM:
General Account $ 500,000 $411,600 $ 911,1 $ 901,1

B. WAMI MEDICAL EDUCATION:
FROM:
General Account $ 412,600 $ 61,100 $49,900 $1,587,600 22,640
Interagency Billing and Receipts Account 9,800 2,500 115,900 128,4
TOTAL $ 422,400 $ 63,600 $49,900 $1,703,500 22,640

C. DENTAL EDUCATION:
FROM:
General Account $ 114,400 $ 412,200 $ 8,100 $ 224,400 $ 350,8
Interagency Billing and Receipts Account 43,800 43,8
TOTAL $ 158,200 $ 412,200 $ 8,100 $ 224,400 $ 390,7

D. WICHE UNIVERSITY OF UTAH:
FROM:
General Account $ 482,200 482,200 476,900 476,9

E. FAMILY PRACTICE RESIDENCY:
FROM:
General Account $ 278,000 278,8 274,900 274,9

GRAND TOTAL $1,080,600 $406,400 $50,700 $2,688,100 $4,395,8
C. 154 '92

<table>
<thead>
<tr>
<th></th>
<th>FOR PERSONNEL</th>
<th>FOR OPERATING</th>
<th>FOR CAPITAL</th>
<th>FOR TRUSTEE AND</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>COSTS</td>
<td>EXPENDITURES</td>
<td>OUTLAY</td>
<td>BENEFIT</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>TOTAL</td>
</tr>
<tr>
<td></td>
<td>472,800</td>
<td>26,400</td>
<td>2,679,700</td>
<td>4,259,500</td>
</tr>
</tbody>
</table>

SECTION 28. That Section 2, Chapter 97, Laws of 1991, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the Board of Regents of the University of Idaho and the State Board of Education for the Special Programs 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, 1991, through June 30, 1992:

<table>
<thead>
<tr>
<th></th>
<th>FOR PERSONNEL</th>
<th>FOR OPERATING</th>
<th>FOR CAPITAL</th>
<th>FOR TRUSTEE AND</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>COSTS</td>
<td>EXPENDITURES</td>
<td>OUTLAY</td>
<td>BENEFIT</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>TOTAL</td>
</tr>
<tr>
<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

A. FOREST UTILIZATION RESEARCH:
FROM:
General Account $ 357,500 $ 45,000 $ 337,400 $ 435,900
28,000 $ 430,500

B. IDAHO GEOLOGICAL SURVEY:
FROM:
General Account $ 473,200 $ 60,700 $ 58,800 $ 532,000

C. SCHOLARSHIPS AND GRANTS:
FROM:
General Account $ 1,666,400 $ 1,666,400
Paul L. Fowler Scholarship Account $ 800 9,800 10,600
State Student Incentive Grant Account $ 216,100 216,100
TOTAL $ 1,893,100

D. MUSEUM OF NATURAL HISTORY:
FROM:
General Account $ 354,500 $ 35,200 $ 93,700 $ 483,400

E. SMALL BUSINESS DEVELOPMENT CENTERS:
FROM:
General Account $ 211,300 $ 211,300
GRAND TOTAL $ 1,185,200 $ 1,185,200 $ 483,400

TOTAL $ 1,185,200 $ 37,500 $ 3,588,399
SECTION 29. That Section 1, Chapter 198, Laws of 1991, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the State Board of Education for the Idaho Educational Public Broadcasting System the following amounts, to be expended for the designated programs according to the designated expense classes from the listed account and grant for the period July 1, 1991, through June 30, 1992:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL</th>
<th>FOR OPERATING</th>
<th>FOR CAPITAL</th>
<th>FOR TRUSTEE AND BENEFIT</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$682,000</td>
<td>$305,900</td>
<td>$59,999</td>
<td>$1,037,900</td>
<td></td>
</tr>
<tr>
<td>PBS Federal Grant</td>
<td>634,200</td>
<td>614,700</td>
<td></td>
<td>1,248,900</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,316,200</td>
<td>$920,600</td>
<td></td>
<td>$2,286,800</td>
<td></td>
</tr>
</tbody>
</table>

SECTION 30. That Section 1, Chapter 109, Laws of 1991, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the State Board of Education for the State Library Board the following amount, to be expended according to the designated expense classes from the listed accounts for the period July 1, 1991, through June 30, 1992:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL</th>
<th>FOR OPERATING</th>
<th>FOR CAPITAL</th>
<th>FOR TRUSTEE AND BENEFIT</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$1,231,200</td>
<td>$456,500</td>
<td>$234,100</td>
<td>$1,956,800</td>
<td></td>
</tr>
<tr>
<td>Library Services and Construction Act</td>
<td>182,500</td>
<td>163,300</td>
<td>55,000</td>
<td>373,800</td>
<td></td>
</tr>
<tr>
<td>Interagency Billing and Receipts Account</td>
<td>10,000</td>
<td>7,000</td>
<td>58,000</td>
<td>75,000</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,413,700</td>
<td>$629,800</td>
<td>$296,100</td>
<td>$3,550,400</td>
<td></td>
</tr>
</tbody>
</table>

SECTION 31. That Section 2, Chapter 96, Laws of 1991, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the State Board of Education for the Idaho State Historical Society the following amount, to
be expended for the designated programs according to the designated expense classes from the listed accounts for the period July 1, 1991, through June 30, 1992:

<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. HISTORICAL PRESERVATION AND EDUCATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 721,200</td>
<td>$244,100</td>
<td>$107,480</td>
<td>$2,500</td>
</tr>
<tr>
<td>State Historical Society Foundation Account</td>
<td>1,700</td>
<td>108,100</td>
<td>5,000</td>
<td>114,800</td>
</tr>
<tr>
<td>Historical Preservation Account</td>
<td>373,100</td>
<td>83,900</td>
<td>436,100</td>
<td>497,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,096,000</td>
<td>$436,100</td>
<td>$427,500</td>
<td>1,217,500</td>
</tr>
</tbody>
</table>

| B. HISTORIC SITES MAINTENANCE AND INTERPRETATION: | | | | |
| FROM: | | | | |
| General Account | $ 53,000 | $40,400 | $14,600 | $108,000 | 106,200 |
| State Historical Society Foundation Account | 70,300 | 25,300 | 95,600 |
| TOTAL | $121,500 | $65,700 | $42,500 | 40,400 | 1,875,900 |

SECTION 32. That Section 2, Chapter 190, Laws of 1991, 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 amount, to be expended for the designated programs according to the designated expense classes from the listed accounts for the period July 1, 1991, through June 30, 1992:

A. RENAL DISEASE:

| FROM: | | | |
| General Account | $460,720 | 455,200 |
| FOR: | | | |
| Trustee and Benefit Payments | $460,720 | 455,200 |

B. VOCATIONAL REHABILITATION:

| FROM: | | | |
| General Account | $2,283,389 | 2,179,100 |
| Federal Vocational Rehabilitation Account | 8,257,500 |
| Vocational Rehabilitation Cost Recovery Account | 260,000 |
| Interagency Billing and Receipts Account | 2,000 |
| TOTAL | $10,722,700 | 10,698,600 |
C. EPILEPSY SERVICES:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR:</th>
<th>FROM:</th>
<th>FOR:</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$ 70,000</td>
<td>Trustee and Benefit Payments</td>
<td>$ 69,200</td>
</tr>
</tbody>
</table>

**GRAND TOTAL** $1,223,000

SECTION 33. That Section 2, Chapter 257, Laws of 1991, be, and the same is hereby amended to read as follows:

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 the designated expense classes from various accounts within the fund categories listed for the period July 1, 1991, through June 30, 1992:

<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>FOR LUMP SUM</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>I. INDIRECT SUPPORT SERVICES:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: General Fund</td>
<td>$ 4,499,400</td>
<td>$ 2,972,100</td>
<td>$ 39,600</td>
<td></td>
<td>$ 7,551,100</td>
</tr>
<tr>
<td>Dedicated Funds</td>
<td>54,000</td>
<td></td>
<td></td>
<td></td>
<td>54,000</td>
</tr>
<tr>
<td>Federal Funds</td>
<td>3,948,500</td>
<td>2,757,000</td>
<td>39,800</td>
<td></td>
<td>6,745,300</td>
</tr>
<tr>
<td>Other Funds</td>
<td>20,200</td>
<td>4,600</td>
<td></td>
<td></td>
<td>24,800</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$ 8,447,900</td>
<td>$ 5,803,300</td>
<td>$ 124,800</td>
<td></td>
<td>$ 14,309,000</td>
</tr>
<tr>
<td><strong>II. DIVISION OF HEALTH SERVICES:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. PHYSICAL HEALTH SERVICES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: General Fund</td>
<td>$ 693,000</td>
<td>$ 1,436,900</td>
<td>$ 108,700</td>
<td></td>
<td>$ 2,248,600</td>
</tr>
<tr>
<td>Dedicated Funds</td>
<td>19,400</td>
<td>355,600</td>
<td>110,000</td>
<td></td>
<td>485,000</td>
</tr>
<tr>
<td>Federal Funds</td>
<td>1,529,800</td>
<td>1,443,800</td>
<td>14,000</td>
<td>17,061,900</td>
<td>20,049,500</td>
</tr>
<tr>
<td>Other Funds</td>
<td>457,700</td>
<td>361,000</td>
<td>50,500</td>
<td>104,100</td>
<td>973,300</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$ 2,699,900</td>
<td>$ 3,597,300</td>
<td>$ 64,800</td>
<td>18,362,700</td>
<td>$ 24,724,700</td>
</tr>
</tbody>
</table>
### B. EMERGENCY MEDICAL SERVICES:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>FOR LUMP SUM</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dedicated Funds</td>
<td>$631,900</td>
<td>$463,200</td>
<td>$52,500</td>
<td>$335,600</td>
<td></td>
<td>$1,483,200</td>
</tr>
<tr>
<td>Federal Funds</td>
<td>61,100</td>
<td>201,000</td>
<td></td>
<td></td>
<td></td>
<td>262,100</td>
</tr>
<tr>
<td>Other Funds</td>
<td>101,000</td>
<td>23,000</td>
<td></td>
<td></td>
<td></td>
<td>124,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$693,000</td>
<td>$685,200</td>
<td>$52,500</td>
<td>$358,600</td>
<td></td>
<td>$1,869,300</td>
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</table>

#### C. LABORATORY SERVICES:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>FOR LUMP SUM</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$1,056,000</td>
<td>$326,900</td>
<td>$193,300</td>
<td>$175,500</td>
<td></td>
<td>$1,663,700</td>
</tr>
<tr>
<td>Dedicated Funds</td>
<td>161,800</td>
<td>55,900</td>
<td></td>
<td>39,800</td>
<td></td>
<td>257,500</td>
</tr>
<tr>
<td>Federal Funds</td>
<td>313,400</td>
<td>172,800</td>
<td></td>
<td>15,000</td>
<td></td>
<td>501,200</td>
</tr>
<tr>
<td>Other Funds</td>
<td>498,400</td>
<td>192,300</td>
<td>5,000</td>
<td>26,200</td>
<td></td>
<td>721,900</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$2,029,600</td>
<td>$747,900</td>
<td>$148,700</td>
<td>$216,700</td>
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<td>$3,575,400</td>
</tr>
</tbody>
</table>

#### III. DIVISION OF WELFARE:

##### A. ELIGIBILITY SERVICES:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>FOR LUMP SUM</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$6,955,100</td>
<td>$2,779,700</td>
<td>$184,700</td>
<td></td>
<td></td>
<td>$9,835,800</td>
</tr>
<tr>
<td>Dedicated Funds</td>
<td>28,900</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>28,900</td>
</tr>
<tr>
<td>Federal Funds</td>
<td>7,074,900</td>
<td>2,510,900</td>
<td>93,100</td>
<td></td>
<td></td>
<td>9,678,900</td>
</tr>
<tr>
<td>Other Funds</td>
<td>57,600</td>
<td>4,700</td>
<td></td>
<td></td>
<td></td>
<td>72,300</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$14,087,600</td>
<td>$5,334,200</td>
<td>$194,800</td>
<td></td>
<td></td>
<td>$19,656,800</td>
</tr>
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</table>

##### B. MEDICAL ASSISTANCE PAYMENTS:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>FOR LUMP SUM</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$1,767,300</td>
<td>$1,151,400</td>
<td>$108,700</td>
<td>$52,254,900</td>
<td></td>
<td>$55,784,300</td>
</tr>
<tr>
<td>Dedicated Funds</td>
<td>79,200</td>
<td>43,600</td>
<td></td>
<td>2,932,300</td>
<td></td>
<td>3,055,100</td>
</tr>
<tr>
<td>Federal Funds</td>
<td>3,059,200</td>
<td>2,868,200</td>
<td>20,200</td>
<td>151,949,700</td>
<td></td>
<td>151,949,700</td>
</tr>
<tr>
<td>Other Funds</td>
<td>71,000</td>
<td>122,800</td>
<td></td>
<td></td>
<td></td>
<td>3,369,400</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$4,976,700</td>
<td>$4,186,000</td>
<td>$108,700</td>
<td>$52,254,900</td>
<td></td>
<td>$55,784,300</td>
</tr>
</tbody>
</table>
### C. ADULT AND ADC ASSISTANCE PAYMENTS:

<table>
<thead>
<tr>
<th>Source</th>
<th>General Fund</th>
<th>Federal Funds</th>
<th>Other Funds</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ADULT</td>
<td>$9,076,200</td>
<td>$1,400,000</td>
<td>$10,476,200</td>
<td></td>
</tr>
<tr>
<td>ADC</td>
<td>15,914,200</td>
<td>582,800</td>
<td>16,497,000</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$32,640,600</td>
<td>$1,982,800</td>
<td>$34,623,400</td>
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</tr>
</tbody>
</table>

### D. WORK PROGRAMS:

<table>
<thead>
<tr>
<th>Source</th>
<th>General Fund</th>
<th>Federal Funds</th>
<th>Other Funds</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General</td>
<td>$585,100</td>
<td>$439,800</td>
<td>$1,904,500</td>
<td></td>
</tr>
<tr>
<td>Federal</td>
<td>585,100</td>
<td>439,800</td>
<td>1,904,500</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>199,200</td>
<td>15,800</td>
<td>224,700</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$3,904,800</td>
<td>$2,187,800</td>
<td>$6,192,600</td>
<td></td>
</tr>
</tbody>
</table>

### E. CHILD SUPPORT ENFORCEMENT:

<table>
<thead>
<tr>
<th>Source</th>
<th>General Fund</th>
<th>Federal Funds</th>
<th>Other Funds</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General</td>
<td>$424,100</td>
<td>$269,700</td>
<td>$693,800</td>
<td></td>
</tr>
<tr>
<td>Federal</td>
<td>424,100</td>
<td>269,700</td>
<td>693,800</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>199,200</td>
<td>15,800</td>
<td>224,700</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$3,904,800</td>
<td>$2,187,800</td>
<td>$6,192,600</td>
<td></td>
</tr>
</tbody>
</table>

### IV. DIVISION OF FAMILY AND CHILDREN'S SERVICES:

#### A. SOCIAL SERVICES:

<table>
<thead>
<tr>
<th>Source</th>
<th>General Fund</th>
<th>Federal Funds</th>
<th>Other Funds</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General</td>
<td>$5,289,100</td>
<td>$1,307,200</td>
<td>$8,636,600</td>
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<tr>
<td>Federal</td>
<td>5,289,100</td>
<td>1,307,200</td>
<td>8,636,600</td>
<td></td>
</tr>
<tr>
<td>Other</td>
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<tr>
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<td>$12,663,400</td>
<td>$3,940,400</td>
<td>$16,604,600</td>
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#### B. SUBSTANCE ABUSE:

<table>
<thead>
<tr>
<th>Source</th>
<th>General Fund</th>
<th>Dedicated Funds</th>
<th>Federal Funds</th>
<th>Other Funds</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General</td>
<td>$27,000</td>
<td>$24,000</td>
<td>$51,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dedicated</td>
<td>27,000</td>
<td>24,000</td>
<td>51,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal</td>
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<td>65,900</td>
<td>210,600</td>
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</tr>
<tr>
<td>Other</td>
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<tr>
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</tbody>
</table>

#### C. STATE YOUTH SERVICES CENTER:

<table>
<thead>
<tr>
<th>Source</th>
<th>General Fund</th>
<th>Dedicated Funds</th>
<th>Federal Funds</th>
<th>Other Funds</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General</td>
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<td>$ 9,000</td>
<td>$ 18,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dedicated</td>
<td>9,000</td>
<td>9,000</td>
<td>18,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal</td>
<td>9,000</td>
<td>9,000</td>
<td>18,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>9,000</td>
<td>9,000</td>
<td>18,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$413,700</td>
<td>$982,400</td>
<td>$1,395,100</td>
<td>5,614,200</td>
<td></td>
</tr>
<tr>
<td>FOR PERSONNEL</td>
<td>FOR OPERATING</td>
<td>FOR CAPITAL</td>
<td>FOR TRUSTEE AND BENEFIT</td>
<td>FOR LUMP SUM</td>
<td>TOTAL</td>
</tr>
<tr>
<td>---------------</td>
<td>---------------</td>
<td>-------------</td>
<td>-------------------------</td>
<td>--------------</td>
<td>-------</td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 4,352,700</td>
<td>$ 4,352,700</td>
<td>$ 4,301,400</td>
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<tr>
<td>Dedicated Funds</td>
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<td></td>
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<tr>
<td>Federal Funds</td>
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<td>416,400</td>
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<td></td>
</tr>
<tr>
<td>Other Funds</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 5,891,100</td>
<td>$ 5,891,100</td>
<td>$ 5,839,800</td>
<td>$ 5,839,800</td>
<td></td>
</tr>
</tbody>
</table>

D. JUVENILE JUSTICE:

| FROM:         |               |             |                         |              |       |
| General Fund  | $ 1,147,600   | $ 1,578,100 | $ 2,494,200             | $ 5,219,900  |       |
| Dedicated Funds | 18,600       | 41,200     | 2,416,100               | 2,475,900    |       |
| Other Funds   |               |             |                         |              |       |
| TOTAL         | $ 1,166,200   | $ 1,704,700 | $ 4,910,300             | $ 7,781,200  |       |

V. DIVISION OF ENVIRONMENT:

A. AIR QUALITY:

| FROM:         |               |             |                         |              |       |
| General Fund  | $ 553,700     | $ 160,500   | $ 207,700               | $ 734,900    |       |
| Dedicated Funds | 8,600       | 8,600      | 17,200                  | 25,000       |       |
| Federal Funds | 534,700       | 227,100     | 1,000                   | 762,800      |       |
| Other Funds   |               |             |                         |              |       |
| TOTAL         | $ 1,088,400   | $ 399,200   | $ 311,800               | $ 1,591,000  |       |

B. WATER QUALITY:

| FROM:         |               |             |                         |              |       |
| Dedicated Funds | $ 1,906,100   | $ 1,226,800 | $ 250,000               | $ 11,035,600 |       |
| Federal Funds | 2,899,700     | 1,665,800   | 90,400                  | 4,655,900    |       |
| Other Funds   |               |             |                         |              |       |
| TOTAL         | $ 4,805,800   | $ 2,911,500 | $ 257,400               | $ 11,126,000 |       |

C. HAZARDOUS MATERIALS:

| FROM:         |               |             |                         |              |       |
| Dedicated Funds | $ 1,047,200   | $ 363,100   | $ 56,500                | $ 1,466,800  |       |
### FOR PERSONNEL COSTS

<table>
<thead>
<tr>
<th>Division</th>
<th>General Funds</th>
<th>Dedicated Funds</th>
<th>Federal Funds</th>
<th>Other Funds</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Personnel Operating Expenditures</strong></td>
<td>$582,200</td>
<td>$1,450,700</td>
<td>$16,000</td>
<td>$75,000</td>
<td>$2,123,900</td>
</tr>
<tr>
<td><strong>Capital Outlay</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$1,500</td>
</tr>
<tr>
<td><strong>Trustee and Benefit Payments</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$72,500</td>
</tr>
<tr>
<td><strong>Lump Sum</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$75,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$1,629,400</td>
<td>$1,815,300</td>
<td>$72,500</td>
<td>$3,592,200</td>
<td></td>
</tr>
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</table>

### D. IDAHO NATIONAL ENGINEERING LABORATORY OVERSIGHT:

<table>
<thead>
<tr>
<th>Division</th>
<th>General Funds</th>
<th>Dedicated Funds</th>
<th>Federal Funds</th>
<th>Other Funds</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Personnel Operating Expenditures</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$1,500</td>
</tr>
<tr>
<td><strong>Capital Outlay</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$75,000</td>
</tr>
<tr>
<td><strong>Trustee and Benefit Payments</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$75,000</td>
</tr>
<tr>
<td><strong>Lump Sum</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$3,592,200</td>
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</tbody>
</table>

### VI. VETERANS SERVICES:

<table>
<thead>
<tr>
<th>Division</th>
<th>General Funds</th>
<th>Dedicated Funds</th>
<th>Federal Funds</th>
<th>Other Funds</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Personnel Operating Expenditures</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$1,500</td>
</tr>
<tr>
<td><strong>Capital Outlay</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$75,000</td>
</tr>
<tr>
<td><strong>Trustee and Benefit Payments</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$75,000</td>
</tr>
<tr>
<td><strong>Lump Sum</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$25,923,200</td>
</tr>
</tbody>
</table>

### VII. DIVISION OF COMMUNITY REHABILITATION:

#### A. COMMUNITY DEVELOPMENTAL DISABILITIES:

<table>
<thead>
<tr>
<th>Division</th>
<th>General Funds</th>
<th>Dedicated Funds</th>
<th>Federal Funds</th>
<th>Other Funds</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Personnel Operating Expenditures</strong></td>
<td>$4,846,800</td>
<td>$1,353,000</td>
<td>$1,439,900</td>
<td>$300,000</td>
<td>$8,969,500</td>
</tr>
<tr>
<td><strong>Capital Outlay</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$1,577,300</td>
</tr>
<tr>
<td><strong>Trustee and Benefit Payments</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$1,150,000</td>
</tr>
<tr>
<td><strong>Lump Sum</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$12,522,800</td>
</tr>
</tbody>
</table>

#### B. IDAHO STATE SCHOOL AND HOSPITAL:

<table>
<thead>
<tr>
<th>Division</th>
<th>General Funds</th>
<th>Dedicated Funds</th>
<th>Federal Funds</th>
<th>Other Funds</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Personnel Operating Expenditures</strong></td>
<td>$5,893,600</td>
<td>$5,154,700</td>
<td>$3,500</td>
<td>$14,069,500</td>
<td>$25,923,200</td>
</tr>
<tr>
<td><strong>Capital Outlay</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$3,500</td>
</tr>
<tr>
<td><strong>Trustee and Benefit Payments</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$14,069,500</td>
</tr>
<tr>
<td><strong>Lump Sum</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$25,923,200</td>
</tr>
</tbody>
</table>

---

**Note:** The table above is a financial summary of various divisions and programs within the Idaho Session Laws for the year 1992. It provides details on personnel costs, operating expenditures, capital outlay, trustee and benefit payments, and lump sums for different funds and divisions. The figures are presented in dollars and represent the financial overview of different sectors such as Idaho National Engineering Laboratory Oversight, Veterans Services, and Community Rehabilitation, among others. The table includes both federal and other funds, with a total budgeted expenditure and a cumulative lump sum for each division.
<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>FOR LUMP SUM</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other Funds</td>
<td>739,000</td>
<td></td>
<td></td>
<td></td>
<td>739,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$9,087,900</td>
<td>$20,410,700</td>
<td>$26,966,700</td>
<td></td>
<td>$28,410,700</td>
</tr>
</tbody>
</table>

C. COMMUNITY MENTAL HEALTH SERVICES:

FROM:

<table>
<thead>
<tr>
<th>General Fund</th>
<th>$5,095,400</th>
<th>$1,064,000</th>
<th>$687,000</th>
<th>$422,800</th>
<th>$300,000</th>
<th>$6,892,900</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Funds</td>
<td>360,800</td>
<td>651,000</td>
<td>24,900</td>
<td></td>
<td></td>
<td>1,036,700</td>
</tr>
<tr>
<td>Other Funds</td>
<td>2,902,400</td>
<td>379,600</td>
<td></td>
<td></td>
<td></td>
<td>3,282,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$8,358,600</td>
<td>$2,094,600</td>
<td>$687,000</td>
<td>$447,700</td>
<td>$300,000</td>
<td>$11,211,600</td>
</tr>
</tbody>
</table>

D. STATE HOSPITAL NORTH:

FROM:

<table>
<thead>
<tr>
<th>General Fund</th>
<th>$3,203,200</th>
<th>$3,184,400</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dedicated Funds</td>
<td>1,018,800</td>
<td>1,018,800</td>
</tr>
<tr>
<td>Federal Funds</td>
<td>75,000</td>
<td>75,000</td>
</tr>
<tr>
<td>Other Funds</td>
<td>389,100</td>
<td>389,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$4,687,300</td>
<td>$4,667,300</td>
</tr>
</tbody>
</table>

E. STATE HOSPITAL SOUTH:

FROM:

<table>
<thead>
<tr>
<th>General Fund</th>
<th>$7,614,700</th>
<th>$7,581,100</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dedicated Funds</td>
<td>1,126,100</td>
<td>1,126,100</td>
</tr>
<tr>
<td>Other Funds</td>
<td>927,400</td>
<td>927,400</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$9,634,600</td>
<td>$9,657,500</td>
</tr>
</tbody>
</table>

F. STATE ECONOMIC OPPORTUNITY OFFICE:

FROM:

<table>
<thead>
<tr>
<th>General Fund</th>
<th>$24,500</th>
<th>$6,400</th>
<th>$200</th>
<th>$32,100</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Funds</td>
<td>531,400</td>
<td>92,300</td>
<td>16,600</td>
<td>10,022,800</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$555,900</td>
<td>$98,700</td>
<td>$27,000</td>
<td>$10,022,800</td>
</tr>
</tbody>
</table>

G. ADULT SERVICES:

FROM:
### General
<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>FOR LUMP SUM</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund $ 981,400</td>
<td>$ 159,200</td>
<td>$ 9,000</td>
<td>$ 430,500</td>
<td></td>
<td>1,580,100</td>
</tr>
<tr>
<td>Federal Funds 191,900</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,772,700</td>
</tr>
<tr>
<td>Other Funds 188,300</td>
<td>18,000</td>
<td>$ 9,000</td>
<td>$ 430,500</td>
<td></td>
<td>1,902,900</td>
</tr>
<tr>
<td>TOTAL $ 1,361,600</td>
<td>$ 177,200</td>
<td></td>
<td></td>
<td></td>
<td>4,795,700</td>
</tr>
</tbody>
</table>

### Division
| TOTAL $16,886,400 | $ 3,916,400 | $ 1,572,888 | $ 1,600 | 206,300 |

### VIII. INDEPENDENT COMMISSIONS AND COUNCILS:

**A. STATE EMERGENCY RESPONSE COMMISSION:**
- FROM: Dedicated Funds $ 110,000 $ 113,000 $ 2,700 $ 225,700

**B. DOMESTIC VIOLENCE COUNCIL:**
- FROM: General Fund $ 64,100 $ 60,300 $ 227,000 $ 351,400

**C. DEVELOPMENTAL DISABILITIES COUNCIL:**
- FROM: General Fund $ 8,400 $ 21,500 $ 3,900 $ 8,600 $ 42,400 $ 39,300

**D. COMMISSION ON ALCOHOL AND DRUG ABUSE:**
- FROM: General Fund $ 56,800 $ 41,000 $ 6,600 $ 883,700 $ 465,848,600 $ 464,236,400

### GRAND TOTAL
| TOTAL $79,085,500 | $39,651,200 | $3,985,600 | $286,680,300 | $48,525,000 | $465,848,600 | $464,236,400 |
SECTION 34. That Section 1, Chapter 104, Laws of 1991, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated $47,093,5004,048,600 from the General Account to be deposited in the Public Health Trust Account for the period July 1, 1991, through June 30, 1992.

SECTION 35. That Section 2, Chapter 189, Laws of 1991, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the Department of Parks and Recreation the following amount, to be expended for the designated programs according to the designated expense classes from the listed accounts for the period July 1, 1991, through June 30, 1992:

<table>
<thead>
<tr>
<th>For Personnel Costs</th>
<th>For Operating Expenditures</th>
<th>For Capital Outlay</th>
<th>For Trustee and Benefit Payments</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Administration:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 669,400</td>
<td>$ 192,600</td>
<td>$ 110,000</td>
<td>$ 972,000</td>
</tr>
<tr>
<td>Park and Recreation Account</td>
<td>258,900</td>
<td>263,200</td>
<td>44,500</td>
<td>566,600</td>
</tr>
<tr>
<td>Parks and Recreation Capital Improvement Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Motorbike Recreation Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recreational Vehicle Account</td>
<td>83,000</td>
<td>21,500</td>
<td></td>
<td>104,500</td>
</tr>
<tr>
<td>Parks and Recreation Federal Account</td>
<td>2,000</td>
<td>100</td>
<td></td>
<td>2,100</td>
</tr>
<tr>
<td>Federal Surcharge Account</td>
<td>38,300</td>
<td>20,000</td>
<td></td>
<td>58,300</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,051,600</td>
<td>$514,200</td>
<td>$172,700</td>
<td>$1,738,500</td>
</tr>
<tr>
<td>II. Park Operations:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$2,671,200</td>
<td>$498,100</td>
<td>$79,800</td>
<td>$3,249,100</td>
</tr>
<tr>
<td>Parks and Recreation Capital Improvement Account</td>
<td></td>
<td>354,900</td>
<td></td>
<td>354,900</td>
</tr>
<tr>
<td>Park and Recreation Account</td>
<td>861,300</td>
<td>375,900</td>
<td>1,500</td>
<td>1,238,700</td>
</tr>
<tr>
<td>Park Donation Account</td>
<td></td>
<td></td>
<td>5,900</td>
<td>5,900</td>
</tr>
<tr>
<td>Harriman State Park Account</td>
<td>69,200</td>
<td>60,200</td>
<td>2,000</td>
<td>131,400</td>
</tr>
<tr>
<td>FOR PERSONNEL COSTS</td>
<td>FOR OPERATING EXPENDITURES</td>
<td>FOR CAPITAL OUTLAY</td>
<td>FOR TRUSTEE AND BENEFIT PAYMENTS</td>
<td>TOTAL</td>
</tr>
<tr>
<td>---------------------</td>
<td>---------------------------</td>
<td>-------------------</td>
<td>---------------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>Parks and Recreation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Account</td>
<td>52,200</td>
<td>17,800</td>
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<td>70,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$3,653,900</td>
<td>$957,900</td>
<td>$438,200</td>
<td>$5,050,000</td>
</tr>
</tbody>
</table>

III. PARK DEVELOPMENT:

<table>
<thead>
<tr>
<th>FROM:</th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$185,800</td>
<td>$25,000</td>
<td>$1,040,000</td>
<td>$31,800</td>
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<tr>
<td>Park Land Trust Account</td>
<td>500,000</td>
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<td></td>
<td>500,000</td>
</tr>
<tr>
<td>Parks and Recreation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capital Improvement Account</td>
<td>61,500</td>
<td>720,000</td>
<td></td>
<td>781,500</td>
</tr>
<tr>
<td>Park and Recreation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td>38,600</td>
<td>36,700</td>
<td></td>
<td>75,300</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$285,900</td>
<td>$61,700</td>
<td>$2,260,900</td>
<td>$2,574,700</td>
</tr>
</tbody>
</table>

IV. RECREATIONAL RESOURCES:

<table>
<thead>
<tr>
<th>FROM:</th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$128,100</td>
<td>$19,400</td>
<td></td>
<td>$147,500</td>
</tr>
<tr>
<td>State Vessel Account</td>
<td></td>
<td></td>
<td>$1,070,000</td>
<td>1,070,000</td>
</tr>
<tr>
<td>Cross-Country Skiing</td>
<td>6,800</td>
<td>$9,000</td>
<td>24,000</td>
<td>39,800</td>
</tr>
<tr>
<td>Parks and Recreation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capital Improvement Account</td>
<td>15,000</td>
<td></td>
<td></td>
<td>15,000</td>
</tr>
<tr>
<td>Park and Recreation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td>37,400</td>
<td></td>
<td>12,000</td>
<td>49,400</td>
</tr>
<tr>
<td>Waterways Improvement</td>
<td>74,800</td>
<td>46,800</td>
<td>67,000</td>
<td>1,151,100</td>
</tr>
<tr>
<td>Off-Road Motor Vehicle</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td>120,200</td>
<td>28,500</td>
<td>393,600</td>
<td>398,100</td>
</tr>
<tr>
<td>State Snowmobile Account</td>
<td></td>
<td></td>
<td></td>
<td>230,000</td>
</tr>
<tr>
<td>Motorbike Recreation</td>
<td>15,800</td>
<td>1,000</td>
<td>20,200</td>
<td>37,000</td>
</tr>
<tr>
<td>Recreational Vehicle</td>
<td>65,200</td>
<td>60,300</td>
<td>10,000</td>
<td>710,700</td>
</tr>
<tr>
<td>Federal Pass-Through</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td>1,500,000</td>
<td></td>
<td></td>
<td>1,500,000</td>
</tr>
<tr>
<td>Park and Recreation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Account</td>
<td>6,500</td>
<td></td>
<td></td>
<td>6,500</td>
</tr>
<tr>
<td>Federal Surcharge Account</td>
<td>89,300</td>
<td>3,500</td>
<td></td>
<td>92,800</td>
</tr>
<tr>
<td>Coast Guard Boat</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### FOR TRUSTEE AND BENEFIT PAYMENTS TOTAL

<table>
<thead>
<tr>
<th>Safety Account</th>
<th>81,400</th>
<th>60,300</th>
<th>3,600</th>
<th>104,000</th>
<th>249,300</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL</td>
<td>$574,800</td>
<td>$270,500</td>
<td>$498,200</td>
<td>$5,220,100</td>
<td>$6,563,600</td>
</tr>
</tbody>
</table>

V. LAVA HOT SPRINGS FOUNDATION:

<table>
<thead>
<tr>
<th>FROM: General Account</th>
<th>$182,000</th>
<th>$182,000</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>118,700</td>
<td>118,700</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lava Hot Springs Foundation Account</th>
<th>$382,300</th>
<th>$191,000</th>
<th>$20,000</th>
<th>593,300</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL</td>
<td>$382,300</td>
<td>$191,000</td>
<td>$20,000</td>
<td>593,300</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GRAND TOTAL</th>
<th>$5,948,500</th>
<th>$1,995,300</th>
<th>$5,251,900</th>
<th>$167,048,000</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>3,443,100</td>
<td>16,638,800</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SECTION 36. That Section 2, Chapter 220, Laws of 1991, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the Department of Lands the following amount, to be expended for the designated programs according to designated expense classes from the listed accounts for the period July 1, 1991, through June 30, 1992:

<table>
<thead>
<tr>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

A. SUPPORTING SERVICES:

<table>
<thead>
<tr>
<th>FROM: General Account</th>
<th>$1,021,700</th>
<th>$465,700</th>
<th>$567,300</th>
<th>$1,543,700</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>37,000</td>
<td>1,500</td>
<td>16,500</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Interagency Billing and Receipts Account</th>
<th>15,000</th>
<th>1,500</th>
<th>16,500</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire Presuppression Account</td>
<td>35,600</td>
<td>2,000</td>
<td>287,800</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lands Federal Account</th>
<th>50,800</th>
<th>50,800</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL</td>
<td>$1,271,900</td>
<td>$567,100</td>
</tr>
</tbody>
</table>

B. FOREST RESOURCES MANAGEMENT:

<table>
<thead>
<tr>
<th>FROM: General Account</th>
<th>$2,209,300</th>
<th>$378,500</th>
<th>$357,300</th>
<th>$2,944,100</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scaling Practices Operations</td>
<td>105,100</td>
<td>2,683,900</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### FOR CAPITAL COSTS EXPENDITURES OUTLAY PAYMENTS TOTAL

<table>
<thead>
<tr>
<th>Safety Account</th>
<th>81,400</th>
<th>60,300</th>
<th>3,600</th>
<th>104,000</th>
<th>249,300</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL</td>
<td>$574,800</td>
<td>$270,500</td>
<td>$498,200</td>
<td>$5,220,100</td>
<td>$6,563,600</td>
</tr>
</tbody>
</table>

V. LAVA HOT SPRINGS FOUNDATION:

<table>
<thead>
<tr>
<th>FROM: General Account</th>
<th>$182,000</th>
<th>$182,000</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>118,700</td>
<td>118,700</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lava Hot Springs Foundation Account</th>
<th>$382,300</th>
<th>$191,000</th>
<th>$20,000</th>
<th>593,300</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL</td>
<td>$382,300</td>
<td>$191,000</td>
<td>$20,000</td>
<td>593,300</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GRAND TOTAL</th>
<th>$5,948,500</th>
<th>$1,995,300</th>
<th>$5,251,900</th>
<th>$167,048,000</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>3,443,100</td>
<td>16,638,800</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SECTION 36. That Section 2, Chapter 220, Laws of 1991, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the Department of Lands the following amount, to be expended for the designated programs according to designated expense classes from the listed accounts for the period July 1, 1991, through June 30, 1992:

<table>
<thead>
<tr>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

A. SUPPORTING SERVICES:

<table>
<thead>
<tr>
<th>FROM: General Account</th>
<th>$1,021,700</th>
<th>$465,700</th>
<th>$567,300</th>
<th>$1,543,700</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>37,000</td>
<td>1,500</td>
<td>16,500</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Interagency Billing and Receipts Account</th>
<th>15,000</th>
<th>1,500</th>
<th>16,500</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire Presuppression Account</td>
<td>35,600</td>
<td>2,000</td>
<td>287,800</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lands Federal Account</th>
<th>50,800</th>
<th>50,800</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL</td>
<td>$1,271,900</td>
<td>$567,100</td>
</tr>
</tbody>
</table>

B. FOREST RESOURCES MANAGEMENT:

<table>
<thead>
<tr>
<th>FROM: General Account</th>
<th>$2,209,300</th>
<th>$378,500</th>
<th>$357,300</th>
<th>$2,944,100</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scaling Practices Operations</td>
<td>105,100</td>
<td>2,683,900</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td>FOR PERSONNEL COSTS</td>
<td>FOR OPERATING EXPENDITURES</td>
<td>FOR CAPITAL OUTLAY</td>
<td>FOR TRUSTEE AND PERSONNEL OPERATING CAPITAL BENEFIT COSTS EXPENDITURES OUTLAY PAYMENTS TOTAL</td>
</tr>
<tr>
<td>---------</td>
<td>---------------------</td>
<td>-----------------------------</td>
<td>-------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>Water Pollution Control</td>
<td>725,700</td>
<td>60,600</td>
<td>40,800</td>
<td>108,700</td>
</tr>
<tr>
<td>Forest Practices Administration</td>
<td>136,100</td>
<td>26,500</td>
<td>162,600</td>
<td></td>
</tr>
<tr>
<td>Road Maintenance</td>
<td>260,000</td>
<td>469,000</td>
<td>729,000</td>
<td></td>
</tr>
<tr>
<td>10% Timber Lease</td>
<td>1,439,200</td>
<td>1,289,500</td>
<td>180,400</td>
<td>2,909,100</td>
</tr>
<tr>
<td>Forest Pest</td>
<td>33,300</td>
<td>61,300</td>
<td>94,600</td>
<td></td>
</tr>
<tr>
<td>Forest Practices Rehabilitation</td>
<td>97,700</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lands Federal</td>
<td>55,400</td>
<td>30,000</td>
<td>85,400</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$5,056,400</td>
<td>$2,329,400</td>
<td>$370,200</td>
<td>$340,000</td>
</tr>
</tbody>
</table>

C. LAND, RANGE AND MINERAL RESOURCE MANAGEMENT:

<table>
<thead>
<tr>
<th>Account</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND PERSONNEL OPERATING CAPITAL BENEFIT COSTS EXPENDITURES OUTLAY PAYMENTS TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>1,414,000</td>
<td>214,400</td>
<td>55,300</td>
<td>36,800</td>
</tr>
<tr>
<td>Interagency Billing and Receipts</td>
<td>44,600</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10% Grazing Lease</td>
<td>84,300</td>
<td>107,900</td>
<td>192,20</td>
<td></td>
</tr>
<tr>
<td>Oil and Gas Commission</td>
<td>3,700</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dredge and Placer Mining</td>
<td>19,600</td>
<td>8,000</td>
<td>27,60</td>
<td></td>
</tr>
<tr>
<td>10% Recreation Lease</td>
<td>70,100</td>
<td>98,300</td>
<td>168,40</td>
<td></td>
</tr>
<tr>
<td>Pilgrim Cove Water System</td>
<td>5,300</td>
<td>5,30</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,588,000</td>
<td>$482,200</td>
<td>$35,300</td>
<td>$36,800</td>
</tr>
</tbody>
</table>

D. SOIL & WATER CONSERVATION:

<table>
<thead>
<tr>
<th>Account</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND PERSONNEL OPERATING CAPITAL BENEFIT COSTS EXPENDITURES OUTLAY PAYMENTS TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>401,400</td>
<td>67,500</td>
<td>64,600</td>
<td>231,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>64,600</td>
<td>231,000</td>
<td>704,980</td>
<td>697,00</td>
</tr>
</tbody>
</table>
### Interagency Billing and Receipts

<table>
<thead>
<tr>
<th>Account</th>
<th>Costs</th>
<th>Expenditures</th>
<th>Capital Outlay</th>
<th>Benefit Payments</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interagency Billing</td>
<td>220,900</td>
<td>16,900</td>
<td></td>
<td></td>
<td>237,800</td>
</tr>
<tr>
<td>Lands Federal</td>
<td>126,800</td>
<td>9,500</td>
<td></td>
<td></td>
<td>178,100</td>
</tr>
<tr>
<td>Water Pollution Control</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td>261,300</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Resource Conservation and Rangeland Loan</td>
<td>6,000</td>
<td>17,600</td>
<td></td>
<td>534,100</td>
<td>1,397,800</td>
</tr>
<tr>
<td>Total</td>
<td>755,100</td>
<td>111,500</td>
<td>41,800</td>
<td>534,100</td>
<td>1,397,800</td>
</tr>
</tbody>
</table>

### E. Scaling Practices:

#### FROM:

<table>
<thead>
<tr>
<th>Scaling Practices Account</th>
<th>Costs</th>
<th>Expenditures</th>
<th>Capital Outlay</th>
<th>Benefit Payments</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scaling Practices</td>
<td>196,500</td>
<td>33,800</td>
<td>10,500</td>
<td></td>
<td>240,800</td>
</tr>
</tbody>
</table>

### F. Forest & Range Protection:

#### FROM:

<table>
<thead>
<tr>
<th>Account</th>
<th>Costs</th>
<th>Expenditures</th>
<th>Capital Outlay</th>
<th>Benefit Payments</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Keep Idaho Green</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td>10,200</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire Suppression Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td>101,200</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire Presuppression Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td>1,311,500</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State District Hazard Management Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clearwater Potlatch Hazard Management Account</td>
<td>501,200</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Southern Idaho Hazard Management Account</td>
<td>712,600</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>209,100</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grand Total</td>
<td>18,081,400</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SECTION 37. That Section 2, Chapter 188, Laws of 1991, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the Department of Water Resources the following amount, to be expended for the designated programs according to the designated expense classes from the listed
accounts for the period July 1, 1991, through June 30, 1992:

<table>
<thead>
<tr>
<th>FOR</th>
<th>FOR</th>
<th>FOR</th>
<th>FOR</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERSONNEL COSTS</td>
<td>OPERATING EXPENDITURES</td>
<td>TRUSTEE AND CAPITAL OUTLAY PAYMENTS</td>
<td>TOTAL</td>
<td></td>
</tr>
<tr>
<td>I. MANAGEMENT &amp; SUPPORT SERVICES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: General Account</td>
<td>$534,100</td>
<td>$283,400</td>
<td>$125,000</td>
<td>$1,931,000</td>
</tr>
<tr>
<td>Federal Indirect Support Account</td>
<td>$112,500</td>
<td>103,300</td>
<td></td>
<td>$215,800</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$646,600</td>
<td>$386,700</td>
<td>$125,000</td>
<td>$2,146,800</td>
</tr>
<tr>
<td>II. PLANNING AND POLICY DIVISION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: General Account</td>
<td>$1,112,800</td>
<td>$250,700</td>
<td>$59,500</td>
<td>$1,857,600</td>
</tr>
<tr>
<td>Miscellaneous Federal Account</td>
<td>351,100</td>
<td>108,000</td>
<td></td>
<td>459,100</td>
</tr>
<tr>
<td>Water Pollution Control Account</td>
<td>131,500</td>
<td>38,800</td>
<td>20,800</td>
<td>541,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,595,400</td>
<td>$397,500</td>
<td>$80,300</td>
<td>$2,857,800</td>
</tr>
<tr>
<td>III. ENERGY RESOURCES DIVISION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: General Account</td>
<td>$115,800</td>
<td>$46,100</td>
<td></td>
<td>$161,900</td>
</tr>
<tr>
<td>Federal Energy Account</td>
<td>739,800</td>
<td>760,000</td>
<td></td>
<td>1,499,800</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$855,600</td>
<td>$806,100</td>
<td></td>
<td>$1,661,700</td>
</tr>
<tr>
<td>IV. WATER MANAGEMENT DIVISION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. SNAKE BASIN ADJUDICATIONS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: Water Resources Adjudication Account</td>
<td>$1,366,400</td>
<td>$616,900</td>
<td>$105,200</td>
<td>$1,020,700</td>
</tr>
<tr>
<td>B. WATER MANAGEMENT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: General Account</td>
<td>$1,765,900</td>
<td>$417,800</td>
<td>$80,000</td>
<td>$2,263,700</td>
</tr>
<tr>
<td>Watermaster Service Account</td>
<td>227,400</td>
<td>35,300</td>
<td></td>
<td>262,700</td>
</tr>
<tr>
<td>Miscellaneous Federal Account</td>
<td>137,100</td>
<td>52,900</td>
<td></td>
<td>169,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$2,130,400</td>
<td>$485,100</td>
<td>$80,000</td>
<td>$2,695,500</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$6,594,400</td>
<td>$2,692,300</td>
<td>$390,500</td>
<td>$2,084,300</td>
</tr>
</tbody>
</table>

SECTION 38. That Section 1, Chapter 77, Laws of 1991, be, and the same is hereby amended to read as follows:
SECTION 1. There is hereby appropriated to the Lieutenant Governor the following amount, to be expended according to designated expense classes from the listed account for the period July 1, 1991, through June 30, 1992:

<table>
<thead>
<tr>
<th>FOR</th>
<th>PERSONNEL COSTS</th>
<th>OPERATING EXPENDITURES</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERSONNEL COSTS</td>
<td>$74,600</td>
<td>$147,600</td>
<td>$222,200</td>
</tr>
<tr>
<td>OPERATING EXPENDITURES</td>
<td>$13,400</td>
<td>$88,000</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$88,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SECTION 39. That Section 2, Chapter 180, Laws of 1991, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the Attorney General the following amount, to be expended for designated programs according to designated expense classes from the listed accounts for the period July 1, 1992, through June 30, 1992:

<table>
<thead>
<tr>
<th>FOR</th>
<th>PERSONNEL COSTS</th>
<th>OPERATING EXPENDITURES</th>
<th>CAPITAL EXPENDITURES</th>
<th>TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERSONNEL COSTS</td>
<td>$5,520,900</td>
<td>$500,000</td>
<td>$55,400</td>
<td>$6,515,100</td>
<td></td>
</tr>
<tr>
<td>OPERATING EXPENDITURES</td>
<td>$397,900</td>
<td>$6,615,300</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CAPITAL EXPENDITURES</td>
<td>$96,300</td>
<td>$6,570,500</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TRUSTEE AND BENEFIT PAYMENTS</td>
<td>$500,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$6,520,900</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SECTION 40. That Section 1, Chapter 105, Laws of 1991, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the State Treasurer the following amount from the listed accounts, to be expended according to designated expense classes for the period July 1, 1991, through June 30, 1992:

<table>
<thead>
<tr>
<th>FOR</th>
<th>PERSONNEL COSTS</th>
<th>OPERATING EXPENDITURES</th>
<th>CAPITAL EXPENDITURES</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERSONNEL COSTS</td>
<td>$172,700</td>
<td>$39,700</td>
<td>$10,900</td>
<td>$223,400</td>
</tr>
<tr>
<td>OPERATING EXPENDITURES</td>
<td>$170,200</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CAPITL EXPENDITURES</td>
<td>$220,800</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
INTERAGENCY BILLING AND RECEIPTS ACCOUNT 440,400
TOTAL $6,137,200

TOTAL RECEIPTS $4,533,000
TOTAL OUTLAY $43,400
TOTAL PHASED PAYMENTS $1,107,300
TOTAL PHASED PAYMENTS $1,107,300

SECTION 41. That Section 1, Chapter 83, Laws of 1991, be, and the
same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the State Auditor the
following amount, to be expended for the designated programs according
to the designated expense classes from the listed accounts for the
period July 1, 1991, through June 30, 1992:

<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL EXPENDITURES</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interagency Billing and Receipts Account 440,400</td>
<td>413,600</td>
<td>32,500</td>
<td>886,500</td>
<td></td>
</tr>
<tr>
<td>TOTAL 610,600</td>
<td>453,300</td>
<td>43,400</td>
<td>1,107,300</td>
<td></td>
</tr>
</tbody>
</table>

SECTION 42. That Section 2, Chapter 106, Laws of 1991, be, and the
same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the Secretary of State,
the following amount, to be expended for the designated programs according
to the designated expense classes from the listed accounts for the
period July 1, 1991, through June 30, 1992:
### A. OFFICE OF THE SECRETARY OF STATE:

<table>
<thead>
<tr>
<th>From:</th>
<th>General Account</th>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
<th>Trustee and Benefit Payments</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>FOR</td>
<td>$ 620,100</td>
<td>$215,600</td>
<td>$20,000</td>
<td></td>
<td></td>
<td>$855,700</td>
</tr>
<tr>
<td>FOR</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### B. CENTRALIZED UNIFORM COMMERCIAL CODE:

<table>
<thead>
<tr>
<th>From:</th>
<th>General Account</th>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
<th>Trustee and Benefit Payments</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>FOR</td>
<td>$ 367,000</td>
<td>$240,700</td>
<td>$105,000</td>
<td></td>
<td></td>
<td>$712,700</td>
</tr>
<tr>
<td>FOR</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### C. COMMISSION ON UNIFORM LAWS:

<table>
<thead>
<tr>
<th>From:</th>
<th>General Account</th>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
<th>Trustee and Benefit Payments</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>FOR</td>
<td>$ 5,400</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$5,400</td>
</tr>
<tr>
<td>FOR</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### D. IDAHO COMMISSION ON THE ARTS:

<table>
<thead>
<tr>
<th>From:</th>
<th>General Account</th>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
<th>Trustee and Benefit Payments</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>FOR</td>
<td>$ 228,200</td>
<td>$147,700</td>
<td>$9,000</td>
<td>$309,700</td>
<td></td>
<td>$744,600</td>
</tr>
<tr>
<td>FOR</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Interagency Billing and Receipts**

<table>
<thead>
<tr>
<th>Account</th>
<th>TOTAL</th>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
<th>Trustee and Benefit Payments</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>For</td>
<td>$ 352,600</td>
<td>$297,200</td>
<td>$9,000</td>
<td>$711,300</td>
<td></td>
<td>$1,361,900</td>
</tr>
<tr>
<td>For</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Grand Total**

| TOTAL                | $1,339,700      | $760,700        | $134,000               | $711,300       |                             | $2,926,700 |
| FOR                  | $746,500        |                 |                        |                |                             |        |

### SECTION 43. That Section 2, Chapter 46, Laws of 1991, be, and the same is hereby amended to read as follows:

### SECTION 2. There is hereby appropriated to the Public Utilities Commission the following amount, to be expended for the designated programs according to the designated expense classes from the listed accounts for the period July 1, 1991, through June 30, 1992:

<table>
<thead>
<tr>
<th>From:</th>
<th>General Account</th>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
<th>Trustee and Benefit Payments</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>FOR</td>
<td>$ 205,400</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$205,400</td>
</tr>
<tr>
<td>FOR</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Public Utilities Commission Account**

<table>
<thead>
<tr>
<th>From:</th>
<th>Commission Account</th>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
<th>Trustee and Benefit Payments</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>FOR</td>
<td>$ 527,400</td>
<td>$158,400</td>
<td>$9,100</td>
<td></td>
<td></td>
<td>$694,900</td>
</tr>
<tr>
<td>FOR</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Total**

| TOTAL                | $732,800         | $158,400        | $9,100                 |                |                             | $900,300 |
| FOR                  | $730,500         |                 |                        |                |                             |        |

### B. UTILITIES REGULATION:

<table>
<thead>
<tr>
<th>From:</th>
<th>General Account</th>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
<th>Trustee and Benefit Payments</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>FOR</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Public Utilities Commission Account**

<table>
<thead>
<tr>
<th>From:</th>
<th>Commission Account</th>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
<th>Trustee and Benefit Payments</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>FOR</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Total**

| TOTAL                | $898,000         |                 |                        |                |                             |        |
SECTION 44. That Section 3, Chapter 58, Laws of 1991, be, and the same is hereby amended to read as follows:

SECTION 3. There is hereby appropriated the sum of $350,000 from the General Account to the Legislative Account.

SECTION 45. That Sections 1 and 2, Chapter 186, Laws of 1991, be, and the same are hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the Legislative Council the following amount to be expended according to the designated expense classes from the listed accounts for the period July 1, 1991, through June 30, 1992:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$627,300</td>
<td>$183,500</td>
<td>$810,800</td>
</tr>
<tr>
<td>Interagency Billing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>and Receipts Account</td>
<td>42,800</td>
<td></td>
<td>42,800</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$666,300</td>
<td>$226,300</td>
<td>$853,600</td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Joint Senate Finance-House Appropriations Committee the following amount to be expended for the designated programs according to the designated expense classes from the listed accounts for the period July 1, 1991, through June 30, 1992:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR LUMP SUM</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. LEGISLATIVE AUDITOR:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$734,400</td>
<td>$20,600</td>
<td>$12,300</td>
<td>$755,000</td>
<td>767,700</td>
</tr>
</tbody>
</table>
**FOR PERSONNEL COSTS** | **FOR OPERATING EXPENDITURES** | **FOR CAPITAL OUTLAY** | **FOR LUMP SUM** | **TOTAL**
---|---|---|---|---
Interagency Billing and Receipts Account | 646,700 | 91,200 | | 737,900
TOTAL | $1,381,100 | $1,017,800 | 103,500 | 1,492,400

**B. LEGISLATIVE BUDGET OFFICE:**
FROM:
General Account | $512,700 | $53,200 | $33,500 | $599,400
TOTAL | $2,330,300

**C. JOINT SENATE FINANCE-HOUSE APPROPRIATIONS INTERIM COMMITTEE:**
FROM:
General Account | $24,700 | $24,700
TOTAL | 23,400

GRAND TOTAL | $1,893,800 | $657,800 | $33,500 | $2,484,200
TOTAL | 156,700 | 26,700 | 23,400 | 2,100,600

**SECTION 46.** That Section 2, Chapter 266, Laws of 1991, be, and the same is hereby amended to read as follows:

**SECTION 2.** There is hereby appropriated to the Supreme Court, the following amount, to be expended for the designated programs according to the designated expense classes from the listed accounts for the period July 1, 1991, through June 30, 1992:

| FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR CAPITAL OUTLAY | FOR TRUSTEE AND BENEFIT PAYMENTS | TOTAL |
---|---|---|---|---|---
**A. SUPREME COURT**
FROM:
General Account | $1,956,700 | $360,800 | $10,100 | $52,500 | $2,384,700
Interagency Billing and Receipts Account | | | | 103,900 | 103,900
TOTAL | $1,956,700 | $464,700 | $10,100 | $52,500 | $2,484,200

**B. LAW LIBRARY**
General Account | $267,700 | $193,700 | $66,500 | | $527,900
Interagency Billing and Receipts Account | | | | 178,000 | 178,000
TOTAL | $267,700 | $471,700 | $66,500 | | 735,000

**C. DISTRICT COURTS**
General Account | $4,634,000 | $298,700 | | $4,932,700
Interagency Billing and Receipts Account | | | | 279,500 | 279,500
TOTAL | $4,634,000 | $478,200 | | $5,112,200

**Water Resources Adjudication**
SECTION 47. If the unexpended, unencumbered balance in the General Account as of June 30, 1992, is negative, the State Board of Examiners is hereby directed to transfer the amount of the negative balance, or $5,406,100, whichever is less from the Budget Reserve Account to the General Account.

SECTION 48. An emergency existing therefor, 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, 1992.

* Bracketed text, Sections 1 through 43, line item vetoed April 1, 1992.
hereby amended to read as follows:

67-2341. OPEN PUBLIC MEETINGS -- DEFINITIONS. As used in this act:
(1) "Decision" means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present, but shall not include those ministerial or administrative actions necessary to carry out a decision previously adopted in a meeting held in compliance with sections 67-2342 through 67-2346, Idaho Code.
(2) "Deliberation" means the receipt or exchange of information or opinion relating to a decision, but shall not include informal or impromptu discussions of a general nature which do not specifically relate to a matter then pending before the public agency for decision.
(3) "Executive session" means any meeting or part of a meeting of a governing body which is closed to any persons for deliberation on certain matters.
(4) "Public agency" means:
(a) any state board, commission, department, authority, educational institution or other state agency which is created by or pursuant to statute, other than courts and their agencies and divisions, and the judicial council, and the district magistrates commission;
(b) any regional board, commission, department or authority created by or pursuant to statute;
(c) any county, city, school district, special district, or other municipal corporation or political subdivision of the state of Idaho;
(d) any subagency of a public agency which is created by or pursuant to statute, ordinance, or other legislative act.
(5) "Governing body" means the members of any public agency which consists of two (2) or more members, with the authority to make decisions for or recommendations to a public agency regarding any matter.
(6) "Meeting" means the convening of a governing body of a public agency to make a decision or to deliberate toward a decision on any matter.
(a) "regular meeting" means the convening of a governing body of a public agency on the date fixed by law or rule, to conduct the business of the agency.
(b) "special meeting" is a convening of the governing body of a public agency pursuant to a special call for the conduct of business as specified in the call.

SECTION 2. That Section 67-2342, Idaho Code, be, and the same is hereby amended to read as follows:

67-2342. GOVERNING BODIES -- REQUIREMENT FOR OPEN PUBLIC MEETINGS. (1) Except as provided below, all meetings of a governing body of a public agency shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by this act. No decision at a meeting of a governing body of a public agency shall be made by secret ballot.
(2) Deliberations of the board of tax appeals created in chapter 38, title 63, Idaho Code, the public utilities commission and the industrial commission in a fully submitted adjudicatory proceeding in
which hearings, if any are required, have been completed, and in which
the legal rights, duties or privileges of a party are to be determined
are not required by this act to take place in a meeting open to the
public. Such deliberations may, however, be made and/or conducted in a
public meeting at the discretion of the agency.

(3) A governing body shall not hold a meeting at any place where
discrimination on the basis of race, creed, color, sex, age or
national origin is practiced.

SECTION 3. That Section 67-2343, Idaho Code, be, and the same is
hereby amended to read as follows:

67-2343. NOTICE OF MEETINGS. (1) Regular meetings. No less than a
five (5) calendar day meeting notice shall be given unless otherwise
provided by statute. Provided however, that any public agency that
holds meetings at regular intervals of at least once per calendar
month scheduled in advance over the course of the year may satisfy
this meeting notice by giving meeting notices at least once each year
of its regular meeting schedule. A forty-eight (48) hour agenda notice
shall be required in advance of each regular meeting, however, addi­
tional agenda items may be added after completion of the agenda up to
and including the hour of the meeting, provided that a good faith
effort is made to include in the notice all agenda items known at the
time to be probable items of discussion. The notice requirement for
meetings and agendas shall be satisfied by posting such notices and
agendas in a prominent place at the principal office of the public
agency, or if no such office exists, at the building where the meeting
is to be held.

(2) Special meetings. No special meeting shall be held without at
least a twenty-four (24) hour meeting and agenda notice, unless an
emergency exists. An emergency is a situation involving injury or dam­
age to persons or property, or immediate financial loss, or the like­
lihood of such injury, damage or loss, when the notice requirements of
this section would make such notice impracticable, or increase the
likelihood or severity of such injury, damage or loss, and the reason
for the emergency is stated at the outset of the meeting. The notice
required under this section shall include at a minimum the meeting
date, time, place and name of the public agency calling for the meet­
ing. The secretary or other designee of each public agency shall main­
tain a list of the news media requesting notification of meetings and
shall make a good faith effort to provide advance notification to them
of the time and place of each meeting.

(3) Executive sessions. If an executive session only will be held,
the twenty-four (24) hour meeting and agenda notice shall be given
to the members of the governing body, and to the general public, stat­
ting according to the notice provisions stated in subsection (2) of
this section and shall state the reason and the specific provision of
law authorizing the executive session. Special meetings may be held
upon such notice as is appropriate to the circumstances, or as other­
wise provided by law.

The notice provided in this section may be dispensed with in the
event a special meeting is called to deal with an emergency involving
injury or damage to persons or property or the likelihood of such
SECTION 4. That Section 67-2347, Idaho Code, be, and the same is hereby amended to read as follows:

67-2347. VIOLATIONS. Any (1) If an action taken, or any deliberation or decision-making that leads to an action, occurs at any meeting which fails to comply with the provisions of sections 67-2340 through 67-2346, Idaho Code, such action shall be null and void.
(2) Any member of the governing body governed by the provisions of sections 67-2340 through 67-2346, Idaho Code, who knowingly conducts or participates in a meeting which violates the provisions of this act shall be subject to a fine not to exceed one hundred fifty dollars ($150) for a first violation and not to exceed three hundred dollars ($300) for each subsequent violation as a civil penalty.
(3) The attorney general shall have the duty to enforce this act in relation to public agencies of state government, and the prosecuting attorneys of the various counties shall have the duty to enforce this act in relation to local public agencies within their respective jurisdictions. In the event that there is reason to believe that a violation of the provisions of this act has been committed by members of a board of county commissioners or, for any other reason a county prosecuting attorney is deemed disqualified from proceeding to enforce this act, the prosecuting attorney or board of county commissioners shall seek to have a special prosecutor appointed for that purpose as provided in section 31-2603, Idaho Code.
(4) Any person affected by a violation of the provisions of this act may commence a civil action in the magistrate division of the district court of the county in which the public agency ordinarily meets, for the purpose of requiring compliance with provisions of this act. No private action brought pursuant to this subsection shall result in the assessment of a civil penalty against any member of a public agency and there shall be no private right of action for damages arising out of any violation of the provisions of sections 67-2342 through 67-2346, Idaho Code. Any suit brought for the purpose of having an action declared or determined to be null and void pursuant to subsection (1) of this section shall be commenced within thirty (30) days of the time of the violation or alleged violation of the provisions of this act. Any other suit brought under the provisions of this section shall be commenced within one hundred eighty (180) days of the time of the violation or alleged violation of the provisions of this act.


CHAPTER 156
(S.B. No. 1270)

AN ACT
RELATING TO FEDERAL LIEN REGISTRATIONS; AMENDING SECTION 45-202, IDAHO CODE, TO PROVIDE FOR FILING OF NOTICES OF FEDERAL LIENS UPON PERSONAL PROPERTY IN THE OFFICE OF THE SECRETARY OF STATE IF THE PER-
SON AGAINST WHOSE INTEREST THE LIEN APPLIES IS A TRUST OR DECEDENT'S ESTATE; REPEALING SECTIONS 45-204 AND 45-205, IDAHO CODE; AMENDING CHAPTER 2, TITLE 45, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 45-204, IDAHO CODE, TO PROVIDE DUTIES OF THE FILING OFFICER; AND AMENDING CHAPTER 2, TITLE 45, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 45-205, IDAHO CODE, TO PROVIDE FOR FILING FEES.

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

SECTION 1. That Section 45-202, Idaho Code, be, and the same is hereby amended to read as follows:

45-202. PLACE OF FILING. (a) Notices of liens, certificates, and other notices affecting federal tax liens or other federal liens must be filed in accordance with this chapter.

(b) Notices of liens upon real property for obligations payable to the United States and certificates and notices affecting the liens shall be filed recorded in the office of the county recorder of the county in which the real property subject to the liens is situated.

(c) Notices of federal liens upon personal property, whether tangible or intangible, for obligations payable to the United States and certificates and notices affecting the liens shall be filed or recorded as follows:

(1) If the person against whose interest the lien applies is a corporation or a partnership whose principal executive office is in this state, as these entities are defined in the internal revenue laws of the United States, in the office of the secretary of state;

(2) If the person against whose interest the lien applies is a trust that is not covered by paragraph (1) of this subsection, in the office of the secretary of state;

(3) If the person against whose interest the lien applies is the estate of a decedent, in the office of the secretary of state;

(4) In all other cases, in the office of the county recorder of the county where the person against whose interest the lien applies resides at the time of filing of the notice of lien.

SECTION 2. That Sections 45-204 and 45-205, Idaho Code, be, and the same are hereby repealed.

SECTION 3. That Chapter 2, Title 45, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 45-204, Idaho Code, and to read as follows:

45-204. DUTIES OF FILING OFFICER. (a) If a notice of federal lien, certificate or other notice affecting a federal lien is presented to the secretary of state, he shall file it in the same manner as if it were an equivalent document filed under part 4, chapter 9, title 28, Idaho Code.

(b) For purposes of the foregoing subsection (a), the following equivalencies between notices filed under this chapter and documents
filed under part 4, chapter 9, title 28, Idaho Code, shall apply:

(1) Notice of federal lien: financing statement;
(2) Refiling of notice of federal lien: continuation statement;
(3) Certificate of discharge or subordination: release; and
(4) Certificate of release or nonattachment: termination statement.

(c) If a notice of federal lien, certificate or other notice affecting a federal lien is presented to the county recorder, he shall record it in the general lien records.

(d) Upon the request of any person, the filing officer shall issue his certificate showing whether there is on file, on the date and hour stated therein, any notice of lien or certificate or notice affecting any lien filed under this chapter for which the refiling period established by federal law has not passed without a refiling of notice, naming a particular person, and if a notice or certificate is on file, giving the date and hour of filing of each notice or certificate. Upon request, the filing officer shall furnish a copy of any notice of federal lien, or notice or certificate affecting a federal lien. If the filing officer is the secretary of state, the fees for such certificate and copies shall be fixed by administrative rule. If the filing officer is the county recorder, the fees shall be as set forth in section 31-3205, Idaho Code.

(e) The secretary of state may by administrative rule provide for publication of a list of those notices of federal lien filed in his office which the filing federal agency has identified as relating to agricultural crops.

SECTION 4. That Chapter 2, Title 45, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 45-205, Idaho Code, and to read as follows:

45-205. FEES. (a) If the filing officer is the secretary of state, the fee for filing each notice of lien or certificate or notice affecting the lien is six dollars ($6.00), except that there shall be no fee for a certificate of release or nonattachment.

(b) If the filing officer is the county recorder, the fee for recording each notice of lien or certificate or notice affecting the lien is the standard recording fee in section 31-3205, Idaho Code.

(c) The filing officer may bill the district directors of internal revenue or other appropriate federal officials on a monthly basis for fees for documents filed by them.


CHAPTER 157
(S.B. No. 1271)

AN ACT
RELATING TO FOREIGN LIMITED PARTNERSHIPS; AMENDING SECTION 53-249, IDAHO CODE, TO REMOVE THE REQUIREMENT THAT EACH LIMITED PARTNER WHOSE CONTRIBUTION IS EQUAL TO OR GREATER THAN FIVE PER CENT OF THE
TOTAL CONTRIBUTION OF ALL PARTNERS BE INCLUDED IN THE APPLICATION FOR REGISTRATION OF THE PARTNERSHIP WITH THE SECRETARY OF STATE.

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

SECTION 1. That Section 53-249, Idaho Code, be, and the same is hereby amended to read as follows:

53-249. ADMISSION OF FOREIGN LIMITED PARTNERSHIPS. Before transacting business in this state, a foreign limited partnership shall make application to the secretary of state. In order to be admitted, a foreign limited partnership shall submit to the secretary of state, in duplicate, an application for registration as a foreign limited partnership, signed and verified by a general partner and setting forth:

(1) The name of the foreign limited partnership and, if different, the name under which it proposes to be authorized to transact business in this state;
(2) The state and date of its formation;
(3) The name and address of any registered agent for service of process on the foreign limited partnership whom the foreign limited partnership elects to appoint; the agent must be an individual resident of this state, a domestic corporation, or a foreign corporation having a place of business in, and authorized to do business in, this state;
(4) The address of the office required to be maintained in the state of its organization by the laws of that state or, if not so required, of the principal office of the foreign limited partnership;
(5) The name and address of each general partner and of each limited partner whose contribution is equal to or greater than five percent (5%) of the total contribution of all partners; and
(6) The address of the office at which is kept a list of the names and addresses of the limited partners and their capital contributions, together with an undertaking by the foreign limited partnership to keep those records until the foreign limited partnership's registration in this state is cancelled or withdrawn.

The application will be accompanied by a certificate certifying to the lawful existence of the limited partnership, issued by the proper officer of the jurisdiction in which the certificate of limited partnership is filed or recorded.


CHAPTER 158
(S.B. No. 1272)

AN ACT
RELATING TO FEES OF THE SECRETARY OF STATE; AMENDING SECTION 67-910, IDAHO CODE, TO REMOVE THE FILING FEE FOR RECORDING AND INDEXING ANY LABEL OR TRADEMARK.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-910, Idaho Code, be, and the same is hereby amended to read as follows:

67-910. FEES OF SECRETARY OF STATE. The secretary of state, for services performed in his office, shall charge and collect the following fees:

For a copy of any law, resolution, record or other document or paper on file in his office, twenty-five cents (25¢) per page.

For affixing certificate and seal of the state, two dollars ($2.00).

But no member of the legislature or state officer can be charged for any search relative to matters appertaining to the duties of their offices; nor must they be charged any fee for a certified copy of any law or resolution passed by the legislature relative to their official duties.

In his discretion, the secretary of state may grant to persons, without charge, access to files in his office for the purpose of making copies if a benefit to his office will thereby be obtained.

For filing and indexing any map or other paper where the fee for the same is not already fixed by law, four dollars ($4.00).

For searching legislative journals for records of enacted and reenacted laws, and certifying to the same, ten dollars ($10.00).

For certifying and attaching certificate to any state law, published in pamphlet form, which shall include comparing the same with the enrolled act, six dollars ($6.00).

For any other certificate required of the secretary of state, the fee for which is not hereinbefore prescribed, six dollars ($6.00).

For filing, recording and indexing any label or trademark, six dollars ($6.00).

For provision of electronic access to data bases and provision of other automated data services, such fees as the secretary of state may by administrative rule provide. Every rule promulgated within the authority conferred in this section shall be subject to review by the legislature at the regular session first following its adoption. The rules may be rejected or amended by the legislature by enactment of a statute. If the legislature rejects or amends a new rule by statute and if the new rule repealed or amended an already existing rule, the previous rule shall be reinstated or modified in accordance with the statute.

For all services not hereinbefore provided for, such fees therefor as may now be prescribed by law, or as may be prescribed by the state board of examiners.

AN ACT
RELATING TO TEACHERS; AMENDING SECTION 33-1209, IDAHO CODE, TO PROVIDE THAT THE PROFESSIONAL STANDARDS COMMISSION OR ANY HEARING PANEL APPOINTED BY THE PROFESSIONAL STANDARDS COMMISSION CHAIRMAN MAY ISSUE A LETTER OF REPRIMAND TO A CERTIFICATE HOLDER AND SHALL MAKE SUCH LETTER A PERMANENT PART OF THE RECORD OF THE CERTIFICATE HOLDER.

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

SECTION 1. That Section 33-1209, Idaho Code, be, and the same is hereby amended to read as follows:

33-1209. PROCEEDINGS TO REVOKE, SUSPEND OR DENY -- LETTERS OF REPRIMAND -- COMPLAINT -- SUBPOENA POWER -- HEARING. (1) The professional standards commission may conduct investigations on any signed allegation of unethical practice of any teacher brought by:
(a) An individual with a substantial interest in the matter, except a student in an Idaho public school; or
(b) A local board of trustees.

The allegation shall state the specific ground or grounds for revocation or suspension or issuance of a letter of reprimand. The executive committee of the professional standards commission shall review the circumstances of the case and determine whether probable cause exists to warrant the filing of a complaint and the requesting of a hearing.

(2) If the executive committee determines there are not sufficient grounds for revocation or suspension, the committee may recommend to the chief certification officer that a letter of reprimand be sent to the certificate holder, and that a copy of such letter shall be made a permanent part of the record of the certificate holder.

(3) Proceedings to revoke or suspend any certificate issued under section 33-1201, Idaho Code, or to issue a letter of reprimand shall be commenced by a written complaint against the holder thereof. Such complaint shall be made by the chief certification officer stating the ground or grounds for issuing a letter of reprimand or for revocation or suspension and proposing that a letter of reprimand be issued, or the certificate be revoked or suspended. A copy of the complaint shall be served upon the certificate holder, either by personal service or by certified mail.

(34) Not more than thirty (30) days after the date of service of any complaint, the person complained against may request, in writing, a hearing upon the complaint. Any such request shall be made and addressed to the state superintendent of public instruction; and if no request for hearing is made, the grounds for suspension or revocation stated in the complaint shall be deemed admitted. Upon a request for hearing, the chief certification officer, shall give notice, in writing, to the person requesting the hearing, which notice shall state the time and place of the hearing. The time of such hearing shall not
be less than five (5) days from the date of notice thereof. Any such hearing shall be informal and shall conform with the administrative procedure act, section 67-5201 et seq., Idaho Code. The hearing will be held within the school district in which any teacher complained of shall teach, or at such other place deemed most convenient for all parties.

(45) Any such hearing shall be conducted by three (3) or more panel members appointed by the chairman of the professional standards commission, a majority of whom shall hold a position of employment the same as the person complained against. No commission member who participated in the probable cause determination process in a given case shall serve on the hearing panel. All hearings shall be held with the object of ascertaining the truth. Any person complained against may appear in person and may be represented by legal counsel, and may produce, examine and cross-examine witnesses, and, if he chooses to do so, may submit for the consideration of the hearing panel a statement, in writing, in lieu of oral testimony, but any such statement shall be under oath and the affiant shall be subject to cross-examination.

(56) The state superintendent of public instruction, as authorized by the state board of education, has the power to issue subpoenas and compel the attendance of witnesses and compel the production of pertinent papers, books, documents, records, accounts and testimony. The state board or its authorized representative may, if a witness refuses to attend or testify or to produce any papers required by such subpoena, report to the district court in and for the county in which the proceeding is pending, by petition, setting forth that a due notice has been given of the time and place of attendance of the witnesses, or the production of the papers, that the witness has been properly summoned, and that the witness has failed and refused to attend or produce the papers required by this subpoena before the board, or its representative, or has refused to answer questions propounded to him in the course of the proceedings, and ask and an order of the court compelling the witness to attend and testify and produce the papers before the board. The court, upon the petition of the board, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in the order, the time to be not more than ten (10) days from the date of the order, and then and there shall show cause why he has not attended and testified or produced the papers before the board or its representative. A copy of the order shall be served upon the witness. If it shall appear to the court that the subpoena was regularly issued by the board and regularly served, the court shall thereupon order that the witness appear before the board at the time and place fixed in the order and testify or produce the required papers. Upon failure to obey the order, the witness shall be dealt with for contempt of court. The subpoenas shall be served and witness fees and mileage paid as allowed in civil cases in the district courts of this state.

(67) At the conclusion of any hearing dealing with the revocation, suspension, or denial of a certificate or to issue a letter of reprimand, the hearing panel shall submit to the chief certification officer, a concise statement of the proceedings, a summary of the testimony, and any documentary evidence offered, together with the findings of fact and recommendation. The hearing panel may recommend sus-
pension or revocation of the certificate, or the panel may recommend that a letter of reprimand be sent to the certificate holder, and that a copy of such letter shall be made a permanent part of the record of the certificate holder. The chief certification officer shall submit these documents to the state board of education. The board shall review the record so made, as well as its own records before making its determination. The board may adopt the panel's recommended decision, reverse or alter the decision, or it may order another hearing before the same or other persons, or before the board.

(78) The determination of the state board of education, upon any hearing, shall be entered in its records, and written notice of its determination shall be given to the person complained against by the state superintendent of public instruction, which notice shall be a part of the records of the state board of education.

(89) Pursuant to section 67-5215, Idaho Code, the final determination of the state board of education may be reviewed by writ of review in the district court of the county in which the holder of a revoked certificate has been last employed as a teacher, but application for writ of review shall be made not more than thirty (30) days from the date of notice of revocation.

(910) Whenever any certificate has been refused or revoked, the state board of education may, upon a clear showing that the cause constituting grounds for refusal or revocation no longer exists, issue a certificate or reinstate a revoked certificate either conditionally or unconditionally.


CHAPTER 160
(S.B. No. 1330)

AN ACT
RELATING TO OIL AND GAS LEASES ON STATE AND SCHOOL LANDS; AMENDING SECTION 47-808, IDAHO CODE, TO ESTABLISH A BOND RATE COMMENSURATE WITH CURRENT RECLAMATION COSTS AND PROVIDE FOR LAND BOARD RECOMMENDED SITE SPECIFIC BOND INCREASES.

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

SECTION 1. That Section 47-808, Idaho Code, be, and the same is hereby amended to read as follows:

47-808. BOND. (1) The board shall require the execution of a good and sufficient bond in the amount of the board determines reasonable which shall not be less than one thousand dollars ($1,000) in favor of the state of Idaho conditioned on the payment of all damages to the surface and improvements thereon where the lease covers, whether or not the lands, the surface of which has been sold or leased for any other purposes.

(2) Upon commencement of operations for the drilling of any well, lessee shall be required by the board to furnish such a bond in the
amout-of the board determines reasonable which shall not be less than
six thousand dollars ($6,000) which bond shall be in lieu of the one
 thousand-dollar-($1,000) bond required in subsection (1) of this sec­
tion and shall cover all subsequent operations on said lease.


CHAPTER 161
(S.B. No. 1331, AS Amended)

AN ACT
RELATING TO FORFEITURES OF BONDS FOR TRAFFIC OFFENSES; AMENDING SEC­
TION 49-240, IDAHO CODE, TO PROVIDE THAT THE PROCEEDS OF A FOR­
FEITED BOND SHALL BE DISTRIBUTED AS COURT COSTS AND FINES AS
THOUGH THERE WERE A CONVICTION.

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

SECTION 1. That Section 49-240, Idaho Code, be, and the same is
hereby amended to read as follows:

49-240. CERTAIN CIRCUMSTANCES FOR FORFEITURE OF BOND FOR TRAFFIC
OFFENSES. (1) Whenever a person has received a written uniform misde­
meanor traffic citation, summons or complaint containing a notice to
appear before a magistrate, and if the attorney prosecuting the case
and the defendant concur that it is in the best interest of justice
that the defendant may post and forfeit an amount of the bond agreed
upon by the parties, the court shall dismiss the charge. When bond is
forfeited under the provisions of this subsection, no violation
points, as prescribed in section 49-326, Idaho Code, shall accrue. A
forfeiture of bond under the provisions of this subsection shall not
be recorded as a conviction, but the proceeds of the bond shall be
distributed as court costs and fines as though there were a
conviction.

(2) The provisions of subsection (1) of this section shall not be
available when citations, summons or complaints are written for a
violation of the provisions of sections 18-8001, 18-8004, 18-8006 or
49-1401, Idaho Code.


CHAPTER 162
(S.B. No. 1345)

AN ACT
RELATING TO LIFE INSURANCE POLICIES AND ANNUITIES; AMENDING CHAPTER
19, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
41-1935, IDAHO CODE, TO PROVIDE FOR A TWENTY DAY RIGHT TO LOOK FOR
PURCHASERS OF LIFE INSURANCE POLICIES AND ANNUITIES.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 19, 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 41-1935, Idaho Code, and to read as follows:

41-1935. LIFE INSURANCE AND ANNUITIES -- TWENTY DAY FREE EXAMINATION. (1) Every life insurance policy to which the provisions of section 41-1927, Idaho Code, apply and every annuity contract shall contain a provision therein or in a separate rider attached thereto when delivered, stating in substance that the person to whom the life insurance policy or annuity contract is issued shall be permitted to return the life insurance policy or annuity within twenty (20) days of its delivery to such person, and to have a refund of the premium paid if after examination of the policy the purchaser is not satisfied with it for any reason. The provision shall be set forth in the policy or contract under appropriate caption, and if not so printed on the face page of the policy or contract adequate notice of the provision shall be printed or stamped conspicuously on the face page.

(2) The policy or contract may be so returned to the insurer at its home or branch office or to the agent through whom it was applied for, and thereupon shall be void as from the beginning and as if the policy or contract had not been issued.


CHAPTER 163
(S.B. No. 1357, As Amended)

AN ACT
RELATING TO A FOREST PRODUCTS COMMISSION; AMENDING TITLE 38, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 15, TITLE 38, IDAHO CODE, TO PROVIDE A DECLARATION OF POLICY, TO DEFINE TERMS, TO CREATE A FOREST PRODUCTS COMMISSION AND TO PROVIDE FOR MEMBERSHIP, TO PROVIDE FOR QUALIFICATIONS OF MEMBERS AND COMPOSITION OF THE COMMISSION, TO PROVIDE FOR COMPENSATION OF MEMBERS, TO PROVIDE FOR A CHAIRMAN AND STAFF OF THE COMMISSION, TO PROVIDE FOR MEETINGS, TO PROVIDE POWERS AND DUTIES, TO PROVIDE LIMITATIONS TO THE POWERS OF THE COMMISSION, TO PROVIDE FOR ACCEPTANCE OF GRANTS, DONATIONS AND GIFTS, TO PROVIDE FOR THE BONDS OF AGENTS AND EMPLOYEES, TO PROVIDE FOR APPOINTMENT OF STAFF, TO PROVIDE FOR ESTABLISHMENT OF AN OFFICE, TO PROVIDE FOR LIABILITY OF THE STATE, TO PROVIDE FOR ASSESSMENTS AND FEES, TO PROVIDE PENALTIES, TO PROVIDE FOR DEPOSIT AND DISBURSEMENT OF FUNDS, AND TO PROVIDE FOR DISSOLUTION OF THE COMMISSION.

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

SECTION 1. That Title 38, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER,
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ignated as Chapter 15, Title 38, Idaho Code, and to read as follows:

CHAPTER 15
IDAHO FOREST PRODUCTS COMMISSION

38-1501. DECLARATION OF POLICY. It is in the interest of all the people of Idaho that the abundant forest resources of the state be protected, and properly managed to produce multiple resources and values along with sustained yields of timber to support the economic welfare of the state. Because forest management, on both public and private lands, is important to each citizen of the state, it is the purpose by the enactment of this chapter to promote the economic and environmental welfare of the state by providing a means for the collection and dissemination of information regarding the management of the state's public and private forest lands and the forest products industry.

38-1502. DEFINITIONS. As used in this chapter:

(1) "Business entity" means a person, firm, partnership, corporation, association, trust or other recognized legal entity.

(2) "Financial supporter" means entities who have paid assessments pursuant to this chapter.

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

(4) "Forest product manufacturer" means a business entity that engages in the processing, cutting, fabricating or other process which converts timber into lumber, paper, plywood or other usable products for sale in commerce, provided, however, as used in this chapter, forest products manufacturers shall not include the following business entities engaged in:

(a) The production of fence or corral posts or rails;
(b) Producing shingles or shakes;
(c) Producing firewood or pellets for energy; or
(d) Producing logs which have been shaped or scribed and used in the construction of log structures.

(5) "Private forest lands" mean forest lands not owned by the federal government, state government, an Indian tribe or a political subdivision of the state.

38-1503. FOREST PRODUCTS COMMISSION CREATED -- MEMBERS. (1) There is hereby created and established in the department of self-governing agencies the Idaho forest products commission, to be composed of five (5) voting members appointed by the governor from a list of names with at least two (2) names for each appointive office for each district submitted to the governor by the financial supporters of the commission in each district. Members of the commission shall serve either a three (3) or five (5) year term, with two (2) members of the commission serving three (3) year terms, and three (3) members of the com-
mission serving five (5) year terms. For the initial commission members, the duration of each member's term shall be determined by lot. The commission shall adopt rules to define the process for filling vacancies to the commission and to provide for determining the terms of office for all members of the commission after the expiration of the terms of the original members.

(2) The governor shall also name as permanent advisory members to the commission, the director of the department of lands, a representative of the United States forest service, the dean of the University of Idaho college of forestry, wildlife and range sciences or the dean's designee, and the executive directors of the intermountain forest industry association and the associated logging contractors. No advisory member of the commission shall have a vote on the commission.

38-1504. QUALIFICATIONS OF THE MEMBER AND COMPOSITION OF THE COMMISSION. (1) Each member of the commission shall be nominated and appointed because of their knowledge of forest management, the forest products industry, or because they possess communications skills which would enhance the ability of the commission to carry out its duties. Members of the commission shall be residents of the state who derive a substantial part of their income from association with the forest products industry within the state of Idaho. There shall be a total of five (5) members from the four (4) districts as follows:

District 1. The counties of Boundary, Bonner and Kootenai.
District 2. The counties of Shoshone, Benewah, Latah and Clearwater.
District 3. Idaho county and all counties north of the Salmon river not heretofore named.
District 4. Adams, Valley, Payette, Washington, Ada, Boise, Gem, and all other counties south of the Salmon river not heretofore named. From this district, the governor shall appoint two (2) members to the commission.

(2) The governor shall assure through his appointments to the commission that the commission membership reflects equitable representation from the timber growing, logging and transportation, and forest products manufacturing segments of the industry. The commission shall also include no less than one (1) member with demonstrated experience in communications or natural resource education.

38-1505. COMPENSATION OF MEMBERS. Members of the commission shall be compensated as provided in section 59-509(b), Idaho Code.

38-1506. CHAIRMAN AND STAFF OF THE COMMISSION. The commission shall elect a chairman and may employ clerical or other staff who are not members of the commission.

38-1507. MEETINGS OF THE COMMISSION. The commission shall meet not less than one (1) time in every three (3) month period and at such times as may be determined by either the chairman or a majority of the commission members. Any meeting may be held at any location within the state, and at any time.

38-1508. DUTIES AND POWERS OF THE COMMISSION. (1) Consistent with
the general purposes of this chapter, the commission shall establish the policies to be followed in the accomplishments of such purposes.

(2) In the administration of the provisions of this chapter, the commission shall, in conjunction and cooperation with other entities which represent the forest products industry, have the following duties, authorities and powers:

(a) Conduct research and surveys to determine public attitudes and levels of knowledge regarding forest management and the forest products industry;
(b) Design educational campaigns and other needed efforts to provide the public with accurate information regarding the management of Idaho's forest lands and the forest products industry;
(c) Be an advocate for the proper management of Idaho's forest lands and for a healthy forest products industry in the state;
(d) Be a source of accurate and timely data regarding the forest resource and the forest products industry;
(e) Make projections regarding future timber supplies, availability of timber, new or existing products and markets, and other biological or social trends which might affect forest management or the forest products industry in Idaho; and
(f) Cooperate with any local, state or national organization or agency, whether voluntary or created by the law of any state or by national law, engaged in work or activities similar to the work and activities of the commission, and to enter into contracts and agreements with such organizations or agencies for carrying on a joint campaign of research, education and publicity.

(3) The commission shall also have the duty, power and authority:
(a) To take such actions as the commission deems necessary or advisable to stabilize and protect the forest products industry of the state and the health and welfare of the public;
(b) To sue and be sued;
(c) To enter into such contracts as may be necessary or advisable;
(d) To appoint and employ officers, agents and other personnel, including experts in publicizing forest management or the forest products industry, and to prescribe their duties and fix their compensation;
(e) To make use of such advertising means and methods as the commission deems advisable and to enter into contracts and agreements for research and advertising within the state;
(f) To lease, purchase or own the real or personal property deemed necessary in the administration of the provisions of this chapter;
(g) To prosecute in the name of the state of Idaho any suit or action for collection of any tax or assessment provided for in this chapter;
(h) To adopt, rescind, modify and amend all necessary and proper orders, resolutions and regulations for the procedure and exercise of its powers and the performance of its duties;
(i) To incur indebtedness and carry on all business activities; and
(j) To keep books and records and accounts of all its doings, which books, records, and accounts shall be open to the inspection
and audit by the state auditor and public at all times.

38-1509. LIMITATIONS TO THE POWERS OF THE COMMISSION. Irrespective of such actions as may be taken by individual members of the commission, the commission itself shall not use any funds or other resources of the commission to influence the outcome of any election for public office, be it state or federal, or to influence the enactment or defeat of any specific piece of legislation; provided, however, the commission may, in the course of implementation of this chapter, generally and objectively inform the public of legislative or regulatory proposals which may affect the management of public or private forests in Idaho or the forest products industry.

38-1510. COMMISSION ACCEPTING GRANTS, DONATIONS AND GIFTS. The commission may accept grants, donations and gifts of funds from any source for expenditure for any purpose consistent with this chapter which may be specified as a condition of any grant, donation or gift. All funds received under the provisions of this chapter shall be paid into a bank account in the name of the Idaho forest products commission and such moneys are hereby continuously appropriated and made available for defraying the expenses of the commission in carrying out the provisions of this chapter.

38-1511. BONDS OF AGENTS AND EMPLOYEES. Any agent or employee appointed by the commission shall be bonded to the state of Idaho in the time, form, and manner as prescribed in chapter 8, title 59, Idaho Code. The cost of the bond is an administrative expense under this chapter.

38-1512. APPOINTMENT OF STAFF, DUTIES, SALARY. The commission may appoint clerical or other staff, on either a full or part time basis, who shall devote their time to the administration of the provisions of this chapter. The staff shall be paid reasonable salaries as fixed by the commission, commensurate with their duties and experience.

38-1513. ESTABLISHMENT OF THE COMMISSION'S OFFICE. For the convenience of the majority of those most likely to be affected by the administration of this act, the commission shall establish and maintain an office within the state of Idaho.

38-1514. STATE NOT LIABLE FOR ACTS OR OMISSIONS OF THE COMMISSION OR OF ITS EMPLOYEES. The state of Idaho is not liable for the acts or omissions of the commission or any member thereof or any officer, agent or employee thereof.

38-1515. IMPOSITION OF ASSESSMENTS AND PROVISION FOR LATE FEES. (1) From and after the first day of July, 1992, there is hereby authorized the following fees and assessments:
(a) For all forest products manufacturers, an amount no greater than thirty cents (30¢) per thousand board feet or the equivalent thereof for all logs either harvested in Idaho or measured or processed by a manufacturing entity located in the state of Idaho, regardless of the state in which the logs might have been cut.
(b) For all business entities engaged in the harvest or transport of logs, lumber, chips, or other forest products in Idaho, a sum no greater than fifteen dollars ($15.00) per employee, as measured by the records of the department of employment during the month of July of the preceding year, provided, however, those business entities engaged solely in the harvest or transport of those exclusions to forest products manufacturers as set forth in subsection (4)(a), (b), (c) and (d) of section 38-1502, Idaho Code, shall owe no duty or assessment under this chapter.

(c) For business entities or persons owning more than fifty thousand (50,000) acres of private forest land within the state of Idaho but with no facilities for manufacturing forest products within the state, a sum no greater than ten cents (10¢) per each acre of forest land, provided, however, that this assessment shall be reduced by an amount equal to the assessment described in paragraph (a) of this subsection for all logs harvested from that land in the preceding calendar year and assessed in this section. Persons owning less than a total of fifty thousand (50,000) acres of forest land in the state shall bear no assessment or fee pursuant to the provisions of this subsection.

(d) No firm or business entity shall be liable for assessments under this chapter in more than one (1) of the categories described in this section. In the event that a person, firm or business entity qualifies to pay more than one (1) assessment as described herein, then the greater of the assessments shall be assessed, due and payable.

(2) In collecting assessments and other financial obligations due the commission, the commission is authorized to cooperate with and coordinate its actions to collect assessments with the various efforts of Idaho board of scaling practices, the tax commission, the department of employment, and the department of lands to either collect assessments or taxes due under the provisions of this chapter or to identify those who may owe assessments under the provisions of this chapter.

(3) Any person or firm who makes payment to the commission at a date later than that prescribed in rules set forth by the commission under this section may be subject to a late payment penalty as set forth by the commission by rule and regulation. Such penalty shall not exceed fifteen percent (15%) per annum on the amount due. In addition to the above penalty, the commission shall be entitled to recover all costs, fees, and reasonable attorney's fees incurred in the collection of the tax and penalty provided for in this section.

(4) All assessments due under this chapter shall be based upon the data for the year immediately preceding and payments due the commission shall be made quarterly according to such rules as may be adopted by the commission.

38-1516. PENALTIES. Any person who shall violate or aid in the violation of any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof be punished by a fine of not more than one thousand dollars ($1,000) or by imprisonment not to exceed ninety (90) days or by both. Fines collected for violations shall be paid into the fund which accrues to administer the provisions
of this chapter.

38-1517. DEPOSIT AND DISBURSEMENT OF FUNDS. (1) Immediately upon receipt, all moneys received by the commission shall be deposited in one or more banks or trust companies approved under chapter 27, title 67, Idaho Code, as state depositories. The commission shall designate such banks or trust companies. All funds so deposited are hereby continuously appropriated for the purpose of carrying out the provisions of this chapter.

(2) Funds can be withdrawn or paid out of such accounts only upon checks or other orders upon such accounts signed by two officers designated by the commission when the amount of such payments exceeds two thousand dollars ($2,000). Such designees may include the members of the staff of the commission.

(3) The right is reserved to the state of Idaho to audit the funds to the commission at anytime.

(4) On or before January 15 of each year, the commission shall file with the senate and house committees responsible for natural resources, the legislative budget office, the state auditor, and the division of financial management, a report showing the annual income and expenses by standard classification of the commission for the preceding year. The report shall also include an estimate of income of the commission for the current and next fiscal year and a projection of anticipated expenses by category for the current and next fiscal year. From and after January 15, 1994, the report shall also include a reconciliation between the estimated income and expenses projected and the actual income and expenses of the preceding year.

(5) All moneys received or expended by the commission shall be audited annually be a certified public accountant designated by the commission, who shall furnish a copy of such audit to the state auditor. The audit shall be completed within ninety (90) days following the close of the fiscal year.


38-1518. DISSOLUTION OF THE COMMISSION. (1) Subject to the conditions set forth in this section, the commission may be dissolved upon a vote, carried out by written ballot by all those who have paid assessments to the commission during the calendar year immediately preceding the vote. No such referendum may take place at any time prior to three years from the date of enactment of this chapter. No such vote may be taken unless first approved by a majority of the commission who shall then report to those who have paid assessments to the commission for the reasons for the recommended dissolution together with any opposing views held by members of the commission, provided, however, that financial supporters who, together represent no less than fifty percent (50%) of the total assessments paid to the commission in the preceding year, or financial supporters who, together represent no less than ten percent (10%) of the total financial supporters for the preceding year may petition for a vote of dissolution without the approval of the commission. In no case, however, shall the commission be dissolved through a vote of the financial supporters unless the vote in favor of the dissolution exceeds sixty per-
cent (60%) of the total assessments paid to the commission in the pre-
ceeding year. One dollar ($1.00) of assessment collected shall equal
one (1) vote.

(2) Should such dissolution as described in this section occur,
any unencumbered funds held by the commission shall be divided equally
among private or public groups or agencies which, in the judgment of
the commission, can best carry out the duties and authorities of the
commission.


CHAPTER 164
(S.B. No. 1358)

AN ACT
RELATING TO SECURED TRANSACTIONS; AMENDING SECTION 28-9-403, IDAHO
CODE, TO CLARIFY THE DUTIES OF THE FILING OFFICER WITH RESPECT TO
FINANCING STATEMENTS AND TO DELETE OBSOLETE LANGUAGE; AMENDING
SECTION 28-9-404, IDAHO CODE, TO DELETE SUPERFLUOUS LANGUAGE AND
TO INCREASE THE FEE FOR FILING A TERMINATION STATEMENT NOT IN CON-
FORMITY WITH THE STANDARD FORM PRESCRIBED BY THE SECRETARY OF
STATE; AND AMENDING SECTION 28-9-406, IDAHO CODE, TO CLARIFY
DUTIES OF THE FILING OFFICER AND TO INCREASE THE FEE FOR FILING A
STATEMENT OF RELEASE.

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

SECTION 1. 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 accep-
tance of the statement by the filing officer constitutes filing under
this chapter.

(2) Except as provided in subsection (6) a filed financing state-
ment is effective for a period of five (5) years from the date of fil-
ing. 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 fil-
ing exists at the time insolvency proceedings are commenced by or
against the debtor, the security interest remains perfected until ter-
mination 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 credi-
tor 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 or, if it relates to farm products, by the debtor and the secured party, and must 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 annexion of financing statements to continuation statements or other related filings, or by other means, that if he physically destroys the financing statements of a period more than five (5) years past, those which have been continued by a continuation statement or which are still effective under subsection (6) shall be retained.

(4) A filing officer shall mark each statement with a file number and with the date and hour of filing and shall hold the statement or a microfilm or other photographic copy thereof for public inspection. In addition the filing officer shall index the statement according to the name of the debtor. If the filing officer has retained a microfilm or other photographic copy of the financing statement, he may return the original to the filing party or destroy it.

(5) Except for financing statements described in subsection (7) 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 six dollars ($6.00) if the statement is typed or machine printed on the standard form prescribed by the secretary of state and otherwise shall be ten dollars ($10.00). A uniform fee of one dollar ($1.00) shall be charged for each page attached to the financing statement. The uniform fee for recording and indexing a financing statement and related instruments described in subsection (7) shall be the regular recording fee charged for recording a mortgage.

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. Any financing statement of a type described in subsection (7) which has not lapsed on or before June 30, 1990, shall remain effective until a termination statement is filed. A real estate mortgage which is effective as a fixture filing under subsection (6) of section 28-9-402, remains effective as a fixture filing until the mortgage is released or satisfied of record or its effectiveness otherwise terminates as to the real estate.

(7) When a financing statement covers timber to be cut or covers minerals or the like (including oil and gas) or accounts subject to subsection (5) of section 28-9-103, or is filed as a fixture filing, the filing officer shall index it under the names of the debtor and any owner of record shown on the financing statement in the same fashion as if they were the mortgagors in a mortgage of the real estate described, and, to the extent that the law of this state provides for indexing of mortgages under the name of the mortgagor, 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. Recording of a financing statement described in this subsection in the real property records shall constitute filing for all purposes under this chapter, and the financing statement need not be separately filed outside the real estate records; provided, however, that the filing officer's indexing and other treatment of financing statements so filed must comply with all of the provisions of this chapter. The foregoing sentence shall not affect the perfection or nonperfection of financing statements filed before July 1, 1990. On and after July 1, 1990, continuation statements, statements of assignment, statements of release, termination statements, amendments, and all other documents to be filed relating to financing statements described in this subsection filed before, on or after July 1, 1990, may be filed by recording in the real estate records only.

SECTION 2. 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 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 com-
plying 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 addi-
tion 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 file it in the index-—if he has received the
termination statement in duplicate—he. 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 original 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 pre-
scribed by the secretary of state, there shall be no fee for filing
and indexing the termination statement (including sending or deliver-
ing the financing statement), and otherwise shall be one four dollars
($4.00).

SECTION 3. That Section 28-9-406, Idaho Code, be, and the same is
hereby amended to read as follows:

28-9-406. RELEASE OF COLLATERAL -- DUTIES OF FILING OFFICER --
FEES. A secured party of record may by his signed statement release a
part of any collateral described in a filed financing statement. The
statement of release is sufficient if it contains a description of the
collateral being released, the name and address of the debtor, the
name and address of the secured party, and the file number of the
financing statement. A statement of release signed by a person other
than the secured party of record must be accompanied by a separate
written statement of assignment signed by the secured party of record
and complying with subsection (2) of section 28-9-405, including pay-
ment of the required fee. Upon presentation of such a statement or
release to the filing officer he shall mark the statement with the
hour and date of filing and shall note the same upon the margin of the
index of the financing statement file it. The uniform fee for filing and
noting such a statement of release shall be two six dollars ($26.00) if the
statement is in the standard form prescribed by the secretary of state and otherwise shall be three ten dollars ($310.00); plus in each case an additional fee of two dollars ($2.00)
for each name more than one against which the statement of release is
required to be indexed.

CHAPTER 165
(S.B. No. 1451)

RELATING TO RETENTION OF RECORDS BY STATE OFFICERS; REPEALING SECTIONS 9-328, 9-329 AND 9-330, IDAHO CODE; AND AMENDING CHAPTER 3, TITLE 9, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 9-328, IDAHO CODE, TO PROVIDE FOR PHOTOGRAPHIC OR DIGITAL RETENTION OF RECORDS AND DISPOSITION OF ORIGINALS.

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

SECTION 1. That Sections 9-328, 9-329 and 9-330, Idaho Code, be, and the same are hereby repealed.

SECTION 2. That Chapter 3, Title 9, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 9-328, Idaho Code, and to read as follows:

9-328. PHOTOGRAPHIC OR DIGITAL RETENTION OF RECORDS -- DISPOSITION OF ORIGINALS. Any state officer may receive or retain documents filed or recorded in his office on media other than paper, provided that the media comply with the standards set forth in this section. The originals of paper documents may be disposed of in accordance with the provisions of this section.

(1) A state officer may receive, file or record documents in his office in paper form. When permitted by law or administrative rule, a state officer may alternatively receive, file or record documents which are transmitted on other media or by electronic means, provided that the medium or means of transmittal does not permit undetected additions, deletions or alterations of documents during transmittal. Such media and electronic means include, but are not limited to, facsimile transmissions (FAX), magnetic tape or disk, photographic film, optical disk and an electronically transmitted data stream.

(2) A state officer may retain a document in a different form or medium from that in which it is received, provided that the form or medium in which the document is retained results in a permanent record which may be accurately reproduced during the period for which the document must be retained.

(3) If a document is received in paper form or as an image of a paper document, e.g. film, FAX or other digitized image, it must be retained in a form or medium which permits accurate reproduction of the document in paper form. If the medium chosen for retention is photographic, all film used for capture or retention of images must meet the quality standards of the American national standards institute (ANSI). If the medium chosen for retention is digital, the permanent medium must preclude alteration or erasure of a document, and must permit reproduction on paper at a resolution not worse than two hundred (200) dots per inch.

(4) If a document is received as a data stream, it must be retained in a system which is secure against unauthorized or
undetected alteration or deletion of data, and which provides for periodic back-up of data for off-site storage. The system must permit the document to be readily and intelligibly reproduced on paper.

(5) If a document is received in paper form or as an image of a paper document, and if the receiving state officer retains it in another form or medium as permitted in subsection (3) of this section, then the original of the document may be disposed of or returned to the sender, provided that such disposition or return is done pursuant to statute or an administrative rule promulgated under section 67-5751, Idaho Code.

(6) A document retained by a state officer in any form or medium permitted under this section shall be deemed to be an original public record for all purposes. A reproduction or copy of such a document, certified by the state officer, shall be deemed to be a transcript or certified copy of the original, and shall be admissible before any court or administrative hearing.


CHAPTER 166
(S.B. No. 1452)

AN ACT
RELATING TO THE UNIFORM COMMERCIAL CODE ADMINISTRATIVE ACCOUNT; AMENDING CHAPTER 9, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-916, IDAHO CODE, TO ESTABLISH THE UCC ADMINISTRATIVE ACCOUNT IN THE DEDICATED FUND OF THE STATE TREASURY, TO SPECIFY THE MONEYS TO BE DEPOSITED IN SAID ACCOUNT, AND TO PROVIDE FOR ADMINISTRATION OF THE ACCOUNT.

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

SECTION 1. That Chapter 9, 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 67-916, Idaho Code, and to read as follows:

67-916. FEES -- UCC ADMINISTRATIVE ACCOUNT. (1) The secretary of state shall collect and persons served shall pay the fees and charges provided for the uniform commercial code (UCC) program by law or administrative rule. The UCC program consists of the functions of the secretary of state which are governed by chapter 9, title 28 and chapter 3, title 45, Idaho Code. The secretary of state shall adjust fees and charges as necessary to meet the appropriation as provided for by law.

The secretary of state shall not, in any one (1) calendar year, increase any fee by an amount greater than twenty percent (20%) of that fee in effect on the previous December 31.

(2) UCC administrative account:
(a) There is hereby created an account in the state treasury, to be designated the "UCC administrative account" to provide for the
expenses of the UCC program as provided for by law.

(b) The UCC administrative account shall be effective December 31, 1992, and be in existence for a period of at least six (6) months prior to the dedicated account appropriation becoming effective and shall consist of the following:

(i) all moneys appropriated by the legislature;

(ii) all fees and charges collected by the secretary of state for UCC program services.

(c) All moneys placed in the account shall be examined, audited and allowed in the manner now or hereinafter provided by law.

(d) Pending use for purposes of the provisions of the laws of this state, moneys in the UCC administrative account shall be invested by the state treasurer in the same manner as provided under section 67-1210, Idaho Code, with respect to other surplus or idle moneys in the state treasury.

(e) The secretary of state shall transmit all fees and charges collected by him for UCC program services to the state treasurer as provided under section 59-1014, Idaho Code. The secretary of state shall file with the state auditor, a statement of each deposit thus made. All such funds received, unless otherwise specifically designated by another section of the law administered by the secretary of state shall be deposited into the UCC administrative account.

(f) At the beginning of each fiscal year, those moneys in the UCC administrative account which exceed the current year's appropriation plus any residual encumbrances made against prior years' appropriations by twenty-five percent (25%) or more shall be transferred to the general account.


CHAPTER 167
(S.B. No. 1454)

AN ACT

RELATING TO THE CRIME OF BURGLARY; REPEALING SECTIONS 18-1402 AND 18-1404, IDAHO CODE; AMENDING SECTION 18-1403, IDAHO CODE, TO PROVIDE A PENALTY FOR THE CRIME OF BURGLARY WITHOUT REFERENCE TO DEGREES OF BURGLARY; AND AMENDING SECTION 18-1405, IDAHO CODE, TO STRIKE REFERENCE TO WHETHER BURGLARY BY EXPLOSIVES IS COMMITTED BY DAY OR BY NIGHT.

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

SECTION 1. That Sections 18-1402 and 18-1404, Idaho Code, be, and the same are hereby repealed.

SECTION 2. That Section 18-1403, Idaho Code, be, and the same is hereby amended to read as follows:

18-1403. PUNISHMENT FOR BURGLARY. Burglary of the first degree is
punishable by imprisonment in the state prison for not less than one (1) nor more than fifteen (15) years. Burglary of the second degree is punishable by imprisonment in the state prison for not more than five (5) years.

SECTION 3. That Section 18-1405, Idaho Code, be, and the same is hereby amended to read as follows:

18-1405. BURGLARY WITH EXPLOSIVES. Any person who with intent to commit crime breaks and enters, either by day or by night, any building whether inhabited or not, and opens or attempts to open any vault, safe, or other secure place within said building by use of nitroglycerin, dynamite, gunpowder or any other explosive, shall be deemed guilty of burglary with explosives. Any person duly convicted of burglary with explosives shall be sentenced to the penitentiary for a period of not less than ten (10) years, nor more than twenty-five (25) years.


CHAPTER 168
(S.B. No. 1500)

AN ACT
EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE PUBLIC UTILITIES COMMISSION FOR FISCAL YEAR 1993; AND TRANSFERRING 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 amount for the period July 1, 1992, through June 30, 1993:

FOR:
Personnel Costs $2,223,700
Operating Expenditures 1,108,800
Capital Outlay 56,000
TOTAL $3,388,500

FROM:
General Account $ 207,000
State Regulatory Account 3,181,500
TOTAL $3,388,500

SECTION 2. There is hereby appropriated to the Public Utilities Commission the following amount, to be expended for the designated programs according to the designated expense classes from the listed accounts for the period July 1, 1992, through June 30, 1993:
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<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
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<tbody>
<tr>
<td>A. ADMINISTRATION:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 207,000</td>
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</tr>
<tr>
<td>State Regulatory Account</td>
<td>$535,500</td>
<td>$147,700</td>
<td>$21,500</td>
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<td>TOTAL</td>
<td>$ 742,500</td>
<td>$147,700</td>
<td>$21,500</td>
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<td>B. UTILITIES REGULATION:</td>
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<tr>
<td>FROM:</td>
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<tr>
<td>State Regulatory Account</td>
<td>$1,139,900</td>
<td>$755,900</td>
<td>$18,000</td>
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<td>C. REGULATED CARRIERS:</td>
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<td>FROM:</td>
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<tr>
<td>State Regulatory Account</td>
<td>$341,300</td>
<td>$205,200</td>
<td>$16,500</td>
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<td>GRAND TOTAL</td>
<td>$2,223,700</td>
<td>$1,108,800</td>
<td>$56,000</td>
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</tbody>
</table>

SECTION 3. Notwithstanding any other provisions of law, there is hereby appropriated from the State Regulatory Account and transferred to the General Account an amount equal to the General Account expenditures of the Public Utilities Commission for the period July 1, 1992, through June 30, 1993.


CHAPTER 169  
(S.B. No. 1501)

AN ACT

APPROPRIATING MONEYS TO THE LIEUTENANT GOVERNOR FOR FISCAL YEAR 1993; EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO CERTAIN EXPENDITURES; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; AND SETTING FORTH CONDITIONS FOR THE REAPPROPRIATION.

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

SECTION 1. There is hereby appropriated to the Lieutenant Governor the following amount, to be expended according to designated expense classes from the listed account for the period July 1, 1992, through June 30, 1993:

FOR:
Personnel Costs   $75,100
Operating Expenditures   14,200
TOTAL          $89,300

FROM:
General Account   $89,300
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 according to the provisions of Chapter 36, Title 67, Idaho Code, and Section 67-3516, Idaho Code.

SECTION 3. There is hereby reappropriated to the Lieutenant Governor, subject to the provisions of Section 4 of this act, the unexpended and unencumbered balance of any General Account appropriation made to the Lieutenant Governor for the period July 1, 1991, through June 30, 1992, to be used for nonrecurring expenditures only for the period July 1, 1992, through June 30, 1993.

SECTION 4. The reappropriation granted in Section 3 of this act shall be subject to the following conditions:
(1) If the unexpended and unencumbered balance in the General Account on June 30, 1992, is zero, the reappropriation in Section 3 is hereby declared to be null and void.
(2) If the unexpended and unencumbered balance in the General Account on June 30, 1992, is greater than zero but less than the total reappropriation authority granted to all state agencies, the amount reappropriated in Section 3 shall be in the proportion that the reappropriation for the Lieutenant Governor bears to the total reappropriation authority granted to all state agencies.


CHAPTER 170
(S.B. No. 1502)

AN ACT
APPROPRIATING MONEYS TO THE STATE INSURANCE FUND FOR FISCAL YEAR 1993; AND SPECIFYING THE SCOPE OF THE APPROPRIATION.

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 administration of the State Insurance Fund the following amount, to be expended for the designated programs according to the designated expense classes from the listed accounts, for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FOR</th>
<th>FOR</th>
<th>TOTAL</th>
</tr>
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<tbody>
<tr>
<td>PERSONNEL COSTS</td>
<td>OPERATING EXPENDITURES</td>
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<tr>
<td>State Insurance Fund</td>
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<td>Account</td>
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<tr>
<td>$5,100,300</td>
<td>$1,379,200</td>
<td>$6,479,500</td>
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</tbody>
</table>
SECTION 2. Moneys appropriated in Section 1 for the Underground Storage Tanks Program are pursuant to Section 41-4904(5)(a), Idaho Code. Amounts necessary to pay all other expenses, losses and claims incurred related to insuring governmental or private entities against legal liability due to petroleum product releases shall be perpetually appropriated to the manager of the State Insurance Fund as trustee, under the provisions of Section 41-4914, Idaho Code.


CHAPTER 171
(S.B. No. 1496)

AN ACT
APPROPRIATING MONEYS TO THE LEGISLATIVE COUNCIL FOR FISCAL YEAR 1993;
AND APPROPRIATING MONEYS TO THE JOINT SENATE FINANCE-HOUSE APPROPRIATIONS COMMITTEE FOR FISCAL YEAR 1993.

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 the designated expense classes from the listed accounts for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>TOTAL</th>
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<tr>
<td>General Account</td>
<td>$637,200</td>
<td>$178,000</td>
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<td>Interagency Billing and Receipts Account</td>
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<td>41,500</td>
<td>41,500</td>
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<tr>
<td>TOTAL</td>
<td>$637,200</td>
<td>$219,500</td>
<td>$856,700</td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Joint Senate Finance-House Appropriations Committee the following amount to be expended for the designated programs according to the designated expense classes from the listed accounts for the period July 1, 1992, through June 30, 1993:
A. LEGISLATIVE AUDITOR:

FROM:

General Account $ 756,400 $ 14,900 $ 771,300
Interagency Billing and Receipts Account 669,400 95,500 764,900
TOTAL $1,425,800 $110,400 $1,536,200

B. LEGISLATIVE BUDGET OFFICE:

FROM:

General Account $ 533,200 $ 61,400 $ 594,600

C. JOINT SENATE FINANCE-HOUSE APPROPRIATIONS INTERIM COMMITTEE:

FROM:

General Account $24,000 $ 24,000

GRAND TOTAL $1,959,000 $171,800 $24,000 $2,154,800

Approved April 6, 1992.

CHAPTER 172
(H.B. No. 547, As Amended in the Senate)

AN ACT

RELATING TO FISH AND GAME CODE VIOLATIONS; AMENDING SECTION 36-1401, IDAHO CODE, TO PROVIDE MISDEMEANOR PENALTIES FOR PERSONS PLEADING GUILTY TO, BEING FOUND GUILTY OF, OR CONVICTED OF A VIOLATION OF CERTAIN PROVISIONS OF THE FISH AND GAME CODE AND TO PROVIDE FELONY PENALTIES FOR PERSONS PLEADING GUILTY TO, BEING FOUND GUILTY OF OR CONVICTED OF A VIOLATION OF CERTAIN PROVISIONS OF THE FISH AND GAME CODE; AMENDING SECTION 36-1402, IDAHO CODE, TO PROVIDE THAT THE JUDGE HEARING A CASE OF A PERSON CONVICTED OF THREE OR MORE FELONY VIOLATIONS OF THE FISH AND GAME CODE WITHIN FIVE YEARS SHALL FORTHWITH REVOKE FOR LIFE THE HUNTING, FISHING OR TRAPPING LICENSE PRIVILEGES OF SUCH PERSON; AND AMENDING SECTION 36-501, IDAHO CODE, TO STRIKE REFERENCE TO A FELONY VIOLATION.

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

SECTION 1. That Section 36-1401, Idaho Code, be, and the same is hereby amended to read as follows:

36-1401. VIOLATIONS. (a) Infract ions. Any person who pleads guilty to or is found guilty of a violation of the following provisions of the fish and game code or the following rules and regulations
promulgated pursuant thereto is guilty of an infraction:

1. Statutes
(A) Take, transport, use or have in possession bait fish as set forth in section 36-902(d), Idaho Code.
(B) Chumming as set forth in section 36-902(e), Idaho Code.
(C) Nonresident child under the age of fourteen (14) years fishing without a valid license and not accompanied by a valid license holder as set forth in section 36-401(a)2., Idaho Code.
(D) Use or cut a hole larger than ten (10) inches in the ice for ice fishing as set forth in section 36-1509(a), Idaho Code.
(E) Store fish without required tags/permits/statements as set forth in section 36-503, Idaho Code.
(F) Own, possess or harbor any dog found running loose and which is tracking, pursuing, harassing or attacking a big game animal as set forth in section 36-1101(f)2., Idaho Code.
(G) Hunt migratory waterfowl without having in possession a signed federal migratory bird hunting stamp as set forth in section 36-1102(b)2., Idaho Code.
(H) Hunt migratory waterfowl without having in possession a signed Idaho migratory waterfowl stamp as set forth in section 36-414(2), Idaho Code.
(I) Hunt upland game birds without having in possession an upland game permit as set forth in section 36-409(h), Idaho Code.
(J) Trap in or on, destroy or damage any muskrat house as provided in section 36-1103(c), Idaho Code.

2. Rules and Regulations
(A) Fish from a raft or boat with motor attached in waters where motors are prohibited.
(B) Fish with hooks larger than allowed in that water.
(C) Fish with barbed hooks in waters where prohibited.
(D) Exceed any established bag limit for fish except anadromous fish bag limits, by two (2) fish.
(E) Fish with more than the approved number of lines or hooks.
(F) Fail to leave head and/or tail on fish while fish are in possession or being transported.
(G) Snag or hook fish other than in the head and fail to release, excluding anadromous fish.
(H) Fail to attend fishing line and keep it under surveillance at all times.
(I) Fail to comply with mandatory check and report requirements.
(J) Fail to leave evidence of sex or species attached as required on game birds.
(K) Hunt or take migratory game birds while in possession of shot other than steel shot in a steel shot zone.
(L) Fail to release, report or turn in nontarget trapped animals.
(M) Fail to complete required report on trapped furbearer.
(N) Fail to present required furbearer animal parts for
inspection.

(0) Fail to attach identification tags to traps.

(P) Trap with illegal bait or bait set illegally.

(b) Misdemeanors and Felonies. Any person who shall violate any other pleading guilty to, is found guilty or is convicted of a violation of the provisions of this title, rules or regulations promulgated pursuant thereto, or orders of the commission, except where an offense is expressly declared to be an infraction or felony, shall be guilty of a misdemeanor.

(c) Felonies. Any person who pleads guilty to, is found guilty or is convicted of a violation of the following offenses shall be guilty of a felony:

1. Knowingly and intentionally selling or offering for sale or exchange, or purchasing or offering to purchase or exchange, any wildlife, or parts thereof, which has been unlawfully killed, taken or possessed.

2. Releasing into the wild, without a permit from the director, any of the following wildlife, whether native or exotic: ungulates, bears, wolves, large felines, swine, or peccaries.

3. Unlawfully killing, possessing or wasting of any combination of numbers or species of wildlife which has a single or combined reimbursable damage assessment of more than one thousand dollars ($1,000), as provided in section 36-1404, Idaho Code.

4. Conviction within five (5) years of three (3) or more violations of the provisions of this title, penalties for which include either or both a mandatory license revocation or a reimbursable damage assessment.

SECTION 2. That Section 36-1402, Idaho Code, be, and the same is hereby amended to read as follows:

36-1402. PENALTY -- INFRACTION -- MISDEMEANOR -- FELONY -- REVO­CATION OF LICENSE -- DISPOSITION OF MONEYS. (a) Infraction Penalty. Any person who pleads guilty to or is found guilty of an infraction of this code or regulations promulgated pursuant thereto, shall be punished in accordance with the provisions of the Idaho infractions rules.

(b) 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 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:

<table>
<thead>
<tr>
<th>Animal, Fish or Bird</th>
<th>Minimum Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bighorn sheep, mountain goat and moose</td>
<td>$500</td>
</tr>
<tr>
<td>Elk</td>
<td>$300</td>
</tr>
<tr>
<td>Deer and pronghorn antelope</td>
<td>$200</td>
</tr>
<tr>
<td>Wild turkey, swan and sturgeon</td>
<td>$200</td>
</tr>
<tr>
<td>Chinook salmon</td>
<td>$100</td>
</tr>
</tbody>
</table>

(c) 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. Provided further, that the judge hearing the case shall forthwith revoke for life, the hunting, fishing or trapping license and privileges of any person who, within a five (5) year period, pleads guilty to, is found guilty of or is convicted of three (3) or more felony violations of the provisions of this title.

(d) License Revocation. Any person entering a plea of guilty for being found guilty or convicted of violating any of the provisions of this title, or otherwise fails to comply with the requirements of a citation in connection with any such offense, 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 or possessing 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 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 title, the term "conviction" shall mean either a withheld judgment or a final conviction.

(e) For purposes of the wildlife violator compact, section 36-2301, Idaho Code, et. seq., the department shall:
1. Suspend a violator's license for failure to comply with the terms of a citation from a party state. A copy of a report of failure to comply from the licensing authority of the issuing state shall be conclusive evidence.
2. Revoke a violator's license for a conviction in a party state. A report of conviction from the licensing authority of the issuing state shall be conclusive evidence.

(f) Disposition of Fines and Forfeitures. Distribution of fines and forfeitures remitted shall be in accordance with section 19-4705, Idaho Code.

SECTION 3. That Section 36-501, Idaho Code, be, and the same is hereby amended to read as follows:

36-501. SALE AND PURCHASE OF WILDLIFE -- RESTRICTIONS -- EXCEPTIONS. It is a misdemeanor for any person to sell or buy any species of wildlife or parts thereof except as hereinafter provided.

(a) Sale of 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, if required to be licensed, shall be lawful except as provided by regulations promulgated pursuant to section 36-104(b)6., Idaho Code. The provisions of this section shall not apply to domestic fur-bearing animals as defined in chapter 30, title 25, Idaho Code.
(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, provided that the Indian fishermen is an enrolled member of the tribe holding such rights and the code of such tribe authorizes such sales. 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 fishermen 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 from a licensed wholesale or retail steelhead trout buyer or from an Indian fisherman lawfully exercising fishing rights authorized by federal statute, treaty, executive order, or tribal code or regulation.

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 found guilty as provided in section 36-1401, Idaho Code, and shall be punished as set forth in section 36-1402, Idaho Code.

(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.

(h) Any person who pleads guilty to or is found guilty of two or more violations of the provisions of this section occurring within five 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, swan, sturgeon or chinook salmon or parts of any of the aforementioned animals, birds or fish.

Approved April 6, 1992.
CHAPTER 173
(H.B. No. 684, As Amended in the Senate)

AN ACT
RELATING TO DUTIES OF THE TRANSPORTATION DEPARTMENT; AMENDING SECTION
49-202, IDAHO CODE, AS AMENDED BY HOUSE BILL NO. 485, SECOND REGULAR
SESSION, FIFTY-FIRST IDAHO LEGISLATURE, CHAPTER 35, LAWS OF 1992, TO ALLOW FOR A FEE FOR COPIES OF MOTOR VEHICLE ACCIDENT
RECORDS, AND TO ALLOW FOR REVOCATION OF REGISTRATIONS FOR NONCOMPLIANCE WITH A MOTOR VEHICLE EMISSION TESTING PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-202, Idaho Code, as amended by House
Bill No. 485, Second Regular Session, Fifty-first Idaho Legislature,
Chapter 35, Laws of 1992, be, and the same is hereby amended to read as follows:

49-202. DUTIES OF DEPARTMENT. (1) All registration and driver's
license records in the office of the department shall be public
records and open to inspection by the public during normal business
hours.
(2) In addition to other fees required by law to be collected by
the department, the department shall collect the following:
(a) For certifying a copy of any record pertaining to any vehicle
license, any certificate of title, or any driver's license . $8.00
(b) For issuing every Idaho certificate of title ............ $8.00
(c) For furnishing a duplicate copy of any Idaho certificate of
title .................................................................. $8.00
(d) For issuance or transfer of every certificate of title on a
new or used vehicle or other titled vehicle in an expedited manner
(rush titles), in addition to any other fee required by this section ................................................. $15.00
(e) For furnishing a replacement of any receipt of registration
.................................................................................. $3.00
(f) For answering inquiries as to registration or ownership of
motor vehicles or driver's license records, per vehicle registra-
tion, accident report records, title or per driver's license record ......................................................... $4.00
(g) For services in furnishing copies of files of vehicle or
other registrations, vehicle titles, or driver's licenses per hour ................................................................. $10.00
(h) Placing "stop" cards in vehicle registration or title files,
each ................................................................. $12.00
(i) For issuance of an assigned or replacement vehicle identifi-
cation number (VIN) ........................................... $10.00
(j) For a vehicle identification number (VIN) inspection whether
conducted by a city or county peace officer or any other peace
officer or designated agent of the state of Idaho, per inspection ........................................................................... $3.00
(k) For all replacement registration stickers, each ...... $1.00
(1) For issuing letters of temporary vehicle clearance to Idaho
based motor carriers .............................. $10.00

(2) For all sample license plates, each .................. $12.00

(3) The fees required in this section shall not apply when the
service is furnished to any federal, state, county or city peace offi­
cer when such service is required in the performance of their duties
as peace officers.

(4) The department shall pay three dollars ($3.00) of the fee
collected by a county assessor or other agent of the department as
provided in subsection (2)(a) through (f) of this section, to the
county assessor of the county or agent collecting such fee, which
shall be deposited with the county treasurer and credited to the
county current expense fund. The remainder of the fees collected as
provided in that subsection shall be paid by the department to the
state treasurer and placed in the state highway account. The fee col­
clected under subsection (2)(j) of this section for a VIN inspection
shall be placed in the city general fund if conducted by a city peace
officer, in the county current expense fund if conducted by a county
peace officer, or paid to the state treasurer and placed to the credit
of the department of law enforcement if conducted by the Idaho state
police or in the state highway account if conducted by the department.

(5) The department as often as practicable may provide to law
enforcement agencies the record of stolen and recovered motor vehicles
and suspensions and revocations of driver licenses via the Idaho law
enforcement telecommunications system (ILETS).

(6) The department shall provide the forms prescribed in chapter
5 of this title, shall receive and file in its office in Boise, Idaho,
all instruments required in chapter 5 of this title to be filed with
the department, shall prescribe a uniform method of numbering certifi­
cates of title, and maintain in the department indices for such cer­
tificates of title. All indices shall be by motor or identification
number and alphabetical by name of the owner, and the department shall
maintain two (2) separate files on each vehicle, one, a motor or iden­
tification number file, the other a file by the name of the owner.

(7) The department shall file each registration received under a
distinctive registration number assigned to the vehicle and to the
owner thereof, alphabetically under the name of the owner, and
numerically and alphabetically under the name of the vehicle.

(8) The department shall not renew a driver's license when fees
required by law have not been paid or where fees for past periods are
due, owing and unpaid including nonsufficient fund checks.

(9) The department shall not grant the registration of a vehicle
when:
(a) The applicant is not entitled to registration under the pro­
visions of this title; or
(b) The applicant has neglected or refused to furnish the depart­
ment with the information required in the appropriate form or rea­
sonable additional information required by the department, or has
failed to comply with the provisions of section 49-436, Idaho
Code, in past registration periods; or
(c) The fees required by law have not been paid, or where fees
for past registration periods are due, owing and unpaid including
nonsufficient fund checks.
(10) The department has the authority to request any person, based upon evidence, to submit to medical, highway, or written examinations, to protect the safety of the public upon the highways.

(11) The department shall revoke the registration of any vehicle:
(a) Which the department shall determine is unsafe or unfit to be operated or is not equipped as required by law;
(b) Whenever the person to whom the registration card or registration plate has been issued shall make or permit to be made any unlawful use of the same or permit their use by a person not entitled thereto;
(c) For any violation of vehicle registration requirements by the owner or operator in the current or past registration periods;
(d) Whenever a motor carrier as defined in section 61-801, Idaho Code, has his permit revoked for any cause except at the request of the permit holder, as provided in section 61-808, Idaho Code, or whenever an interstate carrier has his registration revoked by reason of a revocation of his interstate commerce commission operating authority;
(e) For nonpayment by the owner or operator of the vehicle of use fees computed under sections 49-434 and 49-435, Idaho Code;
(f) For failure of the owner or operator to file the reports required or nonpayment of fees assessed against the owner by the department pursuant to audit under the provisions of section 49-436, Idaho Code;
(g) Identified by any city or county administering a program established by ordinance for the inspection and readjustment of motor vehicles (which program is part of an approved state implementation plan adopted by both the state and federal governments under 42 USC section 7410) as having failed to comply with an ordinance requiring motor vehicle emission inspection and readjustment; provided that no vehicle shall be identified to the department under this subsection (g) unless (i) the city or county certifies to the department that the owner of the motor vehicle has been given notice and had the opportunity for a hearing concerning compliance with the ordinance and has exhausted all remedies and appeals from any determination made at such hearing; and (ii) the city or county reimburses the department for all direct costs associated with the registration revocation procedure.

(12) The department shall not reregister or permit a vehicle to operate on a special trip permit until all fees, penalties and interest have been paid.

(13) The department shall institute educational programs, demonstrations, exhibits and displays;
(14) The department shall examine persons and vehicles by written, oral and physical tests without compulsion except as provided by law;
(15) The department shall employ expert and special help as needed in the department;
(16) The department shall compile accident statistics and disseminate information relating to those statistics;
(17) The department shall cooperate with the United States in the elimination of road hazards, whether of a physical, visual or mental character.
(18) The department shall place and maintain traffic-control devices, conforming to the board’s manual and specifications, upon all state highways as it shall deem necessary to indicate and to carry out the provisions of this title or to regulate, warn, or guide traffic. No local authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the department except by the latter’s permission.

(19) The department may conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it shall find that the structure cannot with safety to itself withstand vehicles traveling at a speed otherwise permissible under this title, shall determine and declare the maximum speed of vehicles which the structure can safely withstand, and shall cause or permit suitable signs stating the maximum speed to be erected and maintained before each end of the structure.

(20) Whenever the department shall determine on the basis of an engineering and traffic investigation that slow speeds on any highway or part of a highway impede the normal and reasonable movement of traffic, the department may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law, and that limit shall be effective when posted upon appropriate fixed or variable signs.

(21) The department shall regulate or prohibit the use of any controlled-access highway by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic.

(22) The department shall erect and maintain traffic-control devices on controlled-access highways on which any prohibitions are applicable.

(23) Wherever a highway crosses one or more railroads at grade, the department or local authorities within their respective jurisdictions shall place and maintain stop signs, directing vehicular traffic approaching the crossing to come to a full stop prior to entering the crossing at all railroad crossings where electric or mechanical warning signals do not exist. Placement of these stop signs shall be mandatory except when in the determination of the department or local authorities the existence of stop signs at a given crossing would constitute a greater hazard than their absence.

Nothing in this subsection shall be construed as granting immunity to any railroad company as to liability, if any, for an accident which might occur at a crossing where stop signs are erected and in place, but liability, if any, shall be determined as provided by law. Liability on the part of governmental authorities on account of absence of any stop sign at a crossing shall be determined as provided by law.

(24) The department and local authorities are authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving on the left side of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of those zones and when signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey those directions.

(25) The department and local authorities in their respective
jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of the movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this title or title 40, Idaho Code.

(26) The department and local highway authorities within their respective jurisdictions may place official traffic-control devices prohibiting, limiting or restricting the stopping, standing or parking of vehicles on any highway where such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles unduly interferes with the free movement of traffic thereon.

SECTION 2. This act shall be in full force and effect on and after October 1, 1992.

Approved April 6, 1992.

CHAPTER 174
(H.B. No. 713)

AN ACT
RELATING TO FORFEITURE OF PROPERTY IN CONJUNCTION WITH UNLAWFUL POSSESSION OF CONTROLLED SUBSTANCES; AMENDING SECTION 37-2744, IDAHO CODE, TO PROVIDE THAT FORFEITURE OF A CONVEYANCE IS SUBJECT TO THE INTEREST OF THE SECURED PARTY IF THE SECURITY INTEREST WAS CREATED WITHOUT ANY KNOWLEDGE OF OR REASON TO BELIEVE THE CONVEYANCE WAS USED OR WAS TO BE USED TO ILLEGALLY TRANSPORT CONTROLLED SUBSTANCES.

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

SECTION 1. That Section 37-2744, Idaho Code, be, and the same is hereby amended to read as follows:

37-2744. FORFEITURES. (a) The following are subject to forfeiture:
(1) All controlled substances which have been manufactured, distributed, dispensed, acquired, possessed or held in violation of this act or with respect to which there has been any act by any person in violation of this act;
(2) All raw materials, products and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substances or counterfeit substances in violation of this act;
(3) All property which is used, or intended for use, as a container for property described in paragraph (1) or (2) hereof;
(4) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, delivery, receipt, posses-
sion or concealment, for the purpose of distribution or receipt of property described in paragraph (1) or (2) hereof, but:

(A) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this act;

(B) No conveyance is subject to forfeiture under this section if the owner establishes that he could not have known in the exercise of reasonable diligence that the conveyance was being used, had been used, was intended to be used or had been intended to be used in any manner described in subsection (a)(4) of this section;

(C) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor reason to know nor consented to the act or omission the security interest was created without any knowledge or reason to believe that the conveyance was being used, had been used, was intended to be used, or had been intended to be used for the purpose alleged.

(5) All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this act.

(6) (A) All moneys, currency, negotiable instruments, securities or other items easily liquidated for cash, such as, but not limited to, jewelry, stocks and bonds, or other property described in paragraphs (2) and (3) hereof, found in close proximity to property described in paragraphs (1), (2), (3), (5), (7) or (8) of subsection (a) of this section or which has been used or intended for use in connection with the illegal manufacture, distribution, dispensing or possession of property described in paragraphs (1), (2), (3), (5), (7) or (8) of subsection (a) of this section;

(B) Items described in paragraph (6)(A) above or other things of value furnished or intended to be furnished by any person in exchange for a contraband controlled substance in violation of this chapter. all proceeds, including items of property traceable to such an exchange, and all moneys or other things of value used or intended to be used to facilitate any violation of this chapter, except that no property shall be forfeited under this paragraph to the extent of the interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.

(7) All drug paraphernalia as defined by section 37-2701, Idaho Code.

(8) All simulated controlled substances, which are used or intended for use in violation of this chapter.

(b) Property subject to forfeiture under this chapter may be seized by the director, or any peace officer of this state, upon process issued by any district court, or magistrate's division thereof, having jurisdiction over the property. Seizure without process may be
made if:

(1) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;
(2) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal racketeering or civil forfeiture proceeding based upon a violation of this chapter;
(3) Probable cause exists to believe that the property is directly or indirectly dangerous to health or safety; or
(4) Probable cause exists to believe that the property was used or is intended to be used in violation of this chapter.

c) In the event of seizure pursuant to subsection (b) of this section, proceedings under subsection (d) of this section shall be instituted promptly.

(1) When property is seized under this section, the director or the peace officer who seized the property may:
   (A) Place the property under seal;
   (B) Remove the property to a place designated by it; or
   (C) Take custody of the property and remove it to an appropriate location for disposition in accordance with law.

(2) The peace officer who seized the property shall within five days notify the director of such seizure.

(3) In the event of seizure pursuant to subsection (b) of this section, proceedings under subsection (d) of this section shall be instituted within thirty (30) days by the director.

d) Property taken or detained under this section shall not be subject to replevin, but is deemed to be in the custody of the director subject only to the orders and decrees of the district court, or magistrate's division thereof, having jurisdiction over the forfeiture proceedings. Forfeiture proceedings shall be civil actions against the property subject to forfeiture and the standard of proof shall be preponderance of the evidence.

(1) All property described in paragraphs (1), (7) and (8) of subsection (a) hereof shall be deemed contraband and shall be summarily forfeited to the state. Controlled substances which are seized or come into possession of the state, the owners of which are unknown, shall be deemed contraband and shall be summarily forfeited to the state.

(2) When property described in paragraphs (2), (3), (4), (5) and (6) of subsection (a) hereof is seized pursuant to this section, forfeiture proceedings shall be filed in the office of the clerk of the district court for the county wherein such property is seized. The procedure governing such proceedings shall be the same as that prescribed for civil proceedings by the Idaho Rules of Civil Procedure. The court shall order the property forfeited to the director if he determines that such property was used, or intended for use, in violation of this chapter, or, in the case of items described in paragraph (6)(A) of subsection (a), was found in close proximity to property described in paragraphs (1), (2), (3), (5), (7) or (8) of subsection (a) of this section.

(3) When conveyances, including aircraft, vehicles, or vessels are seized pursuant to this section a complaint instituting for-
feiture proceedings shall be filed in the office of the clerk of the district court for the county wherein such conveyance is seized.

(A) Notice of forfeiture proceedings shall be given each owner or party in interest who has a right, title, or interest which in the case of a conveyance shall be determined by the record in the Idaho transportation department or a similar department of another state if the records are maintained in that state, by serving a copy of the complaint and summons according to one (1) of the following methods:

(I) Upon each owner or party in interest by mailing a copy of the complaint and summons by certified mail to the address as given upon the records of the appropriate department.

(II) Upon each owner or party in interest whose name and address is known, by mailing a copy of the notice by registered mail to the last-known address.

(B) Within twenty (20) days after the mailing or publication of the notice, the owner of the conveyance or claimant may file a verified answer and claim to the property described in the complaint instituting forfeiture proceedings.

(C) If at the end of twenty (20) days after the notice has been mailed there is no verified answer on file, the court shall hear evidence upon the fact of the unlawful use, or intent to use, and shall order the property forfeited to the director, if such fact is proved.

(D) If a verified answer is filed, the forfeiture proceeding shall be set for hearing before the court without a jury on a day not less than thirty (30) days therefrom; and the proceeding shall have priority over other civil cases.

(I) At the hearing any owner who has a verified answer on file may show by competent evidence that the conveyance was not used or intended to be used in any manner described in subsection (a)(4) of this section.

(II) At the hearing any owner who has a verified answer on file may show by competent evidence that his interest in the conveyance is not subject to forfeiture because he could not have known in the exercise of reasonable diligence that the conveyance was being used, had been used, was intended to be used or had been intended to be used in any manner described in subsection (a)(4) of this section.

(III) If the court finds that the property was not used or was not intended to be used in violation of this act, or is not subject to forfeiture under this act, the court shall order the property released to the owner as his right, title, or interest appears on records in the appropriate department as of the seizure.

(IV) An owner, co-owner or claimant of any right, title, or interest in the conveyance may prove that his right, title, or interest, whether under a lien, mortgage, conditional sales contract or otherwise, was created without any knowledge or reason to believe that the
conveyance was being used, had been used, was intended to be used, or had been intended to be used for the purpose alleged;

(i) In the event of such proof, the court shall order the conveyance released to the bona fide or innocent owner, purchaser, lien holder, mortgagee, or conditional sales vendor. The court may order payment of all costs incurred by the state or law enforcement agency as a result of such seizure.

(ii) If the amount due to such person is less than the value of the conveyance, the conveyance may be sold at public auction by the director. The director shall publish a notice of the sale by at least one (1) publication in a newspaper published and circulated in the city, community or locality where the sale is to take place at least one (1) week prior to sale of the conveyance. The proceeds from such sale shall be distributed as follows in the order indicated;

1. To the bona fide or innocent owner, purchaser, conditional sales vendor, lien holder or mortgagee of the conveyance, if any, up to the value of his interest in the conveyance.

2. The balance, if any, in the following order:

A. To the director for all expenditures made or incurred by it in connection with the sale, including expenditure for any necessary repairs, storage, or transportation of the conveyance, and for all expenditures made or incurred by him in connection with the forfeiture proceedings including but not limited to expenditures for witnesses' fees, reporters' fees, transcripts, printing, traveling and investigation.

B. To the law enforcement agency of this state which seized the conveyance for all expenditures for traveling, investigation, storage and other expenses made or incurred after the seizure and in connection with the forfeiture of any conveyance seized under this act.

C. The remainder, if any, to the director for credit to the drug enforcement donation account.

(iii) In any case, the director may, within thirty (30) days after judgment, pay the balance due to the bona fide lien holder, mortgagee or conditional sales vendor and thereby purchase the conveyance for use to enforce this act.

(e) When property is forfeited under this section, or is received from a federal enforcement agency, the director may:
(1) Retain it for official use;
(2) Sell that which is not required to be destroyed by law and which is not harmful to the public.

The director shall publish a notice of the sale by at least one publication in a newspaper published and circulated in the city, community or locality where the sale is to take place at least one week prior to sale of the property. The proceeds from such sale shall be distributed as follows in the order indicated:

(A) To the director, or by the director, to his agent, county or city law enforcement agency, for all expenditures made or incurred in connection with the sale, including expenditure for any necessary repairs, maintenance, storage or transportation, and for all expenditures made or incurred in connection with the forfeiture proceedings including but not limited to expenditures for witnesses' fees, reporters' fees, transcripts, printing, traveling and investigation.

(B) To the law enforcement agency of this state which seized the property for all expenditures for traveling, investigation, storage and other expenses made or incurred after the seizure and in connection with the forfeiture of any property seized under this act.

(C) The remainder, if any, to the director for credit to the drug enforcement donation account.

(3) Take custody of the property and remove it for disposition in accordance with law; or

(4) Upon the recommendation of the director only, the court may order property forfeited, in whole or in part, to a city or county the law enforcement agency of which participated in the events leading to the seizure of the property. Upon such order, the city or county shall use the property for drug enforcement purposes consistent with this act.

(f) (1) The director or any peace officer of this state seizing any of the property described in paragraphs (1) and (2) of subsection (a) of this section shall cause a written inventory to be made and maintain custody of the same until all legal actions have been exhausted unless such property has been placed in lawful custody of a court or state or federal law enforcement agency. After all legal actions have been exhausted with respect to such property, the property shall be surrendered by the court, law enforcement agency, or person having custody of the same to the director to be destroyed pursuant to paragraph (2) hereof. The property shall be accompanied with a written inventory on forms furnished by the director.

(2) All property described in paragraphs (1) and (2) of subsection (a) which is seized or surrendered under provisions of this act may be destroyed after all legal actions have been exhausted. The destruction shall be done under the supervision of the supervisory drug analyst of the department of law enforcement, a representative of the office of the director and a representative of the state board of pharmacy. An official record listing the property destroyed and the location of destruction shall be kept on file at the office of the director. Except, however, that the director of the department of law enforcement or his designee may
authorize the destruction of drug or nondrug evidence, or store those items at government expense when, when, in the opinion of the director or his designee, it is not reasonable to remove or transport such items from the location of the seizure for destruction. In such case, a representative sample will be removed and preserved for evidentiary purposes and, when practicable, destroyed as otherwise is in accordance with this chapter. On-site destruction of such items shall be witnessed by at least two (2) persons, one (1) of whom shall be the director or his designee who shall make a record of the destruction.

(g) Species of plants from which controlled substances in schedules I and II may be derived which have been planted or cultivated in violation of this act, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the state.

(h) The failure, upon demand by the director, or his duly authorized agent, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored, to produce an appropriate registration, or proof that he is the holder thereof, constitutes authority for the seizure and forfeiture of the plants.

(i) The director shall have the authority to enter upon any land or into any dwelling pursuant to a search warrant, to cut, harvest, carry off or destroy such plants described in subsection (g) hereof.

Approved April 6, 1992.
(1) The annual lease payments shall reflect reasonable compensation for use;
(2) No penalty shall be imposed on the school district for proper cancellation of the lease;
(3) The right to exercise the option to purchase shall be at the sole discretion of the school district; and
(4) The cost of purchase shall not exceed the reasonable value of the goods, equipment, buses or portable classrooms as of the time the option to purchase is exercised.

For the purposes of this section, "portable classroom" means a facility which is not so related to particular real estate that an interest in it arises under real estate law.

Approved April 6, 1992.

CHAPTER 176
(H.B. No. 743, As Amended in the Senate)

AN ACT
RELATING TO ELECTIONS; PROVIDING A STATEMENT OF LEGISLATIVE INTENT;
AMENDING CHAPTER 1, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-106, IDAHO CODE, TO PROVIDE A LIMITATION UPON ELECTIONS AND TO PROVIDE TERMS FOR ELECTED OFFICIALS; AMENDING SECTION 34-702A, IDAHO CODE, TO PROVIDE A TIME FOR FILING A DECLARATION OF INTENT FOR A WRITE-IN CANDIDATE; AMENDING TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 14, TITLE 34, IDAHO CODE, TO PROVIDE A UNIFORM DISTRICT ELECTION LAW TO GOVERN ELECTIONS OF POLITICAL SUBDIVISIONS OF THE STATE OF IDAHO, EXCEPT ELECTIONS FOR SCHOOL DISTRICTS, IRRIGATION DISTRICTS AND WATER DISTRICTS, TO PROVIDE THAT ALL ELECTORS MUST REGISTER, TO PROVIDE FOR THE UNIFORM CONDUCT OF ELECTIONS, TO PROVIDE A PROCEDURE FOR DECLARATION OF CANDIDACY, TO PROVIDE FOR PUBLICATION OF A NOTICE OF THE ELECTION, TO REQUIRE A DECLARATION OF INTENT FOR WRITE-IN CANDIDATES, TO PROVIDE FOR ABSENTEE BALLOTS, TO PROVIDE FOR CONDUCT OF THE ELECTION ON ELECTION DAY, AND TO PROVIDE FOR CANVASSING OF ELECTION RETURNS; AMENDING SECTION 50-612, IDAHO CODE, TO PROVIDE THAT A RUNOFF ELECTION, IF REQUIRED BY CITY ORDINANCE, SHALL BE EXEMPT FROM THE LIMITATION UPON ELECTIONS; APPROPRIATING MONEY FROM THE GENERAL ACCOUNT TO THE SECRETARY OF STATE FOR PURPOSES SPECIFIED; AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. It is the finding of the legislature that the process of exercising the elective franchise should be made as accessible as possible for as many citizens as possible. The provisions of this bill will achieve a significant consolidation of elections on four (4) election dates in each year. In addition, this election code, which applies to the various political subdivisions of the state of Idaho, will assure access to the nominating process, registration of potential electors, absentee voting opportunity and an increased visibility.
of the electoral process to assure public access and increased participation. At a future date, it may be warranted to further consolidate elections as events demonstrate that need. The goal of providing increased visibility for the electoral process will be well served by this consolidation of elections, by the increased public notice of filing and election deadlines, and the public education which will accompany the implementation of this act.

SECTION 2. That Chapter 1, 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 34-106, Idaho Code, and to read as follows:

34-106. LIMITATION UPON ELECTIONS. On and after January 1, 1994, notwithstanding any other provisions of the law to the contrary, there shall be no more than four (4) elections conducted in any county in any calendar year, except as provided in this section, and except that elections to fill vacancies in the United States house of representatives shall be held as provided in the governor's proclamation.

(1) The dates on which elections may be conducted are:
(a) the first Tuesday in February of each year; and
(b) the fourth Tuesday in May of each year; and
(c) the first Tuesday in August of each year; and
(d) the Tuesday following the first Monday in November of each year.
(e) In addition to the elections specified in paragraphs (a) through (d) of this subsection, an emergency election may be called upon motion of the governing board of a political subdivision. An emergency exists when 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 a national or local defense, or it is necessary to do emergency work to safeguard life, health or property. Such a special election, if conducted by the county clerk, shall be conducted at the expense of the political subdivision submitting the question.

(2) Candidates for office elected in February, May or August shall take office on the date specified in the certificate of election but not more than sixty (60) days following the election.

(3) Candidates for office elected in November shall take office as provided in the constitution, or on January 1, next succeeding the November election.

(4) The governing board of each political subdivision subject to the provisions of this section, which, prior to January 1, 1994, conducted an election for members of that governing board on a date other than a date permitted in subsection (1) of this section, shall establish as the election date for that political subdivision the date authorized in subsection (1) of this section which falls nearest the date on which elections were previously conducted, unless another date is established by law.

(5) The secretary of state is authorized to provide such assistance as necessary, and to prescribe any needed rules, regulations or interpretations for the conduct of election authorized under the provisions of this section.
(6) School districts governed by title 33, Idaho Code, and water districts governed by chapter 6, title 42, Idaho Code, are exempt from the provisions of this section.

SECTION 3. That Section 34-702A, Idaho Code, be, and the same is hereby amended to read as follows:

34-702A. DECLARATION OF INTENT FOR WRITE-IN CANDIDATES. No write-in vote for any office in a primary, special, or general election shall be counted unless a declaration of intent has been filed indicating that the person desires the office and is legally qualified to assume the duties of said office if elected. The declaration of intent shall be filed with the secretary of state if for a federal, state, or legislative district office and with the county clerk if for a county office. Such declaration of intent shall be filed not later than five (5) ten (10) days before the day of election. The secretary of state shall prescribe the form for said declaration.

SECTION 4. That Title 34, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 14, Title 34, Idaho Code, and to read as follows:

CHAPTER 14
UNIFORM DISTRICT ELECTION LAW

34-1401. ELECTION ADMINISTRATION. Notwithstanding any provision to the contrary, the election official of each political subdivision shall administer all elections on behalf of any political subdivision, subject to the provisions of this chapter, including all municipal elections, special district elections, and elections of special questions submitted to the electors as provided in this chapter. School districts governed by title 33, Idaho Code, and water districts governed by chapter 6, title 42, Idaho Code, irrigation districts governed by title 43, Idaho Code, are exempt from the provisions of this chapter. For the purposes of achieving uniformity, the secretary of state shall, from time to time, provide directives and instructions to the various county clerks and political subdivision election officials. Unless a specific exception is provided in this chapter, the provisions of this chapter shall govern in all questions regarding the conduct of elections on behalf of all political subdivisions. In all matters not specifically covered by this chapter, other provisions of title 34, Idaho Code, governing elections shall prevail over any special provision which conflicts therewith.

A political subdivision may contract with the county clerk to conduct the elections for that political subdivision. In the event of such a contract, the county clerk shall perform all necessary duties of the election official of a political subdivision including, but not limited to, notice of the filing deadline, notice of the election, and preparation of the election calendar.

34-1402. REGISTRATION. All electors must register with the county clerk before being able to vote in any primary, general, special or any other election conducted in this state. The county clerk shall
determine, for each registered elector, the elections for which he is eligible to vote by a determination of the applicable code areas. The register of electors shall be maintained by the clerk in a manner which will make this information readily available to the electors and to the election officials of the various political subdivisions. The determination of tax code area shall be made for all political subdivisions including those otherwise exempt from the provisions of this chapter.

The county clerk shall conform to the provisions of chapter 4, title 34, Idaho Code, in the administration of registration for all political subdivisions within the county. The county clerk shall appoint each city clerk for any city within the county and each election official designated by a political subdivision, as an at-large registrar as provided in section 34-406, Idaho Code, except that no compensation shall be paid by the county clerk for electors registered by these special registrars.

34-1403. CONDUCT OF ELECTIONS. All elections conducted in this state on behalf of each political subdivision within the county shall be conducted in a uniform manner with regard to the qualifications of electors and shall be conducted on the dates as provided by law. In the event that a statute governing a political subdivision provides for qualifications more restrictive than the qualifications for an elector in section 34-412, Idaho Code, the election official of the district shall provide an elector's oath to be executed at the time of the election certifying to the elector's qualifications for the specific election.

34-1404. DECLARATION OF CANDIDACY. Candidates for election in any political subdivision shall be nominated by nominating petitions, each of which shall bear the name of the nominee, the office for which the nomination is made, the term for which nomination is made, bear the signatures of not less than five (5) electors of the political subdivision, and be filed with the election official of the political subdivision. The form of nominating petitions shall be as provided by the county clerk and shall be uniform for all political subdivisions. For an election to be held on the fourth Tuesday in May, or on the first Tuesday after the first Monday of November, in even-numbered years, the nomination shall be filed not less than seventy-three (73) days preceding the election for which the nomination is made. The election official shall verify the qualifications of the nominees, and shall not less than sixty (60) days preceding the election, certify the nominees and any special questions placed by action of the governing board of the political subdivisions. For all other elections, the nomination shall be filed not less than fifty-three (53) days preceding the election for which the nomination is made. The election official shall verify the qualifications of the nominee, and shall not less than forty-five (45) days preceding the election, certify the nominees and any special questions, placed by action of the governing board of the political subdivision, to be placed on the ballot of the political subdivision.

34-1405. NOTICE OF ELECTION FILING DEADLINE. (1) For an election
to be held on the fourth Tuesday in May or on the first Tuesday after the first Monday in November in even-numbered years, not less than ninety (90) days preceding an election, and for all other elections, not less than seventy-five (75) days preceding an election date, the election official of each political subdivision shall cause to be published a notice of the forthcoming election. The notice shall include not less than the name of the political subdivision, the place where filing for each office takes place, and a notice of the availability of declarations of candidacy. The notice shall be published in at least two (2) newspapers published within the county, but if this is not possible, the notice shall be published in one (1) newspaper published within the county or a newspaper which has general circulation within the county.

(2) The secretary of state shall compile an election calendar annually which shall include not less than a listing of the political subdivisions which will be conducting candidate elections in the forthcoming year, the place where filing for each office takes place, and the procedure for a declaration of candidacy. Annually in December, the county clerk shall cause to be published the election calendar for the county for the following calendar year. It shall be the duty of the election official of each political subdivision to notify the county clerk, not later than the last day of November, of any election for that political subdivision to occur during the next calendar year. In the event of failure to so notify the county clerk, the election official of the political subdivision shall cause to be published notice of the omitted election as soon as he is aware of the omission. This publication shall be in addition to the publication required by paragraph (1) of this section. The election calendar for the county shall be published in at least two (2) newspapers published within the county, but if this is not possible, the calendar shall be published in one (1) newspaper which has general circulation within the county. Copies of the election calendar shall be available, without charge, from the office of the secretary of state or the county clerk.

34-1406. NOTICE OF ELECTION. The election official of each political subdivision shall give notice for any election by publishing such notice in at least two (2) issues of at least two (2) newspapers published within the county or if this is not possible, at least two (2) issues of a newspaper published within the county or having a general circulation within the county. The notice shall state the date of the election, the polling places, and the hours during which the polls shall be open for the purpose of voting. The first publication shall be made not less than twelve (12) days prior to the election, and the last publication of notice shall be made not less than five (5) days prior to the election.

34-1407. WRITE-IN CANDIDATES. No write-in candidate for any elective office shall be counted unless a declaration of intent has been filed indicating that the person desires the office and is legally qualified to assume the duties of the office. The declaration of intent shall be filed with the election official not less than ten (10) days before the date of the election.
If the statutes governing elections within a specific political subdivision provide that no election shall be held in the event that no more than one (1) candidate has filed for an office, that statute shall be interpreted in such a manner as to allow for filing a declaration of intent for a write-in candidate until ten (10) days preceding the election. However, if no candidate has filed within that time, no election shall be held for that political subdivision.

34-1408. ABSENTEE BALLOTS. Any registered elector may vote at any election by absentee ballot as provided in chapter 10, title 34, Idaho Code. In the event of a written application to the county clerk for an absentee ballot, the application shall be deemed to be an application for all ballots to be voted in the election, and the county clerk shall notify the election official of each political subdivision conducting an election at that date, and the election official shall provide the ballot of the political subdivision to the elector.

34-1409. CONDUCT OF ELECTION ON ELECTION DAY. At all elections conducted by any political subdivision, the polls shall be opened at 8:00 a.m. and remain open until all registered electors of that precinct have appeared and voted or until 8:00 p.m. of the same day, whichever comes first. However, the election official may, at his option, open the polls in his jurisdiction at 7:00 a.m.

All political subdivisions conducting elections on the same date shall, whenever practicable, use the same polling places.

34-1410. CANVASSING OF ELECTION RESULTS. Each political subdivision shall conduct the canvass of the election results, in the manner provided in chapter 12, title 34, Idaho Code. Each political subdivision shall issue the appropriate certificates of election.

SECTION 5. That Section 50-612, Idaho Code, be, and the same is hereby amended to read as follows:

50-612. MAJORITY REQUIRED FOR ELECTION -- RUNOFF ELECTION. A city may, by ordinance, provide that a majority of the votes for any candidate running for the office of mayor shall be required for election to that office. In the event that no candidate receives a majority of the votes cast, there shall be a runoff election between the two (2) candidates receiving the highest number of votes cast. Such runoff election shall be conducted as in the general election in a manner and at such time, within thirty (30) days of the general election, as prescribed by the city and shall be exempt from the limitation upon elections provided in section 34-106, Idaho Code.

SECTION 6. There is hereby appropriated from the General Account to the office of the Secretary of State the sum of $150,000 to be expended for the purposes of assisting county officials in the mapping and tax coding necessary to fully implement the provisions of this act, for the period July 1, 1992, to June 30, 1994, which appropriation shall be exempt from the provisions of Section 67-3516, Idaho Code, which require allotments of funds.
SECTION 7. This act shall be in full force and effect on and after January 1, 1994, except that the provisions of Section 6 of this act shall be in full force and effect on and after July 1, 1992.

Approved April 6, 1992.

CHAPTER 177
(H.B. No. 751, As Amended in the Senate)

AN ACT
RELATING TO ACTIVITIES IN PROXIMITY TO HIGH VOLTAGE OVERHEAD LINES; AMENDING TITLE 55, IDAHO CODE, BY THE ADDITION THERETO OF A NEW CHAPTER 24, TITLE 55, IDAHO CODE, TO PROVIDE DEFINITIONS; TO PROHIBIT ACTIVITIES IN PROXIMITY TO HIGH VOLTAGE OVERHEAD LINES EXCEPT WITHIN SPECIFIED CLEARANCES; TO PROVIDE FOR ARRANGEMENTS WITH PUBLIC UTILITIES FOR THE PERFORMANCE OF ACTIVITIES IN CLOSER PROXIMITY THAN THE SPECIFIED CLEARANCES; TO PROVIDE PENALTIES AND PAYMENT OF DAMAGES FOR VIOLATIONS OF THE PROVISIONS OF THE CHAPTER; AND TO PROVIDE EXEMPTIONS.

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

SECTION 1. That Title 55, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 24, Title 55, Idaho Code, and to read as follows:

CHAPTER 24
ACTIVITIES IN PROXIMITY TO HIGH VOLTAGE OVERHEAD LINES

55-2401. DEFINITIONS. As used in this chapter:
(1) "Authorized person" means:
(a) An employee of a public utility which produces, transmits or delivers electricity, while the employee is working within the scope of his employment;
(b) An employee of a public utility which provides and whose work relates to communication services or an employee of a state, county or municipal agency which has authorized circuit construction on or near the poles or structures of a public utility, while the employee is working within the scope of his employment;
(c) An employee of an industrial plant whose work relates to the electrical system of the industrial plant, while the employee is working within the scope of his employment;
(d) An employee of a cable television or communication services company or an employee of a contractor of a cable television or communication services company, if specifically authorized by the owner of the poles to make cable television or communication services attachments, while the employee is working within the scope of his employment; or
(e) An employee or agent of a state, county or municipal agency
which has or whose work relates to overhead electrical lines or circuit construction or conductors on poles or structures of any type, while the employee is working within the scope of his employment.

(2) "Contractor" means any sole proprietorship, partnership, joint venture, corporation, or other business entity qualified to do business in the state of Idaho which contracts to perform any function or activity upon any land, building, highway, waterway or other premises.

(3) "High voltage" means voltage in excess of six hundred (600) volts measured between conductors or between a conductor and the ground.

(4) "Overhead line" means all electrical conductors installed above ground.

(5) "Person" means any individual or natural person.

(6) "Public utility" means any publicly, cooperatively or privately owned utility which owns or operates a high voltage overhead line.

55-2402. ACTIVITY NEAR OVERHEAD LINE -- SAFETY RESTRICTIONS. Unless danger against contact with high voltage overhead lines has been effectively guarded against as provided in section 55-2403, Idaho Code, a contractor, individually or through an agent or employee or as an agent or employee, shall not:

(1) Perform or require any other person to perform any function or activity upon any land, building, highway, waterway or other premises if at any time during the performance of such function or activity it is possible that the contractor or the person or any part of any tool or material used by the contractor or the person could move or be placed or brought closer to any high voltage overhead line than the following clearances:

(a) For lines nominally rated at fifty (50) kilovolts or less, ten (10) feet of clearance;
(b) For lines nominally rated at over fifty (50) kilovolts, ten (10) feet plus four-tenths (.4) of an inch for each kilovolt over fifty (50) kilovolts.

(2) Operate any mechanical or hoisting equipment or any load of such equipment, any part of which is capable of vertical, lateral or swinging motion closer to any high voltage overhead lines than the clearances specified in subsections (1)(a) and (b) of this section.

55-2403. ACTIVITY IN CLOSE PROXIMITY TO LINES -- CLEARANCE ARRANGEMENTS WITH PUBLIC UTILITY -- PAYMENT. (1) If any contractor desires to temporarily carry on any function, activity, work or operation in closer proximity to any high voltage overhead line than permitted in this chapter, or in such proximity that the function, activity, work or operation could possibly come within closer proximity than permitted in this chapter, the contractor responsible for performing the work shall promptly notify the public utility owning or operating the high voltage overhead line. The contractor may perform the work only after making mutually agreeable arrangements with the public utility owning or operating the line, including coordination of work and construction schedules. Arrangements may include placement of
temporary mechanical barriers to separate and prevent contact between material, equipment or persons and the high voltage overhead lines, temporary deenergization and grounding, or temporary relocation or raising of the high voltage overhead lines. A written agreement identifying the arrangements and the payment to be made therefor as provided in subsection (2) of this section shall be executed by the parties.

(2) The public utility may, in conformance with its then current practice, require the contractor responsible for performing the work in the vicinity of the high voltage overhead lines to pay any actual expenses of the public utility in providing arrangements for clearances. The public utility is not required to provide the arrangements for clearances until a written agreement for payment has been made. The public utility may require payment in advance. Any surplus amounts paid to the utility shall be refunded.

(3) The public utility shall make arrangements for clearances in accordance with the agreement of the parties. Where a date certain for completion of the clearance arrangements is not otherwise specified in the agreement, the arrangements must be completed within a reasonable time.

(4) The public utility may deny any request for clearances which in the judgment of the utility may jeopardize the performance, integrity, reliability or stability of the utility's electrical system or any electrical system with which it is interconnected.

55-2404. VIOLATIONS. (1) Any contractor or agent thereof violating the provisions of this chapter shall be subject to a civil penalty of not more than five hundred dollars ($500) to be imposed by the court in favor of the state and deposited in the state general account.

(2) If a violation of the provisions of this chapter results in physical or electrical contact with any high voltage overhead line, the contractor committing the violation shall be liable to the public utility owning or operating the high voltage overhead line for all damages to the facilities and all costs and expenses, including damages to third persons, incurred by the public utility as a result of the contact.

(3) County prosecuting attorneys and the attorney general are authorized to prosecute violations of the provisions of this chapter.

55-2405. EXEMPTIONS. The provisions of this chapter shall not apply to:

(1) Construction, reconstruction, operation or maintenance by an authorized person of overhead electrical or communication circuits or conductors and their supporting structures, or to electrical generating, transmission or distribution systems, or to communication systems;

(2) Agreements between public agencies to perform any work or undertaking which each public agency entering into the agreement is authorized by law to perform, provided that any such agreement shall be authorized by the governing body of each party to the agreement; or

(3) Fire, police or other emergency service workers while engaged in emergency operations, or highway districts or other governmental
entities performing routine or emergency maintenance in their rights of way.

Approved April 6, 1992.

CHAPTER 178
(H.B. No. 784, As Amended in the Senate)

AN ACT
RELATING TO SNOWMOBILES; AMENDING SECTION 67-7103, IDAHO CODE, TO INCREASE FEES FOR NUMBERING AND FOR CERTIFICATES OF NUMBERS TO DEALERS, TO PROVIDE FOR THE NUMBER TO BE LOCATED ON THE RIGHT AND LEFT SIDE OF THE COWLING OF THE SNOWMOBILE AND TO PROVIDE FOR THE PURCHASE OF CERTIFICATES OF NUMBER FOR SNOWMOBILES USED FOR RENTAL PURPOSES; AMENDING SECTION 67-7106, IDAHO CODE, TO INCREASE THE HANDLING FEE THAT VENDORS MAY CHARGE; AMENDING SECTION 67-7107, IDAHO CODE, TO PROVIDE QUALIFICATIONS FOR PERSONS ON COUNTY ADVISORY COMMITTEES; AND AMENDING SECTION 67-7113, IDAHO CODE, TO PROVIDE FOR INFRACTION PENALTIES.

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

SECTION 1. That Section 67-7103, Idaho Code, be, and the same is hereby amended to read as follows:

67-7103. APPLICATION FOR NUMBER -- ATTACHMENT OF NUMBER -- CERTIFICATE -- APPLICATION FOR TRANSFER OF CERTIFICATE -- TRANSFER OF CERTIFICATE FEE -- TEMPORARY NUMBER -- FEES. (1) On or before November 1 of each year the owner of each snowmobile requiring numbering by the state of Idaho shall file an application for number with the department on forms approved by it. The application shall be signed by the owner and shall, except as provided in subsection (7) of this section, be accompanied by a fee of ten fifteen dollars ($150.00). Upon receipt of the application the department shall issue to the applicant a certificate of number stating the number assigned to the snowmobile and the name and address of the owner. The owner shall paint on or attach to the snowmobile the identification number in a manner as may be prescribed by rules and regulations of the department. The number shall be located on the right and left side of the cowling of the snowmobile and shall be completely visible and shall be maintained in legible condition. The certificate of number shall be pocket size and shall be available at all times for inspection on the snowmobile for which issued, wherever the snowmobile is in operation.

(2) The department may issue any certificate of number directly or may authorize any persons to act as vendor for the issuance. In the event a person accepts the authorization, he may be assigned a block of numbers and certificates which upon issue, in conformity with this chapter and with any rules and regulations of the department, shall be valid as if issued directly by the department.

(3) All records of the department made or kept pursuant to this section shall be public records.
(4) Each snowmobile must be registered before it leaves the premises at the time of sale from any retail snowmobile dealer.

(5) The purchaser of a snowmobile shall, within fifteen (15) days immediately after acquisition, make application to the department for transfer to him of the certificate of number issued to the snowmobile, giving his name, address and the number of the snowmobile and shall at the same time pay to the department a fee of three dollars ($3.00). Upon receipt of the application and fee, the department shall transfer the certificate of number issued for the snowmobile to the new owner or owners. Unless the application is made and fee paid within fifteen (15) days, the snowmobile shall be considered to be without a certificate of number and it shall be unlawful for any person to operate that snowmobile until the certificate is issued.

(6) No number other than the number issued to a snowmobile pursuant to this chapter shall be painted, attached, or otherwise displayed on the snowmobile, except a temporary number may be attached to identify a snowmobile for the purpose of racing or other sporting events.

(7) The annual fee for certificates of number issued to dealers shall be ten fifteen dollars ($15.00), whether for demonstration or rental purposes. Certificates issued to dealers shall at all times be displayed on snowmobiles being rented or demonstrated.

(8) Owners of snowmobiles used for rental purposes shall purchase certificates of number for thirty dollars ($30.00) and the certificates of number shall be displayed on the machine at all times.

SECTION 2. That Section 67-7106, Idaho Code, be, and the same is hereby amended to read as follows:

67-7106. DISTRIBUTION OF MONEYS COLLECTED -- COUNTY SNOWMOBILE FUND -- STATE SNOWMOBILE ACCOUNT. (1) Each vendor shall not later than the fifteenth day of each month remit all moneys collected under the provisions of section 67-7103, Idaho Code, to the state treasurer for credit to the state snowmobile account, established in the dedicated fund, to be administered by the director.

(2) Each county with a bona fide snowmobile program shall be entitled to receive from the department eighty-five percent (85%) of the moneys generated for that county during that registration period. Application for additional funds shall be made to the department by each county prior to the second Monday of August of each year. The moneys applied for shall be used solely for a bona fide snowmobile program. Counties with a bona fide snowmobile program, may use up to fifteen percent (15%) of their county snowmobile moneys upon recommendation by their county snowmobile advisory committee for snowmobile law enforcement purposes.

(3) Up to fifteen percent (15%) of the statewide snowmobile account generated each year may be used by the department to defray administrative costs. Any moneys unused at the end of the fiscal year shall be returned to the state treasurer for deposit in the state snowmobile account.

(4) Vendors shall be entitled to charge an additional one dollar and fifty cents ($1.50) handling fee per registration for the distribution of certificates of number.

(5) Counties which have not established a bona fide snowmobile
program shall remit the entire balance in the county snowmobile fund to the state treasurer for credit to the state snowmobile account, and shall be available to counties with a bona fide snowmobile program. Application for these moneys shall be made prior to the second Monday of August of that registration period.

SECTION 3. That Section 67-7107, Idaho Code, be, and the same is hereby amended to read as follows:

67-7107. COUNTY ADVISORY COMMITTEE. The county commissioners of any county may appoint snowmobile advisory committees to serve without salaries and wages in an advisory capacity relating to the establishment and maintenance of parking and unloading areas on public and private property, and the expenditure of moneys deposited in the county snowmobile fund; and to serve at the pleasure of the county commissioners. The persons selected shall be active snowmobilers representing snowmobile clubs, organizations, or merchants engaged in the sale or rental of snowmobiles, or be a member of the general public actively engaged in the sport of snowmobiling.

The board of county commissioners is hereby authorized, upon advisement of the special advisory committee, to use and expend the special fund created in section 67-7106, Idaho Code, outside the county.

SECTION 4. That Section 67-7113, Idaho Code, be, and the same is hereby amended to read as follows:

67-7113. VIOLATIONS -- MISDEMEANOR -- ACCOUNTABLE FOR PROPERTY DAMAGE. (1) Any person who violates any provision of sections 67-7102 through section 67-7112, Idaho Code, shall be guilty of a misdemeanor an infraction, and shall be punished by a fine of not less than ten dollars ($10.00) nor more than one hundred dollars ($100.00) or by imprisonment for not more than ninety-(90)-days, or by both such fine and imprisonment. In addition thereto the operator and/or owner of the snowmobile shall be responsible and held accountable to the owner of any lands where trees, shrubs or other property have been damaged as the result of travel over their premises.

Approved April 6, 1992.
OF A PHARMACIST WITH RESPECT TO PROSPECTIVE DRUG REVIEW AND COUNSELING; AND AMENDING SECTION 54-1749, IDAHO CODE, TO REDESIGNATE THE SECTION.

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

SECTION 1. That Section 54-1704, Idaho Code, be, and the same is hereby amended to read as follows:

54-1704. PRACTICE OF PHARMACY. The "practice of pharmacy" shall mean the interpretation and evaluation of prescription orders; the compounding, dispensing, labeling of drugs and devices, except labeling by a manufacturer, packer or distributor of nonprescription drugs and commercially packaged legend drugs and devices; the participation in drug selection and drug-utilization prospective drug reviews and the proper records therefor; the responsibility for advising, where necessary or where regulated, of therapeutic values, content, hazards, and use of drugs and devices counseling as defined in section 54-1705, Idaho Code; and the offering or performing of those acts, services, operations or transactions necessary to the conduct, operation, management and control of pharmacy.

SECTION 2. That Section 54-1705, Idaho Code, be, and the same is hereby amended to read as follows:

54-1705. DEFINITIONS. (1) "Board of pharmacy" or "board" means the Idaho state board of pharmacy.
(2) "Counseling or counsel" means the effective communication by the pharmacist of information as set out in this chapter, to the patient or caregiver, in order to improve therapeutic outcomes by maximizing proper use of prescription medications and devices. Specific areas of counseling shall include, but are not limited to:
(a) Name and strength and description of the medication;
(b) Route of administration, dosage, dosage form, continuity of therapy and refill information;
(c) Special directions and precautions for preparation, administration, storage and use by the patient as deemed necessary by the pharmacist;
(d) Side effects or adverse effects and interactions and therapeutic contraindications that may be encountered, including their avoidance, which may interfere with the proper use of the medication or device as was intended by the prescriber, and the action required if they occur;
(e) Techniques for self-monitoring drug therapy; and
(f) Action to be taken in the event of a missed dose.
(3) "Deliver" or "delivery" means the actual, constructive or attempted transfer of a drug or device from one person to another, whether or not for a consideration.
(34) "Device" means an instrument, apparatus, implement, machine, contrivance, implant, invitro reagent or other similar related article including any component part or accessory which is:
(a) Recognized in the official United States Pharmacopoeia or official National Formulary, other drug compendia or any supple-
(b) Intended for use in the diagnosis of disease or other conditions, or the cure, mitigation, treatment or prevention of disease in man or other animal;
(c) Intended to effect the structure or any function of the body of man or other animal, and which does not achieve any of its principal intended purposes through chemical action within or on the body of man or other animal, and which is not dependent upon being metabolized for the achievement of any of its principal intended purposes.

(45) "Dispense" or "dispensing" means the preparation and delivery of a prescription drug pursuant to a lawful order of a practitioner in a suitable container appropriately labeled for subsequent administration to or use by a patient or other individual entitled to receive the prescription drug.

(56) "Distribute" means the delivery of a drug other than by administering or dispensing.

(67) "Drug" means:

(a) Articles recognized as drugs in the official United States Pharmacopoeia, official National Formulary, official Homeopathic Pharmacopoeia, other drug compendia or any supplement to any of them;
(b) Articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animal;
(c) Articles, other than food, intended to affect the structure or any function of the body of man or other animals; and
(d) Articles intended for use as a component of any articles specified in paragraph (a), (b) or (c) of this subsection.

(78) "Drug order" means a written order, in a hospital or other health care institution, for an ultimate user of any drug or device issued and signed by a practitioner, or an order transmitted by other means of communication from a practitioner, which is immediately reduced to writing by a pharmacist, registered nurse or other licensed health care practitioner authorized by the hospital or institution. The order shall contain the name and bed number of the patient, the name and strength or size of the drug or device, unless specified by individual institution policy or guideline, the amount to be dispensed, either in quantity or days, adequate directions for the proper use of the drug or device when it is administered to the patient, and the name of the prescriber.

(89) "Drug outlet" means all pharmacies, nursing homes, residential care homes, convalescent homes, extended care facilities, drug abuse treatment centers, penal institutions, hospitals, family planning clinics, retail stores, wholesalers, manufacturers and mail order vendors with facilities located in this state which are engaged in dispensing, delivery or distribution of drugs and drug manufacturers and wholesalers with facilities located outside the state, but doing business within this state.

(10) "Prospective drug review" includes, but is not limited to, the following activities:

(a) Evaluation of the prescription or medication order for:
1. Known allergies;
2. Rational therapy contraindications;
3. Reasonable dose and route of administration; and
4. Reasonable directions for use.

(b) Evaluation of the prescription or medication order for duplication of therapy.

(c) Evaluation of the prescription or medication order for interactions:
1. Drug-drug;
2. Drug-food; and
3. Drug-disease.

(d) Evaluation of the prescription or medication order for proper utilization:
1. Over or under utilization; and
2. Abuse/misuse.

(911) "Extern" means a bona fide student enrolled in an approved college of pharmacy who has not received his first professional degree in pharmacy.

(102) "Exterrnship" means a structured practical experience program in pharmacy, approved by the board and administered by a college of pharmacy.

(133) "Intern" means any person who has completed a course of study at an approved college of pharmacy, received the first professional degree in pharmacy and is registered with the board as an intern. Interns must register with the board prior to commencement of an internship program.

(124) "Internship" means a postgraduate practical experience program under the supervision of a licensed pharmacist registered as a preceptor.

(155) "Investigational or new drug" means any drug which is limited by state or federal law to use under professional supervision of a practitioner authorized by law to prescribe or administer such drug.

(146) "Labeling" means the process of preparing and affixing of a label to any drug container, exclusive however, of the labeling by a manufacturer, packer or distributor or [of] a nonprescription drug or commercially packaged legend drug or device. Any such label shall include all information required by federal and state law or regulation.

(157) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a device or a drug, either directly or indirectly by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a drug by an individual for his own use or the preparation, compounding, packaging or labeling of a drug:

(a) By a pharmacist or practitioner as an incident to his administering or dispensing of a drug in the course of his professional practice; or

(b) By a practitioner or by his authorization under his supervision for the purpose of or as an incident to research, teaching or chemical analysis and not for sale.

(168) "Manufacturer" means a person who by compounding, cultivating, harvesting, mixing or other process, produces or prepares legend
drugs, and includes persons who prepare such drugs in dosage forms by mixing, compounding, encapsulating, enterablying, or other process, or who packages or repackages such drugs, but does not include pharmacists or practitioners in the practice of their profession.

(179) "Precursor" means a substance, other than a legend drug which is an immediate chemical intermediate that can be processed or synthesized into a legend drug, and is used or produced primarily for use in the manufacture of a legend drug by persons other than persons licensed to manufacture such legend drugs by the Idaho board of pharmacy, registered by the state board of health and welfare, or licensed to practice pharmacy by the Idaho board of pharmacy.

(1820) "Person" means an individual, corporation, partnership, association or any other legal entity.

(219) "Pharmacist" means an individual licensed by this state to engage in the practice of pharmacy.

(202) "Pharmacy" means any facility, department or other place where prescriptions are filled or compounded and are sold, dispensed, offered or displayed for sale, which has, as its principal purpose, the dispensing of drug and health supplies intended for the general health, welfare and safety of the public.

(213) "Practitioner" shall mean a physician, dentist, veterinarian, scientific investigator or other person (other than a pharmacist) licensed in this state and permitted by such license to dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this state.

(224) "Preceptor" means a pharmacist licensed in the state and in good standing, who supervises the internship training of a registered intern. The preceptor must be registered as a preceptor and shall be actively engaged on a full-time employment basis in the approved training area.

(235) "Prescription drug or legend drug" means a drug which, under federal law is required, prior to being dispensed or delivered, to be labeled with either of the following statements:

(a) "Caution: Federal law prohibits dispensing without a prescription;" or
(b) "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian;"
or a drug which is required by any applicable federal or state law or regulation to be dispensed on prescription only or is restricted to use by practitioners only.

(246) "Prescription drug order" means a lawful written or verbal order of a practitioner for a drug.

(257) "Nonprescription drugs" mean medicines or drugs which may be sold without a prescription and which are prepackaged for use by the consumer and labeled in accordance with the requirements of the statutes and regulations of this state and the federal government.

(268) "Record" means all papers, letters, memoranda, notes, prescriptions, drug orders, invoices, statements, patient medication charts or files, computerized records or other written indicia, documents or objects which are used in any way in connection with the purchase, sale or handling of any drug or device.

(279) "Sale" means every sale and includes:

(a) Manufacturing, processing, transporting, handling, packaging
or any other production, preparation or repackaging;

(b) Exposure, offer, or any other proffer;

(c) Holding, storing or any other possession;

(d) Dispensing, giving, delivering or any other supplying; and

(e) Applying, administering or any other usage.

(28) "Warehouseman" means a person who stores legend drugs for others and who has no control over the disposition of such drugs except for the purpose of such storage.

(2930) "Wholesaler" means a person engaged in the business of distributing legend drugs that he himself has not produced or prepared, to persons included in any of the classes named in subsection (2) (a) through (f) of section 54-1734, Idaho Code.

SECTION 3. That Section 54-1735, Idaho Code, be, and the same is hereby amended to read as follows:

54-1735. MAINTENANCE OF RECORDS -- MANUFACTURERS-AND- WHOLESALERS.

(1) Manufacturers and wholesalers. Manufacturers and wholesalers shall maintain records of the movement in commerce of legend drugs for two years immediately following the date of the last entry on such record and shall make such records available, at reasonable times, to law enforcement agencies and their representatives in the enforcement of this act. Evidence obtained under this section may not be used in a criminal prosecution of the person from whom obtained.

(2) Pharmacies. In order to effectively counsel patients, the pharmacist shall make a reasonable effort to obtain, record and maintain significant patient information including, but not limited to:

(a) Name, address, telephone number;

(b) Date of birth (age), gender;

(c) Medical history:
   1. Disease state(s);
   2. Allergies/drug reactions; and
   3. Current list of medications and devices;

(d) Pharmacist comments.

SECTION 4. That Chapter 17, 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 54-1749, Idaho Code, and to read as follows:

54-1749. PROSPECTIVE DRUG REVIEW AND COUNSELING. When filling a prescription a pharmacist shall complete a prospective drug review and then offer to counsel the patient or caregiver "face to face" when possible or appropriate. If this is not possible, a pharmacist shall make a reasonable effort to counsel the patient or caregiver through access to a telephone service which is toll free for long distance calls. Nothing in this act shall be construed as requiring a pharmacist to provide consultation when a patient or caregiver refuses such consultation. Patient counseling as defined in this act shall not be required for inpatients of a hospital or institution where licensed health care professionals are authorized to administer the drug(s).

SECTION 5. That Section 54-1749, Idaho Code, be, and the same is
hereby amended to read as follows:

54-174950. 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, 1992.

CHAPTER 180
(H.B. No. 839)

AN ACT
APPROPRIATING MONEYS FOR THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 1993; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCE; AND SETTING FORTH CONDITIONS FOR THE REAPPROPRIATION.

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

SECTION 1. There is hereby appropriated to the State Board of Education for the Office of the State Board of Education the following amount to be expended according to the designated expense classes from the listed account for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>General Account</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>697,400</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>292,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$991,900</td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby reappropriated to the State Board of Education for the Office of the State Board of Education, subject to the provisions of Section 3 of this act, the unexpended and unencumbered balance of any General Account appropriation made to the Office of the State Board of Education for the period July 1, 1991, through June 30, 1992, to be used for nonrecurring expenditures only for the period July 1, 1992, through June 30, 1993.

SECTION 3. The reappropriation granted in Section 2 of this act shall be subject to the following conditions:

(1) If the unexpended and unencumbered balance in the General Account on June 30, 1992, is zero, the reappropriation in Section 2 is hereby declared to be null and void.

(2) If the unexpended and unencumbered balance in the General Account on June 30, 1992, is greater than zero but less than the total reappropriation authority granted to all state agencies, the amount reappropriated in Section 2 shall be in the proportion that the reappropriation for the Office of the State Board of Education bears
to the total reappropriation authority granted to all state agencies.

Approved April 6, 1992.

CHAPTER 181
(H.B. No. 840)

AN ACT
EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE DEPARTMENT OF LABOR AND INDUSTRIAL SERVICES FOR FISCAL YEAR 1993; APPROPRIATING MONEYS TO THE DEPARTMENT OF LABOR AND INDUSTRIAL SERVICES IN ADDITION TO THE APPROPRIATION MADE BY SECTION 2, CHAPTER 195, LAWS OF 1991; AND DECLARING AN EMERGENCY FOR SECTION 3 OF THIS ACT.

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 amount for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FOR</th>
<th>PERSONNEL COSTS</th>
<th>OPERATING EXPENDITURES</th>
<th>CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM</td>
<td>$3,253,100</td>
<td>960,600</td>
<td>84,800</td>
<td>$4,298,500</td>
</tr>
<tr>
<td>General Account</td>
<td>$ 449,500</td>
<td>1,584,600</td>
<td>866,800</td>
<td>556,500</td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Department of Labor and Industrial Services 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, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FOR</th>
<th>PERSONNEL COSTS</th>
<th>OPERATING EXPENDITURES</th>
<th>CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. ADMINISTRATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 47,000</td>
<td>$ 4,200</td>
<td>$ 51,200</td>
<td></td>
</tr>
<tr>
<td>Electrical Account</td>
<td>179,100</td>
<td>13,700</td>
<td>192,800</td>
<td></td>
</tr>
<tr>
<td>Plumbing Account</td>
<td>90,600</td>
<td>8,000</td>
<td>98,600</td>
<td></td>
</tr>
<tr>
<td>Building Account</td>
<td>68,400</td>
<td>14,300</td>
<td>82,700</td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Revenue Account</td>
<td>73,400</td>
<td>29,100</td>
<td>102,500</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 458,500</td>
<td>$ 69,300</td>
<td>$ 527,800</td>
<td></td>
</tr>
</tbody>
</table>
FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR CAPITAL OUTLAY | TOTAL  
---|---|---|---
B. SAFETY COMPLIANCE:  
FROM:  
General Account $43,900 | $11,200 |  | $55,100  
Electrical Account 1,025,600 | 323,000 | $43,200 | 1,391,800  
Plumbing Account 563,400 | 187,200 | 17,600 | 768,200  
Building Account 380,100 | 79,700 | 14,000 | 473,800  
Manufactured Housing Account 35,500 | 14,600 |  | 50,100  
Federal Grant Account 30,700 | 16,200 |  | 46,900  
TOTAL $2,079,200 | $631,900 |  | $2,785,900  
C. INDUSTRIAL RELATIONS AND SAFETY:  
FROM:  
General Account $264,200 | $79,000 |  | $343,200  
Miscellaneous Revenue Account 413,200 | 158,300 | 10,000 | 581,500  
Federal Grant Account 38,000 | 22,100 |  | 60,100  
TOTAL $715,400 | $259,400 |  | $984,800  
GRAND TOTAL $3,253,100 | $960,600 |  | $4,298,500  

SECTION 3. In addition to the appropriation made in Section 2, Chapter 195, Laws of 1991, there is hereby appropriated to the Department of Labor and Industrial Services for the Safety Compliance Program the following amounts to be expended according to the designated expense classes from the listed account for the period July 1, 1991, through June 30, 1992:  
FOR:  
Personnel Costs $86,000  
Operating Expenditures 14,000  
TOTAL $100,000  
FROM:  
Plumbing Board Account $100,000  

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, Section 3 this act shall be in full force and effect on and after passage and approval.

Approved April 6, 1992.
BALANCES; AND SETTING FORTH CONDITIONS FOR THE REAPPROPRIATION.

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

SECTION 1. There is hereby appropriated to the Board of Regents of the University of Idaho the following amount to be expended for the WOI Veterinary Education Program according to the designated expense classes from the listed account for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$510,200</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>456,400</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$966,600</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$966,600</td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby reappropriated to the Board of Regents of the University of Idaho for the WOI Veterinary Education Program, subject to the provisions of Section 3 of this act, the unexpended and unencumbered balance of any General Account appropriation made to the WOI Veterinary Education Program for the period July 1, 1991, through June 30, 1992, to be used for nonrecurring expenditures only for the period July 1, 1992, through June 30, 1993.

SECTION 3. The reappropriation granted in Section 2 of this act shall be subject to the following conditions:

1. If the unexpended and unencumbered balance in the General Account on June 30, 1992, is zero, the reappropriation in Section 2 is hereby declared to be null and void.

2. If the unexpended and unencumbered balance in the General Account on June 30, 1992, is greater than zero but less than the total reappropriation authority granted to all state agencies, the amount reappropriated in Section 2 shall be in the proportion that the WOI Veterinary Education Program reappropriation bears to the total reappropriation authority granted to all state agencies.

Approved April 6, 1992.

CHAPTER 183
(H.B. No. 843)

AN ACT
APPROPRIATING MONEYS FOR THE IDEP DENTAL EDUCATION PROGRAM FOR FISCAL YEAR 1993; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; AND SETTING FORTH CONDITIONS FOR THE REAPPROPRIATION.

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

SECTION 1. There is hereby appropriated to the State Board of Education the following amount to be expended for the IDEP Dental Education Program according to the designated expense classes from the
listed accounts for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$116,900</td>
<td>$12,200</td>
<td>$800</td>
<td>$278,900</td>
</tr>
<tr>
<td>Interagency Billing</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>and Receipts Account</td>
<td>44,600</td>
<td></td>
<td></td>
<td>44,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$161,500</td>
<td>$12,200</td>
<td>$800</td>
<td>$278,900</td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby reappropriated to the State Board of Education for the IDEP Dental Education Program, subject to the provisions of Section 3 of this act, the unexpended and unencumbered balance of any General Account appropriation made to the IDEP Dental Education Program for the period July 1, 1991, through June 30, 1992, to be used for nonrecurring expenditures only for the period July 1, 1992, through June 30, 1993.

SECTION 3. The reappropriation granted in Section 2 of this act shall be subject to the following conditions:

1. If the unexpended and unencumbered balance in the General Account on June 30, 1992, is zero, the reappropriation in Section 2 is hereby declared to be null and void.

2. If the unexpended and unencumbered balance in the General Account on June 30, 1992, is greater than zero but less than the total reappropriation authority granted to all state agencies, the amount reappropriated in Section 2 shall be in the proportion that the IDEP Dental Education Program reappropriation bears to the total reappropriation authority granted to all state agencies.

Approved April 6, 1992.
expended according to the designated expense classes for the period July 1, 1992, through June 30, 1993:

FROM:

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<tbody>
<tr>
<td>General Account</td>
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<tr>
<td>Equine Education Account</td>
<td>70,000</td>
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<tr>
<td>Hatch Account</td>
<td>1,351,100</td>
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<td>Farm Safety Account</td>
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<tr>
<td>Smith-Lever Account</td>
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<tr>
<td>Interagency Billing and Receipts Account</td>
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<tr>
<td><strong>TOTAL</strong></td>
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</tr>
</tbody>
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FOR:

<table>
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<tr>
<th>Category</th>
<th>Amount</th>
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</thead>
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<tr>
<td>Personnel Costs</td>
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<tr>
<td>Operating Expenditures</td>
<td>2,272,300</td>
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<tr>
<td>Capital Outlay</td>
<td>179,300</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$21,074,000</strong></td>
</tr>
</tbody>
</table>

SECTION 2. In addition to the appropriation made by Section 1, Chapter 194, Laws of 1991, there is hereby appropriated from the Equine Education Account to the Board of Regents of the University of Idaho for the Agricultural Research Extension Service Program the sum of $70,000 to be expended according to Section 57-818, Idaho Code, for the period July 1, 1991, through June 30, 1992.

SECTION 3. There is hereby reappropriated to the Board of Regents of the University of Idaho for the Agricultural Research Extension Service Program, subject to the provisions of Section 4 of this act, the unexpended and unencumbered balance of any General Account appropriation made to the Agricultural Research Extension Service Program for the period July 1, 1991, through June 30, 1992, to be used for nonrecurring expenditures only for the period July 1, 1992, through June 30, 1993.

SECTION 4. The reappropriation granted in Section 3 of this act shall be subject to the following conditions:

1. If the unexpended and unencumbered balance in the General Account on June 30, 1992, is zero, the reappropriation in Section 3 is hereby declared to be null and void.

2. If the unexpended and unencumbered balance in the General Account on June 30, 1992, is greater than zero but less than the total reappropriation authority granted to all state agencies, the amount reappropriated in Section 3 shall be in the proportion that the reappropriation for the Agricultural Research Extension Service Program bears to the total reappropriation authority granted to all state agencies.

SECTION 5. 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.

Approved April 6, 1992.
AN ACT
RELATING TO PROFESSIONAL SERVICE CONTRACTS PROVIDING DENTAL CARE BENEFITS; AMENDING SECTION 41-3417, IDAHO CODE, TO PROVIDE THAT A SUBSCRIBER WHO OBTAINS COVERED DENTAL SERVICES FROM A NONPARTICIPATING DENTIST SHALL BE PERMITTED TO DIRECT THAT PAYMENT OF BENEFITS FOR DENTAL CARE SERVICES, TO WHICH THE SUBSCRIBER MAY BE ENTITLED, SHALL BE PAID DIRECTLY TO SUCH NONPARTICIPATING DENTIST PROVIDING COVERED SERVICES TO THE SUBSCRIBER; AND PROVIDING AN EFFECTIVE DATE FOR APPLICABILITY OF THE PROVISIONS OF THIS ACT TO SUBSCRIBER'S CONTRACTS.

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

SECTION 1. That Section 41-3417, Idaho Code, be, and the same is hereby amended to read as follows:

41-3417. SUBSCRIBER'S CONTRACTS. (1) Each subscriber's contract hereafter issued by a service corporation shall constitute a direct obligation of the participant licensees and/or participant hospitals to render the professional or hospital services, as the case may be, as agreed to be rendered by such participants in the subscriber's contract.

(2) Each such subscriber's contract or certificate shall in adequate detail set forth provisions from which can be readily determined:

(a) The services to which the subscriber is entitled from participant licensees and/or participant hospitals, as the case may be;

(b) The benefits, if any, to which the subscriber is entitled on an indemnity basis, consistent with sections 41-3413 and 41-3414, Idaho Code, and with this chapter;

(c) The periodic subscription charge, rate or fee payable by or as to the subscriber; or, if not so expressed and such charge, rate or fee is subject to change, the subscriber's contract shall require that not less than thirty (30) days' written notice of the new charge, rate or fee shall be given to the subscriber and/or his remitting agent before the change is effective;

(d) The date when the respective services and benefits become available to the subscriber, date of expiration of the contract, and the terms, if any, under which the contract may be continued or renewed;

(e) All other terms and conditions of the agreement between the parties consistent with the provisions of this chapter; and

(f) That the subscriber's contract and riders and indorsements thereon or thereto, together with application therefor, if any, signed by the subscriber, and identification issued to the subscriber, shall constitute the entire contract between the parties.

(3) No such contract shall restrict the subscriber's right to free choice of hospital or licensee, within the category or categories provided for in the contract. Such contract may provide lesser bene-
fits for services rendered by nonparticipant licensees and/or nonparticipant hospitals than those provided by participant licensees and/or participant hospitals. Provided however, such contract shall permit a subscriber to direct that the payment of dental care benefits to which the subscriber is entitled, pursuant to the contract, be made in the name of the nonparticipant licensee providing covered dental care services authorized by the subscriber’s contract.

(4) All exceptions and exclusions in the contract shall be printed and otherwise set forth as prominently as the services or benefits to which they apply.

(5) No provision in this code shall be construed to prohibit a service corporation from issuing contracts to groups of persons under a master contract. In this event, however, each subscriber covered under the master contract shall be issued an individual certificate which shall set forth in adequate detail the provisions itemized in subsection (2) above.

(6) All proposed forms of subscriber’s contracts shall be filed with the director and be subject to his approval, as provided in section 41-3419, Idaho Code.

SECTION 2. The provisions of this act shall be applicable to all subscriber contracts issued, amended, delivered, or renewed in this state on and after July 1, 1992.

Approved April 6, 1992.

CHAPTER 186
(S.B. No. 1293, As Amended)

AN ACT
RELATING TO MOTOR VEHICLE LICENSE PLATES; AMENDING SECTION 49-402, IDAHO CODE, TO ALLOW FOR STAGGERED REGISTRATION ON MOTORCYCLES, HEARSEs, AMBULANCES AND WRECKERS, TO REMOVE THE PROVISIONS FOR MULTIPLE YEAR REGISTRATIONS, TO CLARIFY THAT REGISTRATION FEES ARE NOT SUBJECT TO REFUND, TO STRIKE A REFERENCE ON CHANGE OF ADDRESS ON REGISTRATION, AND TO PROVIDE THAT A REPOSSESSION SERVICE CONTRACTED TO A FINANCIAL INSTITUTION MAY OBTAIN AND USE A REPOSSESSION LICENSE PLATE; REPEALING SECTION 49-443, IDAHO CODE; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-443, IDAHO CODE, TO PROVIDE FOR THE REISSUE OF LICENSE PLATES EVERY SEVEN YEARS FROM THE DATE OF ISSUANCE OF NEW PLATES, TO PROVIDE FOR RESERVATION OF CURRENTLY HELD LICENSE PLATE NUMBERS, TO PROVIDE FOR THE EXPIRATION OF PLATE NUMBERS WHICH ARE NOT RENEWED WITHIN SIXTY DAYS OF EXPIRATION AND TO PROVIDE FOR REACTIVATION AND USE OF PREVIOUSLY EXPIRED NUMBERS FOR CERTAIN VEHICLE REGISTRATIONS; AND REPEALING SECTION 49-443A, IDAHO CODE.

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

SECTION 1. That Section 49-402, Idaho Code, be, and the same is hereby amended to read as follows:
49-402. 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: $36.48
- Vehicles three (3) and four (4) years old: $33.48
- Vehicles five (5) and six (6) years old: $26.28
- Vehicles seven (7) and eight (8) years old: $22.68
- Vehicles over eight (8) years old: $16.08

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 first day of the beginning month. Registration periods shall expire midnight on the last day of the registration period in the year designated by the validation registration 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 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 ($12.48).

(3) For all hearses, ambulances and wreckers the annual fee shall be twenty-nine dollars and forty cents ($29.40), 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 and all terrain vehicles the annual fee shall be nine dollars ($9.00). For operation of an ATV off the public highways, the fee specified in section 67-7122, Idaho Code, shall also be paid.

(5) All vehicles required in subsections (2) through (4) of this section to be registered shall be issued number plates and/or validation stickers for a calendar year and shall expire midnight December 31.
(6) For all motor homes the fee shall be as specified in subsection (1) of this section and shall be in addition to the fees provided for in section 49-445, Idaho Code.

(7) A vehicle may be registered by the department under the provisions of subsections (1) through (4) 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 reissuance of license plates required in section 49-445, 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.

(6) 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.

(8) A financial institution or repossession service contracted to a financial institution repossessing vehicles under the terms of a security agreement shall move the 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 4, 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.

SECTION 2. That Section 49-443, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Chapter 4, 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 49-443, Idaho Code, and to read as follows:

49-443. LICENSE PLATES TO BE FURNISHED BY DEPARTMENT -- FORM AND CONTENTS. (1) The assessor shall furnish to every owner whose vehicle is registered by that office, pursuant to sections 49-402 and 49-402A, Idaho Code, one (1) license plate for a motorcycle, trailer, truck tractor, or semitrailer and two (2) license plates for every other motor vehicle.

Commencing January 1, 1992, the color and design of the plates shall be comparable to the color and design of the statehood centennial issue of license plates with blue numerals and letters on a multicolored red, white and blue background. Each license plate must bear upon its face the inscriptions "Famous Potatoes" and "Scenic Idaho."

Every license plate shall have displayed upon it the registration number assigned to the vehicle and its owner and the name "Idaho" which may be abbreviated. The plates issued under the provisions of section 49-402(1), Idaho Code, and the required letters and numerals,
including an identification of the county in which the motor vehicle to which the plates will be affixed is registered, shall be of sufficient size to be plainly readable from a distance of one hundred (100) feet during daylight, and each license plate and registration sticker shall be treated with a fully reflectorized material according to specifications prescribed by the board.

(2) License plates shall be valid for a period of seven (7) years beginning with the date of issuance of new plates. At the end of the sixth year, the registered owner shall receive notice of the date upon which the plates will expire. At that time the owner may, if he chooses, reserve his current plate number for the succeeding seven (7) year period and shall receive that number on his new license plates at the beginning of the next seven (7) year cycle. The department may charge a minimal fee as determined by the board to recover costs to the department for reservation of license plate numbers.

(3) If a license plate number has expired as provided in subsection (2) of this section and the number was not reserved, or if the vehicle registration is not renewed within sixty (60) days of its expiration, the plate number shall be available for use by another registrant. To obtain a specific number in the recycled license plate number file, the owner of a registered vehicle shall pay a one (1) time fee as determined by rule of the board.

The provisions of this subsection shall apply only to vehicles registered under the provisions of section 49-402(1), Idaho Code, and section 49-434(1), Idaho Code, as it applies to noncommercial vehicles.

(4) License plates issued for vehicles required to be registered in accordance with the provisions of sections 49-402 and 49-402A, Idaho Code, shall be issued color coded registration validation stickers showing the year of registration. Each registration validation sticker shall bear a number from 1 through 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 plates within the outlined rectangular area.

(5) License plates for utility trailers registered under the provisions of section 49-402A, Idaho Code, which are issued for five (5) or ten (10) years and license plates for trailers, rental utility trailers and semitrailers registered under the provisions of section 49-434, Idaho Code, which are issued for five (5) years shall use the design in effect on the date of manufacture. If a design change occurs, plates from the effective date of the design change shall be manufactured using the new design. Unexpired plates need not be reissued to conform to a design change.

(6) For license plates which are lost, stolen, mutilated, or illegible, the owner shall apply for a duplicate or substitute. The assessor shall also furnish for each registration, and to validate the license plate, a pressure-sensitive, serially-numbered registration sticker. License 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.

(7) Whenever a vehicle is completely destroyed by fire or accident and the operator submits satisfactory proof of that destruction to the department or appropriate assessor's office, the registration
use increment and fees shall be transferred to the replacement vehicle for a service transfer fee of five dollars ($5.00), which fee shall be retained by the registering authority. None of the original fees shall be subject to refund.

(8) The department shall furnish to every owner whose vehicle is registered under sections 49-434 and 49-435, Idaho Code, a pressure-sensitive, serially-numbered registration sticker to validate the license plate.

(9) The board shall have authority to require the return to the department of all license plates and registration stickers upon termination of the lawful use of them by the owner.

(10) The board may promulgate such rules as are necessary to implement the provisions of this section.

SECTION 4. That Section 49-443A, Idaho Code, be, and the same is hereby repealed.

Approved April 6, 1992.

CHAPTER 187
(S.B. No. 1470)

AN ACT
RELATING TO SCHOOL DISTRICT ELECTIONS; AMENDING SECTION 33-402, IDAHO CODE, TO PROVIDE FOR NOTICE OF TRUSTEE ELECTIONS PRIOR TO THE DATE FOR FILING DECLARATION OF CANDIDACY; AMENDING SECTION 33-406, IDAHO CODE, TO INCREASE THE TIME ALLOWED FOR DELIVERING ABSENTEE BALLOTS; AMENDING SECTION 33-502, IDAHO CODE, TO PROVIDE A TIME FOR FILING DECLARATION OF CANDIDACY FOR SCHOOL TRUSTEES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-402, Idaho Code, be, and the same is hereby amended to read as follows:

33-402. NOTICE REQUIREMENTS. a. Notice of all school elections must be given by posting and publishing notice of said elections and such notice shall state:
1. The date of holding the election;
2. The hours between which the polls will be open;
3. The definite place or places of holding the election;
4. In the case of election of trustees, the offices to be filled, the trustee zones, and a statement that nominations declarations of candidacy must be filed not less-than-eighteen-(18)-days later than 5:00 p.m. on the fifth Friday prior to the day of the election;
5. In the case of bond election, the amount of the issue, the purpose and period of the issue;
6. In the case of the assumption of a debt, the amount of any
such debt to be assumed by each district, or part of a district; and

7. In all other elections, a brief statement of the question being submitted to the electors.

b. In school elections involving (i) the incurring or increasing of a debt, (ii) approving a levy for a plant facilities reserve fund and term thereof, (iii) excising and annexing territory, (iv) consolidating districts, or (v) dividing a district, notice of the election shall be posted not less than twenty-one (21) days prior to the day of the election in at least three (3) places in each district participating in or affected by such election, one (1) of which places shall be at or near the main door of the administrative offices of each such district, and by publishing at least once each week for three (3) consecutive weeks prior to the day of the election in a newspaper as provided in section 60-106, Idaho Code, published in the county or in any county in which such district may lie and having general circulation within such district.

c. Notice of all other school elections shall be given in the same manner, except that the posting shall be for not less than ten (10) days, and publishing shall be at least once each week for two (2) consecutive weeks prior to the day of the election.

d. Notice of the deadline for filing nominating petitions declaration of candidacy for election of trustees shall be posted for not less than ten (10) days and published at least once each week for two (2) consecutive weeks prior to the last day for filing nominating petitions as required by section 33-502, Idaho Code.

e. In elections for excising and annexing the territory of school districts, or to create new school districts by consolidation or division, the clerk of the board of county commissioners of the county in which the district lies, or of the home county if the district be a joint district, shall prepare, post, sign and arrange for the publishing of, the notice of election. In all other elections it shall be the duty of the clerk of the board of trustees so to do.

f. Notice of annual meeting of elementary school districts as provided for in section 33-510, Idaho Code, and of intent to discontinue a school, as provided for in section 33-511, Idaho Code, and annual budget hearing as provided for in section 33-801, Idaho Code, shall be given by posting and publishing as outlined in subsection b of this section except that posting shall be for not less than ten (10) days, and publishing shall be once in a newspaper as provided in section 60-106, Idaho Code, published within the district, or, if there be none, then in a newspaper as provided in section 60-106, Idaho Code, published in the county in which such district lies. If more than one (1) newspaper is printed and published in said district or county, then in the newspaper most likely to give best general notice of the election within said district; provided that if no newspaper is published in the said district or county, then in a newspaper as provided in section 60-106, Idaho Code, most likely to give best general notice of the election within the district.

g. Notices calling for bids for the acquisition, use, or disposal of real and personal property as provided for in section 33-601, Idaho Code, and contracting for transportation services as provided for in section 33-1510, Idaho Code, shall be given by publishing twice, not
less than one (1) week apart in a newspaper as provided in section 60-106, Idaho Code, published within the district, or, if there be none, then in a newspaper as provided in section 60-106, Idaho Code, published in the county in which such district lies. If more than one (1) newspaper is printed and published in said district or county, then in the newspaper most likely to give best general notice of the election within said district; provided that if no newspaper is published in the said district or county, then in a newspaper as provided in section 60-106, Idaho Code, most likely to give best general notice of the election within the district. The notice inviting bids shall set a date and place for opening bids. The first publication of the notice shall be at least two (2) weeks before the date of opening the bids.

h. Proof of posting notice shall be upon the affidavit of the person posting the same; and proof of publication shall be upon the affidavit of the publisher of the newspaper or newspapers respectively. Such affidavits shall be filed with his board by the clerk responsible for the posting and the publishing of said notice, before the day of the election named in the notice.

SECTION 2. 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-ten (10) thirty (30) days prior to the day of the election, deliver to said applicant elector personally or by mail to the mailing address given in the application, postage pre-paid 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, together with the form of oath
of qualification executed by him, 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.

SECTION 3. That Section 33-502, Idaho Code, be, and the same is hereby amended to read as follows:

33-502. NOMINATION DECLARATIONS OF CANDIDACY FOR TRUSTEES. School district--trustees shall be nominated by-nominating petitions. Any person legally qualified to hold the office of school trustee, may file a declaration of candidacy for the office, each of which shall bear the name of a nominee the candidate, state the term for which nomination declaration of candidacy is made, and bear the signature of not less than five (5) school district electors resident of the trustee zone of which the nominee candidate is resident, and. The declaration shall be filed with the clerk of the board of trustees of the school district not less than eighteen-(18)-days prior to later than 5:00 p.m. on the fifth Friday preceding the day of election of trustees.

Said clerk shall, not less than sixteen-(16)-days prior to the day of said election, notify by mail each nominee who has not personally filed his nominating petition. Unless such nominee shall, not less than twelve-(12)-days prior to the day of the election, decline the nomination in writing filed with the clerk of the board of trustees; his name shall appear upon the ballot.

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

Approved April 8, 1992.
AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE DEPARTMENT OF FISH AND GAME; APPROPRIATING MONEYS TO THE DEPARTMENT OF FISH AND GAME IN ADDITION TO THE APPROPRIATION MADE BY SECTION 2, CHAPTER 333, LAWS OF 1991; AND DECLARING AN EMERGENCY FOR SECTION 3 OF THIS ACT.

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 amount for the period July 1, 1992, through June 30, 1993:

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SECTION 2. There is hereby appropriated to the Department of Fish and Game 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, 1992, through June 30, 1993:

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<tr>
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</tr>
<tr>
<td>Nonexpendable Trust Account</td>
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<td></td>
</tr>
<tr>
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### FOR PERSONNEL OPERATING FOR CAPITAL OUTLAY FOR TRUSTEE AND BENEFIT TOTAL

<table>
<thead>
<tr>
<th>Account Description</th>
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<td>Fish and Game Federal Account</td>
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<td>237,500</td>
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### II. ENFORCEMENT:

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<tr>
<td>Fish and Game Account</td>
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<td>882,000</td>
<td>202,600</td>
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### III. FISHERIES:

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<tr>
<th>Account Description</th>
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<th>Payments</th>
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</thead>
<tbody>
<tr>
<td>Fish and Game Account</td>
<td>2,502,700</td>
<td>1,606,100</td>
<td>592,600</td>
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<td>Set-aside Account</td>
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<tr>
<td>TOTAL</td>
<td>7,188,100</td>
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### IV. WILDLIFE:

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<tr>
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<th>Outlay</th>
<th>Payments</th>
<th>Total</th>
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<tr>
<td>Fish and Game Account</td>
<td>2,141,200</td>
<td>1,486,900</td>
<td>700</td>
<td>3,628,800</td>
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<td>2,588,100</td>
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### V. INFORMATION AND EDUCATION:

<table>
<thead>
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<th>Account Description</th>
<th>Costs</th>
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<th>Payments</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>Fish and Game Account</td>
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<td>1,404,600</td>
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</table>
C. 188 '92  IDAHO SESSION LAWS  587

<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
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<tbody>
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<td>Federal Account</td>
<td>225,500</td>
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<td>570,500</td>
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<td>$826,900</td>
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VI. ENGINEERING:

FROM:
Fish and Game Account $580,800 $49,400 $33,200 $663,400
Fish and Game Federal Account $36,700 $18,800 $55,500
TOTAL $617,500 $68,200 $718,700

VII. PROGRAM COORDINATION:

FROM:
Fish and Game Account $346,100 $59,000 $4,300 $409,400
Fish and Game Federal Account $411,000 $161,200 $12,900 $585,100
TOTAL $757,100 $223,200 $17,200 $994,500

VIII. WINTER FEEDING, DEPREDA TION CONTROL, AND HABITAT IMPROVEMENT:

FROM:
Fish and Game Account $238,800 $2,700 $241,500
Primary Depredation Account $200,000 $200,000
Secondary Depredation Account $100,000 $100,000
Fish and Game Set-aside Account $29,700 $1,648,700 $1,151,500 $2,829,900
TOTAL $268,500 $1,648,700 $1,151,500 $300,000 $3,371,400

GRAND TOTAL $21,190,200 $14,423,500 $3,548,200 $700,000 $39,861,900

SECTION 3. In addition to the appropriation made by Section 2, Chapter 333, Laws of 1991, there is hereby appropriated to the Department of Fish and Game the following amounts to be expended for the specified programs according to the designated expenditure classes from the listed accounts for the period July 1, 1991, through June 30, 1992:

<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>WILDLIFE:</td>
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<td></td>
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<tr>
<td>FROM:</td>
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<td></td>
</tr>
<tr>
<td>Fish and Game Set-aside Account</td>
<td>$1,300</td>
<td>$7,500</td>
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</table>
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 passage and approval.

Approved April 8, 1992.

CHAPTER 189
(H.B. No. 558)

AN ACT
RELATING TO WASTE COMBUSTORS; PROVIDING A STATEMENT OF LEGISLATIVE FINDINGS; AMENDING CHAPTER 1, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-128, IDAHO CODE, DIRECTING THE BOARD OF HEALTH AND WELFARE TO PROMULGATE RULES AND REGULATIONS, ESTABLISHING ZONES, SETTING FORTH THE PERCENTAGE OF MATERIAL WITHIN THE ZONE TO BE BURNED BY COMBUSTORS, REQUIRING RECORDKEEPING, PROVIDING FOR THE FILING OF A REPORT TO LOCAL GOVERNMENT, PROVIDING FOR APPROVAL BY LOCAL GOVERNMENT, AND ESTABLISHING REQUIREMENTS FOR PROCESSING OF PERMITS; AMENDING SECTION 39-103, IDAHO CODE, TO PROVIDE A DEFINITION FOR MEDICAL WASTE COMBUSTOR; AND REPEALING SECTION 39-118C, IDAHO CODE.

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

SECTION 1. (1) The legislature of the state of Idaho finds:
(a) Maintaining the air quality of the state of Idaho to protect human health and the environment is a paramount concern and responsibility of the legislature.
(b) Due to the diminishing capacity of landfills nationwide and the increased costs of waste disposal, the amount of medical waste proposed for disposal by combustion in Idaho has and will increase significantly.
(c) The burning of medical wastes, while an acceptable and effective form of disposal if controlled by reasonable measures, can create air emissions adversely affecting human health and the environment.
(d) Existing state rules and regulations do not adequately control the emission of air contaminants from medical waste combustors.
(e) The state's comprehensive efforts to preserve its valuable air quality resources are being threatened by the potential of an unrestricted increase in medical waste.
(f) Uncontrolled increases in medical waste combustion can cause increased odors, noise, truck traffic and other significant adverse effects on local communities.

(g) The state's air quality resources will be threatened by the increased combustion of medical waste unless existing air resources are conserved to meet the needs of the state and a fair share of the needs of other states.

(h) The amount of medical waste currently brought into or sent out of large regions of the state for purposes of combustion is negligible, and reasonable requirements controlling the combustion of these materials generated outside of large regions of the state will not adversely affect industry or commerce inside or outside large regions of the state.

(i) The effective local management of sewage, drinking water, traffic, health protection, and other local government concerns is dependent on the thorough knowledge of all the projected impacts of a proposed medical waste combustor proposed within the jurisdiction of a local government.

(2) Therefore, it is hereby declared that the purposes of this act are:

(a) To direct the department to develop and propose, and the board to adopt, rules and regulations controlling the emission of air contaminants from medical waste combustors.

(b) To establish a mechanism to control the amount of medical waste combusted within each major region of the state to those generated within the region plus a reasonable portion of these materials generated outside the region.

(c) To ensure that Idaho adequately conserves its air quality resources in a manner which protects human health and the environment.

(d) To ensure that local communities and governments are provided with comprehensive information and the ability to ensure compliance with local requirements for any proposed medical waste combustor prior to the processing of a state air quality permit.

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 39-128, Idaho Code, and to read as follows:

39-128. APPLICABILITY -- PROMULGATION OF RULES -- ESTABLISHMENT OF ZONES -- COMBUSTOR CHARGING COMPOSITION AND RECORDKEEPING -- REPORT TO LOCAL GOVERNMENT -- PERMIT PROCESSING. 1. Except as provided in subsection 2 of this section, the provisions of this section shall apply to medical waste combustors with a maximum rated capacity equal to or greater than three (3) tons per day. All combustors located on one (1) or more contiguous or adjacent properties and owned or operated by the same person or persons under common control shall be considered in determining the maximum rated capacity of a combustor.

2. The department is hereby directed to develop and propose, and the board is hereby directed to adopt, rules and regulations controlling emissions of air contaminants from all medical waste combustors, and implementing the provisions of this section except the provisions
of subsections 8 and 9.

3. The following zones are hereby established:
   a. Zone 1, consisting of the counties of Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce and Shoshone.
   c. Zone 3, consisting of the counties of Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Camas, Caribou, Cassia, Clark, Custer, Franklin, Fremont, Gooding, Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Oneida, Power, Teton and Twin Falls.

4. Any county may petition the director to become incorporated into an adjacent zone. The director shall grant the petition provided it does not conflict with the purposes of this act, or any rule, regulation, permit or order issued or promulgated pursuant to this act.

5. For any combustor constructed or modified after the date of enactment of this section, no less than seventy per cent (70%) of the weight of the material charged into the combustor on an annual basis shall be material generated inside the zone in which the combustor is located.

6. An owner or operator of a combustor constructed and operated prior to the date of enactment of this section shall, by October 1, 1992, notify the department in writing describing the type, location and maximum rated capacity of the combustor.

7. Any person who owns or operates a combustor shall keep records as to the source, weight and type of material charged, and whether the material was generated within or outside the zone in which the combustor is located. These records shall be maintained for a period of not less than five (5) years and shall be made available to the department upon request. The requirements of this subsection may be fully or partially waived by the director if the owner or operator certifies to the department that no material generated outside the zone shall be charged into the combustor.

8. Any person proposing to construct or modify a combustor shall provide, in writing, to the local government a comprehensive report which shall include:
   a. An overall description of the project;
   b. The amount, type and disposal method of all solid waste produced;
   c. The amount and content of any liquid to be discharged into the sewer system, applied to the land, or discharged into an impoundment or pond;
   d. The amount, type and control of air emissions;
   e. The effect of the facility on vehicular traffic;
   f. The amount of noise produced by the facility;
   g. The extent and control of odors from the facility; and
   h. Any additional information requested, in writing, by the local government pertaining to the effect of the proposed facility upon the community or local resources.

9. The local government shall conduct at least one (1) public hearing regarding any proposal to construct or modify a combustor within the jurisdiction of the local government at which interested persons shall have an opportunity to be heard. At least fifteen (15)
days prior to the hearing, notice of the time and place of the hearing, a brief summary of the proposal, and the location of the comprehensive report required by the provisions of subsection 8 of this section, shall be published in a newspaper of general circulation within the jurisdiction of the local government. The local government shall, after hearing, notify in writing the person proposing to construct or modify the combustor that the proposal conforms or does not conform to applicable planning and zoning ordinances. Reasonable conditions may be placed on any approval so as to ensure that construction or modification of the combustor is in conformance with local planning and zoning ordinances and that all necessary local, state and federal permits are obtained.

10. Any person applying to the department for a permit to construct or modify a combustor shall submit, as part of the application, the notification required in subsection 8 of this section indicating that the proposal conforms, or conforms with conditions, to local government planning and zoning ordinances. Any application received by the department which does not include such a notification of approval or conditional approval shall be incomplete.

11. The director shall have authority to sue in competent courts to enjoin any threatened or continuing violation of the provisions of this section, or any rule, regulation, permit or order issued or promulgated to implement the provisions of this section. The court shall grant injunctive relief upon a showing that a violation of the provisions of this section or any rule, regulation, permit or order implementing the provisions of this section has occurred and is reasonably likely to continue.

12. The director shall have the authority to declare that an emergency exists and that a combustor may receive a waiver to combust material generated outside the zone in which the combustor is located in excess of the amount specified in subsection 5 of this section, provided the director finds that such an action is necessary to protect human health and the environment. The waiver shall not extend beyond six (6) months for any single combustor and eighteen (18) months in total duration.

13. For purposes of this section only:
   a. The term "combustor" means a medical waste combustor as defined in section 39-103, Idaho Code.
   b. The term "local government" means the city government for the city in which the combustor is to be located or, if the combustor is to be located outside the limits of an incorporated city, the county government for the county in which the combustor is to be located.

SECTION 3. That Section 39-103, Idaho Code, be, and the same is hereby amended to read as follows:

39-103. DEFINITIONS. Whenever used or referred to in this act, unless a different meaning clearly appears from the context, the following terms shall have the following meanings:
   1. "Board" means the board of health and welfare.
   2. "Department" means the department of health and welfare.
   3. "Director" means the director of the department of health and
welfare.

4. "State" means the state of Idaho.

5. "Air contaminant" or "air contamination" means the presence in the outdoor atmosphere of any dust, fume, mist, smoke, vapor, gas or other gaseous fluid or particulate substance differing in composition from or exceeding in concentration the natural components of the atmosphere.

6. "Air pollution" means the presence in the outdoor atmosphere of any contaminant or combination thereof in such quantity of such nature and duration and under such conditions as would be injurious to human health or welfare, to animal or plant life, or to property, or to interfere unreasonably with the enjoyment of life or property.

7. "Emission" means a release or discharge into the outdoor atmosphere of any air contaminant or combination thereof.

8. "Water pollution" is such alteration of the physical, thermal, chemical, biological or radioactive properties of any waters of the state, or such discharge of any contaminant into the waters of the state as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare or to domestic, commercial, industrial, recreational, esthetic or other legitimate uses or to livestock, wild animals, birds, fish or other aquatic life.

9. "Waters" means all the accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof which are wholly or partially within, flow through or border upon this state.

10. "Solid waste" means garbage, refuse, and other discarded solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants.

11. "Solid waste disposal" means the collection, storage, treatment, utilization, processing or final disposal of solid waste.

12. "Laboratory" means not only facilities for biological, serological, biophysical, cytological and pathological tests, but also facilities for the chemical or other examination of materials from water, air or other substances.

13. "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.

14. "Public swimming pool" means an artificial structure, and its appurtenances, which contains water more than two (2) feet deep which is used or intended to be used for swimming or recreational bathing, and which is for the use of any segment of the public pursuant to a general invitation but not an invitation to a specific occasion or occasions.

15. "Public water supply" means all mains, pipes and structures through which water is obtained and distributed to the public, includ-
ing wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use in incorporated municipalities; or unincorporated communities where ten (10) or more separate premises or households are being served or intended to be served; or any other supply which serves water to the public and which the department of health and welfare declares to have potential health significance.

16. "Substantive" means that which creates, defines or regulates the rights of any person or implements, interprets or prescribes law or policy, but does not include statements concerning only the internal management of the department and not affecting private rights or procedures available to the public.

17. "Nutrient" means any one (1) of the natural elements including, but not limited to, carbon, hydrogen, oxygen, nitrogen, potassium, phosphorus, magnesium, sulfur, calcium, sodium, iron, manganese, copper, zinc, molybdenum, vanadium, boron, chlorine, cobalt and silicon, that are essential to plant and animal growth.

18. "Medical waste combustor" means any device, incinerator, furnace, boiler, or burner, and any and all appurtenances thereto, which burns or pyrolyzes medical waste consisting of human or animal tissues, medical cultures, human blood or blood products, materials contaminated with human blood or tissues, used or unused surgical wastes, used or unused sharps including hypodermic needles, suture needles, syringes and scalpels.

SECTION 4. That Section 39-118C, Idaho Code, be, and the same is hereby repealed.

Approved April 8, 1992.

CHAPTER 190
(H.B. No. 698)

AN ACT
RELATING TO AN IDAHO WILDLIFE LICENSE PLATE; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-417, IDAHO CODE, TO PROVIDE FOR AN IDAHO WILDLIFE SPECIAL LICENSE PLATE; AND AMENDING SECTION 36-111, IDAHO CODE, TO PROVIDE THAT A PORTION OF THE FEES SHALL BE DEPOSITED TO THE FISH AND GAME SET-ASIDE ACCOUNT FOR USE IN THE NONGAME MANAGEMENT AND PROTECTION PROGRAM.

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

SECTION 1. That Chapter 4, 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 49-417, Idaho Code, and to read as follows:

49-417. IDAHO WILDLIFE SPECIAL PLATES. (1) On and after July 1,
1993, any person who is the owner of a vehicle registered under the provisions of section 49-402, Idaho Code, may apply for Idaho wildlife special license plates.

(2) In addition to the regular operating fee, the applicant shall be charged a fee of thirty-five dollars ($35.00) for the initial issuance of the plates, and twenty-five dollars ($25.00) upon each succeeding annual registration. Twenty-five dollars ($25.00) of the initial fee and fifteen dollars ($15.00) of the renewal fee shall be deposited in the state highway account and shall be used to fund the cost of administration of this special license plate program. Ten dollars ($10.00) of each initial fee and ten dollars ($10.00) of each renewal fee shall be deposited by the state treasurer in the fish and game set-aside account pursuant to section 36-111, Idaho Code, for use in the nongame management and protection program.

Whenever title or interest in a vehicle registered under the provisions of this section is transferred or assigned, the owner may transfer the special plates to another vehicle upon payment of the required transfer fees. He may only display the plates after receipt of new registration from the department.

(3) The Idaho wildlife license plate shall be of a color and design acceptable to the board of directors of the Idaho fish and wildlife foundation and approved by the department, utilizing a numbering system as determined by the department. Initial costs of the plate program including costs of plate design shall be paid by the board of directors of the Idaho fish and wildlife foundation.

(4) Sample Idaho wildlife plates may be purchased for a fee of thirty dollars ($30.00), twelve dollars ($12.00) of which shall be deposited in the state highway account and eighteen dollars ($18.00) of which shall be deposited in the fish and game set-aside account pursuant to section 36-111, Idaho Code, for use in the nongame management and protection program.

SECTION 2. That Section 36-111, Idaho Code, be, and the same is hereby amended to read as follows:

36-111. FISH AND GAME SET-ASIDE ACCOUNT. (1) There is hereby established the fish and game set-aside account in the dedicated fund. The account shall have paid into it moneys as follows:

(a) Three dollars ($3.00) of each steelhead trout or anadromous salmon permit sold. Moneys from this source shall be used for the acquisition, development and maintenance of parking areas, access sites, boat ramps and sanitation facilities in salmon and steelhead fishing areas, for management of and research on steelhead trout and anadromous salmon problems, and for technical assistance with litigation concerning steelhead and anadromous salmon originating in Idaho.

(b) Two dollars ($2.00) from each combination hunting and fishing license, or each hunting license sold, as provided in sections 36-406 and 36-407, Idaho Code, except that class 4 licenses shall be exempt from this provision. Moneys from this source shall be used for the purposes of acquiring access to and acquiring and rehabilitating big game ranges and upland bird and waterfowl habitats. Unless it is inconsistent with the goals of the commission,
it is the intent of the legislature that the commission negotiate lease arrangements as compared with outright purchase of private property. 

(c) One dollar and fifty cents ($1.50) from each antelope, elk and deer tag sold as provided in section 36-409, Idaho Code. Moneys from this source shall be used for the purposes of winter feeding of antelope, elk and deer, control of depredation of private property by antelope, elk and deer, control of predators affecting antelope, elk and deer, and rehabilitation of winter range for antelope, elk and deer.

(d) Those amounts designated by individuals in accordance with section 63-3067A(c)(i), Idaho Code, and from fees paid under the provisions of section 49-417, Idaho Code. Moneys from this source shall be used for a nongame management and protection program under the direction of the fish and game commission.

(e) All moneys received from the sale of upland game permits. Moneys from this source shall be used as provided by section 36-409(h), Idaho Code.

(f) Moneys received from the sale of migratory waterfowl stamps. Moneys received from this source shall be used as provided by section 36-414, Idaho Code.

(2) Moneys in the fish and game set-aside account are subject to appropriation, and the provisions of section 67-3516, Idaho Code. Moneys in the account shall be invested by the state treasurer in the manner provided for investment of idle state moneys in the state treasury by section 67-1210, Idaho Code. Interest earned on all such investments shall be paid into the fish and game set-aside account.

Approved April 8, 1992.

CHAPTER 191
(S.B. No. 1283)

AN ACT

RELATING TO CERTIFIED SHORTHAND REPORTERS; AMENDING SECTIONS 54-3108 AND 54-3109, IDAHO CODE, TO DELETE THE RESIDENCY REQUIREMENT; AND AMENDING SECTION 54-3110, IDAHO CODE, TO PROVIDE FEES OF FIFTY DOLLARS FOR SPECIFIC FUNCTIONS AND TO PROVIDE A MAXIMUM PENALTY FEE OF ONE HUNDRED DOLLARS.

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 applicant 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 certi-
fied 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 be issued for a period of one (1) year and shall be renewable upon payment of the renewal fee prescribed in section 54-3110, Idaho Code, for an additional period of one (1) year.

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, applicant 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 be issued for a period of one (1) year and may be renewable for a single additional period of one (1) year upon the payment of the fees 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 fifty dollars ($250.00) as an application fee for any temporary or regular certificate.

(b) The sum of twenty-five fifty dollars ($250.00) as an examination fee for the administration of the reporters' examination to any applicant.

(c) A sum not to exceed forty dollars ($40.00) as a renewal fee for any regular or temporary certificate.

(d) A sum not to exceed forty dollars ($40.00) as a reinstatement fee for any application for reinstatement of a temporary or regular certificate which has been revoked or suspended.

(e) The failure to renew a certificate annually as provided in this section and sections 54-3108 and 54-3109, Idaho Code, shall not deprive such person of the right of renewal, but the fee to be paid for the renewal of a certificate after the due date shall be increased twenty per cent (20%) for each month or fraction of a month that payment of renewal is delayed; provided, however, that the maximum fee for delayed renewal shall not exceed twice the renewal fee for each year delinquent, but in no event more than one hundred dollars ($100).

Approved April 8, 1992.

CHAPTER 192
(S.B. No. 1389)

AN ACT RELATING TO UNEMPLOYMENT BENEFITS; AMENDING SECTION 72-1366, IDAHO CODE, TO PROVIDE THAT A CLAIMANT SHALL NOT BE CONSIDERED INELIGIBLE IN ANY WEEK OF UNEMPLOYMENT FOR FAILURE TO COMPLY WITH THE PROVISIONS OF SECTION 72-1366, IDAHO CODE, IF SUCH FAILURE IS DUE TO AN ILLNESS OR DISABILITY OCCURRING AFTER THE FILING OF A CLAIM AND REGISTRATION FOR WORK, AND AFTER THE BEGINNING OF SUCH ILLNESS OR DISABILITY NO SUITABLE WORK HAS BEEN AVAILABLE FOR THE CLAIMANT THAT WOULD HAVE PROVIDED WAGES TO THE CLAIMANT GREATER THAN ONE-HALF OF THE CLAIMANT'S WEEKLY BENEFIT AMOUNT.

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, 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, no suitable work has been available for the claimant that would have provided wages greater than one-half (1/2) of the claimant's weekly benefit amount; 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.

(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) No claimant who is otherwise eligible shall be denied bene-
fits for any week due to an inability to comply with the requirements contained in subsections (d) and (f) of this section, if:

1. The claimant is a participant in a program sponsored by title III of the job training partnership act and attends a job training course under that program; or
2. The claimant attends a job training course authorized pursuant to the provisions of section 236(a)(1) of the trade act of 1974; or
3. The claimant lacks skills to compete in the labor market and attends a job training course with the approval of the director. The director may approve job training courses that meet the following criteria:
   a. The purpose of the job training is to teach the claimant skills that will enhance the claimant's opportunities for employment; and
   b. The job training can be completed within one (1) year, except that this requirement may be waived pursuant to rules and regulations that the director shall prescribe.

This subsection shall apply only if the claimant submits with each claim report a written certification from the training facility that the claimant is attending and satisfactorily completing the job training course, or demonstrates good cause for failure to attend the job training.

1. No claimant who is otherwise eligible shall be denied benefits under subsection (e) of this section for leaving employment to attend job training pursuant to subsection (h) of this section, provided that the claimant obtained the employment after enrollment in or during scheduled breaks in the job training course, or that the employment was not suitable. For purposes of this subsection, the term "suitable employment" means work of a substantially equal or higher skill level than the individual's past employment, and wages for such work are not less than eighty percent (80%) of the average weekly wage in the individual's past employment.

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.

(1) 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. Said claimant shall also be liable to repay to the fund any sums received for a week in which the claimant made a false statement, misrepresentation, or failed 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 payable on the basis of services 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 at the time such services were performed (including an alien who was lawfully present in the United States.
as a result of the application of the provisions of sections 207 and 208 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 8, 1992.

CHAPTER 193
(S.B. No. 1391, As Amended)

AN ACT
RELATING TO WORKERS' COMPENSATION INSURANCE; AMENDING CHAPTER 2, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-229, IDAHO CODE, TO PROVIDE CONDITIONS WHEN A SURETY IS ESTOPPED FROM DENYING COVERAGE.

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

SECTION 1. That Chapter 2, Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 72-229, Idaho Code, and to read as follows:

72-229. SURETY ESTOPPED TO DENY COVERAGE. (1) Notwithstanding the provisions of sections 72-204 and 72-205, Idaho Code, a surety which issues to an employer a policy of workers' compensation insurance and collects a premium based upon moneys paid or to be paid a worker, or a self-insured employer which receives consideration from a worker to cover the cost of workers' compensation coverage, shall not be permitted to plead and raise the defense that the worker, at the time of the occurrence of the industrial accident or manifestation of the occupational disease, was an independent contractor and not an employee of the surety's insured employer or of the self-insured employer.

(2) In the event that at the time of the industrial accident or manifestation of an occupational disease the worker has obtained security for payment of compensation as provided under this law, the provisions of subsection (1) of this section shall not apply.

(3) Nothing in this section shall be construed to negate any prohibition contained in section 72-318, Idaho Code.

Approved April 8, 1992.
CHAPTER 194
(S.B. No. 1435, As Amended)

AN ACT
RELATING TO CHILD SUPPORT ORDERS; AMENDING SECTION 16-1815, IDAHO CODE, TO REQUIRE NOTICE AND HEARING FOR PERSONS LEGALLY OBLIGATED TO PROVIDE CHILD SUPPORT, AND STRIKING OBSOLETE PROVISIONS; AND REPEALING SECTION 16-1842, IDAHO CODE.

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

SECTION 1. That Section 16-1815, Idaho Code, be, and the same is hereby amended to read as follows:

16-1815. SUPPORT OF CHILD -- REIMBURSEMENT FOR COSTS INCURRED. (1) Whenever a child is placed by the court in custody other than that of his or her parents, guardian or custodian, the court shall order the payment of child support on a regular monthly basis for support of the child after due notice to the parent, guardian or other persons legally obligated to care for and support the child, and after a hearing, the court may order and decree that the parent or other legally obligated person shall pay in such a manner as the court may direct a reasonable sum that will cover in whole or in part the support and treatment of the child. If the parent or other legally obligated person willfully fails or refuses to pay such sum, the court may proceed against him for contempt, or the order may be filed and shall have the effect of a civil judgment.

2. When a child is given medical, psychological or other necessary treatment as ordered by the court, the court shall order reimbursement for costs incurred by such court ordered treatment.

3. When a child is committed to the department under this act, the cost of support, treatment or care shall create a debt due and owing to the department in an amount equal to the amount expended unless there has been entered a court order for support.

4. Any child support or reimbursement order shall be entered only upon notice and hearing to the parent. Failure or refusal to pay such court ordered support and reimbursement may result in contempt sanctions.

5. Any child support order or decree issued or modified shall contain a provision allowing the obligee to enforce the order or decree by income withholding and shall include the notice required in section 32-1205, Idaho Code, advising the obligor that the obligee can seek enforcement of the order or decree by means of a mandatory income withholding order issued pursuant to this chapter without further notice to the obligor.

3. Failure to include these provisions does not affect the validity of the support order or decree. If the social security number of the person obligated to make child support payments under the support order or decree is available, the court shall require that the social security number of the obligor be included in the order or decree.
SECTION 2. That Section 16-1842, Idaho Code, be, and the same is hereby repealed.

Approved April 8, 1992.

CHAPTER 195
(S.B. No. 1444)

AN ACT
RELATING TO PARKING OF VEHICLES; AMENDING SECTION 49-660, IDAHO CODE, TO PERMIT LOCAL AUTHORITIES BY ORDINANCE OR RESOLUTION TO AUTHORIZE THE PARKING OF VEHICLES SIX FEET OR LESS IN HEIGHT WITHIN THIRTY FEET UPON THE APPROACH TO ANY FLASHING SIGNAL, STOP SIGN, YIELD SIGN OR TRAFFIC-CONTROL SIGNAL LOCATED AT THE SIDE OF A HIGHWAY, OR AS MAY BE OTHERWISE SPECIFIED IN THE ORDINANCE OR RESOLUTION OR AS DESIGNATED BY APPROPRIATE SIGNS.

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

SECTION 1. That Section 49-660, Idaho Code, be, and the same is hereby amended to read as follows:

49-660. STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES. (1) Except when necessary to avoid conflict with other traffic, in compliance with law, the directions of a peace officer or traffic control device, no person shall:

(a) Stop, stand or park a vehicle:
   1. On the traffic side of any vehicle stopped or parked at the edge or curb of a highway;
   2. On a sidewalk;
   3. Within an intersection;
   4. On a crosswalk;
   5. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
   6. Alongside or opposite any highway excavation or obstruction when stopping, standing, or parking would obstruct traffic;
   7. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
   8. On any railroad tracks;
   9. On any controlled-access highway;
   10. At any place where traffic-control devices prohibit stopping;

(b) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
   1. In front of a public or private driveway;
   2. Within fifteen (15) feet of a fire hydrant;
   3. Within twenty (20) feet of a crosswalk at an intersection;
4. Within thirty (30) feet upon the approach to any flash­ing signal, stop sign, yield sign or traffic-control signal located at the side of a highway; provided, however, that local authorities may by ordinance or resolution permit the standing or parking of vehicles which are six (6) feet or less in height within such thirty (30) foot distance, or as may be specified by ordinance or resolution or as may be designated with appropriate signs;

5. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a highway opposite the entrance to any fire station within seventy-five (75) feet of the entrance (when properly sign-posted);

6. At any place where traffic-control devices prohibit standing.

(c) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:

1. Within fifty (50) feet of the nearest rail of a railroad crossing;

2. At any place where traffic-control devices prohibit parking.

(2) No person shall move a vehicle not lawfully under his control into any prohibited area or away from a curb such a distance as to be unlawful.

Approved April 8, 1992.

CHAPTER 196
(S.B. No. 1447, As Amended)

AN ACT
RELATING TO THE SUNSHINE LAW; AMENDING SECTION 67-6602, IDAHO CODE, TO REDEFINE "MEASURE"; AMENDING SECTION 67-6607, IDAHO CODE, TO PROVIDE TIME SCHEDULES FOR REPORTS FROM POLITICAL COMMITTEES SUPPORTING OR OPPOSING MEASURES; AMENDING SECTION 67-6608, IDAHO CODE, TO PROVIDE A REFERENCE AND TO INCLUDE A MEASURE IN THE STATUTE; AMENDING SECTION 67-6614A, IDAHO CODE, TO PROVIDE THAT THE PERSON RESPONSIBLE FOR COMMUNICATIONS ADVOCATING THE APPROVAL OR DEFEAT OF A MEASURE MUST BE IDENTIFIED ON SUCH COMMUNICATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-6602, Idaho Code, be, and the same is hereby amended to read as follows:

67-6602. DEFINITIONS. As used in this act, the following terms have the following meanings:

(a) "Candidate" means an individual who has taken affirmative action to seek nomination or election to public office. An individual shall be deemed to have taken affirmative action to seek such nomina-
tion or election to public office when he first:
(1) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or
(2) Announces publicly or files for office.
(b) "Compensation" includes any advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge or transfer of money or anything of value, and any contract, agreement, promise or other obligation, whether or not legally enforceable, to do any of the foregoing, for services rendered or to be rendered, but does not include reimbursement of expenses if such reimbursement does not exceed the amount actually expended for such expenses and is substantiated by an itemization of such expenses.
(c) "Contribution" includes any advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, subscription or transfer of money or anything of value, and any contract, agreement, promise or other obligation, whether or not legally enforceable, to make a contribution, in support of or in opposition to any candidate, political committee or measure. Such term also includes personal funds or other property of a candidate or members of his household expended or transferred to cover expenditures incurred in support of such candidate but does not include personal funds used to pay the candidate filing fee. Such term also includes the rendering of personal and professional services for less than full consideration, but does not include ordinary home hospitality or the rendering of "part-time" personal services of the sort commonly performed by volunteer campaign workers or advisors or incidental expenses not in excess of twenty-five dollars ($25.00) personally paid for by any volunteer campaign worker. "Part-time" services for the purposes of this definition, means services in addition to regular full-time employment, or, in the case of an unemployed person or persons engaged in part-time employment, services rendered without compensation or reimbursement of expenses from any source other than the candidate or political committee for whom such services are rendered. For the purposes of this act, contributions, other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution.
(d) "Election" means any general, special or primary election.
(e) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a measure.
(f) "Expenditure" includes any payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment or a transfer of anything of value in exchange for goods, services, property, facilities or anything of value for the purpose of assisting, benefiting or honoring any public official or candidate, or assisting in furthering or opposing any election campaign.
(g) "Lobby" and "lobbying" each mean attempting through contacts with, or causing others to make contact with, members of the legislature or legislative committees, to influence the approval, modifica-
tion or rejection of any legislation by the legislature of the state of Idaho or any committee thereof.

(h) "Lobbyist" includes any person who lobbies.

(i) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed, directly or indirectly, and all persons by whom he is compensated for acting as a lobbyist.

(j) "Measure" means any proposal, to be voted statewide, submitted to the people for their approval or rejection at an election, including any initiative, referendum or revision of or amendment to the state constitution. An initiative or referendum proposal shall be deemed a measure when the attorney general reviews it and gives it a ballot title.

(k) "Nonbusiness entity" means any group (of two (2) or more individuals), corporation, association, firm, partnership, committee, club or other organization except any such group, corporation, association, firm, partnership, committee, club or other organization which:

(1) Has as its principal purpose the conduct of business activities for profit; and

(2) Did not during the immediately preceding calendar year receive contributions, gifts or membership fees, which in the aggregate exceeded ten per cent (10%) of its total receipts for such year.

(l) "Person" means an individual, corporation, association, firm, partnership, committee, political party, club or other organization or group of persons.

(m) "Political committee" means:

(1) Any person specifically designated to support or oppose any candidate or measure; or

(2) Any person who receives contributions and makes expenditures in an amount exceeding five hundred dollars ($500) in any calendar year for the purpose of supporting or opposing one (1) or more candidates or measures.

(n) "Political treasurer" means an individual appointed by a candidate or political committee as provided in section 67-6603, Idaho Code.

(o) "Public office" means any state office or position, including state senator, state representative, and judge of the district court that is filled by election.

SECTION 2. That Section 67-6607, Idaho Code, be, and the same is hereby amended to read as follows:

67-6607. REPORTS OF CONTRIBUTIONS AND EXPENDITURES. (a) The political treasurer for each candidate and the political treasurer of each political committee shall file with the secretary of state:

(1) Not more than fourteen (14) days and not less than seven (7) days before the date of a primary election in which the candidate or political committee is involved, a statement of all contributions received and all expenditures or encumbrances made by or on behalf of the candidate or political committee prior to the fifteenth day before the primary election;

(2) Not more than thirty (30) days after the date of a primary election in which a candidate or a political committee is
involved, a statement of all contributions received and all expen­
ditures 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) For all political committees supporting or opposing measures,
a statement of all contributions received and all expenditures or
encumbrances made by or on behalf of the measure or made by or
against the measure shall be filed on April 30 and July 30 of each
year to cover the period since the preceding report, if any, has
been filed. Such committees shall also file the statements
required in subsection (4) and (5) of this section; provided, that
the statement required in subsection (4) shall cover the period
from July 1 to and including the sixteenth day before the general
election;
(4) 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 contribu­
tions received and all expenditures or encumbrances made by or on
behalf of the candidate or political committee since and including
the eleventh day after the date of the primary election and to and
including the fifteenth sixteenth day before the general election,
together with a cumulative statement showing all such contribu­
tions and expenditures or encumbrances to and including the fif­
teenth day before the general election; and
(45) 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 expen­
ditures 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, expendi­
ture, or encumbrance.
(c) Notwithstanding any other reports required under this sec­
tion, the political treasurer for each candidate and any political
committee supporting or opposing a measure shall notify the secretary
of state, in writing, of any contribution of one thousand dollars ($1,000) or more, received by the political treasurer after the six­
teenth day before, but more than forty-eight (48) hours before, any
primary or general election. This notification shall be made within
forty-eight (48) hours after the receipt of such contribution and
shall include the name of the candidate or measure, the identification
of the contributor, and the date of receipt and amount of the contribu­
tion. The notification shall be in addition to the reporting of
these contributions in the post election report.

SECTION 3. That Section 67-6608, Idaho Code, be, and the same is
hereby amended to read as follows:

67-6608. DISPOSITION OF UNEXPENDED BALANCES. (a) If a statement
filed under paragraph (3) of subsection (a) of section 67-6607, Idaho
Code, pertaining to post-general election reports or under paragraph (45) of subsection (a) of section 67-6607, Idaho Code, shows an unexpended balance of contributions or an expenditure deficit, the political treasurer for the candidate or political committee or measure shall continue to file annual reports on January 31, to cover the period since the end of the last report period, to and including the last day of the month preceding the month in which the report is filed. Such reports shall be filed until the account shows no unexpended balance of contributions or expenditure deficit.

(b) If a candidate wins nomination, supplemental statements under subsection (a) of this section need not be filed with respect to the nomination campaign by the political treasurer of a political committee supporting the candidate or by the political treasurer for such candidate, if such political committee continues to function in support of such candidate in the campaign for the general or special election.

(c) A political committee which is organized after an election shall file reports required by subsection (a) of this section.

SECTION 4. That Section 67-6614A, Idaho Code, be, and the same is hereby amended to read as follows:

67-6614A. PUBLICATION OR DISTRIBUTION OF POLITICAL STATEMENTS. Whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election, approval or defeat of a candidate or measure through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, the person responsible for such communication shall be clearly indicated on such communication.

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 8, 1992.

CHAPTER 197
(S.B. No. 1460)

AN ACT
RELATING TO THE IDAHO BUILDING CODE ADVISORY ACT; AMENDING SECTION 39-4105, IDAHO CODE, TO FURTHER DEFINE THE TERM TRAVEL TRAILER OR FIFTH-WHEEL CAMPER; AMENDING SECTION 39-4109, IDAHO CODE, TO INCORPORATE THE AMERICAN STANDARD SPECIFICATIONS FOR PARK TRAILERS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 39-4105, Idaho Code, be, and the same is hereby amended to read as follows:
DEFINITIONS. As used in this chapter, the terms defined in this section shall have the following meaning, unless the context clearly indicates another meaning:

1) "Director" means the director of the department of labor and industrial services for the state of Idaho.

2) "Department" means the department of labor and industrial services of the state of Idaho.

3) "Board" means the Idaho building code advisory board, herein created.

4) "Person" means a natural person, corporation, partnership, trust, society, club, association, or other organization.

5) "Building" means a combination of materials, whether portable or fixed, which comprises a structure affording facilities or shelter for any use or occupancy, and shall include a part or parts thereof and all equipment therein normally a part of the structure.

6) "Construction" means the erection, fabrication, reconstruction, demolition, alteration, conversion, or repair of a building (other than in-kind), or the installation of equipment therein normally a part of the structure.

7) "Equipment" means facilities or installations including, but not limited to, heating, ventilating, air conditioning, and refrigerating facilities or installations, and elevators, dumbwaiters, escalators, boilers and pressure vessels and ski lifts, but not including telecommunications facilities.

8) "Local inspection agency" means the agency or agencies of local government with authority to make inspections of buildings and to enforce the codes, laws, rules and regulations of the state of Idaho which establish standards and requirements applicable to the construction, alteration, repair, or demolition of buildings.

9) "Local government" means any city or county of this state.

10) "Modular building" means any building or building component, other than a manufactured home, which is constructed according to standards contained in the Uniform Building Code, as adopted or any amendments thereto, which is of closed construction and is either entirely or substantially prefabricated or assembled at a place other than the building site.

11) "Building site" means any lot, tract, parcel, or subdivision of land, either public or private, upon which a building is placed or is to be placed.

12) "Closed construction" means any manufactured building or building component which may enclose factory installed structural, mechanical, electrical or plumbing systems and is not open for visual inspection at the building site.

13) "Commercial coach" means a modular building equipped with the necessary service connections and made so as to be readily movable as a unit on its own running gear and originally designated to be used without a permanent foundation.

14) "Manufactured home" (formerly mobile home) means a structure, constructed according to HUD/FHA mobile home construction and safety standards, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in length or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a per-
permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 U.S.C. 5401 et seq.

(15) "Recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, fifth-wheel camper, and motor home.

"Camping trailer" means a vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the camp site to provide temporary living quarters for recreational, camping, or travel use.

"Motor home" means a vehicular unit designed to provide temporary living quarters for recreational, camping or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle.

"Travel trailer or fifth-wheel camper" means a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and with a living area of less than two four hundred twenty (2400) square feet, excluding built-in equipment (such as wardrobes, closets, cabinets, kitchen units or fixtures) and bath and toilet rooms.

"Truck camper" means a portable unit constructed to provide temporary living quarters for recreational, travel or camping use, consisting of a roof, floor, and sides, designed to be loaded onto and unloaded from the bed of a pick-up truck.

(16) "Temporary facility" means a structure designed and constructed to service actual construction projects and which is completely removed upon completion of the project. This structure shall not be a place of employment or human habitation, and does not include those temporary structures used for the protection of the public around and in conjunction with construction work.

(17) "Human habitation," when used in respect to temporary facilities, means a space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, storage or utility space and similar areas are not considered space for human habitation.

(18) "Telecommunications facilities" means all wires, cables, equipment, apparatus or other installations necessary to furnish service, by which there is accomplished or may be accomplished, the sending or receiving of information, data, message writing signs, signals, pictures, and sounds of all kinds, by aid of such wires, cables, equipment, apparatus or other installations, but shall not include the habitable structure in which such telecommunications facilities are housed.

(19) "Farm" means an agricultural unit of five (5) acres or more.
SECTION 2. That Section 39-4109, Idaho Code, be, and the same is hereby amended to read as follows:

39-4109. ADOPTION OF CODES. The following codes are hereby adopted for the state of Idaho:
(b) The 1982 Uniform Building Code, published by the International Conference of Building Officials, and appendices thereto, excepting appendices chapter 1 as it relates to existing buildings, chapter 11 as it relates to agricultural buildings and structures, chapter 12 as it relates to group R division 3 occupancies, chapter 35 as it relates to sound transmission control, and chapter 70 as it relates to excavation and grading;
(2) The Uniform Mechanical Code, 1973, published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials;
(6) National Fire Protection Association Code numbers 501B-1974 (ANSI A119.1), and 501C-1974 (ANSI A119.2), and the accepted engineering practice standards therein, for compliance by the manufactured home and recreational vehicle industry, published by the National Fire Protection Association; and
(8) American Standard Specifications for Park Trailers, (ANSI A119.5), published by the American National Standards Institute as the same relates to park trailers.

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

Approved April 8, 1992.

CHAPTER 198
(S.B. No. 1476)

AN ACT
RELATING TO THE OPTIONAL RETIREMENT PROGRAM OF THE STATE BOARD OF EDUCATION; AMENDING SECTION 33-107A, IDAHO CODE, TO PROVIDE THAT EACH INSTITUTION SHALL PAY TO THE PUBLIC EMPLOYEES RETIREMENT SYSTEM,
AN AMOUNT EQUAL TO THREE AND THREE ONE-HUNDREDTHS PER CENT OF MEM-
BER SALARIES IN LIEU OF AMORTIZATION PAYMENTS AND WITHDRAWAL CON-
TRIBUTIONS REQUIRED PURSUANT TO CHAPTER 13, TITLE 59, IDAHO CODE.

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

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

33-107A. BOARD MAY ESTABLISH AN OPTIONAL RETIREMENT PROGRAM. (1)
The state board of education may establish an optional retirement pro-
gram under which contracts providing retirement and death benefits may
be purchased for members of the faculty and nonclassified staff of the
university of Idaho, Idaho state university, Boise state university,
Lewis Clark state college and the office of the state board of educa-
tion who are hired after July 1, 1990; provided, however, that no such
employee shall be eligible to participate in an optional retirement
program unless he would otherwise be eligible for membership in the
public employees retirement system of Idaho. The benefits to be pro-
vided for or on behalf of participants in an optional retirement pro-
gram shall be provided through annuity contracts or certificates,
fixed or variable in nature, or a combination thereof, whose benefits
are owned by the participants in the program.

(2) The state board of education is hereby authorized to provide
for the administration of the optional retirement program and to per-
form or authorize the performance of such functions as may be neces-
sary for such purposes. The board shall designate the company or com-
panies from which contracts are to be purchased under the optional
retirement program and shall approve the form and contents of such
contracts. In making the designation and giving approval, the board
shall consider:

(a) The nature and extent of the rights and benefits to be pro-
vided by such contracts for participants and their beneficiaries;
(b) The relation of such rights and benefits to the amount of
contributions to be made;
(c) The suitability of such rights and benefits to the needs of
the participants and the interests of the institutions in the
recruitment and retention of staff members; and
(d) The ability of the designated company to provide such suit-
able rights and benefits under such contracts.

(3) Elections to participate in an optional retirement program
shall be as follows:

(a) Eligible employees are those initially appointed or hired on
or after July 1, 1990, but shall exclude employees who are active
members of the public employees retirement system of Idaho immedi-
ately prior to appointment to the faculty or nonclassified staff
for an appointment which occurs after July 1, 1990. At time of
entry into service an eligible employee shall participate in the
optional retirement program.
(b) Active faculty and nonclassified staff employed on July 1,
1990, may make a one (1) time irrevocable election to participate
in the optional retirement program. The election of active faculty
or nonclassified staff members of the public employees retirement
system of Idaho shall be made in writing, within ninety (90) days after July 1, 1990, and filed with the administrative officer of the employing institution to be effective as of July 1, 1990. Such election by an active member of the public employees retirement system of Idaho shall be treated as a separation from service for benefits under chapter 13, title 59, Idaho Code.

(c) An election by an eligible employee of the optional retirement program shall be irrevocable and shall be accompanied by an appropriate application, where required, for issuance of a contract or contracts under the program.

(4) (a) Each institution shall contribute on behalf of each participant in its optional retirement program the following:

(i) To the designated company or companies, an amount equal to the employer's "normal cost" under the public employees retirement system as defined in section 59-1330, Idaho Code, reduced by any amount necessary, if any, to provide contributions to a total disability program provided either by the state or by a private insurance carrier licensed and authorized to provide such benefits, but in no event less than five per cent (5%) of each participant's salary; and

(ii) To the public employees retirement system, an amount equal to the amortization payments as defined in section 59-1330, Idaho Code, which otherwise would have been paid to the public employees retirement system if the participant in its optional retirement program had instead become an active member of the public employees retirement system three and three one-hundredths per cent (3.03%) of salaries of members who are participants in the optional retirement program. This amount shall be paid until July 1, 2015, and is in lieu of amortization payments and withdrawal contributions required pursuant to chapter 13, title 59, Idaho Code.

(b) Each participant shall contribute an amount equal to the member contribution under the public employees retirement system as required in section 59-1304, Idaho Code. Employee contributions may be made by employer pick-up pursuant to section 59-1303A32, Idaho Code.

(c) Payment of contributions authorized or required under this subsection shall be made by the financial officer of the employing institution to the designated company or companies for the benefits of each participant.

(5) Any person electing to participate in the optional retirement program shall be ineligible for membership in the public employees retirement system of Idaho so long as he remains continuously employed in any faculty or nonclassified position by any of the institutions under the jurisdiction of the state board of education.

(6) A retirement, death or other benefit shall not be paid by the state of Idaho or the state board of education for services credited under the optional retirement program. Such benefits are payable to participants or their beneficiaries only by the designated company or companies in accordance with the terms of the contracts.

Approved April 8, 1992.
AN ACT
RELATING TO THE COMPENSATION SCHEDULE FOR STATE EMPLOYEES; REPEALING SECTION 67-5309C, IDAHO CODE; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5309C, IDAHO CODE, TO ADJUST THE COMPENSATION SCHEDULE; DECLARING AN EMERGENCY, AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-5309C, Idaho Code, be, and the same is hereby repealed.

SECTION 2. 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 67-5309C, Idaho Code, and to read as follows:

67-5309C. SALARY SCHEDULE AND MERIT INCREASES. (a) The following schedule is adopted as the hourly salary schedule for all positions classified pursuant to chapter 53, title 67, Idaho Code.

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</table>
Each employee in classified service shall, separate and apart from the salary schedule established by subsection (a) hereof, receive two and one-half percent (2 1/2%) of his base salary for each ten thousand four hundred (10,400) hours of service with the state. No additional longevity credit shall be awarded after the twentieth year of service. For purposes of this subsection, employees of former community college districts which have become state colleges or state universities shall be credited with one (1) year's service with the state for each year's employment with a community college district regardless of the time of that employment.

(c) It is hereby declared to be the intent of the legislature that the advancement of an employee to steps providing an increased salary within each pay grade shall be based solely on merit, including factors such as increased productivity, reliability, effectiveness, and the ability to achieve the goals and objectives of the particular position. No employee shall advance to a higher step within a pay grade without an affirmative certification for such purpose by the employee's immediate supervisor, approved by the departmental director or the director's designee, in accordance with the following schedule and criteria:

(i) Step A in the salary schedule shall normally be the rate at which an employee is paid within a grade when originally employed. However, when necessary to obtain a particularly qualified individual, the appointing authority may make an initial appointment at a higher step in the authorized pay grade. These advanced step appointments shall be accompanied by a written statement containing the appointing authority's justification for the higher than normal starting rate. When necessary to obtain qualified personnel
in a particular classification, upon petition of the appointing authority to the commission containing acceptable reasons therefor, a higher temporary pay grade may be authorized by the commission which, if granted, shall be reviewed annually to determine the need for continuance.

(ii) Each employee's work performance shall be evaluated after one thousand forty (1,040) hours of credited state service from the date of initial appointment or promotion and after each two thousand eighty (2,080) hours of credited state service thereafter by his or her immediate supervisor. Employees may be eligible for advancement to step B after completion of one thousand forty (1,040) hours of credited state service at step A, provided that such service is certified as meeting the merit requirement set forth in paragraph (c) above. Effective July 1, 1979, employees may advance to steps C through M only if certified as meeting the merit requirements of paragraph (c) above. However, such in-grade advancement shall not be construed as a vested right. The department director shall designate, upon agreement with the employee, whether such in-grade advancement is temporary, conditional or permanent. It shall be the specific responsibility of the supervisor and the departmental director to effect the evaluation prescribed in paragraph (c) above on an evaluation form approved by the commission for that purpose.

(iii) In addition to merit increases authorized in paragraph (ii) above, the department director may grant a classified employee holding permanent status a lump sum bonus not to exceed one thousand dollars ($1,000) in any given fiscal year based upon an affirmative certification of meritorious service as outlined in this section. The department director shall use a performance evaluation as justification for the increase. Exceptions to the one thousand dollar ($1,000) limit provided in this section may be granted if approved in advance by the state board of examiners.

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 June 7, 1992.

Approved April 8, 1992.

CHAPTER 200
(S.B. No. 1485)

AN ACT

RELATING TO PUBLIC RECORDS; AMENDING SECTION 9-340, IDAHO CODE, TO PROVIDE THAT CERTAIN RECORDS OF THE STATE INSURANCE FUND ARE EXEMPT FROM DISCLOSURE; AMENDING SECTION 9-342, IDAHO CODE, TO PROVIDE ACCESS TO RECORDS ABOUT A PERSON BY A PERSON; AND AMENDING SECTION 9-343, IDAHO CODE, TO PROVIDE THAT NOTHING IN THE PUBLIC RECORDS ACT SHALL LIMIT THE AVAILABILITY OF DOCUMENTS AND RECORDS FOR DISCOVERY IN THE NORMAL COURSE OF JUDICIAL OR ADMINISTRATIVE ADJUDICATORY PROCEEDINGS, SUBJECT TO THE LAW AND RULES OF EVIDENCE
AND OF DISCOVERY GOVERNING SUCH PROCEEDINGS.

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

SECTION 1. That Section 9-340, Idaho Code, be, and the same is hereby amended to read as follows:

9-340. RECORDS EXEMPT FROM DISCLOSURE. The following records are exempt from disclosure:

(1) Any public record exempt from disclosure by federal or state law or federal regulations to the extent specifically provided for by such law or regulation.

(2) Trade secrets including those contained in response to public agency requests for proposal, requests for clarification, requests for information and similar requests. "Trade secrets" as used in this section mean 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.

(3) Records, maps or other records identifying the location of archaeological or geophysical sites or endangered species, if not already known to the general public.

(4) Archaeological and geologic records concerning exploratory drilling, logging, mining and other excavation, when such records are required to be filed by statute for the time provided by statute.

(5) Production records, sale or purchase records, catch records, mortgage portfolio loan documents, or similar business records of a private concern or enterprise required by law to be submitted to or inspected by a public agency. Nothing in this subsection shall limit the use which can be made of such information for regulatory purposes or its admissibility in any enforcement proceeding.

(6) Records relating to the appraisal of real property, timber, or mineral rights prior to its acquisition, sale or lease by a public agency.

(7) Any estimate prepared by a public agency that details the cost of a public project until such time as disclosed or bids are opened, or upon award of the contract for construction of the public project.

(8) Records gathered by a local agency or the Idaho department of commerce, as described in chapter 47, title 67, Idaho Code, for the specific purpose of assisting a person to locate, maintain, invest in, or expand business operations in the state of Idaho.

(9) The records of a library which, when examined alone, or when examined with other public records, would reveal the identity of the library patron checking out, requesting, or using an item from a library.

(10) The material of a library, museum or archive which has been contributed by a private person, to the extent of any limitation that is a condition of the contribution.
(11) Records of a personal nature as follows:
(a) Records of personal debt filed with a public agency pursuant to law;
(b) Personal bank records compiled by a public depositor for the purpose of public funds transactions conducted pursuant to law;
(c) Records of ownership of financial obligations and instruments of a public agency, such as bonds, compiled by the public agency pursuant to law;
(d) Records, with regard to the ownership of, or security interests in, registered public obligations;
(e) Vital statistics records.

(12) Test questions, scoring keys, and other data used to administer a licensing examination, employment, academic or other examination or testing procedure before the examination is given if the examination is to be used again. Records establishing procedures for and instructing persons administering, grading or evaluating an examination or testing procedure are included in this exemption, to the extent that disclosure would create a risk that the result might be affected.

(13) Retired employees' and retired public officials' home addresses, home telephone numbers and other financial and nonfinancial membership records; active and inactive member financial and membership records and mortgage portfolio loan documents maintained by the public employee retirement system. Financial statements prepared by retirement system staff, funding agents and custodians concerning the investment of assets of the public employee retirement system of Idaho are not considered confidential under this chapter.

(14) Any personal records, other than names and addresses, such as parentage, race, religion, sex, height, weight, tax identification and social security numbers, financial worth or medical condition submitted to any public agency pursuant to a statutory requirement for licensing, certification, permit or bonding.

(15) Unless otherwise provided by agency rule, information obtained as part of an inquiry into a person's fitness to be granted or retain a license, certificate, permit, privilege, commission or position.

(16) Computer programs developed or purchased by or for any public agency for its own use. As used in this subsection, "computer program" means a series of instructions or statements which permit the functioning of a computer system in a manner designed to provide storage, retrieval and manipulation of data from the computer system, and any associated documentation and source material that explain how to operate the computer program. Computer program does not include:
(a) The original data including, but not limited to, numbers, text, voice, graphics and images;
(b) Analysis, compilation and other manipulated forms of the original data produced by use of the program; or
(c) The mathematical or statistical formulas that would be used if the manipulated forms of the original data were to be produced manually.

(17) Records that identify the method by which the Idaho state tax commission selects tax returns for audit review.

(18) Information in an income or other tax return measured by
items of income or sales, which is gathered by a public agency for the purpose of administering the tax.

(19) Information and records submitted to the Idaho state lottery for the performance of background investigations of employees, lottery retailers and major procurement contractors; audit records of lottery retailers, vendors and major procurement contractors submitted to or performed by the Idaho state lottery; validation and security tests of the state lottery for lottery games; business records and information submitted pursuant to sections 67-7412(8) and (9) and 67-7421(8) and (9), Idaho Code, and such documents and information obtained and held for the purposes of lottery security and investigative action as determined by lottery rules unless the public interest in disclosure substantially outweighs the private need for protection from public disclosure.

(20) Employment security information and unemployment insurance benefit information, except that all interested parties may agree to waive the exemption.

(21) Examination, operating or condition reports and all documents relating thereto, prepared by or supplied to any public agency responsible for the regulation or supervision of financial institutions including, but not limited to, banks, savings and loan associations, regulated lenders, business and industrial development corporations, credit unions, and insurance companies, or for the regulation or supervision of the issuance of securities.

(22) Investigatory records of a law enforcement agency, as defined in section 9-337(5), Idaho Code, under the conditions set forth in section 9-335, Idaho Code.

(23) Records of a personal nature related directly or indirectly to the application for and provision of statutory services rendered to persons applying for public care for the elderly, indigent, or mentally or physically handicapped, or participation in an environmental or a public health study.

(24) Records of investigations prepared by the department of health and welfare pursuant to its statutory responsibilities dealing with the protection of children, the rehabilitation of youth, adoptions and the commitment of mentally ill persons.

(25) Records of the department of health and welfare or a public health district that identifies a person infected with a reportable disease.

(26) Records of hospital care, medical records, records of psychiatric care or treatment and professional counseling records relating to an individual's condition, diagnosis, care or treatment.

(27) Records of a person maintained pursuant to chapter 18, title 16, Idaho Code.

(28) Shipping and marketing records of commodity commissions used to evaluate marketing and advertising strategies.

(29) Records contained in court files of judicial proceedings, the disclosure of which is prohibited by or under rules adopted by the Idaho supreme court, but only to the extent that confidentiality is provided under such rules, and any drafts or other working memoranda related to judicial decision making.

(30) Records consisting of draft legislation and documents specifically related to such draft legislation or research requests sub-
mitted to the legislative council by a member of the Idaho legislature for the purpose of placing such draft legislation into a form suitable for introduction as official proposed legislation of the legislature of the state of Idaho, unless the individual legislator having submitted or requested such records or research agrees to waive the provisions of confidentiality provided by this subsection.

(31) All papers, physical and electronic records and correspondence or other supporting materials comprising the work papers in the possession of the office of the legislative auditor prior to release of the related final audit and all other records or materials in the possession of the office of the legislative auditor that would otherwise be confidential or exempt from disclosure.

(32) The records, finding, determinations and decision of any prelitigation screening panel formed under chapter 10, title 6, Idaho Code.

(33) Board of professional discipline reprimands by informal admonition pursuant to subsection (6)(f) of section 54-1806A, Idaho Code.

(34) Records including, but not limited to, investigative reports, resulting from investigations conducted into complaints of discrimination made to the Idaho human rights commission unless the public interest in allowing inspection and copying of such records outweighs the legitimate public or private interest in maintaining confidentiality of such records. A person may inspect and copy documents from an investigative file to which he or she is a named party if such documents are not otherwise prohibited from disclosure by federal law or regulation or state law. The confidentiality of this subsection will no longer apply to any record used in any judicial proceeding brought by a named party to the complaint or investigation, or by the Idaho human rights commission, relating to the complaint of discrimination.

(35) Information, records, including names and addresses of victims, or investigations of the department of correction or the commission of pardons and parole to the extent that disclosure thereof would interfere with the secure and orderly conduct of their operations, or the rehabilitation of any person in the custody of the department of correction or on parole, or would substantially prejudice or prevent the carrying out of the functions of the department of correction or the commission of pardons and parole if the public interest in confidentiality clearly outweighs the public interest in disclosure.

(36) Except as provided in this subsection, all personnel records of a current or former public official other than the public official's public service or employment history, classification, pay grade and step, longevity, gross salary and salary history, status, workplace and employing agency. All other personnel information relating to a public employee or applicant, including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, applications, testing and scoring materials, grievances, correspondence and performance evaluations, shall not be disclosed to the public without the employee's or applicant's written consent. A public official or authorized representative may inspect and copy his personnel records, except for material used to screen and test for employment.
(37) Records containing information obtained by the manager of the Idaho state insurance fund pursuant to chapter 9, title 72, Idaho Code, from or on behalf of employers or employees contained in underwriting and claims for benefits files.

SECTION 2. That Section 9-342, Idaho Code, be, and the same is hereby amended to read as follows:

9-342. ACCESS TO RECORDS ABOUT AN INDIVIDUAL PERSON BY AN INDIVIDUAL PERSON. (1) A person may inspect and copy the records of a public agency pertaining to that person, even if the record is otherwise exempt from public disclosure.
(2) An individual person may request in writing an amendment of any record pertaining to that person. Within ten (10) days of the receipt of the request, the public agency shall either:
(a) Make any correction of any portion of the record which the individual person establishes is not accurate, relevant, or complete; or
(b) Inform the individual person in writing of the refusal to amend in accordance with the request and the reasons for the refusal, and indicate clearly the person's right to appeal the refusal and the time period for doing so. The procedures for appealing a refusal to amend shall be the same as those set forth in sections 9-343 and 9-344, Idaho Code, and the court may award reasonable costs and attorney fees to the prevailing party or parties, if it finds that the request for amendment or refusal to amend was frivolously pursued.
(3) The right to inspect and amend records pertaining to oneself does not include the right to review otherwise exempt investigatory records of a public agency if the investigation is ongoing, information that is compiled in reasonable anticipation of a civil action or proceeding which is not otherwise discoverable or the information relates to adoption records or information which is otherwise exempt from disclosure by statute.

SECTION 3. That Section 9-343, Idaho Code, be, and the same is hereby amended to read as follows:

9-343. PROCEEDINGS TO ENFORCE RIGHT TO EXAMINE OR TO RECEIVE A COPY OF RECORDS — RETENTION OF DISPUTED RECORDS. (1) The sole remedy for a person aggrieved by the denial of a request for disclosure is to institute proceedings in the district court of the county where the records or some part thereof are located, to compel the public agency to make the information available for public inspection in accordance with the provisions of this act. The petition contesting the public agency's decision shall be filed within one hundred eighty (180) calendar days from the date of mailing of the notice of denial or partial denial by the public agency. The time for responsive pleadings and for hearings in such proceedings shall be set by the court at the earliest possible time, or in no event beyond twenty-eight (28) calendar days from the date of filing.
(2) The public agency shall keep all documents or records in question until the end of the appeal period, until a decision has been
rendered on the petition, or as otherwise statutorily provided, whichever is longer.

(3) Nothing contained in this act shall limit the availability of documents and records for discovery in the normal course of judicial or administrative adjudicatory proceedings, subject to the law and rules of evidence and of discovery governing such proceedings.

Approved April 8, 1992.

CHAPTER 201
(S.B. No. 1504)

AN ACT
APPROPRIATING MONEYS FOR THE IDAHO EDUCATIONAL PUBLIC BROADCASTING SYSTEM FOR FISCAL YEAR 1993; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; AND SETTING FORTH CONDITIONS FOR THE REAPPROPRIATION.

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, to be expended for the designated programs according to the designated expense classes from the listed account and grant for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$ 693,600</td>
<td>$ 405,300</td>
<td>$1,098,900</td>
</tr>
<tr>
<td>PBS Federal Grant</td>
<td>645,000</td>
<td>624,500</td>
<td>1,269,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,338,600</td>
<td>$1,029,800</td>
<td>$2,368,400</td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby reappropriated to the State Board of Education for the Idaho Educational Public Broadcasting System, subject to the provisions of Section 3 of this act, the unexpended and unencumbered balance of any General Account appropriation made to the Idaho Educational Public Broadcasting System for the period July 1, 1991, through June 30, 1992, to be used for nonrecurring expenditures only for the period July 1, 1992, through June 30, 1993.

SECTION 3. The reappropriation granted in Section 2 of this act shall be subject to the following conditions:

(1) If the unexpended and unencumbered balance in the General Account on June 30, 1992, is zero, the reappropriation in Section 2 is hereby declared to be null and void.

(2) If the unexpended and unencumbered balance in the General Account on June 30, 1992, is greater than zero but less than the total reappropriation authority granted to all state agencies, the amount reappropriated in Section 2 shall be in the proportion that the reappropriation for the Idaho Educational Public Broadcasting System
beears to the total reappropriation authority granted to all state agencies.

Approved April 8, 1992.

CHAPTER 202
(S.B. No. 1506)

AN ACT

APPROPRIATING MONEYS FOR THE COMMISSION FOR THE BLIND FOR FISCAL YEAR 1993; APPROPRIATING MONEYS TO THE COMMISSION FOR THE BLIND FOR FISCAL YEAR 1992, IN ADDITION TO THE APPROPRIATION MADE BY SECTION 1, CHAPTER 191, LAWS OF 1991; AND DECLARING AN EMERGENCY FOR SECTION 2 OF THIS ACT.

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

SECTION 1. There is hereby appropriated to the Office of the Governor for the Commission for the Blind the following amount, to be expended according to the designated expense classes from the listed accounts, for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FOR</th>
<th>FOR</th>
<th>FOR</th>
<th>FOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERSONNEL COSTS</td>
<td>OPERATING EXPENDITURES</td>
<td>CAPITAL OUTLAY</td>
<td>TRUSTEE AND BENEFIT PAYMENTS</td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td>TOTAL</td>
</tr>
<tr>
<td>General Account</td>
<td>$579,000</td>
<td>$107,600</td>
<td>$10,000</td>
</tr>
<tr>
<td>Vision Aids and Appliances Account</td>
<td>24,300</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Randolph Sheppard Account</td>
<td>27,300</td>
<td>6,900</td>
<td></td>
</tr>
<tr>
<td>Idaho Commission for the Blind Federal Account</td>
<td>622,100</td>
<td>290,300</td>
<td>225,200</td>
</tr>
<tr>
<td>Miscellaneous Revenue Account</td>
<td>16,300</td>
<td></td>
<td>8,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,228,400</td>
<td>$445,400</td>
<td>$10,000</td>
</tr>
</tbody>
</table>

SECTION 2. In addition to the appropriation made by Section 1, Chapter 191, Laws of 1991, there is hereby appropriated to the Office of the Governor for the Commission for the Blind the following amount, to be expended according to the designated expense class from the listed account for the period July 1, 1991 through June 30, 1992:

FOR: Operating Expenditures
FROM: Vision Aids and Appliances Account

$16,900
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.

Approved April 8, 1992.

CHAPTER 203
(S.B. No. 1507)

AN ACT
APPROPRIATING MONEYS FOR THE COMMISSION ON WOMEN'S PROGRAMS FOR FISCAL YEAR 1993; AND EXPRESSING LEGISLATIVE INTENT.

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

SECTION 1. There is hereby appropriated to the Office of the Governor for the Commission on Women's Programs the following amount, to be expended according to the designated expense classes from the listed accounts for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$16,700</td>
<td>$12,400</td>
<td>$29,100</td>
</tr>
<tr>
<td>Miscellaneous Revenue</td>
<td>500</td>
<td></td>
<td>500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$16,700</td>
<td>$12,900</td>
<td>$29,600</td>
</tr>
</tbody>
</table>

SECTION 2. It is legislative intent that of the money appropriated in Section 1 no money shall be used to pay dues to any national organization except for a national organization for state women's commissions.

Approved April 8, 1992.

CHAPTER 204
(S.B. No. 1508)

AN ACT
EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS FOR THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 1993; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES OF MONEYS; AND SETTING FORTH CONDITIONS FOR THE REAPPROPRIATION.

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
SECTION 2. There is hereby appropriated to the State Board of Education for the Division of Vocational Rehabilitation the following amount, to be expended for the designated programs according to the designated expense classes from the listed accounts for the period July 1, 1992, through June 30, 1993:

A. RENAL DISEASE:
FROM:
General Account $ 460,200
FOR:
Trustee and Benefit Payments $ 460,200

B. VOCATIONAL REHABILITATION:
FROM:
General Account $ 2,227,000
Federal Vocational Rehabilitation Account 8,244,700
Vocational Rehabilitation Cost Recovery Account 352,000
Interagency Billing and Receipts Account 2,000
TOTAL $10,825,700
FOR:
Personnel Costs $ 3,915,000
Operating Expenditures 695,800
Capital Outlay 7,500
Trustee and Benefit Payments 6,207,400
TOTAL $10,825,700

C. EPILEPSY SERVICES:
FROM:
General Account $ 70,000
FOR:
Trustee and Benefit Payments $ 70,000

GRAND TOTAL $11,355,900

SECTION 3. There is hereby reappropriated to the State Board of Education for the Division of Vocational Rehabilitation, subject to the provisions of Section 4 of this act, any unexpended and unencumbered balance of all moneys appropriated to the Division of Vocational Rehabilitation by the Idaho Legislature for the period July 1, 1991, through June 30, 1992, to be used for nonrecurring expenditures only for the period July 1, 1992, through June 30, 1993.

SECTION 4. The reappropriation of General Account moneys granted in Section 3 shall be subject to the following conditions:
(1) If the unexpended and unencumbered balance in the state General Account on June 30, 1992, is zero, the reappropriation of General Account moneys in Section 3 is hereby declared to be null and void.
(2) If the unexpended and unencumbered balance in the state Gen-
eral Account on June 30, 1992, is greater than zero but less than the total reappropriation authority granted to all state agencies, the amount reappropriated in Section 3 for General Account moneys shall be in the proportion that the reappropriation for Vocational Rehabilitation bears to the total General Account reappropriation authority granted to all state agencies.

Approved April 8, 1992.

CHAPTER 205
(S.B. No. 1509)

AN ACT
APPROPRIATING MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 1993; AND EXPRESSING LEGISLATIVE INTENT WITH REGARD TO CERTAIN TRANSFERS BEING CONTINUOUSLY APPROPRIATED.

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

SECTION 1. There is hereby appropriated to the Idaho Transportation Department the following amount, to be expended for designated Divisions and Interdepartmental Services according to designated expense classes from the listed accounts for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FOR PERSONNEL OPERATING</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FOR COSTS EXPENDITURES</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. GENERAL SUPPORT DIVISION:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) MANAGEMENT SERVICES</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Highway Distribution</td>
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<tr>
<td>Account $ 200,000</td>
<td>$ 200,000</td>
<td></td>
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</tr>
<tr>
<td>State Highway</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account $ 4,302,400</td>
<td>1,625,600</td>
<td>$ 559,100</td>
<td>6,825,200</td>
</tr>
<tr>
<td>(2) SUPPORT SERVICES</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>State Highway</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account 3,207,900</td>
<td>1,548,900</td>
<td>$ 49,900</td>
<td>4,806,700</td>
</tr>
<tr>
<td>(3) MOTOR VEHICLE SERVICES</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Highway</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account 5,728,700</td>
<td>3,271,200</td>
<td>428,100</td>
<td>9,428,000</td>
</tr>
<tr>
<td>TOTAL $13,239,000</td>
<td>$ 6,645,700</td>
<td>$ 1,037,100</td>
<td>21,259,900</td>
</tr>
<tr>
<td>B. HIGHWAYS DIVISION:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) PROJECT DEVELOPMENT</td>
<td></td>
<td></td>
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<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Highway</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account $ 3,598,500</td>
<td>$ 487,700</td>
<td>$ 60,900</td>
<td>4,147,100</td>
</tr>
<tr>
<td>(2) HIGHWAY OPERATIONS</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
|...
SECTION 2. It is legislative intent that all moneys transferred to the local bridge inspection account, to the local highway needs assessment account, and to the railroad grade crossing protection account are hereby continuously appropriated to the Idaho Transportation Department for that purpose.

Approved April 8, 1992.
CHAPTER 206
(S.B. No. 1510)

AN ACT

APPROPRIATING MONEYS TO THE STATE TREASURER FOR FISCAL YEAR 1993;
AUTHORIZING AN AMOUNT FOR PAYMENT OF BANK SERVICE FEES; EXPRESSING
LEGISLATIVE INTENT WITH RESPECT TO CERTAIN EXPENDITURES;
REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; SET-
TING FORTH CONDITIONS FOR THE REAPPROPRIATION; TRANSFERRING CERT-
AIN MONEYS TO THE GENERAL ACCOUNT; AND DECLARING AN EMERGENCY FOR
SECTION 6 OF THIS ACT.

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

SECTION 1. There is hereby appropriated to the State Treasurer
the following amount from the listed accounts, to be expended accord-
ing to designated expense classes for the period July 1, 1992, through
June 30, 1993:

| FOR PERSONNEL OPERATING FOR CAPITAL | TOTAL |
|---|---|---|---|
| COSTS | EXPENDITURES | OUTLAY | TOTAL |
| FROM: | | | |
| General Account | $174,000 | $45,100 | $9,000 | $228,100 |
| Interagency Billing and Receipts Account | 448,100 | 404,200 | 31,400 | 883,700 |
| TOTAL | $622,100 | $449,300 | $40,400 | $1,111,800 |

SECTION 2. Of the amount appropriated from the Interagency Bill-
ing and Receipts Account for Operating Expenditures in Section 1,
$300,000 or so much thereof as is necessary is to be used solely and
only for the payment of bank service fees for the period July 1, 1992,
through June 30, 1993, any other provisions of law notwithstanding.

SECTION 3. It is legislative intent that an amount, not to exceed
$1,000 of the amount 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 according to the
provisions of Chapter 36, Title 67, Idaho Code, and Section 67-3516,
Idaho Code.

SECTION 4. There is hereby reappropriated to the State Treasurer,
subject to the provisions of Section 5 of this act, the unexpended and
unencumbered balance of any General Account appropriation made to the
State Treasurer for the period July 1, 1991, through June 30, 1992, to
be used for nonrecurring expenditures only for the period July 1,

SECTION 5. The reappropriation granted in Section 4 of this act
shall be subject to the following conditions:
(1) If the unexpended and unencumbered balance in the General
Account on June 30, 1992, is zero, the reappropriation in Section 4 is
hereby declared to be null and void.

(2) If the unexpended and unencumbered balance in the General Account on June 30, 1992, is greater than zero but less than the total reappropriation authority granted to all state agencies, the amount reappropriated in Section 4 shall be in the proportion that the reappropriation for the State Treasurer bears to the total reappropriation authority granted to all state agencies.

SECTION 6. The unexpended and unencumbered balance in excess of $300,000 in the State Treasurer's Interagency Billing and Receipts Account as of June 30, 1992, shall be transferred to the General Account.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, Section 6 of this act shall be in full force and effect on and after passage and approval.

Approved April 8, 1992.

CHAPTER 207
(S.B. No. 1511)

AN ACT
EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 1993; EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO THE EMPLOYEE ASSISTANCE PROGRAM; EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO COSTS OF PUBLICATIONS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; AND SETTING FORTH CONDITIONS FOR THE REAPPROPRIATION.

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, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$ 6,167,600</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>6,310,700</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>352,500</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>7,045,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$19,875,800</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$ 2,622,500</td>
</tr>
<tr>
<td>Interagency Billing and Receipts Account</td>
<td>10,341,400</td>
</tr>
<tr>
<td>Employee Assistance Program Account</td>
<td>40,000</td>
</tr>
<tr>
<td>Permanent Building Account</td>
<td>5,803,400</td>
</tr>
<tr>
<td>Federal Surplus Property Revolving Account</td>
<td>397,200</td>
</tr>
<tr>
<td>Retained Risk Account</td>
<td>366,700</td>
</tr>
<tr>
<td>Employee Group Insurance Account</td>
<td>304,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$19,875,800</td>
</tr>
</tbody>
</table>
SECTION 2. There is hereby appropriated to the Department of Administration the following amounts, to be expended for the designated programs according to the designated expense classes from the listed accounts for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. CENTRAL ADMINISTRATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account $ 112,700</td>
<td>$ 70,100</td>
<td></td>
<td></td>
<td>$ 182,800</td>
</tr>
<tr>
<td>Interagency Billing and Receipts</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account 525,100</td>
<td>247,500</td>
<td></td>
<td></td>
<td>772,600</td>
</tr>
<tr>
<td>Employee Assistance Program</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account 15,000</td>
<td>25,000</td>
<td></td>
<td></td>
<td>40,000</td>
</tr>
<tr>
<td>TOTAL $ 652,800</td>
<td>$ 342,600</td>
<td></td>
<td></td>
<td>$ 995,400</td>
</tr>
<tr>
<td>II. GENERAL SERVICES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account $ 403,500</td>
<td>$ 65,600</td>
<td></td>
<td></td>
<td>$ 469,100</td>
</tr>
<tr>
<td>Interagency Billing and Receipts</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account 1,129,200</td>
<td>557,600</td>
<td></td>
<td></td>
<td>1,905,000</td>
</tr>
<tr>
<td>TOTAL $1,532,700</td>
<td>$623,200</td>
<td></td>
<td></td>
<td>$2,374,100</td>
</tr>
<tr>
<td>III. PUBLIC WORKS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account $ 2,100</td>
<td></td>
<td></td>
<td></td>
<td>$ 1,496,900</td>
</tr>
<tr>
<td>Interagency Billing and Receipts</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account $ 940,200</td>
<td>2,710,700</td>
<td></td>
<td></td>
<td>998,100</td>
</tr>
<tr>
<td>Permanent Building</td>
<td></td>
<td></td>
<td></td>
<td>4,649,000</td>
</tr>
<tr>
<td>Account 875,100</td>
<td>354,300</td>
<td>$24,000</td>
<td>4,550,000</td>
<td>5,803,400</td>
</tr>
<tr>
<td>TOTAL $1,815,300</td>
<td>$3,067,100</td>
<td>$24,000</td>
<td>$7,045,000</td>
<td>$11,951,400</td>
</tr>
<tr>
<td>IV. PURCHASING:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account $ 330,200</td>
<td>$ 141,400</td>
<td></td>
<td></td>
<td>$ 471,600</td>
</tr>
<tr>
<td>Interagency Billing and Receipts</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account 1,152,900</td>
<td>1,751,600</td>
<td>$110,300</td>
<td>3,014,800</td>
<td></td>
</tr>
<tr>
<td>Federal Surplus Property Revolving</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account 250,900</td>
<td>146,300</td>
<td></td>
<td></td>
<td>397,200</td>
</tr>
<tr>
<td>TOTAL $1,734,000</td>
<td>$2,039,300</td>
<td>$110,300</td>
<td></td>
<td>$3,883,600</td>
</tr>
<tr>
<td>V. INSURANCE MANAGEMENT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employee Group</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Insurance</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account $ 184,400</td>
<td>$ 120,200</td>
<td></td>
<td></td>
<td>$ 304,600</td>
</tr>
</tbody>
</table>
SECTION 3. It is legislative intent that the Department of Administration administer the Employee Assistance Program as intended by Recommendation 4, SCR No. 142, Laws of 1990, regarding pay policies for state employees, for the period July 1, 1992, through June 30, 1993.

SECTION 4. It is legislative intent that the Bureau of Printing disclose on the inside of the front or back cover of each document published, the number of copies printed, the cost of each individual document, and the total billed costs of the publication to the state agency. Publications used for marketing purposes are exempted from this requirement.

SECTION 5. There is hereby reappropriated to the Department of Administration subject to the provisions of Section 6, of this act, the unexpended and unencumbered balance of any General Account appropriation made to the Department of Administration for the period July 1, 1991, through June 30, 1992, to be used for nonrecurring expenditures only for the period July 1, 1992, through June 30, 1993.

SECTION 6. The reappropriation granted in Section 5 of this act shall be subject to the following conditions:

(1) If the unexpended and unencumbered balance in the General Account on June 30, 1992, is zero, the reappropriation in Section 5 is hereby declared to be null and void.

(2) If the unexpended and unencumbered balance in the General Account on June 30, 1992, is greater than zero but less than the total reappropriation authority granted to all state agencies, the amount reappropriated in Section 5 shall be in the proportion that the reappropriation for the Department of Administration bears to the total reappropriation authority granted to all state agencies.

Approved April 8, 1992.

CHAPTER 208
(S.B. No. 1512)

AN ACT
EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE ATTORNEY GENERAL FOR FISCAL YEAR 1993; EXPRESSING LEGISLATIVE INTENT WITH
RESPECT TO CERTAIN EXPENDITURES; REAPPROPRIATING CERTAIN UNEX-PENDED AND UNENCUMBERED BALANCES; SETTING FORTH CONDITIONS FOR THE REAPPROPRIATION; AMENDING SECTION 5, CHAPTER 180, LAWS OF 1991; AND DECLARING AN EMERGENCY FOR SECTION 6 OF THE ACT.

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 amount for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Personnel Costs</strong></td>
<td>$6,315,500</td>
</tr>
<tr>
<td><strong>Operating Expenditures</strong></td>
<td>846,000</td>
</tr>
<tr>
<td><strong>Capital Outlay</strong></td>
<td>39,600</td>
</tr>
<tr>
<td><strong>Trustee and Benefit Payments</strong></td>
<td>250,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$7,451,100</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Account</strong></td>
<td>$3,331,600</td>
</tr>
<tr>
<td><strong>Federal Grant Account</strong></td>
<td>148,100</td>
</tr>
<tr>
<td><strong>Professional Services Account</strong></td>
<td>3,971,400</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$7,451,100</td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Attorney General the following amount, to be expended for designated programs according to designated expense classes from the listed accounts for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. STATE LEGAL SERVICES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$2,326,300</td>
<td>$371,500</td>
<td>$33,800</td>
<td>$250,000</td>
</tr>
<tr>
<td>Federal Grant Account</td>
<td>127,000</td>
<td>21,100</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Professional Services Account</td>
<td>3,862,200</td>
<td>103,400</td>
<td>5,800</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$6,315,500</td>
<td>$496,000</td>
<td>$39,600</td>
<td>$250,000</td>
</tr>
</tbody>
</table>

II. SPECIAL SERVICES LITIGATION:

| FROM:                           |          |
| General Account                   | $350,000  | $350,000  |

**GRAND TOTAL**: $6,315,500, $846,000, $39,600, $250,000, $7,451,100

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 the Attorney General's official duties. Such moneys shall be accounted for according to the

SECTION 4. There is hereby reappropriated to the Attorney General for the Special Services Litigation Program, subject to the provisions of Section 5 of this act, the unexpended and unencumbered balance of any General Account appropriation or reappropriation made to the Attorney General for the Special Services Litigation Program and the Reserved Water Rights Technical Studies Program for the period July 1, 1991, through June 30, 1992, to be used for nonrecurring expenditures only for the period July 1, 1992, through June 30, 1993.

SECTION 5. The reappropriation granted in Section 4 of this act shall be subject to the following conditions:

(1) If the unexpended and unencumbered balance in the General Account on June 30, 1992, is zero, the reappropriation in Section 4 is hereby declared to be null and void.

(2) If the unexpended and unencumbered balance in the General Account on June 30, 1992, is greater than zero but less than the total reappropriation authority granted to all state agencies, the amount reappropriated in Section 4 shall be in the proportion that the reappropriation for the Attorney General bears to the total reappropriation authority granted to all state agencies.

SECTION 6. That Section 5, Chapter 180, Laws of 1991, be, and the same is hereby amended to read as follows:

SECTION 5. There is hereby reappropriated to the Attorney General any unexpended and unencumbered balances of the General Account money appropriated by Section 2, Program B, Chapter 279, Laws of 1986, reappropriated by Section 4, Chapter 151, Laws of 1987, by Section 5, Chapter 122, Laws of 1988, by Section 5, Chapter 222, Laws of 1989, and by Section 5, Chapter 186, Laws of 1990, and any unexpended and unencumbered balances of the General Account money appropriated by Section 1, Chapter 80, Laws of 1990, and reappropriated by Section 4, Chapter 186, Laws of 1990, to be expended for the Reserved Water Rights Technical Studies Program for the period July 1, 1991, through June 30, 1992, for the following:

A. Special Services Litigation Program $150,000
B. State Legal Services Program FOR:
  Personnel Costs $16,800
  Operating Expenditures 21,500
  TOTAL $38,300
C. Balance for the Reserved Water Rights Technical Studies Program

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, Section 6 of this act shall be in full force and effect on and after passage and approval.

Approved April 8, 1992.
AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 1993; APPROPRIATING MONEYS FROM THE GENERAL ACCOUNT TO THE GUARDIAN AD LITEM ACCOUNT; APPROPRIATING MONEYS FROM THE GUARDIAN AD LITEM ACCOUNT TO THE SUPREME COURT; EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO CERTAIN EXPENDITURES; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; AND SETTING FORTH CONDITIONS FOR THE CARRYOVER.

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

SECTION 1. It is legislative intent that the expenditures for the Supreme Court not exceed the following amount for the period July 1, 1992, through June 30, 1993:
FROM:  
General Account $15,143,600  
Water Resources Adjudication Account 644,100  
Interagency Billing and Receipts Account 128,800  
TOTAL $15,916,500

SECTION 2. There is hereby appropriated to the Supreme Court, the following amount, to be expended for the designated expense classes from the listed accounts for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>Account</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. SUPREME COURT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 2,035,900</td>
<td>$ 377,100</td>
<td>$ 52,500</td>
<td>$ 2,465,500</td>
<td></td>
</tr>
<tr>
<td>Interagency Billing and Receipts Account</td>
<td>$ 11,600</td>
<td>$ 17,200</td>
<td></td>
<td>$ 2,594,300</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 2,047,500</td>
<td>$ 554,300</td>
<td>$ 52,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B. LAW LIBRARY:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 277,900</td>
<td>$ 45,100</td>
<td>$ 81,700</td>
<td></td>
<td>$ 404,700</td>
</tr>
<tr>
<td>C. DISTRICT COURTS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 4,686,900</td>
<td>$ 491,400</td>
<td>$ 8,170</td>
<td></td>
<td>$ 5,287,400</td>
</tr>
<tr>
<td>Water Resources Adjudication</td>
<td>$ 127,000</td>
<td></td>
<td></td>
<td></td>
<td>$ 127,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 5,077,900</td>
<td>$ 538,500</td>
<td>$ 89,870</td>
<td></td>
<td>$ 5,999,370</td>
</tr>
<tr>
<td>D. MAGISTRATES DIVISION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 5,742,900</td>
<td>$ 256,800</td>
<td>$ 3,200</td>
<td></td>
<td>$ 6,022,900</td>
</tr>
<tr>
<td>E. JUDICIAL COUNCIL:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 2,000</td>
<td>$ 76,100</td>
<td>$ 7,100</td>
<td></td>
<td>$ 283,100</td>
</tr>
<tr>
<td>F. COURT OF APPEALS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 655,100</td>
<td>$ 97,100</td>
<td>$ 4,200</td>
<td></td>
<td>$ 756,400</td>
</tr>
</tbody>
</table>
SECTION 3. There is hereby appropriated from the General Account for deposit in the Guardian Ad Litem Account the sum of $291,600.

SECTION 4. There is hereby appropriated from the Guardian Ad Litem Account to the Supreme Court the sum of $291,600 to be expended according to Section 16-1636, Idaho Code, for the period July 1, 1992, through June 30, 1993.

SECTION 5. It is legislative intent that of the amount appropriated in Section 2, an amount not to exceed $5,000 may be used at the discretion of the Chief Justice, to assist in defraying expenses relating to or resulting from the discharge of the Supreme Court Justices' official duties and the official duties of the Supreme Court. Further, it is legislative intent that an amount, not to exceed $1,500 of the amount appropriated in Section 2, 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 the Court of Appeals Judges' official duties and the official duties of the Court of Appeals. Such moneys shall be accounted for according to the provisions of Chapter 36, Title 67, Idaho Code, and Section 67-3516, Idaho Code.

SECTION 6. There is hereby reappropriated to the Supreme Court subject to the provisions of Section 7 of this act, the unexpended and unencumbered balance of any General Account appropriation made to the Supreme Court for the period July 1, 1991, through June 30, 1992, to be used for nonrecurring expenditures only for the period July 1, 1992, through June 30, 1993.

SECTION 7. The reappropriation granted in Section 6 of this act shall be subject to the following conditions:

(1) If the unexpended and unencumbered balance in the General Account on June 30, 1992, is zero, the reappropriation in Section 6 is hereby declared to be null and void.

(2) If the unexpended and unencumbered balance in the General Account on June 30, 1992, is greater than zero but less than the total reappropriation authority granted to all state agencies, the amount reappropriated in Section 6 shall be in the proportion that the reappropriation for the Supreme Court bears to the total reappropriation authority granted to all state agencies.

Approved April 8, 1992.
AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE DEPARTMENT
OF PARKS AND RECREATION FOR FISCAL YEAR 1993; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; SETTING FORTH CONDITIONS FOR THE REAPPROPRIATION; AMENDING SECTION 2, CHAPTER 189, LAWS OF 1991; AND DECLARING AN EMERGENCY FOR SECTION 5 OF THIS ACT.

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

SECTION 1. It is legislative intent that the expenditures for the Department of Parks and Recreation not exceed the following amount for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>General Account $ 682,300</td>
<td>$ 5,971,800</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>Park and Recreation Account 241,600</td>
<td>2,083,000</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>Recreation Special Revenue Account 16,100</td>
<td>1,250,100</td>
</tr>
<tr>
<td>Trustee and Benefit Payments</td>
<td>Parks and Recreation Special Revenue Account 84,100</td>
<td>4,208,300</td>
</tr>
<tr>
<td>4,208,300</td>
<td>Federal Grant Account 2,000</td>
<td>397,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>$13,513,200</td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Department of Parks and Recreation the following amount, to be expended for the designated programs according to the designated expense classes from the listed accounts for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FOR:</th>
<th>FOR:</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERSONNEL COSTS</td>
<td>OPERATING EXPENDITURES</td>
<td>CAPITAL OUTLAY</td>
<td>TRUSTEE AND BENEFIT PAYMENTS</td>
</tr>
<tr>
<td>$ 682,300</td>
<td>$ 275,800</td>
<td>16,100</td>
<td>84,100</td>
</tr>
<tr>
<td>$ 241,600</td>
<td>255,400</td>
<td>$ 23,000</td>
<td>39,100</td>
</tr>
<tr>
<td>$ 16,100</td>
<td>$ 23,000</td>
<td>123,600</td>
<td>123,600</td>
</tr>
<tr>
<td>2,000</td>
<td>100</td>
<td>2,100</td>
<td>2,100</td>
</tr>
</tbody>
</table>

| TOTAL                         | 958,100                       | 497,000                       | 39,100 |
| 958,100                       | 497,000                       | 39,100                        | 123,600 |
| 2,100                         | 2,100                         | 2,100                        | 2,100 |

Be It Enacted by the Legislature of the State of Idaho:
<table>
<thead>
<tr>
<th>FOR TRUSTEE AND</th>
</tr>
</thead>
<tbody>
<tr>
<td>COSTS</td>
</tr>
<tr>
<td>---</td>
</tr>
<tr>
<td>Cost Recovery</td>
</tr>
<tr>
<td>TOTAL</td>
</tr>
</tbody>
</table>

II. PARK OPERATIONS:
FROM:
General Account $2,717,100 $514,800 $3,231,900
Miscellaneous Revenue Account 67,000 200 67,200
Public Recreation Enterprise Account 900 900
Special Revenue Account 388,200 388,200
Park and Recreation Account 743,300 375,900 1,119,200
Harriman State Park Account 70,800 60,200 21,000 152,000
Federal Grant Account 53,100 17,800 70,900
TOTAL $3,651,300 $975,700 $409,200 $5,036,200

III. PARK DEVELOPMENT:
FROM:
General Account 188,700 $29,000 217,700
Park Land Trust Account 388,000 388,000
Recreation Special Revenue Account 64,800 291,800 356,600
Park and Recreation Account 39,200 35,600 74,800
TOTAL $292,700 $35,600 $679,800 $29,000 $1,037,100

IV. RECREATIONAL RESOURCES:
FROM:
General Account 130,500 18,800 $149,300
Park and Recreation Special Revenue Account 78,200 100,700 $10,500 $2,073,100 2,262,500
Recreation Special Revenue Account 280,600 74,600 99,900 1,386,900 1,842,000
Park and Recreation Account 32,600 3,700 12,000 48,300
### Section 3

There is hereby reappropriated to the Department of Parks and Recreation, subject to the provisions of Section 4 of this act, the unexpended and unencumbered balance of any General Account appropriation made to the Department of Parks and Recreation for the period July 1, 1991, through June 30, 1992, to be used for nonrecurring expenditures only for the period July 1, 1992, through June 30, 1993.

### Section 4

The reappropriation granted in Section 3 of this act shall be subject to the following conditions:

1. If the unexpended and unencumbered balance in the General Account on June 30, 1992, is zero, the reappropriation in Section 3 is hereby declared to be null and void.

2. If the unexpended and unencumbered balance in the General Account on June 30, 1992, is greater than zero but less than the total reappropriation authority granted to all state agencies, the amount reappropriated in Section 3 shall be in the proportion that the reappropriation for the Department of Parks and Recreation bears to the total reappropriation authority granted to all state agencies.

### Section 5

In addition to the appropriation made by Section 2, Chapter 189, Laws of 1991, there is hereby appropriated to the Department of Parks and Recreation the following amounts, to be expended for the specified programs according to the designated expenditure classes from the listed accounts for the period July 1, 1991, through June 30, 1992:

#### I. Park Operations:

<table>
<thead>
<tr>
<th>FOR</th>
<th>FOR</th>
<th>FOR</th>
<th>FOR</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERSONNEL COSTS</td>
<td>OPERATING EXPENDITURES</td>
<td>CAPITAL OUTLAY</td>
<td>TRUSTEE AND BENEFIT PAYMENTS</td>
<td></td>
</tr>
<tr>
<td>Federal Grant Account</td>
<td>11,600</td>
<td>64,800</td>
<td>4,000</td>
<td>707,300</td>
</tr>
<tr>
<td>Indirect Cost Recovery Account</td>
<td>91,600</td>
<td>3,400</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$592,500</td>
<td>$294,900</td>
<td>$118,100</td>
<td>$4,179,300</td>
</tr>
</tbody>
</table>

#### II. Lava Hot Springs Foundation:

<table>
<thead>
<tr>
<th>FOR</th>
<th>FROM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Outlay</td>
<td>$25,000</td>
</tr>
</tbody>
</table>

| GRADE TOTAL | $5,971,800 | $2,083,000 | $1,250,100 | $4,208,300 | $13,513,200 |
Lava Hot Springs Foundation Account

$45,000

TOTAL

$70,000

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, Section 5 of this act shall be in full force and effect on and after passage and approval.

Approved April 8, 1992.

CHAPTER 211
(S.B. No. 1515)

AN ACT EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE DEPARTMENT OF LANDS FOR FISCAL YEAR 1993; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; SETTING FORTH PROVISIONS FOR THE REAPPROPRIATION; APPROPRIATING MONEYS TO THE DEPARTMENT OF LANDS IN ADDITION TO THE APPROPRIATION MADE BY SECTION 2, CHAPTER 220, LAWS OF 1991; AND DECLARING AN EMERGENCY FOR SECTION 5 OF THIS ACT.

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 the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$8,572,300</td>
</tr>
<tr>
<td>Dedicated Accounts</td>
<td>9,206,300</td>
</tr>
<tr>
<td>Federal Accounts</td>
<td>317,900</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$18,096,500</td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Department of Lands the following amounts, to be expended for the designated programs according to designated expense classes from the listed accounts for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. SUPPORTING SERVICES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$1,040,900</td>
<td>$509,900</td>
<td></td>
<td>$1,550,800</td>
</tr>
<tr>
<td>Department of Lands Account</td>
<td>254,300</td>
<td>57,300</td>
<td>$7,300</td>
<td>318,900</td>
</tr>
<tr>
<td>Federal Account</td>
<td></td>
<td></td>
<td></td>
<td>54,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,295,200</td>
<td>$621,300</td>
<td>$7,300</td>
<td>$1,923,800</td>
</tr>
<tr>
<td>FOR TRUSTEE AND BENEFIT PAYMENTS</td>
<td>FOR CAPITAL OUTLAY</td>
<td>FOR OPERATING EXPENDITURES</td>
<td>FOR PERSONNEL COSTS</td>
<td>TOTAL</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>---------------------</td>
<td>---------------------------</td>
<td>---------------------</td>
<td>------</td>
</tr>
</tbody>
</table>

**B. FOREST RESOURCES MANAGEMENT:**
FROM:

<table>
<thead>
<tr>
<th>General Account</th>
<th>$2,355,800</th>
<th>$379,600</th>
<th>$10,000</th>
<th>$2,745,400</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Lands Account</td>
<td>1,269,500</td>
<td>599,800</td>
<td>13,000</td>
<td>1,882,300</td>
</tr>
<tr>
<td>Water Pollution Control Account</td>
<td>110,200</td>
<td>13,600</td>
<td></td>
<td>123,800</td>
</tr>
<tr>
<td>Land Improvements Account</td>
<td>1,536,600</td>
<td>1,260,800</td>
<td>54,100</td>
<td>2,851,500</td>
</tr>
<tr>
<td>Federal Account</td>
<td>56,000</td>
<td>29,100</td>
<td></td>
<td>85,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$5,328,100</td>
<td>$2,282,900</td>
<td>$77,100</td>
<td>$7,688,100</td>
</tr>
</tbody>
</table>

**C. LAND, RANGE AND MINERAL RESOURCE MANAGEMENT:**
FROM:

<table>
<thead>
<tr>
<th>General Account</th>
<th>$1,454,900</th>
<th>$202,800</th>
<th></th>
<th>$1,657,700</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Lands Account</td>
<td>53,600</td>
<td></td>
<td></td>
<td>53,600</td>
</tr>
<tr>
<td>Land Improvements Account</td>
<td>155,700</td>
<td>200,100</td>
<td>$116,500</td>
<td>472,300</td>
</tr>
<tr>
<td>Land and Building Rental Account</td>
<td>5,100</td>
<td></td>
<td></td>
<td>5,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,610,600</td>
<td>$461,600</td>
<td>$116,500</td>
<td>$2,188,700</td>
</tr>
</tbody>
</table>

**D. SOIL & WATER CONSERVATION:**
FROM:

<table>
<thead>
<tr>
<th>General Account</th>
<th>$408,200</th>
<th>$65,500</th>
<th>$231,000</th>
<th>$704,700</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Lands Account</td>
<td>224,200</td>
<td>18,200</td>
<td></td>
<td>242,400</td>
</tr>
<tr>
<td>Federal Account</td>
<td>127,700</td>
<td>9,200</td>
<td>41,800</td>
<td>178,700</td>
</tr>
<tr>
<td>Water Pollution Control Account</td>
<td>1,500</td>
<td></td>
<td>261,300</td>
<td>262,800</td>
</tr>
<tr>
<td>Resource Conservation Account</td>
<td>13,000</td>
<td>70,600</td>
<td></td>
<td>83,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$773,100</td>
<td>$165,000</td>
<td>$534,100</td>
<td>$1,472,20</td>
</tr>
</tbody>
</table>

**E. SCALING PRACTICES:**
FROM:

| Department of Lands Account | $200,300 | $34,100 | $10,500 | $244,90 |

**F. FOREST & RANGE PROTECTION:**
FROM:

<table>
<thead>
<tr>
<th>General Account</th>
<th></th>
<th></th>
<th></th>
<th>$1,983,70</th>
</tr>
</thead>
</table>
C. 211 '92

IDEAHO SESSION LAWS 643

FOR PERSONNEL FOR OPERATING FOR TRUSTEE AND
COSTS EXPENDITURES OUTLAY PAYMENTS TOTAL

Department of Lands
Account
Fire Suppression
Account
TOTAL

GRAND
TOTAL

SECTION 3. There is hereby reappropriated to the Department of
Lands, subject to the provisions of Section 4 of this act, the unex­
pended and unencumbered balance of any General Account appropriation
made to the Department of Lands for the period July 1, 1991, through
June 30, 1992, to be used for nonrecurring expenditures only for the
period July 1, 1992, through June 30, 1993.

SECTION 4. The reappropriation granted in Section 3 of this act
shall be subject to the following conditions:
(1) If the unexpended and unencumbered balance in the General
Account on June 30, 1992, is zero, the reappropriation in Section 3 is
hereby declared to be null and void.
(2) If the unexpended and unencumbered balance in the General
Account on June 30, 1992, is greater than zero but less than the total
reappropriation authority granted to all state agencies, the amount
reappropriated in Section 3 shall be in the proportion that the
reappropriation for the Department of Lands bears to the total
reappropriation authority granted to all state agencies.

SECTION 5. In addition to the appropriation made by Section 2,
Chapter 220, Laws of 1991, there is hereby appropriated to the Depart­
ment of Lands 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, 1991, through June 30, 1992:

FOR PERSONNEL FOR OPERATING FOR TRUSTEE AND
COSTS EXPENDITURES OUTLAY PAYMENTS TOTAL

FOREST RESOURCES MANAGEMENT:
FROM:
General Account $ 9,000 $ 3,000 $ 12,000
Pest Control Account 20,100 6,700 26,800
Lands Federal Account 5,600 1,900 7,500
TOTAL $34,700 $11,600 $46,300

FOREST AND RANGE FIRE PROTECTION:
FROM:
General Account $2,246,600
Timber Fire Deficiency Warrant Account 312,100
TOTAL $2,558,700

SECTION 6. An emergency existing therefor, which emergency is
hereby declared to exist, Section 5 of this act shall be in full force and effect on and after passage and approval.

Approved April 8, 1992.

CHAPTER 212
(S.B. No. 1516)

AN ACT

APPROPRIATING MONEYS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION/STATE DEPARTMENT OF EDUCATION FOR FISCAL YEAR 1993; EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO CERTAIN EXPENDITURES; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; AND SETTING FORTH CONDITIONS FOR THE REAPPROPRIATION.

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

SECTION 1. There is hereby appropriated to the Superintendent of Public Instruction/State Department of Education the following amount, to be expended according to the designated expense classes from the listed accounts for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>FOR TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$2,055,900</td>
<td>$831,700</td>
<td>$17,800</td>
<td>$188,400</td>
</tr>
<tr>
<td>Federal Grant</td>
<td>1,992,000</td>
<td>1,628,000</td>
<td>2,800</td>
<td>53,692,900</td>
</tr>
<tr>
<td>Public Instruction</td>
<td>165,400</td>
<td>744,400</td>
<td>200</td>
<td>600</td>
</tr>
<tr>
<td>Driver Education</td>
<td>96,400</td>
<td>121,500</td>
<td></td>
<td>1,401,400</td>
</tr>
<tr>
<td>Data Processing</td>
<td>117,200</td>
<td>35,800</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Agriculture in the</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Classroom Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$4,426,900</td>
<td>$3,361,400</td>
<td>$20,900</td>
<td>$55,294,900</td>
</tr>
</tbody>
</table>

SECTION 2. It is legislative intent that an amount, not to exceed $1,000 of the General Account moneys appropriated in Section 1 of this act, may be used at the discretion of the Superintendent of Public Instruction to assist in defraying expenses relating to or resulting from the discharge of his official duties. Such moneys shall be accounted for according to the provisions of Chapter 36, Title 67, Idaho Code, and Section 67-3516, Idaho Code.

SECTION 3. There is hereby reappropriated to the Superintendent
of Public Instruction/State Department of Education, subject to the provisions of Section 4 of this act, the unexpended and unencumbered balance of any General Account appropriation made to the Superintendent of Public Instruction/State Department of Education for the period July 1, 1991, through June 30, 1992, to be used for nonrecurring expenditures only for the period July 1, 1992, through June 30, 1993.

SECTION 4. The reappropriation granted in Section 3 of this act shall be subject to the following conditions:

(1) If the unexpended and unencumbered balance in the General Account on June 30, 1992, is zero, the reappropriation in Section 3 is hereby declared to be null and void.

(2) If the unexpended and unencumbered balance in the General Account on June 30, 1992, is greater than zero but less than the total reappropriation authority granted to all state agencies, the amount reappropriated in Section 3 shall be in the proportion that the reappropriation for the Superintendent of Public Instruction/State Department of Education bears to the total reappropriation authority granted to all state agencies.

Approved April 8, 1992.

CHAPTER 213
(S.B. No. 1517)

AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF FINANCE FOR FISCAL YEAR 1993.

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

SECTION 1. There is hereby appropriated to the Department of Finance the following amount, to be expended according to the designated expense classes from the listed account for the period July 1, 1992, through June 30, 1993:

\[
\begin{array}{|c|c|}
\hline
\text{FOR:} & \text{FROM:} \\
\hline
\text{Personnel Costs} & \text{Finance Administration Account} \\
\text{Operating Expenditures} & \\
\text{TOTAL} & \$2,178,700 \\
\hline
\$1,811,000 & \$2,178,700 \\
367,700 & \\
\$2,178,700 & \\
\hline
\end{array}
\]

Approved April 8, 1992.

CHAPTER 214
(S.B. No. 1518)

AN ACT
TRANSFERRING MONEYS BETWEEN PROGRAMS THE PROVISIONS OF SUBSECTIONS (1)
AND (2) OF SECTION 67-3511, IDAHO CODE, NOTWITHSTANDING; EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 1993; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; SETTING FORTH CONDITIONS FOR THE REAPPROPRIATION; AND DECLARING AN EMERGENCY FOR SECTION 1 OF THIS ACT.

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

Section 1. The Department of Agriculture is hereby authorized to transfer $95,700 of General Account moneys from the Quality Assurance Laboratory to the Plant Industry Program for the period July 1, 1991, through June 30, 1992, the provisions of Subsections (1) and (2) of Section 67-3511, Idaho Code, notwithstanding. It is legislative intent that the transferred funds be expended according to the following expense classes:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$11,100</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>79,200</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trustee and Benefit Payments</td>
<td>5,400</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$95,700</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SECTION 2. It is legislative intent that the expenditures for the Department of Agriculture not exceed the following amounts for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>FOR TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 1,930,300</td>
<td>$ 554,400</td>
<td>$189,900</td>
<td>$ 2,674,600</td>
</tr>
<tr>
<td>Dedicated Accounts</td>
<td>10,093,800</td>
<td>1,830,600</td>
<td>103,800</td>
<td>12,635,200</td>
</tr>
<tr>
<td>Federal Accounts</td>
<td>2,000</td>
<td>8,800</td>
<td></td>
<td>10,800</td>
</tr>
<tr>
<td>Interagency Billing and Receipts Account</td>
<td>79,000</td>
<td>827,100</td>
<td>103,800</td>
<td>906,900</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$12,105,100</td>
<td>$3,220,900</td>
<td>$103,800</td>
<td>$16,245,800</td>
</tr>
</tbody>
</table>

SECTION 3. There is hereby appropriated to the Department of Agriculture 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, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>FOR TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. ADMINISTRATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 274,000</td>
<td>$ 158,100</td>
<td></td>
<td>$ 432,100</td>
</tr>
</tbody>
</table>
## C. 214 '92

### IDAHO SESSION LAWS

#### FOR

<table>
<thead>
<tr>
<th>PERSONNEL</th>
<th>FOR OPERATING</th>
<th>FOR CAPITAL</th>
<th>FOR TRUSTEE AND BENEFIT</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>COSTS</td>
<td>EXPENDITURES</td>
<td>OUTLAY</td>
<td>PAYMENTS</td>
<td></td>
</tr>
</tbody>
</table>

### Interagency Billing and Receipts

- **Account**: 38,900
- **173,000**
- **211,900**

### Agriculture Department Inspection

- **Account**: 251,200
- **51,700**
- **302,900**

**TOTAL** $564,100 $382,800 $946,900

#### B. ANIMAL INDUSTRY:

**FROM:**

| General | $530,700 | $30,700 | $561,400 |
| Livestock Disease Control & T.B. Indemnity | Account | 344,900 | 182,700 | $17,300 | 544,900 |
| Dairy Industry and Inspection | Account | 281,000 | 80,100 | 10,000 | 371,100 |
| Interagency Billing and Receipts | Account | 139,200 | | | 139,200 |

**TOTAL** $1,156,600 $432,700 $27,300 $1,616,600

#### C. AGRICULTURAL TECHNOLOGY:

**FROM:**

| Water Pollution Control | Account | $133,600 | $143,800 | $33,300 | $310,700 |
| Pesticide | Account | 728,400 | 242,300 | | 970,700 |

**TOTAL** $862,000 $386,100 $33,300 $1,281,400

#### D. PLANT INDUSTRY:

**FROM:**

| General | $255,100 | $89,300 | $92,300 | $436,700 |
| Agriculture Department Inspection | Account | 702,500 | 146,700 | $10,600 | 859,800 |
| Bee Inspection | Account | 24,400 | 6,400 | 2,700 | 33,500 |
| Commercial Feed and Fertilizer | Account | 275,900 | 87,000 | 13,100 | 376,000 |

**TOTAL** $1,257,900 $329,400 $26,400 $92,300 $1,706,000

#### E. AGRICULTURAL INSPECTIONS:

**FROM:**

<p>| General | $651,200 | $188,600 | $839,800 |
| Agriculture Department Inspection | Account | | | |</p>
<table>
<thead>
<tr>
<th>Account</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fresh Fruit and Vegetable Inspection Account</td>
<td>6,917,700</td>
<td>753,900</td>
<td>$16,800</td>
<td>288,900</td>
<td>7,977,300</td>
</tr>
<tr>
<td>Egg Inspection Account</td>
<td>100,500</td>
<td>22,600</td>
<td></td>
<td></td>
<td>123,100</td>
</tr>
<tr>
<td>Public Livestock Market Account</td>
<td>6,800</td>
<td>1,900</td>
<td></td>
<td></td>
<td>8,700</td>
</tr>
<tr>
<td>Organic Food Products Administration Account</td>
<td>45,900</td>
<td>9,400</td>
<td></td>
<td></td>
<td>55,300</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$7,865,000</td>
<td>$1,025,200</td>
<td>$16,800</td>
<td>$292,400</td>
<td>$9,199,400</td>
</tr>
</tbody>
</table>

F. AGRICULTURAL MARKETING AND DEVELOPMENT:
FROM:
General Account | $190,200 | $81,500 | $271,700 |
Agriculture Department Inspection Account | 26,800 | | 26,800 |
Wheat Statistics Account | 2,000 | 8,800 | 10,800 |
Interagency Billing and Receipts Account | 40,100 | 61,800 | 101,900 |
Rural Rehabilitation Account | 13,000 | 14,200 | $159,100 | 186,300 |
TOTAL | $272,100 | $166,300 | $159,100 | $597,500 |

G. ANIMAL DAMAGE:
FROM:
General Account | | | $97,600 | $97,600 |
Sheep Commission Account | 123,800 | 123,800 |
Animal Damage Control Account | 50,000 | 50,000 |
TOTAL | $271,400 | $271,400 |

H. SHEEP COMMISSION:
FROM:
General Account | $29,100 | $6,200 | $35,300 |
Sheep Commission Account | 98,000 | 26,400 | 124,400 |
TOTAL | $127,100 | $32,600 | $159,700 |

I. HONEY ADVERTISING COMMISSION:
FROM:
Idaho Honey Advertising
SECTION 4. There is hereby reappropriated to the Department of Agriculture for the Quality Assurance Laboratory, subject to the provisions of Section 5 of this act, the unexpended and unencumbered balance of any General Account appropriation made to the Quality Assurance Laboratory for the period July 1, 1991, through June 30, 1992, to be used for nonrecurring expenditures only for the period July 1, 1992, through June 30, 1993.

SECTION 5. The reappropriation granted in Section 4 of this act shall be subject to the following conditions:

(1) If the unexpended and unencumbered balance in the General Account on June 30, 1992, is zero, the reappropriation in Section 4 is hereby declared to be null and void.

(2) If the unexpended and unencumbered balance in the General Account on June 30, 1992, is greater than zero but less than the total reappropriation authority granted to all state agencies, the amount reappropriated in Section 4 shall be in the proportion that the reappropriation for the Department of Agriculture for the Quality Assurance Laboratory bears to the total reappropriation authority granted to all state agencies.

SECTION 6. 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.

Approved April 8, 1992.
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, 1992, through June 30, 1993:

FROM:
- General Account $1,153,400
- Miscellaneous Revenue Account 299,300
- Federal Grant Account 504,700

TOTAL $1,957,400

SECTION 2. There is hereby appropriated to the State Board of Education for the Idaho State Historical Society the following amount, to be expended for the designated programs according to the designated expense classes from the listed accounts for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FOR</th>
<th>FOR</th>
<th>FOR</th>
<th>FOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. HISTORICAL PRESERVATION AND EDUCATION:</td>
<td>PERSONNEL</td>
<td>OPERATING</td>
<td>CAPITAL</td>
</tr>
<tr>
<td>FROM:</td>
<td>COSTS</td>
<td>EXPENDITURES</td>
<td>OUTLAY</td>
</tr>
<tr>
<td>General Account</td>
<td>$757,800</td>
<td>$235,100</td>
<td>$65,000</td>
</tr>
<tr>
<td>Miscellaneous Revenue Account</td>
<td>30,800</td>
<td>115,800</td>
<td></td>
</tr>
<tr>
<td>Federal Grant Account</td>
<td>$379,100</td>
<td>$235,100</td>
<td>$65,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,167,700</td>
<td>$436,500</td>
<td>$65,000</td>
</tr>
<tr>
<td>B. HISTORIC SITES MAINTENANCE AND INTERPRETATION:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$53,800</td>
<td>$39,200</td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Revenue Account</td>
<td>71,400</td>
<td>24,500</td>
<td>$3,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$125,200</td>
<td>$63,700</td>
<td>$3,000</td>
</tr>
</tbody>
</table>

GRAND TOTAL $1,292,900 $500,200 $68,000 $96,300 $1,957,400

SECTION 3. There is hereby reappropriated to the State Board of Education for the Idaho State Historical Society, subject to the provisions of Section 4 of this act, the unexpended and unencumbered balance of any General Account appropriation made to the State Historical Society for the period July 1, 1991, through June 30, 1992, to be used for nonrecurring expenditures only for the period July 1, 1992, through June 30, 1993.

SECTION 4. The reappropriation granted in Section 3 of this act shall be subject to the following conditions:

1. If the unexpended and unencumbered balance in the General Account on June 30, 1992, is zero, the reappropriation in Section 3 is hereby declared to be null and void.

2. If the unexpended and unencumbered balance in the General Account on June 30, 1992, is greater than zero but less than the total
reappropriation authority granted to all state agencies, the amount reappropriated in Section 3 shall be in the proportion that the reappropriation for the State Historical Society bears to the total reappropriation authority granted to all state agencies.

Approved April 8, 1992.

CHAPTER 216
(S.B. No. 1275)

AN ACT
RELATING TO PENALTIES AND REVOCATION OF LICENSE; AMENDING SECTION 36-1402, IDAHO CODE, TO PROVIDE FOR A MANDATORY LICENSE REVOCATION FOR THE ILLEGAL TAKING OF STURGEON.

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 -- INFRACTION -- MISDEMEANOR -- FELONY -- REVOCATION OF LICENSE -- DISPOSITION OF MONEYS. (a) Infraction Penalty. Any person who pleads guilty to or is found guilty of an infraction of this code or regulations promulgated pursuant thereto, shall be punished in accordance with the provisions of the Idaho infractions rules.

(b) 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 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:

<table>
<thead>
<tr>
<th>Animal, Fish or Bird</th>
<th>Minimum Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bighorn sheep, mountain goat and moose</td>
<td>$500</td>
</tr>
<tr>
<td>Elk</td>
<td>$300</td>
</tr>
<tr>
<td>Deer and pronghorn antelope</td>
<td>$200</td>
</tr>
<tr>
<td>Wild turkey, swan and sturgeon</td>
<td>$200</td>
</tr>
<tr>
<td>Chinook salmon</td>
<td>$100</td>
</tr>
</tbody>
</table>

(c) 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.

(d) License Revocation. Any person entering a plea of guilty for being found guilty or convicted of violating any of the provisions of this title, or otherwise fails to comply with the requirements of a citation in connection with any such offense, 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 begin-
ning 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 or possessing upland game birds, migratory waterfowl, salmon, steelhead, sturgeon, 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 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.

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 title, the term "conviction" shall mean either a withheld judgment or a final conviction.

(e) For purposes of the wildlife violator compact, section 36-2301, Idaho Code, et. seq., the department shall:

1. Suspend a violator's license for failure to comply with the terms of a citation from a party state. A copy of a report of failure to comply from the licensing authority of the issuing state shall be conclusive evidence.
2. Revoke a violator's license for a conviction in a party state. A report of conviction from the licensing authority of the issuing state shall be conclusive evidence.

(f) Disposition of Fines and Forfeitures. Distribution of fines and forfeitures remitted shall be in accordance with section 19-4705, Idaho Code.

Approved April 8, 1992.

CHAPTER 217
(S.B. No. 1276)

AN ACT
RELATING TO USE PERMITS FOR VESSELS; AMENDING SECTION 67-7011, IDAHO CODE, TO PROVIDE FOR RECIPROCITY FOR USE PERMITS ON THE BOUNDARY WATERS OF THE SNAKE RIVER.

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

SECTION 1. That Section 67-7011, Idaho Code, be, and the same is hereby amended to read as follows:

67-7011. USE PERMIT -- EXPIRATION -- FEES -- COLLECTION EXEMPTION. (1) It shall be unlawful for an owner of a vessel to have such vessel on the waters of the state of Idaho, or for any person to operate or permit the operation of any vessel on the waters of the state of Idaho unless the vessel shall have and display a valid use permit as provided by law.

(2) Every owner of a vessel without a valid Idaho certificate of registration shall apply for and obtain from the assessor or authorized vendor either a temporary use permit or an annual use permit, which use permit shall cover the vessel described in the application. A temporary use permit shall be valid for the maximum period of fifteen (15) consecutive days. An annual use permit shall be valid through December 31 of the year of issue.

(3) Application for a use permit shall be made to an assessor or authorized vendor by the owner upon an appropriate form provided by the department. Every application shall be signed by the owner and contain his residence address and a brief description of the vessel to be issued a permit, including the engine and serial numbers, horsepower, length, age, the last permit or sticker number, if any, and the location at which any previous permit or sticker number was issued, and in the case of the issuance of a use permit to a new vessel, the date of sale by which the manufacturer or dealer transferred the vessel to the person first operating it. The application may contain other information as may be required by the department.

(4) Upon receipt of the application in approved form and the appropriate fee, the assessor or authorized vendor shall enter it upon the records of its office and issue to the applicant a use permit
sticker and a use permit stating the receipt of any fee paid, the name and address of the owner and the registration or other identifying number of the vessel, and the assessor or authorized vendor shall forward to the department a duplicate copy. The use permit sticker, which shall denote the dates it is valid, shall be affixed to the transom of the vessel and be clearly visible above the waterline on the port side, or in the case of a vessel not having a transom, on the port quarter at the stern. The use permit shall be pocket-size and shall be on board and available at all times for inspection on the vessel for which issued whenever the vessel is in operation.

(5) Each assessor and authorized vendor shall record, on a form provided by the department, the names of all owners of vessels who make application for use permits, together with the amount of the fees paid by the owners. He shall, on or before the tenth of each month, forward to the department a duplicate copy of the record for the preceding month.

(6) All records of the department made or kept pursuant to this section shall be kept current and shall be public records.

(7) If any use permit becomes lost, mutilated, or illegible, the owner of the vessel on which the permit was issued shall obtain a duplicate of the permit from the department upon application and the payment of a fee of three dollars ($3.00). If a use permit sticker is lost, stolen, or destroyed, any sticker remnants and the use permit should be returned to the department along with a three dollar ($3.00) fee and an application for a duplicate use permit and use permit sticker.

(8) The use permit fees shall be:
(a) Temporary use permits
   (1) All vessels
       with minimum charge of $4.00
   (b) Annual use permits
       (1) Vessels 0-12 feet in length
           $5.00
       (2) Vessels over 12 feet in length
           $5.00
           plus $2.00 per foot for each additional foot in excess of 12 feet.

(9) The provisions of this section shall not apply to vessels owned by any charitable or religious organization, scout organization, or any similar organization not used and operated for profit, or a vessel belonging to a class of vessels which has been exempted from the payment of use permits by the department. All vessels having obtained a current use permit and having paid the fees imposed by subsection (8) of this section shall not be assessed and taxed as personal property in the state of Idaho.

(10) The provisions of this section shall not apply to vessels on or operated on the Snake river where said river forms either the boundary line between the state of Oregon and the state of Idaho or the boundary line between the state of Washington and the state of Idaho. The purpose of the provisions of this subsection is to avoid the conflict, confusion and difficulty of an attempt to find the exact locations of the state boundary in or on said waters of the Snake river. However, nothing in this subsection shall be construed to authorize a vessel to be on or operated on sloughs or tributaries on the Idaho side of the Snake river unless said vessel is in compliance
CHAPTER 218
(S.B. No. 1278)

AN ACT
RELATING TO METHODS PROHIBITED FOR TAKING WILDLIFE; AMENDING SECTION 36-1101, IDAHO CODE, TO CLARIFY THAT IT IS UNLAWFUL FOR ANY PERSON TO TAKE ANY WILDLIFE EXCEPT AS PROVIDED UNDER IDAHO LAW INCLUDING TITLE 36 OR COMMISSION REGULATIONS PROMULGATED PURSUANT THERETO.

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

SECTION 1. That Section 36-1101, Idaho Code, be, and the same is hereby amended to read as follows:

36-1101. TAKING OF WILDLIFE UNLAWFUL EXCEPT BY STATUTE OR COMMISSION REGULATION -- METHODS PROHIBITED -- EXCEPTIONS. (a) It is a misdemeanor unlawful, except as may be otherwise provided under by Idaho law, including this title or commission regulations promulgated pursuant thereto, for any person to take any of the game animals, birds or fur-bearing animals of this state and provided further it is a misdemeanor for any person to:

1. Hunt from Motorized Vehicles. Hunt any of the game animals or game birds of this state from or by the use of any motorized vehicle except as provided by commission regulation; provided however, that the commission shall promulgate rules and regulations which shall allow a physically handicapped person to apply for a special permit which would allow the person to hunt from a motorized vehicle which is not in motion. A physically handicapped person means a person:

2\(\text{a}\) Who has lost, or has lost the use of, one (1) or both lower extremities or both hands, or who has the significant limitation in the use of the lower extremities, or who has a diagnosed disease or disorder which substantially impairs or interferes with mobility, or who is so severely disabled as to be unable to move without the aid of an assistance device.

2\(\text{b}\) Who suffers from lung disease to the extent that his forced (respiratory) expiratory volume for one (1) second when measured by spirometry is less than one (1) liter or his arterial oxygen tension (\(pO_2\)) is less than 60 mm/Hg on room air at rest.

2\(\text{c}\) Who is impaired by cardiovascular disease to the extent that his functional limitations are classified in severity as class III or class IV according to standards accepted by the American Heart Association.

The commission shall specify the form of application for and
design of the special permit which shall allow a physically handi­
capped person to hunt from a motorized vehicle which is not in motion. 
No fee shall be charged for the issuance of the special permit and the 
issuance of a special permit shall not exempt a person from otherwise 
properly purchasing or obtaining other necessary licenses, permits and 
tags in accordance with this title and rules and regulations promul­
gated pursuant thereto. The special permit shall not be transferable 
and may only be used by the person to whom it is issued. A person who 
has been issued a special permit which allows a physically handicapped 
person to hunt from a motorized vehicle not in motion shall have that 
permit prominently displayed on any vehicle the person is utilizing to 
hunt from and the person shall produce, on demand, the permit and 
other identification when so requested by a conservation officer of 
the department of fish and game. A person possessing a special permit 
shall not discharge any firearm from or across a public highway. Any 
unauthorized use of the special permit shall be a misdemeanor and 
shall be grounds for revocation of the permit.

(b)2. Molest with Motorized Vehicles. Use any motorized vehicle 
to molest, stir up, rally or drive in any manner any of the game 
animals or game birds of this state.

(c)3. Communicate from Aircraft. Make use of aircraft in any man­
ner to spot or locate game animals, game birds or fur-bearing ani­
mals of this state from the air and communicate the location or 
approximate location thereof by any signals whatsoever, whether 
radio, visual or otherwise, to any person then on the ground.

(d)4. Hunt from Helicopter. Make use of any helicopter in any 
manner in the taking of game or loading, transporting, or unloading 
hunters, game or hunting gear in any manner except when such 
use is at recognized airports or airplane landing fields, or at 
heliports which have been previously established on private land 
or which have been established by a department or agency of the 
federal, state or local government or when said use is in the 
course of emergency or search and rescue operations.

(e)5. Artificial Light. Hunt any animal or bird except raccoon by 
the aid of a spotlight, flashlight or artificial light of any 
kind. The act of casting or throwing, after sunset, the beam or 
rays of any spotlight, headlight or other artificial light capable 
of utilizing six (6) volts or more of electrical power upon any 
field, forest or other place by any person while having in his 
possession or under his control any uncased firearm or contrivance 
capable of killing any animal or bird, shall be prima facie evi­
dence of hunting with an artificial light. Provided nothing in 
this subsection shall apply where the headlights of a motor vehi­
cle, operated and proceeding in a normal manner on any highway or 
roadway, cast a light upon animals or birds on or adjacent to such 
highway or roadway and there is no intent or attempt to locate 
such animals or birds. Provided further, nothing in this subsec­
tion shall prevent the hunting of unprotected or predatory wild­
life with the aid of artificial light when such hunting is for the 
purpose of protecting property or livestock, is done by landowners 
or persons authorized in writing by them to do so and is done on 
property they own, lease or control; and provided further that the 
hunting and taking of unprotected or predatory wildlife with the
aid of artificial light on public lands is authorized after obtaining a permit to do so from the director. The director may, for good cause, refuse to issue such permit.

Other provisions of this subsection notwithstanding, the commission may establish regulations allowing the hunting of raccoon with the aid of an artificial light.

\(\text{§}\text{\textcircled{6}}\). Regulation of Dogs.

\(\text{\textcircled{A}}\) No person shall make use of a dog for the purpose of pursuing, taking or killing any of the big game animals of this state except as otherwise provided by regulations of the commission.

\(\text{\textcircled{B}}\) Any person who is the owner of, or in possession of, or who harbors any dog found running at large and which is actively tracking, pursuing, harassing or attacking, or which injures or kills deer or any other big game animal within this state shall be guilty of a misdemeanor. It shall be no defense that such dog or dogs were pursuing said big game animals without the aid or direction of the owner, possessor, or harborer.

\(\text{\textcircled{C}}\) Any dog found running at large and which is actively tracking, pursuing, harassing, attacking or killing deer or any other big game animal may be destroyed without criminal or civil liability by the director, or any peace officer, or other persons authorized to enforce the Idaho fish and game laws.

Approved April 8, 1992.

CHAPTER 219
(S.B. No. 1292)

AN ACT
RELATING TO SURPLUS STATE LANDS; AMENDING SECTION 58-335A, IDAHO CODE, TO INCREASE THE MONETARY LIMIT FOR SALE OF SURPLUS REAL PROPERTY BY THE IDAHO TRANSPORTATION DEPARTMENT.

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

SECTION 1. That Section 58-335A, Idaho Code, be, and the same is hereby amended to read as follows:

58-335A. OTHER LANDS EXEMPT FROM ACT. The provisions of sections 58-331 through 58-335, Idaho Code, shall not apply to surplus real properties of the Idaho transportation department having an appraised value of one twenty-five thousand dollars ($25,000) or less, with the exclusion of office and maintenance yard sites. The Idaho transportation board shall promulgate rules and regulations to govern the sale of surplus real properties under this section, provided that in no case shall a property be sold for a value less than that established through the appraisal process.

Approved April 8, 1992.
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 chapter, 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 or federal statutes other than military service or social security for that same service.

(3) "Accumulated contributions" means the sum of amounts contrib-
uted 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.

(5B) "Base period" means any period of sixty (60) consecutive months during which such member makes a like number of contributions pursuant to sections 59-1331 through 59-1334, 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 chapter 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 twenty (20) hours or more per week for an employer or a school teacher who works half-time or more for an employer and who receives salary for services rendered for such employer; or
(b) elected officials or appointed officials of an employer who receive a salary.
(B) "Employee" does not include:
(a) persons rendering service to an employer in the capacity of an independent business, trade or profession; or
(b) 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 chapter.

(15A) "Final contribution" means the final contribution made by a member pursuant to sections 59-1331 through 59-1334, Idaho Code.

(16) "Firefighter" 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 chapter.

(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, any thrift institution or credit union or any investment management firm or individual investment manager selected by the board to hold and/or invest the employers' and members' contributions and pay certain benefits granted under this chapter.

(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 59-1331 through 59-1334 and 59-1327, 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 including the national guard and reserves, under the provisions of title 10, title 32, and title 37, United States code. Provided, however, for the purposes of this chapter, military service shall not include:

(a) any period ended by dishonorable discharge or during which termination of such service is available but not accepted; or
(b) 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; or
(c) any active duty service in excess of five (5) years if at the convenience of the United States government, or in excess of four (4) years if not at the convenience of the United States government.

(24) (a) "Police officer" for retirement purposes shall be as defined in section 59-1303, 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 chapter upon termination of employment.

(29) "Retirement board" or "board" means the board provided for in sections 59-1304 and 59-1305, 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 paid to a person who meets the definition of employee by an employer--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 the employer for income tax purposes and also including the amount of any voluntary reduction in salary agreed to by the member and employer where the reduction is used as an alternative form of remuneration to the member.

(32) "Separation benefit" means the amount, if any, payable upon or subsequent to separation from service.

(33) "Service" means personal service rendered to an employer for a salary. Service of fifteen (15) days or more during any calendar month shall be credited as one (1) month of service. Service of fourteen (14) days or less during any calendar month shall not be credited. No more than one (1) month of service shall be credited for all service in any month.

(34) "Service retirement allowance" means the periodic payment becoming payable upon an active member's ceasing to be an employee while eligible for service retirement.

(35) "State" means the state of Idaho.

(36) "Vested retirement allowance" means the periodic payment becoming payable upon an inactive member's becoming eligible for vested retirement.

(37) The masculine pronoun, wherever used, shall include the feminine pronoun.

SECTION 2. That Section 59-1308, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Section 59-1311, Idaho Code, be, and the same is hereby amended to read as follows:

59-1311. PUBLIC EMPLOYEE RETIREMENT FUND CREATED -- ADMINISTRATION -- PAYMENT OF BENEFITS -- PERPETUAL APPROPRIATION. (1) There is hereby established in the state treasury a special fund, the "Public Employee Retirement Fund," which shall be separate and apart from all public moneys or funds of this state, and shall be administered under the direction of the board exclusively for the purposes of this chapter. The state treasurer shall maintain within the fund a clearing account, a portfolio investment expense account and an administration account.

(2) All moneys contributions received from employers by the board
on their account and on account of members shall be initially deposited in the clearing account with a funding agent designated by the board. All such funds are hereby perpetually appropriated to the board, and shall not be included in the department's administration account budget and shall be invested or used to pay for investment related expenses.

(3) On or before the fifteenth of each month, the board shall require that not more than one-twelfth (1/12) of the amount appropriated by the legislature to the board for that fiscal year shall be transferred by the funding agent to the state treasurer's office for deposit into the administration account. Immediately after each transfer from the clearing account to the administration account, the remaining balance in the clearing account. All funds deposited in the administration account shall be available to the board for the payment of administrative expenses only to the extent so appropriated by the legislature.

(4) As required by the board, the funding agent shall be awarded transfer funds to the state treasurer's office for deposit into the portfolio investment expense account to be placed with a funding agent for investment and payment of investment expenses under its contract with the board. The funds deposited in the portfolio investment expense account shall be used for payment of investments and investment related expenses. Such expenses shall include but not be limited to:

(a) Reporting services;
(b) Investment advisory services;
(c) Funding agent fees and money management fees; and
(d) Investment staff expenses including hiring of investment management personnel.

Investment management personnel shall be exempt from the provisions of chapter 53, title 67 and section 67-3519, Idaho Code, and shall be hired by and serve at the pleasure of the board. All expenses of the portfolio investment expense account shall be reported on a quarterly basis to the legislature and to the division of financial management in the office of the governor.

(25) As required by the board, the funding agent shall transfer funds to the state treasurer's office for deposit into the clearing account. All benefits for members shall be payable directly from the clearing account or by the funding agent as they come due. If the amount of such benefits payable at any time exceeds the amount in the clearing account, the payment of all or part of such benefits may be postponed until the clearing account becomes adequate to meet all such payments, or the board may require a refund from the funding agent sufficient to meet all such payments.

(3) All moneys payable to the funding agent are hereby perpetually appropriated to the board, and shall not be included in the department's administration account budget and shall be invested or used to pay for investment related expenses. The portion used for payment of investments and investment related expenses shall be called the portfolio investment expense account. The portfolio investment expense account shall include but not be limited to:

(a) Reporting services;
(b) Investment advisory services;
Funding-agent-fees-and-money-management-fees; and
Investment-staff-expenses-including-hiring-of-investment-management-personnel;
All-moneys-transferred-to-the-administration-account-shall-be-available-to-the-board-for-the-payment-of-administrative-expenses-only-to-the-extent-so-appropriated-by-the-legislature;
Moneys representing member entitlements which remain unclaimed after reasonable attempts to effect payment shall remain in the retirement fund available for payment to the member or other established rightful payee.

SECTION 4. That Section 59-1316, Idaho Code, be, and the same is hereby amended to read as follows:

59-1316. MEMBER'S RETIREMENT RECORDS CONFIDENTIAL. Each member shall furnish the board with such information as the board shall deem necessary for the proper operation of the system. Except as specifically provided by law, information contained in the retirement system mortgage portfolio loan documents and in each member's retirement system records is considered confidential and may not be divulged except as ordered by a court; or except as may be required by the employer member or by the retirement board and its staff in order to carry into effect the purposes of this chapter. A member may by his written authorization release specific information from his own retirement system records to a stated designee.

SECTION 5. That Section 59-1326, Idaho Code, be, and the same is hereby amended to read as follows:

59-1326. PROCEDURE FOR COMPLETE OR PARTIAL WITHDRAWAL OF POLITICAL SUBDIVISIONS -- WITHDRAWAL CONTRIBUTIONS. (1) An employer incurring complete withdrawal or partial withdrawal after December 31, 1980, shall be required to make withdrawal contributions, all as provided in this section.

(2) Complete withdrawal occurs for a political subdivision on the date it permanently ceases to employ active members.

(3) Partial withdrawal occurs for a political subdivision when its average membership declines from one calendar fiscal year to the next by more than twenty-five (25) members and twenty-five per cent (25%) of the average membership in the earlier year. The date of partial withdrawal is the first day after the end of the later year.

(4) "Average membership" for a calendar fiscal year shall equal one-twelfth (1/12) of the sum of the number of active members employed during each month of that year.

(5) Withdrawal contributions shall commence on the first day of the fourth month after the date of complete withdrawal or partial withdrawal. The monthly amount of withdrawal contribution of an
employer incurring complete withdrawal shall be one-twelfth (1/12) of the employer's contribution during the last complete calendar fiscal year prior to such date. The monthly amount of withdrawal contribution of an employer incurring partial withdrawal shall be one-twelfth (1/12) of (c) reduced proportionately by the ratio of (a) to (b) as follows:

(a) The average membership of the employer estimated by the board for the year commencing on such date;
(b) The average membership of the employer during the second complete calendar fiscal year prior to such date;
(c) The employer's contribution payable during the second complete calendar fiscal year prior to such date.

(6) Withdrawal contributions shall continue until the withdrawal liability becomes nil.

(7) On the date of complete withdrawal, the withdrawal liability of an employer is (a) multiplied by the fraction (b)/(c) as follows:

(a) The excess of the actuarial present value of the vested benefits of the system's members over the fair value of its assets, both as of the date of the actuarial valuation for the fiscal year preceding such date;
(b) The total employer contributions of the employer during the five (5) complete calendar fiscal years immediately prior to such date;
(c) The total employer contributions of all employers during the five (5) complete calendar fiscal years immediately prior to such date.

(8) On the date of partial withdrawal, the withdrawal liability of an employer is the same as if complete withdrawal had occurred, reduced proportionately by the ratio of (a) to (b) as follows:

(a) The average membership of the employer estimated by the board for the year commencing on such date;
(b) The average membership of the employer during the second complete calendar fiscal year prior to such date.

(9) After the date of an employer's complete withdrawal or partial withdrawal, the withdrawal liability is the initial withdrawal liability decreased by the accumulation of withdrawal contributions, all adjusted for interest. Interest charges shall be on the basis used in determining the original withdrawal liability. Interest credits shall be based upon quarter-year investment earnings of the system. If partial withdrawal occurs, the amounts of withdrawal liability and withdrawal contribution shall be adjusted by appropriate recalculation after the average membership of the employer is known for the year commencing on the date of partial withdrawal. If the average membership of an employer which has incurred a partial withdrawal exceeds for each of three (3) consecutive fiscal years the average membership during the second calendar fiscal year prior to the date of partial withdrawal, the withdrawal liability shall become nil upon the final day of the last of such three (3) fiscal years, regardless of the accumulation of the previously computed withdrawal liability.

SECTION 6. That Section 59-1342, Idaho Code, be, and the same is hereby amended to read as follows:
59-1342. COMPUTATION OF SERVICE RETIREMENT ALLOWANCES -- MINIMUM BENEFITS. (1) The annual amount of accrued retirement allowance for each month of credited service for which a member was not classified as a police officer or firefighter shall equal one and two-thirds per cent (1 2/3%) of his average monthly salary. The annual amount of initial service retirement allowance of such a member shall equal (a) or (b), whichever is greater:

(a) his accrued retirement allowance; or
(b) five dollars ($5.00) multiplied by the number of months of credited service and by the bridging factor, as provided in section 59-1355, Idaho Code, between July 1, 1974 and the first of the month following the member's final contribution.

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

(a) his accrued retirement allowance; or
(b) six dollars ($6.00) multiplied by the number of months of credited service and by the bridging factor, as provided in section 59-1355, Idaho Code, between July 1, 1974 and the first of the month following the member's final contribution.

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

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

(5) If the majority of a member's credited service is as an elected official or as an appointed official, except as a member of the Idaho legislature, and that official was normally in the administrative offices of the employer less than twenty (20) hours per week during the term of office, or was normally not required to be present at any particular work station for the employer in excess of twenty (20) hours per week or more during the term of office, and that member's initial service retirement allowance for service credited only during that period would be computed under subsection (1)(b) and/or (2)(b) of this section, without consideration of any other credited service, then it will be so computed for that period of service. The initial service retirement allowance of members of the Idaho legislature will be computed under subsection (1) and/or (2) of this section, on the basis of their total months of credited service.

If that member has credited service from any other employment, the accrued service retirement allowance for the credited service from
such other employment shall be computed from an average monthly salary for salary received during the period of such other employment.

(6) In no case, however, will a member's regular initial service retirement benefit be equal to more than the member's accrued benefit as of May 1, 1990, or one hundred per cent (100%) of the member's average compensation for the three (3) consecutive years of employment which produce the greatest aggregate compensation, whichever is greater. If the benefit is calculated to exceed one hundred per cent (100%) of the member's average compensation, the member shall be eligible for and may choose either:

(a) an annual service retirement allowance equal to the member's average annual compensation for the three (3) consecutive years of employment which produced the greatest aggregate compensation; or

(b) a separation benefit.

(7) The annual amount of initial service retirement allowance of a member who is over age seventy (70) on the effective date of the member's retirement shall be a percentage of the member's accrued initial service retirement allowance. Such percentage shall be one hundred per cent (100%) increased as determined by the board to compensate for each month that the member's retirement is deferred beyond age seventy (70).

SECTION 7. That Section 59-1346, Idaho Code, be, and the same is hereby amended to read as follows:

59-1346. COMPUTATION OF EARLY RETIREMENT ALLOWANCES. (1) The annual amount of initial early retirement allowance of a member shall be a percentage of his accrued retirement allowance. Such percentage shall be one hundred percent (100%) if the sum of the number of years and months of credited service and the age in years and months is equal to or greater than the sum indicated below. Otherwise, such percentage shall be one hundred percent (100%) reduced by one-fourth of one percent (.25%) for each month up to sixty (60) months that the member's retirement precedes the date he would be eligible to receive his full accrued benefit without additional credited service, and further reduced by two-thirds of one percent (.6667%) for each additional month.

If a member's service retirement ratio as defined by section 59-13410, Idaho Code, is:

Then the sum of his credited service and age must be equal to or greater than:

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<th>Service Ratio</th>
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<td>81</td>
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(2) If the majority of a member's credited service is as an elected official or as an appointed official, except as a member of
the Idaho legislature, and that official was normally in the administrative offices of the employer less than twenty (20) hours per week during the term of office, or was normally not required to be present at any particular work station for the employer in excess of twenty (20) hours per week or more during the term of office, that member's accrued retirement allowance for service credited only during that period shall be computed from an average monthly salary for salary received during that period of such employment only. The initial service retirement allowance of members of the Idaho legislature will be computed under subsection (1) and/or (2) of this section, on the basis of their total months of credited service.

(3) If that member has credited service from any other employment, the accrued retirement allowance for the credited service from such other employment shall be computed from an average monthly salary for salary received during the period of such other employment.

SECTION 8. That Section 59-1350, Idaho Code, be, and the same is hereby amended to read as follows:

59-1350. DEFERRAL OF EARLY OR VESTED RETIREMENT. 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 9. That Section 59-1351, Idaho Code, be, and the same is hereby amended to read as follows:

59-1351. CONVERSION OF SERVICE RETIREMENT OR EARLY RETIREMENT OR VESTED RETIREMENT ALLOWANCES INTO OPTIONAL RETIREMENT ALLOWANCES -- FORM OF OPTIONAL RETIREMENT. (1) The service retirement allowance, the early retirement allowance or the vested retirement allowance of a member who, at time of retirement, so elects shall be converted into an optional retirement allowance which is the actuarial equivalent of such other allowance. The optional retirement allowance may take one of the forms listed below and shall be in lieu of all other benefits under this chapter except that the provisions of section 59-1361(1), Idaho Code, shall be applicable:

(a) Option 1 provides a reduced retirement allowance payable during the lifetime of the retired member, and a continuation thereafter of such reduced retirement allowance during the lifetime of his named contingent annuitant.
(b) Option 2 provides a reduced retirement allowance payable during the lifetime of the retired member, and a continuation thereafter of one-half (1/2) of such reduced retirement allowance during the lifetime of his named contingent annuitant.
(c) Option 3, which is available only if the member retires before the date of the social security normal retirement age for that member, provides an increased retirement allowance until such date and a reduced retirement allowance thereafter, the difference between the two (2) amounts approximately equaling the governmental old-age benefit becoming payable at such date as estimated by the board.
(d) Option 4, which is available only if the member retires before the date of the social security normal retirement age for that member, provides either an adjusted option 1 (option 4A) or option 2 (option 4B) retirement allowance until such date and a reduced retirement allowance thereafter, the difference between the two (2) amounts approximately equalling the governmental old-age benefit becoming payable at such date as estimated by the board. The adjusted retirement allowance shall be paid to the retired member during his lifetime and the appropriate continuation amount of the adjusted allowance to his named contingent annuitant for life thereafter.

(2) Option 1 or 2 may not be chosen if initial payments of less than ten dollars ($10.00) per month would result.

(3) Application for any optional retirement allowance shall be in writing, duly executed and filed with the board. Such application shall contain all information required by the board, including such proofs of age as are deemed necessary by the board.

(4) A retirement option elected at the time of retirement as provided for in section 59-1351, Idaho Code, may not be changed except by written notice to the retirement board no later than five (5) business days after the receipt of the first retirement allowance.

(5) Not later than one (1) year after the marriage of a retired member, he may elect option 1, 2 or 4 to become effective one (1) year after the date of such election, provided the member's spouse is named as a contingent annuitant, and either:

(a) The member was not married at the time of his retirement; or
(b) The member earlier elected option 1, 2, 4A or 4B, having named his spouse as contingent annuitant, and said spouse has died. The retirement allowance to be converted in such a case is that currently being paid under said election.

SECTION 10. That Section 59-1361, Idaho Code, be, and the same is hereby amended to read as follows:

59-1361. COMPUTATION OF DEATH BENEFITS -- METHOD OF PAYMENT

OPTIONAL DEATH BENEFIT. (1) The death benefit of an active or inactive member shall equal the excess, if any, of the member's accumulated contributions at the time the benefit becomes payable over the aggregate of all retirement allowance payments ever made to the deceased member upon the death of the member and the contingent annuitant, and the optional death benefit recipient, if any. The death benefit of a retired member shall equal the excess, if any, of the member's accumulated contributions at the time the member retired over the aggregate of all retirement allowance payments ever made to the deceased member, and the member's named contingent annuitant, and the optional death benefit recipient, if any.

(2) The death benefit, if any, will be paid to the member's designated beneficiary who is surviving the member at the time the benefit becomes payable; otherwise, it will be paid in accordance with the laws of descent and distribution of the state of Idaho as they may then be in effect.

(3) Upon the death of a member who has at least five (5) years of credited service and is: (a) active; or (b) inactive and eligible-to
receive a retirement allowance; or (c) a disability retired member; his beneficiary may elect, in lieu of any death benefit otherwise payable, an allowance to be paid to the member's surviving spouse as provided in option 1 under section 59-13521, Idaho Code. The initial retirement allowance upon which such optional retirement allowance is based shall be calculated as if the member had retired immediately before his death. If the member is not then eligible to receive a service or early retirement allowance, such initial retirement allowance shall equal the actuarial equivalent of the retirement allowance payable when the member would first be eligible for vested retirement, calculated as if he had separated from service immediately before his death.

SECTION 11. That Section 59-1374, Idaho Code, be, and the same is hereby amended to read as follows:

59-1374. EMPLOYERS -- MEMBERS -- EXCEPTIONS. All school districts, public community college districts and Boise State University shall become employers pursuant to the provisions of chapter 13, title 59, Idaho Code, on July 1, 1967, except as herein otherwise provided. School employees shall become members pursuant to the provisions of chapter 13, title 59, Idaho Code, on July 1, 1967, except as herein otherwise provided. Provided, however, that teacher members employed by the agricultural extension service of the college of agriculture of the University of Idaho shall be deemed to be employees of the state of Idaho notwithstanding the provisions of section 59-1302(14)(B)(e), Idaho Code, and may elect to participate or be excluded as members of the system in accordance with rules of the board.

SECTION 12. The amendments to Section 59-1316, Idaho Code, made by Section 4 of this act shall be in full force and effect on and after July 1, 1992, and shall be in addition to and shall not negate the amendments to Section 59-1316, Idaho Code, made by Section 90, Chapter 213, Laws of 1990, which shall be in full force and effect on and after July 1, 1993.

Approved April 8, 1992.

CHAPTER 221
(S.B. No. 1304, As Amended in the House)

AN ACT
RELATING TO EMERGENCY MEDICAL TECHNICIANS; AMENDING SECTION 18-915, IDAHO CODE, TO PROVIDE A PENALTY FOR ASSAULT OR BATTERY UPON CERTAIN MEDICAL TECHNICIANS.

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

SECTION 1. That Section 18-915, Idaho Code, be, and the same is hereby amended to read as follows:
18-915. ASSAULT OR BATTERY UPON LAW-ENFORCEMENT-OFFICER CERTAIN PERSONNEL.—PUNISHMENT. Any person who commits a crime provided for in this chapter against or upon a judge, prosecuting attorney, public defender, peace officer, bailiff, marshal, sheriff, police officer, correctional officer, employee of the department of correction, employees of the department of water resources authorized to enforce the provisions of Chapter 38, title 42, Idaho Code, jailer, parole officer, officer of the state department of law enforcement, fireman, social caseworkers or social work specialists of the department of health and welfare, emergency medical technician certified by the department of health and welfare, emergency medical technician-ambulance certified by the department of health and welfare, advanced emergency medical technician and EMT-paramedic certified by the state board of medicine, United States marshal, or federally commissioned law enforcement officer or their deputies or agents and the perpetrator knows or has reason to know of the victim's status, the punishment shall be as follows:

(a) For committing battery with intent to commit a serious felony the punishment shall be imprisonment in the state prison not to exceed twenty-five (25) years.

(b) For committing any other crime in this chapter the punishment shall be doubled that provided in the respective section.

(c) For committing a violation of the provisions of sections 18-901 or 18-903, Idaho Code, against the person of a jailer or correctional officer or other staff of the department of correction and the person committing the offense knows or reasonably should know that such victim is a jailer or correctional officer engaged in the performance of his duties, and such jailer or correctional officer is engaged in the performance of his duties, the offense shall be punishable by imprisonment in the state prison for a period of not more than five (5) years, and said sentence shall be served consecutively to any sentence being currently served.

Approved April 8, 1992.

CHAPTER 222
(S.B. No. 1312)

AN ACT
RELATING TO VEHICLE EQUIPMENT; AMENDING SECTION 49-940, IDAHO CODE, TO AUTHORIZE OPERATORS OF VEHICLES OPERATING UNDER SPECIAL PERMIT AUTHORITY WITH AN OVERSIZE LOAD TO USE A REAR ESCORT VEHICLE IN LIEU OF MIRRORS ON THE PERMITTED VEHICLE.

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

SECTION 1. That Section 49-940, Idaho Code, be, and the same is hereby amended to read as follows:

49-940. MIRRORS. (1) Every motor vehicle shall be equipped with a mirror so located as to reflect to the operator a view of the highway
for a distance of at least two hundred (200) feet to the rear of the vehicle.

(2) When a motor vehicle is so loaded or constructed, or is towing a vehicle or trailer which is so loaded or constructed as to obstruct the driver's view straight to the rear, then the motor vehicle shall be equipped with a mirror on the left side and a mirror on the right side so located as to reflect to the operator a view of the highway for a distance of at least two hundred (200) feet to the rear of the vehicle.

(3) When an operator of a motor vehicle is transporting under special permit authority an oversize load which makes mirrors impractical devices for reflecting to the operator a view of the highway to the rear, a following escort vehicle equipped with proper mirrors meeting the requirements herein may be substituted for the required mirrors on the hauling motor vehicle. The escort vehicle must be a car or light truck and it must be equipped with an oversize load sign, flashing or rotating lights, and a two (2) way radio which provides full-time communication with the escorted vehicle.

Approved April 8, 1992.

CHAPTER 223
(S.B. No. 1316, As Amended)

AN ACT
RELATING TO TEACHING CERTIFICATES; AMENDING SECTION 33-1208, IDAHO CODE, TO PROVIDE ADDITIONAL CONDITIONS FOR WHICH A CERTIFICATE MAY BE SUSPENDED OR REVOKED, TO PROVIDE CONDITIONS FOR THE MANDATORY AND PERMANENT REVOCATION OF A CERTIFICATE, TO PROVIDE DUE PROCESS UPON ANY REVOCATION, SUSPENSION OR DENIAL AND TO DELETE THE REQUIREMENT THAT A DISTRICT SUPERINTENDENT SHALL REPORT THE NAME OF A DISMISSED EDUCATOR; AND AMENDING CHAPTER 12, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1208A, IDAHO CODE, TO PROVIDE REPORTING REQUIREMENTS OF A SCHOOL DISTRICT BOARD OF TRUSTEES UPON THE DISMISSAL OR RESIGNATION OF AN EDUCATOR AND TO PROVIDE IMMUNITY TO THE PERSON MAKING THE REPORT.

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. 1. The state board of education may revoke or suspend any certificate issued or authorized under the provisions of 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, setting or trafficking of controlled substances or simulated controlled substances as those terms are defined in section 37-2701, Idaho Code;

h. A guilty plea or a finding of guilt, notwithstanding the form of the judgment or withheld judgment in this or any other state, of the crime of involuntary manslaughter, section 18-4006 2. or section 18-4006 3. Idaho Code;

i. 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;

j. Wilful violation of any professional code or standard of ethics or conduct, adopted by the state board of education;

k. The kidnapping of a child, section 18-4503, Idaho Code.

2. The state board of education shall permanently revoke any certificate issued or authorized under the provisions of section 33-1201, Idaho Code, and shall deny the application for issuance of a certificate of a person who pleads guilty to or is found guilty of, notwithstanding the form of the judgment or withheld judgment, any of the following felony offenses against a child:

a. The aggravated assault of a child, section 18-905, Idaho Code, or the assault with intent to commit a serious felony against a child, section 18-909, Idaho Code.

b. The aggravated battery of a child, section 18-907, Idaho Code, or the battery with intent to commit a serious felony against a child, section 18-911, Idaho Code.

c. The injury or death of a child, section 18-1501, Idaho Code.

d. The sexual abuse of a child under sixteen (16) years of age, section 18-1506, Idaho Code.

e. The ritualized abuse of a child under eighteen (18) years of age, section 18-1506A, Idaho Code.

f. The sexual exploitation of a child, section 18-1507, Idaho Code.

g. Possession of photographic representations of sexual conduct involving a child, section 18-1507A, Idaho Code.

h. Lewd conduct with a child under the age of sixteen (16) years, section 18-1508, Idaho Code.

i. The sale or barter of a child for adoption or other purposes, section 18-1511, Idaho Code.

j. The murder of a child, section 18-4003, Idaho Code, or the voluntary manslaughter of a child, section 18-4006 1., Idaho Code.

k. The kidnapping of a child, section 18-4502, Idaho Code.

l. The importation or exportation of a juvenile for immoral purposes, section 18-5601, Idaho Code.

m. The abduction of a person under eighteen (18) years of age for
prostitution, section 18-5610, Idaho Code.

n. The rape of a child, section 18-6101 or 18-6108, Idaho Code.

The general classes of felonies listed in this subsection (2) shall include equivalent laws of federal or other state jurisdictions. For the purpose of this subsection, "child" means a minor or juvenile as defined by the applicable state or federal law.

3. Any person whose certificate may be or has been revoked, suspended or denied under the provisions of this section shall be afforded a hearing according to the provisions of section 33-1209, Idaho Code.

4. 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--certifi-
cate:

SECTION 2. That Chapter 12, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1208A, Idaho Code, and to read as follows:

33-1208A. REPORTING REQUIREMENTS AND IMMUNITY. The board of trustees of a school district, through its designee, shall, within ten (10) days of the date the employment is severed, report to the chief officer of teacher certification the circumstances and the name of any educator who is dismissed, resigns or is otherwise severed from employment for reasons that could constitute grounds for revocation, suspension or denial of a certificate.

Any person providing a report under the provisions of this section shall have immunity from any liability, civil or criminal, that may otherwise be incurred or imposed. Any such person shall have the same immunity with respect to participation in any administrative or judicial proceeding resulting from such report. Any person who reports in bad faith or with malice shall not be protected by the provisions of this section.

Approved April 8, 1992.

CHAPTER 224
(S.B. No. 1320, As Amended)

AN ACT
RELATING TO UNLAWFUL POSSESSION OF A FIREARM; AMENDING CHAPTER 33, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-3316, IDAHO CODE, TO PROVIDE CONDITIONS WHEN POSSESSION OF A FIREARM IS UNLAWFUL AND TO PROVIDE PENALTIES.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Chapter 33, 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 18-3316, Idaho Code, and to read as follows:

18-3316. UNLAWFUL POSSESSION OF A FIREARM. (1) A person who previously has been convicted of a felony who purchases, owns, possesses, has under his custody or control any firearm shall be guilty of a felony and shall be imprisoned in the state prison for a period of time not to exceed five (5) years and by a fine not to exceed five thousand dollars ($5,000).

(2) For the purpose of subsection (1) of this section, "convicted of a felony" shall include a person who has entered a plea of guilty, nolo contendere or has been found guilty of any of the crimes enumerated in section 18-310, Idaho Code, or to a comparable felony crime in another state, territory, commonwealth, or other jurisdiction of the United States.

(3) For the purpose of subsection (1) of this section, "firearm" shall include any weapon from which a shot, projectile or other object may be discharged by force of combustion, explosive, gas and/or mechanical means, whether operable or inoperable.

(4) Subsection (1) of this section shall not apply to a person whose conviction has been nullified by expungement, pardon, setting aside the conviction or other comparable procedure by the jurisdiction where the felony conviction occurred; or whose civil right to bear arms either specifically or in combination with other civil rights has been restored by any other provision of Idaho law.

Approved April 8, 1992.

CHAPTER 225
(S.B. No. 1327)

AN ACT
RELATING TO THE LAKE PROTECTION ACT; AMENDING SECTION 58-1307, IDAHO CODE, TO PROVIDE THAT THE APPLICATION FEE FOR A NONCOMMERCIAL NONNAVIGATIONAL ENCROACHMENT FOR BANK STABILIZATION AND EROSION CONTROL OR FOR FISHERIES AND WILDLIFE HABITAT IMPROVEMENTS BE FIFTY DOLLARS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 58-1307, Idaho Code, be, and the same is hereby amended to read as follows:

58-1307. FEES FOR SPECIFIED PERMITS -- COSTS OF PUBLICATION. Application for a permit for any noncommercial navigational encroachment or noncommercial non navigational encroachment for bank stabilization and erosion control or for fisheries and wildlife habitat improvements shall be accompanied by a nonrefundable fee of fifty dollars ($50.00). Application for a permit for any other nonnavigational
or commercial navigational encroachment or navigational encroachment which extends beyond the line of navigability shall be accompanied by a nonrefundable fee of two hundred fifty dollars ($250). In addition, the board shall charge the applicant with costs of publishing notice of the application which shall be refunded if such notice is not published. Any person or agency requesting a hearing upon the application shall deposit and pay to the board an amount sufficient to cover the cost of publishing notice of hearing.

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

Approved April 8, 1992.

CHAPTER 226
(S.B. No. 1329)

AN ACT
RELATING TO THE TRANSFER OF MINERAL DEPOSITS IN AN EXCHANGE OF STATE LANDS AND TO THE BOARD OF LAND COMMISSIONERS; AMENDING SECTION 47-701, IDAHO CODE, TO CLARIFY THAT AN EXCHANGE OF STATE LANDS IS NOT A SALE OF STATE LANDS AND TO PROVIDE FOR THE APPROVAL OF THE TRANSFER OF MINERAL DEPOSITS HERETOFORE MADE IN SUCH EXCHANGES AND FUTURE EXCHANGES; AND AMENDING SECTION 58-138, IDAHO CODE, TO CLARIFY THE BOARD'S AUTHORITY TO TRANSFER FULL FEE TITLE IN AN EXCHANGE OF STATE LANDS.

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

SECTION 1. That Section 47-701, Idaho Code, be, and the same is hereby amended to read as follows:

47-701. RESERVATION OF MINERAL DEPOSITS TO STATE -- TERMS DEFINED. (1) The terms "mineral lands," "mineral," "mineral deposits," "deposit," and "mineral right," as used in this chapter, and amendments thereto shall be construed to mean and include all coal, oil, oil shale, gas, phosphate, sodium, asbestos, gold, silver, lead, zinc, copper, antimony, geothermal resources, salable minerals, and all other mineral lands, minerals or deposits of minerals of whatsoever kind or character.

(2) Such deposits in lands belonging to the state are hereby reserved to the state and are reserved from sale except upon a rental and royalty basis as herein provided, and the purchaser of any land belonging to the state shall acquire no right, title or interest in or to such deposits, and the right of such purchaser shall be subject to the reservation of all mineral deposits and to the conditions and limitations prescribed by law providing for the state and persons authorized by it to prospect for, mine, and remove such deposits and to occupy and use so much of the surface of said land as may be required for all purposes reasonably incident to the mining and removal of such
deposits therefrom.  
(3) An exchange of state land consummated by the board under authority of section 58-138, Idaho Code, shall not be considered a sale of state lands. The transfers of mineral deposits heretofore made in such exchanges are hereby approved.

SECTION 2. That Section 58-138, Idaho Code, be, and the same is hereby amended to read as follows:

58-138. EXCHANGE OF STATE LAND. (1) The state board of land commissioners may at its discretion, when in the state's best interest, exchange, and do all things necessary to exchange, fee simple title to include full surface and mineral rights, to any of the state lands now or hereafter held and owned by this state for similar lands of equal value public or private, so as to consolidate state lands or aid the state in the control and management or use of state lands.  
(2) Provided further the state board of land commissioners may, in its discretion, hereafter grant and receive less than fee simple title, and grant or allow such reservations, restrictions, easements or such other impairment to title as may be in the state's best interest.  
(3) No exchanges shall be made involving leased lands except upon the written agreement of the lessee.  
(4) Subject to the approval of the state board of land commissioners, the first lease on lands acquired through land exchange and in lieu selections shall be offered to the present user, lessee, or permittee of the land, provided that the present user agrees in writing to enter into a contractual management program through which the resource values of the land may be enhanced or improved for the purpose of increasing the income to the endowed institutions.

Approved April 8, 1992.

CHAPTER 227  
(S.B. No. 1333, As Amended, As Amended)

AN ACT
RELATING TO HARASSMENT; AMENDING CHAPTER 79, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-7905, IDAHO CODE, TO PROVIDE THAT THE ACT OF STALKING IS A CRIME, TO PROVIDE PENALTIES AND TO PROVIDE DEFINITIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 79, 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 18-7905, Idaho Code, and to read as follows:

18-7905. STALKING -- DEFINITIONS -- PENALTIES. (a) Any person who wilfully, maliciously and repeatedly follows or harasses another per-
son or a member of that person's immediate family is guilty of the crime of stalking, and is punishable by imprisonment in a county jail for not more than one (1) year or by a fine of not more than one thousand dollars ($1,000), or by both such fine and imprisonment.

(b) Any person who violates the provisions of subsection (a) of this section when there is a temporary restraining order or an injunction, or both, in effect prohibiting the behavior described in subsection (a) of this section, against the same party, is punishable by imprisonment in a county jail for not more than one (1) year or by a fine of not more than one thousand dollars ($1,000), or by both such fine and imprisonment.

(c) A second or subsequent conviction occurring within seven (7) years of a prior conviction under the provisions of this section against the same victim is a felony.

(d) For the purposes of this section:
(1) "Harasses" means a knowing and wilful course of conduct directed at a specific person which seriously alarms, annoys or harasses the person, and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress.
(2) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of this definition.

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

Approved April 8, 1992.

CHAPTER 228
(S.B. No. 1334, As Amended)

AN ACT
RELATING TO CHILD CUSTODY ACTIONS; AMENDING SECTION 32-717, IDAHO CODE, TO PROVIDE THAT DOMESTIC VIOLENCE SHALL BE A FACTOR THAT A COURT MAY CONSIDER WHEN IT GIVES DIRECTION FOR THE CUSTODY, CARE AND EDUCATION OF THE CHILDREN OF A MARRIAGE THAT IS THE SUBJECT OF DIVORCE PROCEEDINGS.

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

SECTION 1. That Section 32-717, Idaho Code, be, and the same is hereby amended to read as follows:

32-717. CUSTODY OF CHILDREN -- BEST INTEREST. In an action for divorce the court may, before and after judgment, give such direction for the custody, care and education of the children of the marriage as may seem necessary or proper in the best interests of the children. The court shall consider all relevant factors which may include:
1. The wishes of the child's parent or parents as to his or her custody;
2. The wishes of the child as to his or her custodian;
3. The interaction and interrelationship of the child with his or her parent or parents, and his or her siblings;
4. The child's adjustment to his or her home, school, and community;
5. The mental and physical health and integrity of all individuals involved; and
6. The need to promote continuity and stability in the life of the child; and
7. Domestic violence as defined in section 39-6303, Idaho Code, whether or not in the presence of the child.

Approved April 8, 1992.

CHAPTER 229
(S.B. No. 1336, As Amended)

AN ACT
RELATING TO A STATE ATHLETIC COMMISSION; REPEALING CHAPTER 4, TITLE 54, IDAHO CODE; AMENDING TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 4, TITLE 54, IDAHO CODE, TO CREATE THE STATE ATHLETIC COMMISSION, TO DEFINE TERMS, TO PROVIDE FOR OFFICERS, EMPLOYEES AND INSPECTORS, TO PROVIDE FOR RECORDS, TO PROVIDE FOR LICENSES, TO PROVIDE DUTIES OF THE COMMISSION, TO PROVIDE CERTAIN CONDITIONS FOR PROMOTERS, TO PROVIDE FOR THE ISSUANCE OF A LICENSE, TO PROVIDE FOR STATEMENT AND REPORT OF AN EVENT AND TO PROVIDE A TAX ON GROSS RECEIPTS, TO PROVIDE FOR SIMULTANEOUS OR CLOSED CIRCUIT TELECASTS, FOR A REPORT AND A TAX ON GROSS RECEIPTS, TO PROVIDE DUTIES FOR INSPECTORS, TO PROVIDE CERTAIN CONDITIONS ON BOUTS, TO PROVIDE FOR ATTENDANCE OF PHYSICIANS AND THE EXAMINATION OF CONTESTANTS, TO PROVIDE FOR ANNUAL LICENSES, FEES AND REVOCATION OF LICENSES, TO PROVIDE FOR CONSEQUENCES FOR CERTAIN ACTIONS, TO PROVIDE FOR RULE VIOLATION, TO PROVIDE FOR FAILURE TO MAKE REPORTS, TO PROVIDE PENALTIES FOR CONDUCTING EVENTS WITHOUT A LICENSE, TO PROVIDE GENERAL PENALTIES, TO PROVIDE FOR MEDICAL EMERGENCIES, TO PROVIDE FOR SECURITY AT BOUTS, AND TO PROVIDE GENERAL PROHIBITIONS.

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

SECTION 1. That Chapter 4, Title 54, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 4, Title 54, Idaho Code, and to read as follows:
CHAPTER 4
STATE ATHLETIC COMMISSION

54-401. STATE ATHLETIC COMMISSION. There is hereby created and established the state athletic commission in the department of self-governing agencies. The state athletic commission shall be administered by the state athletic commissioner who shall be appointed by the governor subject to confirmation by the senate and shall be subject to removal at the pleasure of the governor. The state athletic commissioner shall be appointed for a term of four (4) years and shall receive such compensation not to exceed that provided in section 59-509(f), Idaho Code.

54-402. DEFINITIONS. In this chapter:
(1) "Boxing" includes, but is not limited to, sumo, judo, and karate in addition to fisticuff but does not include professional wrestling.
(2) "Commission" means the athletic commission.
(3) "Promoter" means any person and in the case of a corporation, an officer, director, employee or shareholder thereof, who produces, arranges or stages any professional wrestling exhibition or boxing contest.

54-403. OFFICERS, EMPLOYEES, INSPECTORS. The commission may employ and fix the compensation of such officers, employees and inspectors as may be necessary to administer the provisions of this chapter.

54-404. RECORDS -- SEAL -- OATHS -- COMPULSORY PROCESS. The commission shall keep full and correct minutes of its transactions and proceedings, which shall at all times be open to public inspection. The commission shall adopt and procure a seal and all processes or certificates issued by it shall be attested under such seal. Copies of the record of the commission shall be certified by the secretary and attested with the seal of the commission. Any employee of the commission officially designated by the commissioner shall have the power to administer oaths in all matters pertaining to or concerning the proceedings of the official duties of the commission. The commission shall have power to summon witnesses to appear and testify on any matter deemed material to the proper discharge of its duties. Such summons shall be served in like manner as a subpoena issued out of the district court and shall be served by the sheriff of the proper county, and such service returned by him to the commission without compensation.

54-405. LICENSES FOR BOXING, SPARRING AND WRESTLING EVENTS -- TELECASTS. The commission shall have power to issue and for cause to revoke a license to conduct boxing contests, sparring matches, or wrestling shows or exhibitions, including a simultaneous telecast of any live, current or spontaneous boxing, sparring or wrestling match or performance on a closed circuit telecast within this state, whether originating in this state or elsewhere, and for which a charge is made, as herein provided under such terms and conditions and at such
times and places as the commission may determine. Such license shall entitle the holder thereof to conduct boxing contests and sparring and/or wrestling matches and exhibitions under such terms and conditions and at such times and places as the commission may determine. In case the commission shall refuse to grant a license to any applicant, or shall cancel any license, such applicant, or the holder of such canceled license shall be entitled, upon application, to a hearing to be held not less than sixty (60) days after the filing of such order at such place as the commission may designate; provided however, that it has been found by a valid finding and such finding is fully set forth in the order, that the applicant or licensee has been guilty of any felony or of disobeying any provision of this chapter, such hearing shall be denied.

54-406. DUTIES OF COMMISSION -- LICENSING -- EXEMPTIONS -- MEDICAL CERTIFICATION. The commission shall have power, and it shall be its duty, to direct, supervise and control all boxing contests, sparring matches and wrestling shows or exhibitions conducted within the state and no such boxing contest, sparring match, or wrestling show or exhibition shall be held or given within this state except in accordance with the provisions of this chapter. The commission may, in its discretion, issue and for cause revoke a license to conduct, hold or give boxing and sparring contests and wrestling shows and exhibitions where an admission fee is charged by any club, corporation, organization, association or fraternal society; provided, however, that all boxing contests, sparring or wrestling matches or exhibitions which:

(1) Are conducted by any school, college or university, whether public or private, or by the official student association thereof, whether on or off the school, college or university grounds, where all the participating contestants are bona fide students enrolled in any school, college or university, within or without this state; or

(2) Are entirely amateur events promoted on a nonprofit basis or for charitable purposes; or

(3) Are athletic exhibitions held under the auspices or sanction of an established nonprofit secondary school activities organization or of its public or nonprofit accredited secondary school members, or held under a higher education organization or its public or not-for-profit accredited higher education members;

shall not be subject to the provisions of this chapter. Provided, further, that every contestant in any boxing contest or sparring match not conducted under the provisions of this chapter, prior to engaging in and conducting such contest or match, shall be examined by a licensed physician at least once in each calendar year, or where such contest is conducted by a school, college or university or organization as further described in this section, once in each academic year in which instance the physician shall also designate the maximum and minimum weights at which the contestant shall be medically certified to participate. Provided further, that no contestant shall be permitted to participate in any such boxing contest, sparring or wrestling match or exhibition in any weight classification other than that or those for which he is certificated. Provided further, that the exempted organizations shall be governed by the provisions of section...
54-412, Idaho Code, as that section applies to boxing contests or sparring matches or exhibitions conducted by organizations exempted in this section from the general provisions of this chapter. No boxing contest, sparring match or wrestling show or exhibition shall be conducted within this state except pursuant to a license issued in accordance with the provisions of this chapter and the rules and regulations of the commission except as hereinabove provided.

54-407. PROMOTERS -- BOND -- MEDICAL INSURANCE. (1) Every boxing promoter, as a condition for receiving a license, shall file a good and sufficient bond in an amount determined by the commission with the commission, conditioned upon the faithful performance by such licensee of the provisions of this chapter, the payment of the taxes, officials, and contracts as provided for herein and the observance of all rules and regulations of the commission, which bond shall be subject to the approval of the attorney general.

(2) Every promoter of a wrestling exhibition or closed circuit telecast as a condition of receiving a license as provided for under this chapter shall file a good and sufficient bond in an amount determined by the commission with the commission conditioned upon the faithful performance by such licensee of the provisions of this chapter, the payment of the taxes and officials provided for herein and the observance of all rules and regulations of the commission, which bond shall be subject to the approval of the attorney general.

(3) Boxing promoters must obtain health insurance to cover any injuries incurred by participants at the time of the event.

54-408. ISSUANCE OF A LICENSE. Upon the approval by the commission of any application for a license, as hereinabove provided, and the filing of the bond the commission shall forthwith issue such license.

54-409. STATEMENT AND REPORT OF EVENT -- TAX ON GROSS RECEIPTS. (1) Any promoter as herein provided shall, within seven (7) days prior to the holding of any boxing contest or sparring match or exhibition, file with the commission a statement setting forth the name of each licensee, his manager or managers and such other information as the commission may require. Any promoter shall, within seven (7) days before holding any wrestling exhibition or show, file with the commission a statement setting forth the name of each contestant, his manager or managers and such other information as the commission may require. Participant changes within a twenty-four (24) hour period regarding a wrestling exhibition or show may be allowed after notice to the commission, if the new participant holds a valid license under this chapter. Upon the termination of any contest or exhibition the promoter shall file with the designated commission representative a written report, duly verified as the commission may require showing the number of tickets sold for such contest, the price charged for such tickets and the gross proceeds thereof, and such other and further information as the commission may require. The promoter shall pay to the commission at the time of filing the above report a tax equal to five per cent (5%) of the gross receipts and the five per cent (5%) of the gross receipts shall be paid within twenty-four (24) hours by
the commission into the state athletic commission account which is hereby created in the dedicated fund of the state treasury. Moneys in the account may be expended pursuant to appropriation and shall be utilized by the commission to administer the provisions of this chapter. All moneys in the state athletic fund as of June 30, 1992, are hereby transferred and deposited in the state athletic commission account on July 1, 1992.

(2) The number of complimentary tickets shall be limited to two per cent (2%) of the total tickets sold per event location. All complimentary tickets exceeding this set amount shall be subject to taxation.

54-410. SIMULTANEOUS OR CLOSED CIRCUIT TELECASTS -- REPORT -- TAX ON GROSS RECEIPTS. Every licensee who charges and receives an admission fee for exhibiting a simultaneous telecast of any live, current or spontaneous boxing or sparring match or wrestling exhibition or show on a closed circuit telecast viewed within this state shall, within seventy-two (72) hours after such event, furnish to the commission a verified written report on a form which is supplied by the commission showing the number or tickets issued or sold, and the gross receipts therefor without any deductions whatsoever. Such licensee shall also, at the same time pay to the commission a tax equal to five per cent (5%) of such gross receipts paid for admission to the showing of the contest, match or exhibition. In no event, however, shall the tax be less than twenty-five dollars ($25.00). The tax shall apply uniformly at the same rate to all persons subject to the tax. Such receipts shall be paid within twenty-four (24) hours by the commission into the state athletic commission account.

54-411. INSPECTORS -- DUTIES -- FEE FOR ATTENDING EVENTS -- TRAVEL EXPENSES. The commission may appoint official inspectors at least one (1) of which, in the absence of a member of the commission, shall be present at any boxing contest or sparring match or exhibition held under the provisions of this chapter and may be present at any wrestling exhibition or show. Such inspectors shall carry a card signed by the state athletic commissioner evidencing their authority. It shall be their duty to see that all rules and regulations of the commission and the provisions of this chapter are strictly complied with and to be present at the accounting of the gross receipts of any contest, and such inspector is authorized to receive from the licensee conducting the contest the statement of receipts herein provided for and to immediately transmit such reports to the commission. Each inspector shall receive a fee from the licensee to be set by the commission for each contest officially attended. Each inspector shall be compensated as provided in section 59-509(b), Idaho Code.

54-412. ROUNDS AND BOUTS LIMITED -- WEIGHT OF GLOVES. No boxing contest or sparring exhibition held in this state whether under the provisions of this chapter or otherwise shall be for more than ten (10) rounds and no one (1) round of any such contest exhibition shall be scheduled for less than or longer than three (3) minutes and there shall be not less than one (1) minute intermission between each round. In the event of bouts involving a state or regional championship, the
commission may grant an extension of no more than two (2) additional rounds to allow total bouts of twelve (12) rounds, and in bouts involving a national or world championship the commission may grant an extension of no more than five (5) additional rounds to allow total bouts of fifteen (15) rounds. No contestant in any boxing contest or sparring match or exhibition shall be permitted to wear gloves weighing less than eight (8) ounces; provided, however, that no contestants weighing one hundred sixty-five (165) pounds or more shall be permitted to wear gloves weighing less than ten (10) ounces. The commission shall promulgate rules and regulations to assure clean and sportsmanlike conduct on the part of all contestants and officials, and the proper and orderly conduct of the contest in all respects, and to otherwise make rules and regulations consistent with this chapter, but such rules and regulations shall apply only to contests held under the provisions of this chapter.

54-413. PHYSICIAN'S ATTENDANCE -- EXAMINATION OF CONTESTANTS. Each contestant for boxing or sparring shall be examined within eight (8) hours prior to the contest by a competent physician appointed by the commission. The physician shall forthwith and before such contest report in writing and over his signature the physical condition of each and every contestant to the commissioner or inspector present at such contest. No contestant whose physical condition is not approved by the examining physician shall be permitted to participate in any contest. Blank forms of physicians' reports shall be provided by the commission and all questions upon such blanks shall be answered in full. The examining physician shall be paid a fee designated by the commission by the promoter conducting such match or exhibition. The commission may have a participant in a wrestling exhibition or show examined by a physician appointed by the commission prior to the exhibition or show. A participant in a wrestling exhibition or show whose condition is not approved by the examining physician shall not be permitted to participate in the exhibition or show. No boxing contest, sparring match or exhibition shall be held unless a licensed physician of the commission or his duly appointed representative is present throughout the contest. The commission may require that a physician be present at a wrestling exhibition or show. Any physician present at a wrestling show or exhibition shall be paid for by the promoter. Any practicing physician may be selected by the commission as the examining physician. The physician present at the contest shall have the authority to stop any contest when in the physician's opinion it would be dangerous to a contestant to continue.

54-414. ANNUAL LICENSES -- FEES -- REVOCATION. (1) The commission may grant annual licenses in compliance with the rules and regulations prescribed by the commission, and the payment of the fees, the amount of which is to be determined by the commission upon application, prescribed to promoters, managers, referees, boxers, wrestlers, and seconds; provided, that the provisions of this section shall not apply to contestants or participants in strictly amateur contests and/or fraternal organizations and/or veterans organizations chartered by congress or the defense department or any bona fide athletic club which is a member of an association of the amateur athletic union of the
United States, holding and promoting athletic contests and where all funds are used primarily for the benefit of their members.

(2) Any such license may be revoked by the commission for any cause which it shall deem sufficient.

(3) No person shall participate or serve in any of the above capacities unless licensed as provided in this chapter.

(4) The referee for any boxing contest shall be designated by the commission from among such licensed referees.

(5) The referee for any wrestling exhibition or show shall be provided by the promoter and licensed by the commission.

(6) All fees collected pursuant to this section shall be deposited in the state athletic commission account created in section 54-409, Idaho Code.

54-415. PARTICIPATION IN PURSE -- CONDUCTING SHAM EVENTS -- FORFEITURE OF LICENSE. Any person or any member of any group of persons or corporation promoting boxing exhibitions or contests who shall directly or indirectly participate in the purse or fee of any manager of any boxers or any boxer and any licensee who shall conduct or participate in any sham or fake boxing contest or sparring match or exhibition shall thereby forfeit its license and the commission shall declare the license canceled and void and the licensee shall not thereafter be entitled to receive another such license, or any license issued pursuant to the provisions of this chapter.

54-416. VIOLATION OF RULES -- SHAM EVENTS -- PENALTIES. Any contestant or licensee who shall participate in any sham or fake boxing contest, match or exhibition and any licensee or participant who violates any rule or regulation of the commission shall be penalized in the following manner. For the first offense he shall be restrained by order of the commission for a period of not less than three (3) months from participating in any contest held under the provisions of this chapter, such suspension to take effect immediately after the occurrence of the offense, for any second offense such contestant shall be forever suspended for participation in any contest under the provisions of this chapter.

54-417. FAILURE TO MAKE REPORTS -- ADDITIONAL TAX -- NOTICE -- PENALTY FOR DELINQUENCY. Whenever any licensee shall fail to make a report of any contest within the time prescribed in this chapter or when such report is unsatisfactory to the commission, the commissioner or his designee shall examine the books and records of such licensee; he may subpoena and examine under oath any officer of such licensee and such other person or persons as he may deem necessary to a determination of the total gross receipts from any contest and the amount of tax thereon. If, upon the completion of such examination it shall be determined that an additional tax is due, notice thereof shall be served upon the licensee, and if such licensee shall fail to pay such additional tax within twenty (20) days after service of such notice the delinquent licensee shall forfeit its license and shall forever be disqualified from receiving any new license and in addition thereto, such licensee and the members thereof shall be jointly and severally liable to this state in the penal sum of ten thousand dollars.
($10,000) to be collected by the attorney general by civil action in the name of the state in the manner provided by law. All moneys collected pursuant to the provisions of this section shall be remitted to the state athletic commission account.

54-418. PENALTY FOR CONDUCTING EVENTS WITHOUT LICENSE -- INJUNCTIONS. Any person, club, corporation, organization, association, fraternal society, participant or promoter conducting or participating in boxing contests, sparring matches or wrestling shows or exhibitions within this state without first having obtained a license therefor in the manner provided in this chapter is in violation of the provisions of this chapter excepting such contests excluded from the operation of the provisions of this chapter in section 54-406, Idaho Code. The attorney general, each prosecuting attorney, the commission, or any citizen of any county where any person, club, corporation, organization, association, fraternal society, promoter, or participant shall threaten to hold or, appears likely to hold or participate in athletic contests or exhibitions in violation of the provisions of this chapter, may in accordance with the laws of this state governing injunctions, enjoin such person, club, corporation, organization, association, fraternal society, promoter, or participant from holding or participating in such contest or exhibition.

54-419. GENERAL PENALTY. Any person, firm or corporation violating any of the provisions of this chapter for which no penalty is herein provided shall be guilty of a misdemeanor.

54-420. MEDICAL EMERGENCIES. A promoter shall have an ambulance or paramedical unit present at the arena in case a serious injury occurs unless an ambulance or paramedical unit is located within five (5) miles of the arena and that unit is on call for such an occurrence.

54-421. SECURITY -- PROMOTER'S RESPONSIBILITY. A promoter shall ensure that adequate security personnel are in attendance at a wrestling exhibition or boxing contest to control the crowd or audience in attendance. The size of the security force shall be determined by mutual agreement of the promoter, the person in charge of operating the arena or other facility and the commission.

54-422. GENERAL PROHIBITIONS -- PENALTIES. (1) It is unlawful for any promoter or person associated with or employed by any promoter to destroy any ticket or ticket stub, whether sold or unsold, within three (3) months after the date of any exhibition or show.

(2) The striking of any person that is not a licensed participant at a wrestling exhibition or show shall constitute grounds for suspension, revocation or both of a license issued pursuant to the provisions of this chapter.

(3) In addition to any other penalty provided by law, persons violating the provisions of this section shall be guilty of a misdemeanor.

Approved April 8, 1992.
CHAPTER 230
(S.B. No. 1340)

AN ACT
RELATING TO VEHICLE SIZE; AMENDING SECTION 49-1010, IDAHO CODE, TO INCREASE THE SINGLE MOTOR VEHICLE LENGTH OPERATING ON IDAHO HIGHWAYS TO FORTY-FIVE FEET.

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

SECTION 1. That Section 49-1010, Idaho Code, be, and the same is hereby amended to read as follows:

49-1010. SIZE OF VEHICLES AND LOADS. No vehicle shall exceed the dimensions specified below, except that certain devices determined by the board as necessary for the safe and efficient operation of motor vehicles, including energy conservation devices, shall be excluded from the calculation of width or length.

(1) The width of a vehicle, including any load thereon, except as noted below, shall not exceed ......................... 8 1/2 feet.
   (a) The limitations as to size of vehicles stated in this section shall not apply to farm tractors or to implements of husbandry, including any load thereon, and including all equipment used in land leveling operations, when being incidentally operated upon the highway from one (1) farm operation to another during daylight hours.
   (b) Notwithstanding the exemption from width limitation for farm tractors included in paragraph (a) of this subsection, the total outside width of any farm tractor being transported on the interstate system in this state, except as permitted by section 49-1004, Idaho Code, shall not exceed ......................... 9 feet.
   (c) A farm tractor or implement of husbandry, when being incidentally transported upon the highway with a width in excess of the limits of paragraphs (a) and (b) of this subsection, must not proceed at a speed in excess of twenty-five (25) miles per hour, must display one (1) eighteen (18) by eighteen (18) inch red flag on the outermost left projection of the tractor or implement being transported, except that the speed restriction of twenty-five (25) miles per hour shall not apply when such tractor or implement of husbandry is being hauled on legal width highway vehicles equipped as required by law.

(2) The height of a vehicle, including the load thereon, shall not exceed .................................................. 14 feet.

(3) The length of a vehicle, or vehicle combination, except as noted below shall not exceed:
   (a) When a single motor vehicle ......................... 458 feet.
   (b) When a trailer or semitrailer, except as noted below ..... 48 feet.

1. Semitrailers operating on routes determined by the board to have severe curvature, deficient width and/or heavy traffic conditions shall be limited to a distance between kingpin and last axle of not to exceed ......................... 39 feet.
2. The length of a trailer tongue, or the length of the tongue of a converter gear used to convert a semitrailer to a trailer, shall be excluded from the calculation of a trailer length.

(c) When a motor vehicle and one or more trailers, except as noted in (3)(d) ............................ 75 feet.
(d) When a combination of semitrailer and trailer, or of two (2) semitrailers the length in such combination, including the connecting tongue and excluding the truck tractor except as noted below .......................... 61 feet.

When the combination of semitrailer and trailer or of two (2) semitrailers including the connecting tongues exceeds sixty-one (61) feet, the length of such combination including the truck tractor ............................ 75 feet.
(e) When a dromedary tractor with semitrailer, stinger-steered by having the kingpin located five (5) feet to the rear of the centroid of the rear axle(s) .................. 75 feet.
(f) When a dromedary tractor with semitrailer, not meeting the stinger-steer requirement as defined in (e) above .... 65 feet.
(g) When an auto transporter or boat transporter, stinger-steered as defined in (e) above, excluding front and rear overhang of load .................................................. 75 feet.
(h) When an auto transporter or boat transporter, not meeting the stinger-steer requirement as defined in (e) above, excluding front and rear overhang of load ......................... 65 feet.
(i) When a tractor with stinger-steered pole trailer or log dolly, connected by a reach or pole, or a combination used for transporting long loads such as poles, pipes, logs or structural members generally capable of sustaining themselves as beams between supporting bunks or connections .......................... 75 feet.

(4) The overhang or extension of a load shall not extend:
(a) Beyond the front of a vehicle, more than ............ 4 feet.
(b) Beyond the last axle, more than .................... 15 feet.
(c) Beyond the left fender of a passenger vehicle, more than .................................................. 0 feet.
(d) Beyond the right fender of a passenger vehicle, more than .................................................. 6 inches.
(e) To the front and rear combined of an auto transporter or boat transporter, more than .......................... 7 feet.

(5) Noncargo-carrying devices necessary for the safe and efficient operation of the vehicle, as determined by the board, shall not be included in measurement for length.

(6) No combination shall include more than three (3) units except when a triple saddlemount vehicle ..................... 65 feet.

(7) Vehicle combinations consisting of not more than four (4) vehicle units may be operated by permit, with an overall length in excess of the limits of subsection (3) of this section, on routes designated for such operations by the board with an overall combination length not to exceed one hundred and five (105) feet.

Approved April 8, 1992.
CHAPTER 231
(S.B. No. 1341)

AN ACT
RELATING TO VEHICLE SIZE; AMENDING SECTION 49-1010, IDAHO CODE, TO REPLACE THE THIRTY-NINE FOOT KINGPIN TO LAST AXLE DIMENSION FOR SEMITRAILER COMBINATIONS OPERATING ON RESTRICTED ROUTES WITH AN OVERALL LENGTH RESTRICTION OF SIXTY-FIVE FEET AND TO CLARIFY THAT THE OVERALL LENGTH RESTRICTION OF SEVENTY-FIVE FEET DOES NOT APPLY TO TRUCK TRACTOR/SINGLE SEMITRAILER COMBINATIONS.

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

SECTION 1. That Section 49-1010, Idaho Code, be, and the same is hereby amended to read as follows:

49-1010. SIZE OF VEHICLES AND LOADS. No vehicle shall exceed the dimensions specified below, except that certain devices determined by the board as necessary for the safe and efficient operation of motor vehicles, including energy conservation devices, shall be excluded from the calculation of width or length.

1. The width of a vehicle, including any load thereon, except as noted below, shall not exceed 8 1/2 feet.
   (a) The limitations as to size of vehicles stated in this section shall not apply to farm tractors or to implements of husbandry, including any load thereon, and including all equipment used in land leveling operations, when being incidentally operated upon the highway from one farm operation to another during daylight hours.
   (b) Notwithstanding the exemption from width limitation for farm tractors included in paragraph (a) of this subsection, the total outside width of any farm tractor being transported on the interstate system in this state, except as permitted by section 49-1004, Idaho Code, shall not exceed 9 feet.
   (c) A farm tractor or implement of husbandry, when being incidentally transported upon the highway with a width in excess of the limits of paragraphs (a) and (b) of this subsection, must not proceed at a speed in excess of twenty-five (25) miles per hour, must display one (1) eighteen (18) by eighteen (18) inch red flag on the outermost left projection of the tractor or implement being transported, except that the speed restriction of twenty-five (25) miles per hour shall not apply when such tractor or implement of husbandry is being hauled on legal width highway vehicles equipped as required by law.

2. The height of a vehicle, including the load thereon, shall not exceed 14 feet.

3. The length of a vehicle, or vehicle combination, except as noted below shall not exceed:
   (a) When a single motor vehicle 40 feet.
   (b) When a trailer or semitrailer, except as noted below 48 feet.
1. Semitrailers operating on routes determined by the board to have severe curvature, deficient width and/or heavy traffic conditions shall be limited to a distance between kingpin and last axle of an overall combination length not to exceed 3965 feet.

2. The length of a trailer tongue, or the length of the tongue of a converter gear used to convert a semitrailer to a trailer, shall be excluded from the calculation of a trailer length.

3. When a motor vehicle and one or more trailers, except as noted in (3)(b) and (3)(d) ........................................ 75 feet.

4. When a combination of semitrailer and trailer, or of two (2) semitrailers the length in such combination, including the connecting tongues and excluding the truck tractor except as noted below .......................................................... 61 feet.

5. When the combination of semitrailer and trailer or of two (2) semitrailers including the connecting tongues exceeds sixty-one (61) feet, the length of such combination including the truck tractor ........................................ 75 feet.

6. When a dromedary tractor with semitrailer, stinger-steered by having the kingpin located five (5) feet to the rear of the centroid of the rear axle(s) ...................................................... 75 feet.

7. When a dromedary tractor with semitrailer, not meeting the stinger-steer requirement as defined in (e) above ........ 65 feet.

8. When an auto transporter or boat transporter, stinger-steered as defined in (e) above, excluding front and rear overhang of load .......................................................... 75 feet.

9. When an auto transporter or boat transporter, not meeting the stinger-steer requirement as defined in (e) above, excluding front and rear overhang of load ........................................ 65 feet.

10. When a tractor with stinger-steered pole trailer or log dolly, connected by a reach or pole, or a combination used for transporting long loads such as poles, pipes, logs or structural members generally capable of sustaining themselves as beams between supporting bunks or connections .......................... 75 feet.

4. The overhang or extension of a load shall not extend:

(a) Beyond the front of a vehicle, more than .......... 4 feet.

(b) Beyond the last axle, more than ......................... 15 feet.

(c) Beyond the left fender of a passenger vehicle, more than ........................................ 0 feet.

(d) Beyond the right fender of a passenger vehicle, more than ........................................ 6 inches.

(e) To the front and rear combined of an auto transporter or boat transporter, more than ......................... 7 feet.

5. Noncargo-carrying devices necessary for the safe and efficient operation of the vehicle, as determined by the board, shall not be included in measurement for length.

6. No combination shall include more than three (3) units except when a triple saddlemount vehicle .................. 65 feet.

7. Vehicle combinations consisting of not more than four (4) vehicle units may be operated by permit, with an overall length in excess of the limits of subsection (3) of this section, on routes designated for such operations by the board with an overall combination
length not to exceed one hundred and five (105) feet.

Approved April 8, 1992.

CHAPTER 232
(S.B. No. 1343)

AN ACT
RELATING TO VEHICLE SIZE; AMENDING SECTION 49-120, IDAHO CODE, TO REDEFINE TRIPLE SADDLEMOUNT VEHICLE AS SADDLEMOUNT COMBINATION; AMENDING SECTION 49-121, IDAHO CODE, TO DELETE THE DEFINITION OF TRIPLE SADDLEMOUNT VEHICLE; AND AMENDING SECTION 49-1010, IDAHO CODE, TO INCREASE THE LENGTH OF SADDLEMOUNT COMBINATIONS TO SEVENTY-FIVE FEET.

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

SECTION 1. That Section 49-120, Idaho Code, be, and the same is hereby amended to read as follows:

49-120. DEFINITIONS -- S.
(1) "Saddlemount combination" means a combination of vehicles in which a truck or truck tractor tows one (1), two (2) or three (3) trucks or truck tractors, each connected by a saddle to the frame or fifth wheel of the vehicle in front of it. The saddle is a mechanism that connects the front axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth wheel kingpin connection. A smaller vehicle mounted completely on the frame of either the first or last vehicle may be used in a saddlemount combination.
(2) "Safety glazing materials" mean glazing materials so constructed, treated or combined with other materials as to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.
(3) "Safety zone" means the area or space officially set apart within a highway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.
(4) "Salvage pool" means a licensed vehicle dealer engaged primarily in the business of disposing of salvage vehicles, recovered stolen vehicles, or both.
(5) "School bus" means every motor vehicle that complies with the color and identification requirements set forth in the most recent edition of "Minimum Standards for School Buses" and is used to transport children to or from school or in connection with school approved activities and includes buses operated by contract carriers.
(6) "Secretary" means the secretary of transportation of the United States.
(7) "Security agreement." (See section 28-9-105, Idaho Code)
"Security interest." (See section 28-1-201, Idaho Code)

"Sell," "sold," "buy," and "purchase," mean and include, as used in sections 49-2401 through 49-2406, Idaho Code, exchange, barter, gift, and offer or contract to sell or buy.

"Semitrailer." (See "Trailer", section 49-121, Idaho Code)

"Serious traffic violation" means conviction of an offense specified in 49 CFR part 383 while operating a commercial motor vehicle.

"Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for use by pedestrians.

"Signal." (See "Railroad sign", section 49-119, Idaho Code)

"Slow moving vehicle" means any vehicle not normally operated upon the highways.

"Snow tire." (See "Tires", section 49-121, Idaho Code)

"Sold." (See "Sell", "buy", and "purchase", this section)

"Solid rubber tire." (See "Tires", section 49-121, Idaho Code)

"Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including: ditch-digging apparatus, well-boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carry-alls and scrapers, power shovels and drag lines, and self-propelled cranes, and earth moving equipment. The term does not include travel trailers, dump trucks, truck mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

"Specially constructed vehicle." (See "Vehicle", section 49-123, Idaho Code)

"Stand" or "standing" means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

"State" means a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of Canada.

"Stop" means the act of or complete cessation from movement.

"Stopping" means the act of any halting even momentarily of a vehicle.

"Street." (See "Highways", section 49-109, Idaho Code)

"Street rod" means any pre-1949 vehicle which has had a significant drive train update from a more modern vehicle. Changes may include engine, transmission, rear axle, and other suspension components. The body will be, or resemble the same as the manufacturer's original issue after its first sale after manufacture.

"Studded tire." (See "Tires", section 49-121, Idaho Code)

"Substandard width lane" means a lane that is too narrow for a bicycle and a motor vehicle to travel safely side by side within the lane.

"Supplemental lot" means a physically separate location
owned and maintained by a licensed dealer or manufacturer within the same or adjacent county as the principal place of business which meets all the requirements for a principal place of business.

(289) "Suspension of driver's license" means the temporary withdrawal by formal action of the department or as otherwise provided in this title of a person's driver's license or privilege to operate a motor vehicle on the public highways, which temporary withdrawal shall be for a period specifically designated by the department.

SECTION 2. That Section 49-121, Idaho Code, be, and the same is hereby amended to read as follows:

49-121. DEFINITIONS -- T.

(1) "Temporary supplemental lot" means a location other than the principal place of business, or supplemental lot within the same or adjacent county as the principal place of business, or where a licensed dealer may secure a license to conduct the business and is licensed for a period of time not to exceed ten (10) days for a specific purpose such as auto shows, auctions, shopping center promotions, tent sales, etc. Temporary supplemental lots shall meet all local zoning and building codes for the type of business being conducted. The requirements for a principal place of business shall not be applicable to temporary supplemental lot locations.

(2) "Tires" mean:
   (a) Metal. Every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.
   (b) Pneumatic. Every tire in which compressed air is designed to support the load.
   (c) Snow tire. Every rubber tire with tread design or material embedded in the tire to improve winter traction except studded tires.
   (d) Solid rubber. Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.
   (e) Studded tire. Every tire with built-in lugs of tungsten carbide or other suitable material designed to contact the road surface for improved winter traction.

(3) "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any highway for purposes of travel.

(4) "Traffic lane" or "lane of travel" means that portion of the roadway for movement of a single line of vehicles.

(5) "Traffic-control device" means any device, whether manually, electrically or mechanically operated, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

(6) "Trailer" means:
   (a) General. Every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.
   (b) Fifth-wheel trailer. A vehicular unit equipped in the same
manner as a travel trailer but constructed with a raised forward section that allows a bi-level floor plan. This style is designed to be towed by a vehicle equipped with a device known as a fifth-wheel hitch, which is typically installed in the bed of a pickup truck.

(c) Fold down camping trailer. A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls, which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters, for recreational, camping or travel use.

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

(e) Pole trailer. Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

(f) Semitrailer. Every vehicle without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by the towing vehicle.

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

(h) Utility trailer. (See "Utility Trailer", section 49-122, Idaho Code)

(7) "Transportation", for the purposes of chapter 22 of this title, means the movement of any regulated quantity of hazardous material or hazardous waste within, through, or to any destination in this state upon the highways of this state.

(8) "Transporter" means every person engaged in the business of delivering vehicles of a type required to be registered from a manufacturing, assembling or distributing plant to dealers or sales agents of a manufacturer, except in chapter 22, where it means any person who transports a hazardous material or hazardous waste within, through, or to any destination upon the highways of this state.

"Truck" means:
(a) General. Every motor vehicle exceeding eight thousand (8,000) pounds gross weight designed, used or maintained primarily for the transportation of property.
(b) Pickup truck. Every motor vehicle eight thousand (8,000) pounds gross weight or less which is designed, used or maintained primarily for the transportation of property.
(c) Truck camper. A portable unit constructed to provide temporary living quarters for recreational, travel or camping use, consisting of a roof, floor, and sides, designed to be loaded onto and unloaded from the bed of a pickup truck.
(d) Truck tractor. Every motor vehicle designed and used primarily for drawing other vehicles.

"True mileage driven" means the mileage of the vehicle as registered by the odometer within the manufacturer's designed tolerance.

SECTION 3. That Section 49-1010, Idaho Code, be, and the same is hereby amended to read as follows:

49-1010. SIZE OF VEHICLES AND LOADS. No vehicle shall exceed the dimensions specified below, except that certain devices determined by the board as necessary for the safe and efficient operation of motor vehicles, including energy conservation devices, shall be excluded from the calculation of width or length.

(1) The width of a vehicle, including any load thereon, except as noted below, shall not exceed 8 1/2 feet.
   (a) The limitations as to size of vehicles stated in this section shall not apply to farm tractors or to implements of husbandry, including any load thereon, and including all equipment used in land leveling operations, when being incidentally operated upon the highway from one (1) farm operation to another during daylight hours.
   (b) Notwithstanding the exemption from width limitation for farm tractors included in paragraph (a) of this subsection, the total outside width of any farm tractor being transported on the interstate system in this state, except as permitted by section 49-1004, Idaho Code, shall not exceed 9 feet.
   (c) A farm tractor or implement of husbandry, when being incidentally transported upon the highway with a width in excess of the limits of paragraphs (a) and (b) of this subsection, must not proceed at a speed in excess of twenty-five (25) miles per hour, must display one (1) eighteen (18) inch red flag on the outermost left projection of the tractor or implement being transported, except that the speed restriction of twenty-five (25) miles per hour shall not apply when such tractor or implement of husbandry is being hauled on legal width highway vehicles equipped as required by law.
   (2) The height of a vehicle, including the load thereon, shall not exceed 14 feet.
   (3) The length of a vehicle, or vehicle combination, except as noted below shall not exceed:
      (a) When a single motor vehicle 40 feet.
(b) When a trailer or semitrailer, except as noted below

1. Semitrailers operating on routes determined by the board to have severe curvature, deficient width and/or heavy traffic conditions shall be limited to a distance between kingpin and last axle of not to exceed 39 feet.
2. The length of a trailer tongue, or the length of the tongue of a converter gear used to convert a semitrailer to a trailer, shall be excluded from the calculation of a trailer length.

(c) When a motor vehicle and one or more trailers, except as noted in (3)(d)

(d) When a combination of semitrailer and trailer, or of two (2) semitrailers the length in such combination, including the connecting tongue and excluding the truck tractor except as noted below

1. Semitrailers including the connecting tongues exceeds sixty-one (61) feet, the length of such combination including the truck tractor 75 feet.
2. When the combination of semitrailer and trailer or of two (2) semitrailers including the connecting tongues exceeds sixty-one (61) feet, the length of such combination including the truck tractor 75 feet.
3. When a dromedary tractor with semitrailer, stinger-steered by having the kingpin located five (5) feet to the rear of the centroid of the rear axle(s) 75 feet.
4. When a dromedary tractor with semitrailer, not meeting the stinger-steer requirement as defined in (e) above 65 feet.
5. When an auto transporter or boat transporter, stinger-steered as defined in (e) above, excluding front and rear overhang of load 75 feet.
6. When an auto transporter or boat transporter, not meeting the stinger-steer requirement as defined in (e) above, excluding front and rear overhang of load 65 feet.
7. When a tractor with stinger-steered pole trailer or log dolly, connected by a reach or pole, or a combination used for transporting long loads such as poles, pipes, logs or structural members generally capable of sustaining themselves as beams between supporting bunks or connections 75 feet.
8. The overhang or extension of a load shall not extend:
   a. Beyond the front of a vehicle, more than 4 feet.
   b. Beyond the last axle, more than 15 feet.
   c. Beyond the left fender of a passenger vehicle, more than 0 feet.
   d. Beyond the right fender of a passenger vehicle, more than 6 inches.
   e. To the front and rear combined of an auto transporter or boat transporter, more than 7 feet.
9. Noncargo-carrying devices necessary for the safe and efficient operation of the vehicle, as determined by the board, shall not be included in measurement for length.
10. No combination shall include more than three (3) units except when a triple saddlemount vehicle combination 675 feet.
11. Vehicle combinations consisting of not more than four (4) vehicle units may be operated by permit, with an overall length in excess of the limits of subsection (3) of this section, on routes des-
ignated for such operations by the board with an overall combination length not to exceed one hundred and five (105) feet.

Approved April 8, 1992.

CHAPTER 233
(S.B. No. 1360)

AN ACT
RELATING TO LICENSES TO RETAIL LIQUOR; AMENDING SECTION 23-903, IDAHO CODE, TO PROVIDE ADDITIONAL CRITERIA THAT MAY BE UTILIZED IN DETERMINING POPULATIONS FOR PURPOSES OF THE NUMBER OF LIQUOR LICENSES THAT A CITY MAY ISSUE.

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

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

23-903. LICENSE TO RETAIL LIQUOR. The director of the department of law enforcement is hereby empowered, authorized, and directed to issue licenses to qualified applicants, as herein provided, whereby the licensee shall be authorized and permitted to sell liquor by the drink at retail and, upon the issuance of such license, the licensee therein named shall be authorized to sell liquor at retail by the drink, but only in accordance with the rules and regulations promulgated by the director and the provisions of this chapter. No license shall be issued for the sale of liquor on any premises outside the incorporated limits of any city except as provided in this chapter and the number of licenses so issued for any city shall not exceed one (1) license for each one thousand five hundred (1,500) of population of said city or fraction thereof, as established in the last preceding census, or any subsequent special census conducted by the United States bureau of the census or by an estimate that is statistically valid including adding the number of new residential utility connections or including adding the population of areas annexed into the city after the last census or special census was conducted, except that upon proper application thereof not more than two (2) licenses may be issued for each incorporated city with a population of one thousand five hundred (1,500) or less, unless the retail licensing of liquor by the drink has been previously disapproved under the provisions of sections 23-917, 23-918, 23-919, 23-920 and 23-921, Idaho Code; provided, however, that any license heretofore issued may be renewed from year to year without regard to the population or status of the city for which such license is issued. Any license issued and which has remained in effect at its location for a consecutive period of ten (10) years or more shall be deemed to have been validly issued and may be renewed from year to year or may be reissued for such location within two (2) years following the expiration date of its last previous renewed license; provided, however, that the applicant for the renewal or reissue of such license is not otherwise disqualified...
for licensure pursuant to section 23-910, Idaho Code, and, if the premises required special characteristics for original licensure, other than being either within or without the incorporated limits of a city, that said premises continue to have such special characteristics at the time of the application for renewal or reissue. Nothing herein contained shall prohibit the issuance of a license to the owner, operator, or lessee of an actual, bona fide golf course whether located within or without the limits of any city, or ski resort, or to the lessee of any premises situate thereon, no part of which ski resort or the premises thereon is situate within the incorporated limits of any city. For the purpose of this section a golf course shall comprise an actual, bona fide golf course, which is regularly used for the playing of the game of golf, and having not less than nine (9) tees, fairways and greens laid out and used in the usual and regular manner of a golf course. Nine (9) hole courses must have a total yardage of at least one thousand (1,000) yards, and eighteen (18) hole courses must have a total yardage of at least two thousand (2,000) yards as measured by totaling the tee-to-green distance of all holes. The course must be planted in grass except that it may provide artificial tee mats. Where any such golf course is owned or leased by an association of members and is used or enjoyed by such members, or their guests, none of the disqualifications contained in section 23-910, Idaho Code, shall apply to such association as a licensee where such disqualifications, or any of them, would apply only to a member of such association where such member has no interest therein except as a member thereof. Also for the purpose of this section a ski resort shall comprise real property of not less than ten (10) acres in size, exclusive of the terrain used for skiing and upon which the owner, operator, or lessee of the ski resort has made available himself, or through others, including but not limited to the owners of condominiums, permanent bona fide overnight accommodations available to the general public for one hundred (100) persons or more, and which real property is contiguous to or located within the area in which skiing occurs, and which real property is regularly operated as a ski resort in the winter time, and where the owner, operator, or lessee of the ski resort is also the owner, operator, or lessee of the area served by a bona fide chair ski lift facility or facilities. The fees for licenses granted to ski resorts shall be the same as those prescribed for golf courses as set forth in section 23-904, Idaho Code. Not more than one (1) licensed premises shall be permitted on any golf course or any ski resort or within the area comprising the same.

Nothing herein contained shall prohibit the issuance of a license to the owner, operator or lessee of an actual, bona fide equestrian facility located on not less than forty (40) contiguous acres, with permanently erected seating of not less than six thousand (6,000) seats, no part of which equestrian facility or the premises thereon is situate within the incorporated limits of any city, and which facility shall have at least three (3) days per year of a professionally sanctioned rodeo. Not more than one (1) licensed premises shall be permitted at any equestrian facility or within an area comprising such a facility. The license shall be solely for the equestrian facility and shall not be transferred to any other location. The fees for licenses granted to equestrian facilities shall be the same as those prescribed
for golf courses as set forth in section 23-904, Idaho Code.

Nothing herein contained shall prohibit the issuance of a license to the owner, operator, or lessee of a restaurant operated on an airport owned or operated by a county or municipal corporation or on an airport owned or operated jointly by a county and municipal corporation, and which said airport is served by a trunk or local service air carrier holding a certificate of public convenience and necessity issued by the Civil Aeronautics Board of the United States of America. Not more than one (1) license shall be issued on any airport.

Nothing herein contained shall prohibit the issuance of one (1) club license to a club as defined in section 23-902, Idaho Code. The holder of a club license is authorized to sell and serve alcoholic beverages for consumption only within the licensed establishment owned, leased or occupied by the club, and to only bona fide members of the club, and to serve and to sell alcoholic beverages for consumption to bona fide members' guests. A club license issued pursuant to the provisions of this section is not transferable and may not be sold. Any club license issued pursuant to the provisions of this section will revert to the director when, in his judgment, the licensee ceases to operate as a bona fide club as defined in section 23-902, Idaho Code. No club may hold a liquor license and a club license simultaneously. A club which on July 1, 1983, holds a liquor license, may continue to possess that license. Any club which possesses a liquor license on January 1, 1983, or thereafter, and then sells that liquor license, may not obtain a club license, and the director shall not issue a club license to that club for a period of five (5) years following such sale. The fee for any license issued to a qualifying club within an incorporated municipality shall be as prescribed in subsections (a), (b) and (c) of section 23-904, Idaho Code. The fee for any license issued to a qualifying club not situate within an incorporated municipality shall be as specified for golf courses under section 23-904(f), Idaho Code. The provisions of section 23-916, Idaho Code, regarding county and city licenses, shall pertain to club licenses. The burden of producing sufficient documentation of qualifications for club licensure shall be with the club applicant.

Nothing in this chapter to the contrary shall prohibit the issuance of a license to the owner, operator, or lessee of an actual, bona fide convention center which is within the incorporated limits of a city having a population of three thousand (3,000) or greater, and which city does not have located therein a convention center with a valid convention center license to sell liquor by the drink. For the purpose of this section, a convention center means a facility having at least thirty-five thousand (35,000) square feet of floor space or a facility having at least one hundred twenty (120) sleeping rooms and an adjoining meeting room which will accommodate not less than three hundred fifty (350) persons, whether or not such room may be partitioned into smaller rooms, and provided that such meeting room shall contain at least three thousand (3,000) square feet of floor space. Such license must be placed in actual use in said convention center within one (1) year from the date of its issuance. The fee for any license issued to a qualifying convention center shall be as prescribed in subsection (c) of section 23-904, Idaho Code. No license issued to a convention center hereunder shall be transferable to
another location or facility, nor shall the holder of a convention center license be eligible for the issuance of a license in the same city pursuant to any other provision of this chapter. For purposes of this section, the term holder shall include an owner, operator or lessee and shall include a stockholder, director, or officer of a corporation, or a partner in a partnership, which corporation or partnership has been issued a convention center license pursuant to this chapter. Not more than one (1) licensed premises shall be permitted on any convention center or within the area comprising the same, including convention centers that also comprise golf courses or ski resorts as herein defined.

Nothing in this chapter shall prohibit the issuance of a license to the owner, operator or lessee of a food, beverage and/or lodging facility that has been in continuous operation in the same location for at least seventy-five (75) years, except for temporary closings for refurbishing or reconstruction. The provisions of section 23-910, Idaho Code, shall apply to licenses issued to continuous operation facilities. The fees shall be the same as those prescribed for golf courses as set forth in section 23-904, Idaho Code. Licenses issued to continuous operation facilities are not transferable.

Nothing in this chapter shall prohibit the issuance of a license to the owner, operator or lessee of the lodging, dining and entertainment facilities owned by a gondola resort complex and operated in conjunction with the other public services provided by a gondola resort complex located within the ownership/leasehold boundaries of a gondola resort complex.

A gondola resort complex means an actual, bona fide gondola capable of transporting people for recreational and/or entertainment purposes at least three (3) miles in length with a vertical rise of three thousand (3,000) feet, portions of which may be located within or over the limits of one (1) or more cities.

The provisions of section 23-910, Idaho Code, shall apply to licenses issued under the provisions of this subsection. The fees shall be the same as those prescribed for golf courses as set forth in section 23-904, Idaho Code. Licenses issued under the provisions of this subsection are not transferable.

Approved April 8, 1992.

CHAPTER 234
(S.B. No. 1362, As Amended, As Amended in the House)

AN ACT
RELATING TO NOTARIES PUBLIC; AMENDING SECTIONS 51-104, 51-105 AND 51-114, IDAHO CODE, TO REMOVE THE REQUIREMENT THAT A NOTARY PUBLIC BE A CITIZEN OF THE UNITED STATES AND TO PROVIDE THAT A NONRESIDENT OF IDAHO EMPLOYED IN OR DOING BUSINESS IN THE STATE OF IDAHO SHALL QUALIFY FOR APPOINTMENT AS A NOTARY PUBLIC, AND FURTHER AMENDING SECTION 51-105, IDAHO CODE, TO INCLUDE IN THE OATH THAT THE APPLICANT VOLUNTARILY SUBMITS TO THE CONTINUING JURISDICTION OF THE COURTS OF THE STATE OF IDAHO; AND DECLARING AN EMERGENCY.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 51-104, Idaho Code, be, and the same is hereby amended to read as follows:

51-104. QUALIFICATION FOR APPOINTMENT. Each person appointed and commissioned as a notary public:
(1) Shall be at least eighteen (18) years of age;
(2) Shall be a citizen of the United States;
(3) Shall be a resident of the state of Idaho or a nonresident who is employed in or doing business in the state of Idaho;
(4) Must be able to read and write the English language; and
(5) Must not have been removed from the office of notary public for official misconduct nor have been convicted of a serious crime as defined in section 51-102, Idaho Code, within the ten (10) year period immediately preceding his appointment nor be serving a sentence for conviction of a serious crime, without regard to when convicted.

SECTION 2. That Section 51-105, Idaho Code, be, and the same is hereby amended to read as follows:

51-105. APPOINTMENT PROCEDURE — OATH. (1) Each person to be appointed a notary public shall submit an application to the secretary of state on a form prescribed by the secretary of state. The application shall include such information as the secretary of state shall deem proper and shall include that the applicant:
(a) Is at least eighteen (18) years of age;
(b) Is a citizen of the United States;
(c) Is a resident of the state of Idaho or a nonresident who is employed in or doing business in the state of Idaho;
(d) Is able to read and write the English language; and
(e) Has not been convicted of a serious crime nor removed from office for official misconduct during the immediately preceding ten (10) year period.

The applicant shall also take the following oath, which shall appear on the application form:
"I, ....................., solemnly swear (or affirm) that the answers to all questions in this application are true, complete and correct; that I have carefully read the notary laws of this State and am familiar with their provisions; that I will uphold the Constitution of the United States and the Constitution and laws of the State of Idaho; and that I will faithfully perform, to the best of my ability, the duties of the office of notary public, and I do hereby voluntarily submit myself to the continuing jurisdiction of the courts of the state of Idaho and to the processes thereof."

The oath shall be signed and sworn to (or affirmed) by the applicant in the presence of a notary public or other person authorized to administer oaths in this state.

(2) Each person to be appointed a notary public shall execute and append to the application a bond to the state of Idaho in the amount of ten thousand dollars ($10,000). The surety which provides the bond shall be a bonding or surety company authorized to do business in this state.
SECTION 3. That Section 51-114, Idaho Code, be, and the same is hereinafter amended to read as follows:

51-114. REMOVAL PROCEDURE. (1) If a notary public is convicted of a serious crime in any court of this state, the clerk of the court, if he knows that the convict is a notary public or upon the request of any person, shall forward to the secretary of state a certified copy of the judgment of conviction. If a notary public is convicted of a serious crime in a federal court or a court of another state, any person may obtain a certified copy of the judgment of conviction and forward it to the secretary of state. Upon receipt of a certified copy of a judgment of conviction of a serious crime in the preceding ten (10) year period, the secretary of state shall forthwith cancel the commission of the notary public.

(2) If in any civil or criminal case the court finds that a notary public has committed any act which constitutes official misconduct under section 51-112, Idaho Code, the clerk of the court, upon the request of any person, shall forward a certified copy of the findings of fact, or relevant extract therefrom, to the secretary of state. Upon receipt of the certified copy of the findings of fact or extract therefrom the secretary of state shall, if he finds that the act of the notary public as found by the court constitutes official misconduct, forthwith cancel the commission of the notary public.

(3) Upon receipt of proof on the public record of a material misstatement of fact in the application of a notary public, certified by the custodian of such record, the secretary of state shall forthwith cancel the commission of the notary public.

(4) If the conservator or guardian of a notary public who has been adjudicated incompetent fails to submit a timely resignation as required by subsection (3) of section 51-115, Idaho Code, the clerk of the court which found the notary public to be incompetent shall, upon the request of any person, forward to the secretary of state a certified copy of the order adjudging the notary public to be incompetent. Upon receipt of such order, the secretary of state shall forthwith cancel the commission of the notary public.

(5) If the secretary of state receives credible information that a notary public is no longer a citizen of the United States or is no longer a resident of Idaho or employed in or doing business in the state of Idaho, the secretary of state shall send to the notary public at his last known address by certified return receipt mail a statement setting forth such information and a notice of opportunity to rebut. If the statement and notice cannot be delivered or if no rebuttal is received within forty-five (45) days after mailing the notice, the secretary of state shall cancel the commission of the notary public. If the statement is rebutted by statements which indicate that the notary public is not disqualified on citizenship or residency or employment grounds, the secretary of state shall take no further action.

(6) A bonding or surety company shall file prompt written notice of cancellation of a notary's bond with the secretary of state who shall forthwith cancel the commission of the notary public. The cancellation of the bond shall be effective only upon receipt by the secretary of state of notice of cancellation.
SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved April 8, 1992.

CHAPTER 235
(S.B. No. 1368, As Amended)

AN ACT
RELATING TO A SPECIAL EVENT WINERY PERMIT; AMENDING CHAPTER 13, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-1337, IDAHO CODE, TO PROVIDE FOR A SPECIAL EVENT WINERY PERMIT, TO PROVIDE FOR A FORM OF APPLICATION AND FEE FOR SUCH PERMIT, AND TO PROVIDE FOR SUSPENSION OR DENIAL OF SUCH PERMIT.

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

SECTION 1. That Chapter 13, Title 23, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 23-1337, Idaho Code, and to read as follows:

23-1337. SPECIAL EVENT WINERY PERMIT -- FEE -- SUSPENSION OR DENIAL. (1) Any person who is the holder of an Idaho winery license shall be eligible to obtain a special event winery permit.
(2) A special event winery permit shall entitle the holder to sell wines by the drink or by the bottle directly to the consumer at a designated location other than the one set forth in the winery license for a period not to exceed seven (7) consecutive days. The director shall prescribe the form of the application for such permit, which application may require disclosure of the name and location of the special event; the dates and hours during which the permit is to be effective; and such other information as the director may require. The director shall collect a fee of twenty dollars ($20.00) for the special event permit.
(3) Should the director determine that the applicant or its agents or representatives is violating, or has in the past violated, any law pertaining to the dispensing or sale of wine relating to hours of sale or the dispensing of wine to underaged persons, or has failed in the past to submit such information as may have been requested by the director, any issued special event permit may be summarily suspended by the director, prior to hearing, or may be denied, pending a hearing.

Approved April 8, 1992.
AN ACT
RELATING TO INTERSTATE SHIPMENTS OF WINE FOR PERSONAL USE; AMENDING
CHAPTER 13, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
23-1309A, IDAHO CODE, TO PROVIDE FOR SHIPMENTS OF LIMITED AMOUNTS
OF WINE TO IDAHO RESIDENTS FOR PERSONAL USE FROM STATES MEETING
CERTAIN RECIPROCITY REQUIREMENTS, AND FOR SHIPMENTS OF LIMITED
AMOUNTS OF WINE FOR PERSONAL USE AND NOT FOR RESALE OUT-OF-STATE
BY LICENSEES HOLDING AN IDAHO LICENSE FOR THE RETAIL SALE OF WINE
FOR CONSUMPTION OFF THE LICENSED PREMISES IF THE STATE TO WHICH
THE WINE IS SENT MEETS CERTAIN RECIPROCITY REQUIREMENTS, AND PROV-
VIDING LABELING AND DELIVERY REQUIREMENTS.

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

SECTION 1. That Chapter 13, Title 23, Idaho Code, be, and the
same is hereby amended by the addition thereto of a NEW SECTION, to be
known and designated as Section 23-1309A, Idaho Code, and to read as
follows:

23-1309A. RECIPROCAL INTERSTATE SHIPMENT AND RECEIPT OF WINE
AUTHORIZED -- LABELING REQUIREMENT. (1) Any resident of this state
who is at least twenty-one (21) years of age is entitled to receive
not more than two (2) cases of wine per month for personal use, con-
taining not more than nine (9) liters per case, from another state
without payment of state tax, fees or charges if the state from which
the wine is sent allows its residents to receive wine from this state
without imposition of state tax, fees or charges. For tax purposes,
receipt of a shipment into this state under this subsection shall not
be considered to constitute a sale in this state. No person who trans-
ports wine pursuant to this subsection shall deliver more than two (2)
cases of wine to the same address at one (1) time. No person who
receives wine pursuant to this subsection shall resell any of the
wine.

(2) A licensee who holds a license for the retail sale of wine
for consumption off the licensed premises may ship not more than two
(2) cases of wine, containing not more than nine (9) liters per case, per
shipment, for personal use and not for resale, directly to a resi-
dent of another state if the state to which the wine is sent allows residents of this state to receive wine sent from that state without
payment of additional state tax, fees or charges. The sale shall be
considered to have occurred in this state.

(3) The shipping container of any wine sent into or out of this
state, under this section must be clearly labeled to indicate that the
container contains alcoholic beverages and cannot be delivered to a
person who is not at least twenty-one (21) years of age.

(4) For the purposes of out-of-state shipments, the delivery per-
son shall:
(a) Have the person who receives the wine shipment sign for it;
and
(b) Not make deliveries to anyone who is under twenty-one (21) years of age or to anyone who is visibly intoxicated; and
(c) Keep the signature record for one (1) year.
(5) Sales authorized under this section are sales made by a retailer who is not authorized to sell at wholesale or sales by a winery of wine produced or bottled by the winery.

Approved April 8, 1992.

CHAPTER 237
(S.B. No. 1371, As Amended)

AN ACT
RELATING TO THE POWERS AND DUTIES OF THE BOARD OF TRUSTEES OF EACH SCHOOL DISTRICT; AMENDING SECTION 33-601, IDAHO CODE, TO INCREASE THE DOLLAR AMOUNT OF REAL AND PERSONAL PROPERTY ACQUISITIONS WHICH REQUIRE NOTICE AND BIDDING PROCEDURES.

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

SECTION 1. That Section 33-601, Idaho Code, be, and the same is hereby amended to read as follows:

33-601. REAL AND PERSONAL PROPERTY -- ACQUISITION, USE OR DISPOSAL OF SAME. The board of trustees of each school district shall have the following powers and duties:
1. To rent to or from others, school buildings or other property used, or to be used, for school purposes.
2. To contract for the construction, repair, or improvement of any real property, or the acquisition, purchase or repair of any equipment, or other personal property necessary for the operation of the school district.

No such contract shall be executed which entails the expenditure of ten fifteen thousand dollars ($150,000) or more without notice first being given by publishing twice in the manner required by subsections g and h of section 33-402, Idaho Code, unless in cooperation with the division of purchasing or cooperative agency established pursuant to chapter 23, title 67, and/or sections 33-315--33-318 inclusive, Idaho Code. The board of trustees may let the contract to the lowest responsible bidder, or reject any bid, or reject all bids and publish notice for bids, as before. If, thereafter, no satisfactory bid is received, the board may proceed under its own direction, subject to the approval of the state board of education.
3. To designate and purchase any real property necessary for school purposes or in the operation of the district, the provisions of subsection 2 of this section notwithstanding, or remove any building, or dispose of any real property. The board of trustees shall determine the size of the site necessary for school purposes. The site shall be located within the incorporated limits of any city within the district; provided, however, that if the board finds that it is not in
the best interests of the electors and the students of the district to locate the site within the incorporated limits of a city, the board, by duly adopted resolution setting forth the reasons for its finding, may designate a site located elsewhere within the district. In elementary school districts, except upon removal for highway purposes, a site may be designated or changed only after approval of two-thirds \( \frac{2}{3} \) or more of the electors voting at the annual meeting.

4. (a) To convey, except as provided by (b) of this subsection, by deed, bill of sale, or other appropriate instrument, all of the estate and interest of the district in any property, real or personal. In elementary school districts, except such conveyance as is authorized by subsection 6 of this section, any of the transactions authorized in this subsection shall be subject to the approval of two-thirds \( \frac{2}{3} \) or more of the electors voting at the annual meeting.

Prior to such sale or conveyance, the board shall have the property appraised by three (3) disinterested residents of the district, which appraisal shall be entered in the records of the board of trustees. The property may be sold at public auction or by sealed bids, as the board of trustees shall determine, to the highest bidder. Such property may be sold for cash or for such terms and conditions as the board of trustees shall determine for a period not exceeding ten (10) years, with the annual rate of interest on all deferred payments not less than seven percent \( 7\% \) per annum. The title to all property sold on contract shall be retained in the name of the school district until full payment has been made by the purchaser, and title to all property sold under a note and mortgage or deed of trust shall be transferred to the purchaser at the point of sale under the terms and conditions of the mortgage or deed of trust as the board of trustees shall determine. Notice of the time and the conditions of such sale shall be published twice, and proof thereof made, in accordance with subsections \( g \) and \( h \) of section 33-402, Idaho Code, except that when the appraised value of the property is less than five hundred dollars \( \$500 \), one (1) single notice by publication shall be sufficient and the property shall be sold by sealed bids.

The board of trustees may accept the highest bid, may reject any bid, or reject all bids. If the real property was donated to the school district the board may, within a period of one (1) year from the time of the appraisal, sell the property without additional advertising or bidding. Otherwise, the board of trustees must have new appraisals made and again publish notice for bids, as before. If, thereafter, no satisfactory bid is made and received, the board may proceed under its own direction to sell and convey the property. In no case shall any real property of the school district be sold for less than its appraisal.

The board of trustees may sell personal property, with an estimated value of less than five hundred dollars \( \$500 \), without appraisal, by sealed bid or at public auction, provided that there has been not less than one (1) published advertisement prior to the sale of said property.

(b) Real and personal property may be exchanged hereunder for other property if the consideration received by said school dis-
district shall be deemed adequate by the board of trustees, provided, however, that aside from the provisions of this paragraph hereof, any school district may by a vote of one-half (1/2) plus one (1) of the members of the full board of trustees, by resolution duly adopted, authorize the transfer or conveyance of any real or personal property owned by such school district to the government of the United States, any city, county, the state of Idaho, any hospital district organized under chapter 13, title 39, Idaho Code, any other school district, any library district, any community college district, or any recreation district, with or without any consideration accruing to the school district, when in the judgment of the board of trustees it is for the interest of such school district that said transfer or conveyance be made.

5. To enter into contracts with any city located within the boundaries of the school district for the joint purchase, construction, development, maintenance and equipping of playgrounds, ball parks, swimming pools, and other recreational facilities upon property owned either by the school district or the city.

6. To convey rights-of-way and easements for highway, public utility, and other purposes over, upon or across any school property and, when necessary to the use of such property for any such purpose, to authorize the removal of school buildings to such new location, or locations, as shall be determined by the board of trustees, and such removal shall be made at no cost or expense to the school district.

7. To authorize the use of any school building of the district as a community center, or for any public purpose, and to establish a policy of charges, if any, to be made for such use.

8. To exercise the right of eminent domain under the provisions of chapter 7, title 7, Idaho Code, for any of the uses and purposes provided in section 7-701, Idaho Code.

9. If there is a great public calamity, such as an extraordinary fire, flood, storm, epidemic, or other disaster, or if it is necessary to do emergency work to prepare for national or local defense, or it is necessary to do emergency work to safeguard life, health or property, the board of trustees may pass a resolution declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property. Upon adoption of the resolution, the board may expend any sum required in the emergency without compliance with this section.

Approved April 8, 1992.

CHAPTER 238
(S.B. No. 1377)

AN ACT
RELATING TO ALL-TERRAIN VEHICLES; AMENDING SECTIONS 49-102, 49-426 AND 67-7122, IDAHO CODE, TO PROVIDE FOR EXEMPTION FROM OPERATING FEES WHEN ALL-TERRAIN VEHICLES ARE USED EXCLUSIVELY FOR SNOW REMOVAL PURPOSES.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 49-102, Idaho Code, be, and the same is hereby amended to read as follows:

49-102. DEFINITIONS -- (A)
(1) "Abandon" means to leave a vehicle on private property without the permission of the person having rights to the possession of the property, or on a highway or other property open to the public for the purposes of vehicular traffic or parking, or upon or within the right-of-way of any highway, for twenty-four (24) hours or longer.
(2) "Abandoned vehicle" means any vehicle observed by an authorized officer or reported by a member of the public to have been left within the limits of any highway or upon the property of another without the consent of the property owner for a period of twenty-four (24) hours or longer, except that a vehicle shall not be considered abandoned if its owner-operator is unable to remove it from the place where it is located and has notified a law enforcement agency and requested assistance.
(3) "Accident" means any event that results in an unintended injury or property damage attributable directly or indirectly to the motion of a motor vehicle or its load, a snowmobile or special mobile equipment.
(4) "Actual physical control" means being in the driver's position of a motor vehicle with the motor running or the vehicle moving.
(5) "Administrator" means the federal highway administrator, the chief executive of the federal highway administration, an agency within the U.S. department of transportation.
(6) "Age of a motor vehicle" means the age determined by subtracting the manufacturer's year designation of the vehicle from the year in which the designated registration fee 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 vehicle shall be deemed to be one (1) year old.
(7) "Air-conditioning equipment" means mechanical vapor compression refrigeration equipment which is used to cool the driver's or passenger compartment of any motor vehicle.
(8) "Alcohol or alcoholic beverage" means:
(a) Beer as defined in 26 U.S.C. 5052(a), of the internal revenue code;
(b) Wine of not less than one-half of one per cent (.005%) of alcohol by volume; or
(c) Distilled spirits as defined in section 5002(a)(8), of the internal revenue code.
(9) "Alley" means a public way of limited use intended only to provide access to the rear or side of lots or buildings in urban districts.
(10) "All terrain vehicle" or "ATV" means any recreation vehicle with two (2) or more tires, weighing under six hundred fifty (650) pounds, less than forty-eight (48) inches in width, traveling on low pressure tires of less than five (5) psi, and designed to be ridden by one (1) person. Such vehicles shall be registered under the provisions of section 49-402, Idaho Code, for operation on public highways, unless exempted under the provisions of section 49-426, Idaho Code.
(11) "Amateur radio operator." (See "Radio operator, amateur", section 49-119, Idaho Code)

(12) "Ambulance" means 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.

(13) "Applicant" means an individual who applies to obtain, transfer, upgrade, or renew a driver's license.

(14) "Approved driver training course" means a training course from a school licensed under the provisions of chapter 21 of this title.

(15) "Approved testing agency" means a person, firm, association, partnership or corporation approved by the director of the department of law enforcement which is:

   (a) In the business of testing equipment and systems;
   (b) Recognized by the director as being qualified and equipped to do experimental testing; and
   (c) Not under the jurisdiction or control of any single manufacturer or supplier for an affected industry.

(16) "Armed forces" mean the army, navy, marine corps, coast guard and the air force of the United States.

(17) "Authorized emergency vehicle." (See "Vehicle", section 49-123, Idaho Code)

(18) "Authorized officer" means any member of the Idaho state police, or any regularly employed and salaried deputy sheriff, or other county employee designated to perform the function of removing abandoned vehicles or junk vehicles by the board of county commissioners of the county in which a vehicle is located, or any regularly employed and salaried city peace officer or other city employee designated to perform the function of removing abandoned vehicles or junk vehicles by the city council, or a qualified person deputized or appointed by the proper authority as reserve deputy sheriff or city policeman, authorized within the jurisdiction in which the abandoned vehicle or junk vehicle is located.

(19) "Authorized transportation department employee" means any employee appointed by the board to perform duties relating to enforcement of vehicle laws as have been specifically defined and approved by order of the board (see section 40-510, Idaho Code).

(20) "Auto transporter" means a vehicle combination constructed for the purpose of transporting motor vehicles.

SECTION 2. That Section 49-426, Idaho Code, be, and the same is hereby amended to read as follows:

49-426. EXEMPTIONS FROM OPERATING FEES. The provisions of this chapter with respect to operating fees shall not apply to:

(1) Motor vehicles owned or leased by the United States, the state, a city, a county, any department thereof, any political subdivision or municipal corporation of the state, any taxing district of the state, or any organization, whether incorporated or unincorporated, organized for the operation, maintenance, or management of an irrigation project or irrigation works or system or for the purpose of furnishing water to its members or shareholders, but in other respects
shall be applicable.

(2) 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 67-7101, 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 or used exclusively for snow removal purposes. 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 49-619, Idaho Code.

SECTION 3. That Section 67-7122, Idaho Code, be, and the same is hereby amended to read as follows:

67-7122. REQUIREMENTS -- REGISTRATION -- PROCEDURE. (1) Commencing January 1, 1987 and on or before January 1 of each subsequent year, the owner of any all terrain vehicle or motorbike as defined in section 67-7101, Idaho Code, used off public highways but excluding those vehicles used exclusively on private land for agricultural use or used exclusively for snow removal purposes, shall register that vehicle at any vendor authorized by the department. A fee of six dollars ($6.00) shall be charged for each registration, which fee includes a one dollar ($1.00) vendor fee. At the time of sale from any dealer, each motorbike or all terrain vehicle must be registered before it leaves the premises. Application blanks and stickers shall be supplied by the department and the registration sticker shall be issued to the person making application for registration. The vendor issuing the registration sticker shall, upon receipt of the application in approved form, issue to the applicant an off-highway vehicle sticker and shall note the number of the sticker in his records and shall supply a duplicate copy of the application form, noting the number of the sticker issued, to the department. All stickers which are issued shall be in force through January 1 of the following year. All registration stickers shall be renewed by the owner of the off-highway vehicle in the same manner provided for in the initial securing of the same. The issued sticker shall be placed upon the off-highway vehicle in such a manner that it is completely visible and shall be kept in a legible condition at all times.

(2) For operation of an all terrain vehicle on the public highways, the vehicle shall also be registered pursuant to the provisions of section 49-402, Idaho Code.

Approved April 8, 1992.
AN ACT
RELATING TO LEGAL INVESTMENTS; AMENDING SECTION 68-404, IDAHO CODE, TO
AUTHORIZE INVESTMENTS BY FIDUCIARIES IN CERTAIN UNINCORPORATED
INVESTMENT COMPANIES OR TRUSTS.

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

SECTION 1. That Section 68-404, Idaho Code, be, and the same is
hereby amended to read as follows:

68-404. FEDERAL HOME LOAN BANK SECURITIES MADE LEGAL INVESTMENTS.
Executors, administrators, guardians, trustees and other fiduciaries
of every kind and nature, land and building corporations, building and
loan associations, savings and loan associations and other savings or
investment institutions, trust companies, banks and insurance compa­
nies, incorporated under the laws of this state, are authorized, in
addition to investments now authorized by laws of this state, to
invest in bonds and other obligations of, or guaranteed as to interest
and principal by, the United States, either directly or through secu­
rities of or other interests in any unincorporated investment company
or investment trust registered under the federal investment company
act of 1940, as from time to time amended, provided that the portfolio
of such investment company or investment trust is limited to obliga­
tions of the United States government and its agencies and instrumen­
talities, the payment of which is fully guaranteed as to principal and
interest by the United States government, and to repurchase agreements
fully collateralized by any such obligations, provided that such
investment company or investment trust takes delivery of such collat­
eral either directly or through an authorized custodian; bonds or
debentures issued by any federal home loan bank in accordance with the
provisions of the Federal Home Loan Bank Act, and amendments thereto;
consolidated federal home loan bank bonds or debentures issued by the
federal home loan bank board in accordance with the provisions of the
Federal Home Loan Bank Act, and amendments thereto; bonds or deben­
tures issued by the Federal Savings and Loan Insurance Corporation in
accordance with the provisions of title IV of the National Housing
Act, and amendments thereto; shares or accounts of land and building
corporations, savings and loan associations, building and loan associ­
atations, and other savings or investment institutions, incorporated
under the laws of this state, which have been insured by the Federal
Savings and Loan Insurance Corporation; and shares or accounts of fed­
eral savings and loan associations incorporated under the provisions
of Home Owners' Loan Act of 1933, and amendments thereto, doing busi­
ness in this state, which have been insured by the Federal Savings and
Loan Insurance Corporation.

Approved April 8, 1992.
CHAPTER 240
(S.B. No. 1404)

AN ACT
RELATING TO DECEDETS' ESTATES; AMENDING SECTION 15-3-804, IDAHO CODE,
TO REVISE THE procedure FOR PRESENTATION OF CLAIMS AGAINST A
DECEDETS ESTATE.

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

SECTION 1. That Section 15-3-804, Idaho Code, be, and the same is
hereby amended to read as follows:

15-3-804. MANNER OF PRESENTATION OF CLAIMS. Claims against a
deceet's estate may be presented as follows:

(a) The claimant may deliver or mail to the personal repre­
sentative a written statement of the claim indicating its basis, the
name and address of the claimant, and the amount claimed, or--may and
file a written statement of the claim, in the form prescribed by rule,
with the clerk of the court. The claim is deemed presented on the
first to occur on receipt of the written statement of claim by the
personal representative, or the filing of the claim with the court. If
a claim is not yet due, the date when it will become due shall be
stated. If the claim is contingent or unliquidated, the nature of the
uncertainty shall be stated. If the claim is secured, the security
shall be described. Failure to describe correctly the security, the
nature of any uncertainty, and the due date of a claim not yet due
does not invalidate the presentation made.

(b) The claimant may commence a proceeding against the personal
representative in any court where the personal representative may be
subjected to jurisdiction, to obtain payment of his claim against the
estate, but the commencement of the proceeding must occur within the
time limited for presenting the claim. No presentation of claim is
required in regard to matters claimed in proceedings against the dece­
dent which were pending at the time of his death.

(c) If a claim is presented under subsection (a) of this section,
no proceeding thereon may be commenced more than sixty (60) days after
the personal representative has mailed a notice of disallowance; but, in
the case of a claim which is not presently due or which is contin­
gent or unliquidated, the personal representative may consent to an
extension of the sixty (60) day period, or to avoid injustice the
court, on petition, may order an extension of the sixty (60) day
period, but in no event shall the extension run beyond the applicable
statute of limitations.

Approved April 8, 1992.
CHAPTER 241
(S.B. No. 1423, As Amended)

AN ACT
RELATING TO STATE LANDS; REPEALING SECTIONS 58-110, 58-111, 58-113,
SECTION 58-301, IDAHO CODE, TO DELETE OBSOLETE LANGUAGE RELATING
TO MONEYS PAID INTO THE STATE TREASURY; AMENDING SECTION 58-304,
IDAHO CODE, TO DELETE OBSOLETE LANGUAGE RELATING TO THE STATE
AUDITOR; AMENDING SECTION 58-306, IDAHO CODE, TO DELETE OBSOLETE
LANGUAGE RELATING TO THE COUNTY RECORDER; AMENDING SECTION 58-309,
IDAHO CODE, TO DELETE LANGUAGE RELATING TO THE CUTTING OF TIMBER;
AMENDING SECTION 58-310, IDAHO CODE, TO REVISE LANGUAGE RELATING
TO AUCTIONS OF LEASES; AMENDING SECTION 58-313a, IDAHO CODE, TO
REDESIGNATE THE SECTION AND TO CORRECT REFERENCES; AMENDING SEC­
TION 58-314, IDAHO CODE, TO DELETE OBSOLETE LANGUAGE RELATING TO
EXTENSION OF THE TIME OF PAYMENT; AMENDING SECTION 58-316, IDAHO
CODE, TO PROVIDE FOR CERTIFIED LETTERS; AND AMENDING SECTION
58-323, IDAHO CODE, TO DELETE OBSOLETE LANGUAGE ON WHAT MAY BE
PRESENTED TO THE STATE BOARD OF EXAMINERS.

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

SECTION 1. That Sections 58-110, 58-111, 58-113, 58-125, 58-130,
58-328, 58-329 and 58-330, Idaho Code, be, and the same are hereby
repealed.

SECTION 2. That Section 58-301, Idaho Code, be, and the same is
hereby amended to read as follows:

58-301. APPRAISEMENT -- FEE -- REAPPRAISEMENT -- APPROPRIATION
FOR APPRAISEMENT. The board may cause all lands belonging to the state
to be appraised, at such times, in such manner and by such means as
the board shall decide, and may require the actual cost of an
appraisal to be collected from the purchaser at the time of the sale,
in addition to the sum bid for the land. All appraisements are under
the control of the board, which may approve or disapprove of the same,
in whole or in part, and may, at any time, direct a reappraisal or
new appraisement to be made; provided further, that the board may
require the person or persons seeking such land to be appraised to pay
such fee in advance; and when the land shall be thereafter sold, if
the purchaser be other than the party seeking such appraisement the
sum or sums or the due proportion thereof so advanced by the party
seeking such appraisement shall be returned to the party paying the
same. If said moneys shall have been paid into the state treasury—the
state board of examiners shall audit said claim and the auditor shall
draw his warrant for the amount on the fund in which said moneys shall
be—and said sums are hereby declared appropriated therefore.

SECTION 3. 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 of the receipt with the state auditor and preserving the other in the office of the state board of land commissioners.

SECTION 4. That Section 58-306, Idaho Code, be, and the same is hereby amended to read as follows:

58-306. NOTICE OF LIEN FOR RENT. Whenever state land is leased, the director of the department of lands may file with the county recorder of the county in which said land is situated a notice of lien, stating the description of the land, the number of the lease and the name of the lessee, the dates of the execution and expiration of the lease, and that the state claims a lien on any crops grown upon said land for the payment of the rental, during the term of said lease or any extension thereof. For filing said notice, the county recorder shall charge a fee of twenty-five cents (25¢) which shall be collected by the director from the lessee at the time of the execution of the lease. From and after the recording of said notice, the claim of the state for rental for said leased land, during the original term of said lease or any extension thereof, shall constitute a lien on any crops grown on such lands, prior to and superior to the lien of any chattel mortgage, any labor lien, or any other claim or lien thereon.

SECTION 5. That Section 58-309, Idaho Code, be, and the same is hereby amended to read as follows:

58-309. BOND OF LESSEE -- CUTTING-TIMBER -- PENALTY. In leasing state lands the state board of land commissioners shall require of the lessee such a bond as shall secure the state against loss or waste, or occupation of the land for more than thirty (30) days after the cancellation or expiration of the lease of said lessee, unless the said lessee becomes the purchaser of the land; and in no case shall a lessee be allowed to cut or use more timber than shall be necessary for the improvement of the land or for fuel for the use of the family of the lessee; and the cutting and hauling of timber to sawmills, to be sawed on shares, is expressly prohibited. A violation of this section by the lessee or party in possession shall constitute a misdemeanor.

SECTION 6. That Section 58-310, Idaho Code, be, and the same is hereby amended to read as follows:
When two (2) or more persons apply to lease the same lands, then, in such cases, the director of the department of lands, or his agent, shall, at a stated time, at his office in the capitol building, or at such other place as he may designate, auction off and lease the land to the applicant who will pay the highest premium bid therefor, the annual rental to be established by the state board of land commissioners; provided, that in case such auction is held in any other place than the capitol building, the state board of land commissioners may require the expenses thereof to be paid by the successful bidder; provided further, that the state land commissioners shall give notice by letter, mailed at Boise, at least fourteen (14) days prior to the date of such auction, which notice shall be sent in the course of regular mail, to each of the applicants, notifying them of the time and place such auction is to be held; and the notice shall be sent to the name and address exactly as it is given in the application. If any applicants fail to appear in person or by proxy at the time and place so designated in said notice, the director may proceed to auction and lease any part or all of the lands applied for; provided that said state board of land commissioners shall have power to reject any and all bids made at such auction sales, when in their judgment there has been fraud or collusion, or for any other reason, which in the judgment of said state board of land commissioners justified the rejection of said bids; provided, that for all state lands upon which an approved grazing management contract, designed to enhance the resource quality of the state land, is maintained in good standing by the lessee, any party making application to lease those lands under the provisions of this section shall be qualified to fulfill all provisions of the previously approved grazing management plan; and provided further that the state board of land commissioners may take into consideration: (i) whether the current lessee owns sufficient real property to adequately feed the livestock in his agricultural operation when the lessee is not utilizing the state lands for grazing purposes and (ii) the importance of the lease of state grazing lands upon the lessee's total annual livestock operation; and provided further that the challenger of the current lease shall be required to provide payment of one (1) year's rental on the lease payable at the time of application to lease. If the amount of the annual rental bid be not paid forthwith by the successful bidder, together with the expense of such sale, if the state board of land commissioners shall require the same to be paid as hereinbefore provided, or if for any reason the successful bidder does not accept the lease on the terms offered, the lease may be immediately reoffered in the same manner at public auction, without further notice; provided further, that only those persons who have filed applications in the manner and at the time provided for by statute shall be permitted to bid at any such auction for the lease of state lands.

SECTION 7. That Section 58-313a, Idaho Code, be, and the same is hereby amended to read as follows:

58-313aA. NOTICE TO COMMISSIONERS OF COUNTY -- OBJECTION BY COMMISSIONERS OR PERSON AGRGRIEVED. Whenever the state board of land
commissioners shall have determined to direct the sale of state lands in the manner provided in section 58-313, Idaho Code, they shall first give notice in writing by certified mail to the commissioners of the county or counties in which said lands are located of their intention to direct such sale. If, within sixty (60) days of the receipt of such notice the county commission commissioners shall object to such sale, they shall file their objections in writing with the state board of land commissioners who shall thereupon at the next regular meeting reconsider the order directing such sale and if good cause appears therefore therefor they shall rescind the order directing such sale or reapproving such sale. From any such order the applicant, the county commission commissioners in the name of the people of the county concerned, or any person aggrieved by such sale may appeal to the district court of the county in which the land is located for a review of said order. If the court finds such order to be arbitrary, erroneous or capricious, the order of the state board of land commissioners may be set aside and rendered null and void.

SECTION 8. That Section 58-314, Idaho Code, be, and the same is hereby amended to read as follows:

58-314. PLACE AND TERMS OF SALE -- CASH SALES -- NOXIOUS WEED DISTRICTS. All sales of state lands shall be held at the state capitol unless otherwise directed by the state board of land commissioners. Any such sale held away from the state capitol shall take place at the county seat of the county or one (1) of the counties in which such lands are situated unless otherwise directed by the board.

Terms of payment shall be cash on the day of sale, except that the state board of land commissioners may sell state lands on installments with the down payment, number of installments and interest on deferred payments to be set by the board, but in no case shall the down payment be less than ten per cent (10%) of the purchase price or the number of annual payments greater than twenty (20). The purchaser shall always have the right to make full payment with accrued interest at any time. Interest on deferred payments shall be payable annually in advance on January first, and interest for the first year to January first next succeeding shall be paid at the time of purchase.

When, in an installment sale, the conditions hereinbefore prescribed have been complied with, the state board shall make and deliver to the purchaser a certificate of purchase containing the name of the purchaser, a description of the land, the sum paid, the amount remaining due, and the date at which each of the deferred payments falls due and the amount thereof, and the amount and date of the several payments of interest to be made thereon. Such certificate shall be signed by the governor and countersigned by the director of the department of lands and a record of the same kept by him in a suitable book. When, in the judgment of the board, a bond by a purchaser of state lands is necessary, the state board shall require such purchaser to give a bond upon such conditions as the said board may determine.

Whenever a purchaser of state lands shall have complied with all of the conditions of the sale, paid all purchase money with the lawful interest thereon, and shall furnish the director with satisfactory proof of payment of taxes levied and assessed against his equity in
said lands for the current year, or with satisfactory proof that such taxes are otherwise secured, he shall receive a deed for the land purchased. Such deed shall be signed by the governor, and countersigned by the secretary of state and by the director and attested with the great seal of the state and the seal of the state board of land commissioners, and such deed shall operate to convey to the purchaser a good and sufficient title in fee simple: provided that the conveyance by said deed shall be subject to reasonable easements for all roads used by the public which exist at the time of sale, unless the county commissioners of the county in which such roads are situated approve the release of such easements and the deed expressly conveys said easements.

Provided, that the state board may, in its judgment and on the application of the purchaser, extend the time of payment on all state lands purchased prior to the time this section takes effect in such manner as to distribute the remaining payments over a period which, when added to the period which shall have elapsed since the purchase was made, shall not exceed twenty (20) years in all.

Interest on all deferred payments to be at the rate per annum set by the state board of land commissioners. All payments shall be made to the director.

On state lands hereafter sold under contract of sale in noxious weed control districts, or which may become a part of a noxious weed control district, it shall be the duty of the contract purchaser if the lands are, or may become, infested with noxious weeds to join such a district and pay for the eradication and/or control of noxious weeds on these lands. If within ninety (90) days after receiving a notice by registered mail from the state land department that the lands are infested with noxious weeds, he does not join such a weed control program the director may request the treatment of such lands by those in charge of the weed control district. When the cost of such treatment has been determined, the supervisor of the weed control district shall send a bill to the purchaser for such eradication of noxious weeds, and if the amount of said bill be not paid within ninety (90) days the state board of land commissioners may declare the contract of sale forfeited and cancel the same, and if the contract is canceled said bill for noxious weed eradication and/or control shall be paid from the state noxious weed control fund appropriated for the treatment of noxious weeds upon state lands.

SECTION 9. That Section 58-316, Idaho Code, be, and the same is hereby amended to read as follows:

58-316. FORFEITURE OF RIGHTS OF DELINQUENT PURCHASER -- REINSTATEMENT -- DISPOSITION OF PURCHASE MONEY. If any purchaser of state land after receiving a certificate of purchase, as provided in this chapter, shall fail to make any of the payments stipulated therein, and the same remains unpaid for thirty (30) days after the time when it should have been paid as specified in such certificate, the director of the department of lands shall, by registered certified letter addressed to such delinquent purchaser at his last known post-office address, notify such purchaser of such delinquency and of the amount due, and that unless such amount be paid within sixty (60) days after
the date of mailing such letter and notice, the board will declare all
rights of the purchaser in and to said land forfeited and the certifi­
cate and contract relating thereto annulled.

After the expiration of said period of sixty (60) days, the state
board of land commissioners shall declare such forfeiture, and shall
annul said contract and certificate. Such action of the board shall be
recorded in the minutes of the proceedings of the board. When such
forfeiture shall have been declared and entered in the minutes, as
hereinbefore provided, all rights of such purchaser in and to said
lands shall be and are extinguished and the state board of land com­
missioners may sell the land again: provided, that unless other dispo­
sition has meanwhile been made of the land, said state board of land
commissioners may, upon application of the former purchaser, if such
application is made within two (2) years after the certificate has
been canceled, reinstate any such canceled certificate upon compliance
by the purchaser with such conditions as the board may impose. Such
conditions to be imposed by the board shall include the funding of
delinquent instalments of principal and interest accrued to the date
of reinstatement, by distributing the same in annual payments, to com­
ence with the expiration of the original period covered by the con­
tract of sale, or any extension or extensions thereof, such deferred
payments to draw interest from the date of the reinstatement of the
certificate; but the board may, in its discretion, impose other condi­
tions, and may, in its discretion, require the payment of such delin­
quencies in cash at the time of reinstatement. On reinstatement being
made the board may, in its discretion, give credit to the purchaser,
as for interest paid on his contract, of any amounts which may have
been paid by the purchaser as rent of the land during the period of
the cancellation of his certificate. Any and all reinstatements of
certificates of purchase of state lands heretofore made by the state
board of land commissioners are hereby legalized and validated: pro­
vided further, that in case of such default and declaration of forfei­
ture except as provided for in this section, all previous payments
made by a purchaser on account of such land shall be forfeited to the
state, and the title and right of possession to such land shall be in
the state as if no sale had ever been made.

All purchase moneys arising from the sale of state land shall
without delay be paid by the director of the department of lands to
the treasurer who shall receipt for the same, and the same shall be by
him credited to the permanent fund to which the land sold belonged.
All interest on such money shall be paid forthwith by the director to
the state treasurer, and be by the treasurer credited to the income
fund to which the land belonged: provided however, that upon the
application of any such owner of a certificate of purchase of state
land, filed with the director before the expiration of the sixty (60)
days limited in said notice, showing by affidavit, or otherwise, that
he is unable to pay the amount then due, or that it would work great
hardship upon him to be required to make such payment at that time,
and stating that he believes he will be unable to make such payment on
or before November first of the current year, the state board of land
commissioners may extend the time of payment of the amount then due to
November first succeeding: provided, that in case of such extension
the purchaser shall pay interest on the amount due from January first
of the current year to the date of payment at the rate per annum, set by the state board of land commissioners, such interest to be part of the amount payable. Provided, the state board of land commissioners may, in its sole discretion, enter into a supplemental agreement with any owner and holder of a sale certificate on state land, by the terms of which all delinquent payments of principal and interest due on such certificate may be deferred beyond the end of the term of such certificate, or any prior extension thereof, a number of years equal to the period of such delinquency. The said sum so deferred shall draw interest the same as if it were originally a part of the purchase price named in the sale certificate from the date of the supplemental certificate herein referred to until paid. The forms, terms and conditions of such supplemental agreement, and the form of the application therefor, shall be as prescribed by the board. Any such supplemental agreement as herein provided, and any agreement reinstating a canceled certificate, as herein provided, shall be deemed a part of the original sale certificate.

SECTION 10. That Section 58-323, Idaho Code, be, and the same is hereby amended to read as follows:

58-323. UNEARNED INTEREST -- CERTIFICATE OF REBATE -- ALLOWANCE AND PAYMENT. The officer receiving such final payment of principal for the state in cases of unearned and rebatable interest, or the officer receiving money paid by error or mistake on the principal or interest on such certificate of sale, is hereby authorized, directed and empowered to execute and deliver, over his signature, to the person entitled thereto, a certificate stating, in cases of rebate of unearned interest, that the holder or his assignee, is entitled to a rebate of unearned interest under the terms of this chapter, giving the amount thereof, the date to which the interest on said certificate of sale had been paid, and the date when the principal on said certificate of sale was paid in full; and in cases of payment of principal or interest made by error or mistake, stating the date of the payment and the nature of the error or mistake, and the amount of rebate due, which certificate or certificates of rebate, together with a claim or voucher duly verified in the usual form required by law, shall be presented to the state board of examiners for its allowance or rejection, and upon allowance of the state board of examiners, the said claim shall be paid from the fund of the state into which moneys represented by said claim were paid and distributed on their receipt by the state, which payment shall be made by warrant drawn by the state auditor on the treasurer of the state of Idaho, as in the case of other claims against the state.

Approved April 8, 1992.
CHAPTER 242
(H.B. No. 464)

AN ACT
RELATING TO RECIPROCAL BIG GAME HUNTING; AMENDING CHAPTER 10, TITLE 36, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 36-1006, IDAHO CODE, TO PROVIDE FOR RECIPROCAL BIG GAME HUNTING ON STATE BOUNDARY LANDS, AND TO GRANT AUTHORITY TO ENTER INTO RECIPROCAL AGREEMENTS.

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

SECTION 1. That Chapter 10, 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 36-1006, Idaho Code, and to read as follows:

36-1006. STATE BOUNDARY LANDS -- RECIPROCITY -- PURPOSE -- COOPERATIVE AGREEMENTS AUTHORIZED -- ENFORCEMENT. (a) The right to hunt big game in herd units where the herd unit incorporates the boundary line between a contiguous state and the state of Idaho by the holder of either a valid contiguous state or Idaho license therefor in accordance with the laws and rules of the respective state is hereby recognized and made lawful.

(b) The purpose of this section is to avoid the conflict, confusion and difficulty of an attempt to find the exact locations of the state boundary while hunting big game, and to allow management of big game resources which cross state boundaries. Provided, however, nothing in this section shall be construed to authorize:

1. The holder of a contiguous state big game hunting license to hunt in Idaho outside of a defined boundary herd unit subject to reciprocal hunting.
2. The holder of an Idaho big game hunting license to hunt in a contiguous state outside of a defined boundary herd unit subject to reciprocal hunting.
3. The holder of licenses for both Idaho and a contiguous state to exercise the privileges of both such licenses at the same time.

(c) The director is authorized to enter into reciprocal agreements with the directors of fish and game departments of contiguous states for the purpose of recognizing license rights of both Idaho and contiguous state big game hunting license holders to hunt in herd units which incorporate the boundary line between the state of Idaho and a contiguous state, whether or not said lands are within the state of Idaho or the contiguous state.

(d) For the purposes of enforcing the provisions of this section, the courts of this state sitting in the various counties which incorporate boundary herd units, and the officers of this state empowered to enforce laws pertaining to fish and game are hereby given and shall have jurisdiction over the entire boundary herd unit. Concurrent jurisdiction with the court and administrative officers of contiguous
be hereby expressly recognized and established.

Approved April 8, 1992.

CHAPTER 243
(H.B. No. 502)

AN ACT
RELATING TO COMPULSORY SCHOOL ATTENDANCE; AMENDING SECTION 33-202, IDAHO CODE, TO CLARIFY THAT A BOARD OF SCHOOL TRUSTEES DOES NOT HAVE THE RESPONSIBILITY FOR DETERMINING IF A RESIDENT CHILD OF SCHOOL AGE WHO IS NOT IN ATTENDANCE AT A PUBLIC, PRIVATE OR PAROCHIAL SCHOOL IS RECEIVING COMPARABLE INSTRUCTION.

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

SECTION 1. That Section 33-202, Idaho Code, be, and the same is hereby amended to read as follows:

33-202. SCHOOL ATTENDANCE COMPULSORY. The parent or guardian of any child resident in this state who has attained the age of seven (7) years at the time of the commencement of school in his district, but not the age of sixteen (16) years, shall cause the child to be instructed in subjects commonly and usually taught in the public schools of the state of Idaho. Unless the child is otherwise comparably instructed, as may be determined by the board of trustees of the school district in which the child resides, the parent or guardian shall cause the child to attend a public, private or parochial school during a period in each year equal to that in which the public schools are in session; there to conform to the attendance policies and regulations established by the board of trustees, or other governing body, operating the school attended.

Approved April 8, 1992.

CHAPTER 244
(H.B. No. 524)

AN ACT
RELATING TO WINTER RECREATIONAL PARKING PERMITS; AMENDING SECTION 67-7115, IDAHO CODE, TO CREATE A TEMPORARY PERMIT, TO PROVIDE THAT PARKING FEES BE SET BY THE BOARD, TO INCREASE THE FINE FOR ILLEGAL PARKING, AND TO REMOVE A REQUIREMENT THAT SNOMOBILERS HAVE A PERMIT TO PARK IN A DESIGNATED LOT.

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

SECTION 1. That Section 67-7115, Idaho Code, 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 an annual or temporary parking permit. The annual permit shall be permanently affixed and the temporary permit shall be temporarily affixed on the side front 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) The fee of for the annual permit and the temporary permit shall be set by the board, but shall not exceed thirty dollars ($30.00) for the annual permit or ten dollars ($10.00) shall be charged for each the temporary 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). The owner of any vehicle, as defined in chapter 1, title 49, Idaho Code, that violates the provisions of subsection (1) of this section has committed an infraction punishable as provided under section 18-113A, Idaho Code, 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 or leased 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.

(4) All snowmobile owners, when snowmobiling, shall be entitled to receive from the department a parking permit at no cost to 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 be allowed to park their transportation vehicles in a designated winter recreational parking area without displaying a parking permit.

(5) No parking permit shall be required under the provisions of this section 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.

(6) 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.

Approved April 8, 1992.
CHAPTER 245
(H.B. No. 530)

AN ACT
RELATING TO STATE REIMBURSEMENT TO SCHOOL DISTRICTS FOR COSTS OF DRIVER EDUCATION PROGRAMS; AMENDING SECTION 33-1707, IDAHO CODE, TO PROVIDE THAT THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL CERTIFY TO THE STATE AUDITOR A LIST OF SCHOOL DISTRICTS SUBMITTING REPORTS OF DRIVER EDUCATION PROGRAMS ON OR BEFORE THE FIFTEENTH DAY OF MARCH, AUGUST AND OCTOBER IN EACH YEAR.

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

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

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

The amount due the district from the driver training fund in the state treasury shall be the total cost of operating the program, or the average of the number enrolling in the course and those completing the same, multiplied by one hundred dollars ($100), whichever is the lesser.

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

Approved April 8, 1992.

CHAPTER 246
(H.B. No. 531)

AN ACT
RELATING TO DRIVER TRAINING PROGRAMS; AMENDING SECTION 33-1703, IDAHO CODE, TO PROVIDE THAT PROGRAMS SHALL BE OPEN TO ALL RESIDENTS OF
THE STATE FOURTEEN THROUGH TWENTY-ONE YEARS OF AGE.

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

SECTION 1. That Section 33-1703, Idaho Code, be, and the same is hereby amended to read as follows:

33-1703. ELIGIBLE PUPILS -- TIME COURSES OFFERED. Reimbursable programs shall be open to all residents of the state, of the ages fourteen (14) through eighteen twenty-one (21) years whether or not they are enrolled in a public, private or parochial school. Residents living within any school district operating, or participating in the operation of, an authorized driver training program, shall enroll, when possible, in the training program offered in the school district of residence.

No charge or enrollment fee, not required to be paid by public school pupils for driver training, shall be required to be paid by residents not then attending public schools.

Driver training programs herein authorized may, at the discretion of the board of trustees, be conducted after school hours, or on Saturdays, or during regular school vacations.

Approved April 8, 1992.

CHAPTER 247
(H.B. No. 541)

AN ACT
RELATING TO MEDICARE SUPPLEMENT INSURANCE; AMENDING SECTION 41-4402, IDAHO CODE, TO PROVIDE AND CLARIFY DEFINITIONS; AMENDING CHAPTER 44, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-4402A, IDAHO CODE, TO PROVIDE FOR THE APPLICABILITY AND SCOPE OF CHAPTER 44, TITLE 41, IDAHO CODE; AMENDING SECTION 41-4403, IDAHO CODE, TO PROVIDE THAT A MEDICARE SUPPLEMENT POLICY OR CERTIFICATE SHALL NOT CONTAIN A PREEXISTING CONDITION EXCLUSION OR LIMITATION OF GREATER THAN SIX MONTHS DURATION, AND TO APPLY STANDARDS FOR POLICY PROVISIONS TO INSURANCE CERTIFICATES; AMENDING SECTION 41-4404, IDAHO CODE, TO PROVIDE THAT THE DIRECTOR IS AUTHORIZED TO ADOPT REGULATIONS TO CONFORM MEDICARE SUPPLEMENT POLICIES AND CERTIFICATES TO FEDERAL LAW, AND TO PROVIDE AUTHORITY TO ADOPT REGULATIONS RELATING TO INSURANCE CERTIFICATES; AMENDING SECTION 41-4405, IDAHO CODE, TO AUTHORIZE THE DIRECTOR TO ADOPT REGULATIONS RELATING TO LOSS RATIO STANDARDS; AMENDING SECTION 41-4406, IDAHO CODE, TO PROVIDE FOR DISCLOSURE OF AUTOMATIC RENEWAL PREMIUM INCREASES BASED ON THE POLICYHOLDER'S AGE, AND TO CORRECT TERMINOLOGY; REPEALING SECTION 41-4407, IDAHO CODE; AMENDING SECTION 41-4408, IDAHO CODE, TO CORRECT TERMINOLOGY; AMENDING SECTION 41-4409, IDAHO CODE, TO CORRECT TERMINOLOGY; AMENDING SECTION 41-4410, IDAHO CODE, TO APPLY ADVERTISING FILING REQUIREMENTS TO INSURANCE CERTIFICATES; AMENDING SECTION 41-4411, IDAHO CODE,
TO CORRECT TERMINOLOGY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 41-4402, Idaho Code, be, and the same is hereby amended to read as follows:

41-4402. DEFINITIONS. (1) "Applicant" means:
(a) In the case of an individual medicare supplement policy or subscriber-contract, the person who seeks to contract for insurance benefits; and
(b) In the case of a group medicare supplement policy or subscriber-contract, the proposed certificate holder.
(2) "Certificate" means, for the purposes of this act, a certificate delivered or issued for delivery in this state under a group medicare supplement policy, which certificate has been delivered or issued for delivery in this state.
(3) "Certificate form" means the form on which the certificate is delivered or issued for delivery by the issuer.
(4) "Issuer" includes insurance companies, fraternal benefit societies, health care service plans, health maintenance organizations, and any other entity delivering or issuing for delivery in this state medicare supplement policies or certificates.
(5) "Medicare" means the "health insurance for the aged act," title XVIII of the social security amendments of 1965, as then constituted or later amended.
(6) "Medicare supplement policy" means a group, blanket, or individual policy of disability insurance or a subscriber contract or combination of subscriber contracts of hospital and medical service associations or a health maintenance contract of health maintenance organizations which is designed primarily to supplement medicare, or is advertised, marketed, or otherwise purported to be a supplement to medicare. Such term does not include other than a policy issued pursuant to a contract under section 1876 or section 1833 of the federal social security act (42 U.S.C. section 1395 et seq.), or an issued policy under a demonstration project authorized pursuant to amendments to the federal social security act, which is advertised, marketed or designed primarily as a supplement to reimbursements under medicare for the hospital, medical or surgical expenses of persons eligible for medicare.
(a) A policy or contract of one or more employers or labor organizations, or of the trustees of a fund established by one or more employers or labor organizations, or combination thereof, for employees or former employees or combination thereof, or for members or former members, or combination thereof, of the labor organizations;
(b) A policy or contract of any professional, trade or occupational association for its members or former or retired members, or combination thereof, if such association is composed of individuals all of whom are actively engaged in the same profession, trade or occupation;
(c) Has been maintained in good faith for purposes other than obtaining insurance; and
SECTION 2. That Chapter 44, 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 41-4402A, Idaho Code, and to read as follows:

41-4402A. APPLICABILITY AND SCOPE. (1) Except as otherwise specifically provided in section 41-4405, Idaho Code, the provisions of this chapter shall apply to:
(a) All medicare supplement policies delivered or issued for delivery in this state on or after the effective date hereof; and
(b) All certificates issued under group medicare supplement policies, which certificates have been delivered or issued for delivery in this state.
(2) The provisions of this chapter shall not apply to a policy of one or more employers or labor organizations, or of the trustees of a fund established by one or more employers or labor organizations, or combination thereof, for employees or former employees or a combination thereof, or for members or former members, or a combination thereof, of the labor organizations.
(3) The provisions of this chapter are not intended to prohibit or apply to insurance policies or health care benefit plans, including group conversion policies, provided to medicare eligible persons which policies are not marketed or held to be medicare supplement policies or benefit plans.

SECTION 3. That Section 41-4403, Idaho Code, be, and the same is hereby amended to read as follows:

41-4403. STANDARDS FOR POLICY PROVISIONS. (1) No medicare supplement insurance policy, contract or certificate in force in the state shall contain benefits which duplicate benefits provided by medicare.
(2) Notwithstanding any other provision of law of this state, a medicare supplement policy or certificate shall not exclude or limit benefits for losses incurred more than six (6) months from the effective date of coverage because it involved a preexisting condition. The policy or certificate shall not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within six (6) months before the effective date of coverage.
(3) The director shall issue adopt reasonable regulations to establish specific standards that set forth the content of policies and certificates providing coverage of persons eligible for medicare. Such standards shall be in addition to and in accordance with applicable laws of this state, and may cover, but shall not be limited to:
(a) Terms of renewability, which may not provide that the policy may be cancelled by the insurer solely on the grounds of deterio-
ration of health;
(b) Initial and subsequent conditions of eligibility;
(c) Nonduplication of coverage;
(d) Preexisting conditions;
(e) Probationary periods;
(f) Limitations, exceptions and reductions, which shall not include those which are more restrictive than those of medicare for any type of care covered under the policy;
(g) Elimination periods;
(h) Requirements for replacement;
(i) Recurrent conditions;
(j) Definition of terms, including the terms accident, benefit period, hospital, nurse, physician, and skilled nursing facility.

(3) The director may issue reasonable regulations that specify prohibited policy provisions not otherwise specifically authorized by statute, which in the opinion of the director, are unjust, unfair, or unfairly discriminatory to the policyholder, beneficiary or any person insured under a medicare supplement policy.

SECTION 4. That Section 41-4404, Idaho Code, be, and the same is hereby amended to read as follows:

41-4404. AUTHORITY TO PROMULGATE REGULATIONS. (1) The director shall issue regulations to establish minimum standards for benefits, claims payments, marketing practices, compensation arrangements and reporting practices which are in accordance with the model regulation of the national association of insurance commissioners for medicare supplement policies and certificates.
(2) The director may adopt from time to time, such reasonable regulations as are necessary to conform medicare supplement policies and certificates to the requirements of federal law and regulations promulgated thereunder including, but not limited to:
(a) Requiring refunds or credits if the policies or certificates do not meet loss ratio requirements;
(b) Establishing a uniform methodology for calculating and reporting loss ratios;
(c) Assuring public access to policies, premiums and loss ratio information of issuers of medicare supplement insurance;
(d) Establishing a process for approving or disapproving policy forms and certificate forms and proposed premium increases;
(e) Establishing a policy for holding public hearings prior to approval of premium increases; and
(f) Establishing standards for medicare select policies and certificates.
(3) The director shall prescribe the method of identification of medicare supplement policies based upon coverages provided.

SECTION 5. That Section 41-4405, Idaho Code, be, and the same is hereby amended to read as follows:

41-4405. LOSS RATIO STANDARDS. (1) Every insurer providing group medicare supplement insurance benefits to a resident of this state shall file--a--copy--of--the--master--policy--and--any--certificate--used--in
this-state-in-accordance-with-the-filing-requirements--and--procedures applicable-to-group-medicare-supplement-policies-issued-in-this-state.
Provided,--however,--that-no-insurer-shall-be-required-to-make-a-filing earlier-than-thirty-(30)-days-after-insurance-was-provided-to-a--resi­dent--of--this-state-unter-a-master-policy-issued-for-delivery-outside this-state.

(2) Medicare supplement policies shall return to policyholders benefits which are reasonable in relation to the premium charged. The director shall issue reasonable regulations to establish minimum stan­dards for loss ratios of medicare supplement policies on the basis of incurred claims experience, or incurred health care expenses where coverage is provided by a health maintenance organization on a service rather than a reimbursement basis, and earned premiums in accordance with accepted actuarial principles and practices. Every-entity-provid­ing--medicare--supplement-policies-or-certificates-in-this-state-shall file-annually-its-rates,-rating-schedule,-and-supporting-documentation demonstrating-that-it-is-in-compliance-with-the-applicable-loss--ratio standards--of--this--state.--All--filing-of-rates-and-rating-schedules shall-demonstrate-that-the-actuarial-and-expected-losses-in-relation--to premiums-comply-with-the-requirements-of-this-chapter.

SECTION 6. That Section 41-4406, Idaho Code, be, and the same is hereby amended to read as follows:

41-4406. FULL AND FAIR DISCLOSURE. (1) The director shall issue reasonable regulations to establish specific standards of full and fair disclosure for the sale of policies providing coverage of persons eligible for medicare.

(2) In order to provide for full and fair disclosure in the sale of medicare supplement policies, no individual medicare supplement policy shall be delivered or issued for delivery in this state and no certificate shall be delivered pursuant to a group medicare supplement policy delivered or issued for delivery in this state unless the out­line of coverage described in subsection (3) of this section is deliv­ered to the applicant for such policy or such certificate at the time application is made. In the event an individual medicare supplement policy is issued on a basis other than that applied for, the outline of coverage properly describing the policy must accompany the policy when it is delivered and clearly state that it is not the policy.

(3) The director shall prescribe the format and content of the outline of coverage required by subsection (2) of this section. For purposes of this section, "format" means style, arrangements and over­all appearance, including such items as the size, color and prominence of type and the arrangement of text and captions. Such outline of cov­erage shall include:

(a) A description of the principal benefits and coverage provided in the policy;
(b) A statement-of-the--exceptions--and--reductions--and--limitations contained-in-the-policy;
(c) A statement of the renewal provisions including any reserva­tion by the insurer of a right to change premiums; and disc­losure of the existence of any automatic renewal premium increases based on the policy holder's age.
(d) A statement that the outline of coverage is a summary of the policy issued or applied for and that the policy should be consulted to determine governing contractual provisions.

(4) The director may further prescribe by regulation a standard form and the contents of an informational brochure for persons eligible for medicare, which is intended to improve the buyer's ability to select the most appropriate coverage and improve the buyer's understanding of medicare. Except in the case of direct response insurance policies, the director may require by regulation that the information brochure be provided to any prospective insureds eligible for medicare concurrently with delivery of the outline of coverage. With respect to direct response insurance policies, the director may require by regulation that the prescribed brochure must be provided to any prospective insureds eligible for medicare upon request, but in no event later than the time of policy delivery.

(5) The director may further promulgate reasonable regulations to govern the full and fair disclosure of the information in connection with the replacement of accident and sickness policies, subscriber contracts or certificates by persons eligible for medicare.

SECTION 7. That Section 41-4407, Idaho Code, be, and the same is hereby repealed.

SECTION 8. That Section 41-4408, Idaho Code, be, and the same is hereby amended to read as follows:

41-4408. "FREE LOOK" PROVISIONS. Medicare supplement policies or certificates shall have a notice prominently printed on the first page of the policy or attached thereto stating in substance that the applicant shall have the right to return the policy or certificate within thirty (30) days of its delivery and to have the premium refunded if, after examination of the policy or certificate, the applicant is not satisfied for any reason. Any refund made pursuant to this section shall be paid directly to the applicant by the insurer in a timely manner.

SECTION 9. That Section 41-4409, Idaho Code, be, and the same is hereby amended to read as follows:

41-4409. ADMINISTRATIVE PROCEDURES. Regulations promulgated adopted pursuant to this act shall be subject to the provisions of section 41-211, Idaho Code, and chapter 52, title 67, Idaho Code.

SECTION 10. That Section 41-4410, Idaho Code, be, and the same is hereby amended to read as follows:

41-4410. FILING REQUIREMENTS FOR ADVERTISING. Every insurer, health-care-service-plan or other entity providing issuer of medicare supplement insurance or benefits policies or certificates in this state shall provide a copy of any medicare supplement advertisement intended for use in this state whether through written, radio or television medium to the director of the department of insurance prior to such intended use in this state, and the director may promulgate regul-
lations for the review and approval of all medicare supplement advertisements.

SECTION 11. That Section 41-4411, Idaho Code, be, and the same is hereby amended to read as follows:

41-4411. PENALTIES. In addition to any other applicable penalties for violations of the insurance code, the director may require insurers who violate any provision of this chapter or regulations promulgated pursuant to this chapter, to cease marketing any medicare supplement policy or certificate in this state which is related directly or indirectly to a violation or may require such insurer to take such actions as are necessary to comply with the provisions of this chapter, or both.

SECTION 12. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved April 8, 1992.

CHAPTER 248
(H.B. No. 570)

AN ACT
RELATING TO PEACE OFFICERS; AMENDING SECTION 19-5101, IDAHO CODE, TO FURTHER DEFINE THE TERM PEACE OFFICER; AMENDING SECTION 19-5109, IDAHO CODE, TO ALLOW POLICE OFFICERS OF FEDERALLY RECOGNIZED INDIAN TRIBES TO ATTEND THE PEACE OFFICER STANDARDS AND TRAINING ACADEMY UPON CERTAIN CONDITIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 19-5101, Idaho Code, be, and the same is hereby amended to read as follows:

19-5101. DEFINITIONS. As used in this act:
(a) "Council" means the Idaho peace officer standards and training council.
(b) "Political subdivision" means any city or county.
(c) "Law enforcement" means any and all activities pertaining to crime prevention or reduction and law enforcement, including police, courts, prosecution, corrections, rehabilitation, and juvenile delinquency.
(d) "Peace officer" means any employee of a police or law enforcement agency which is a part of or administered by the state or any political subdivision thereof and whose duties include and primarily consist of the prevention and detection of crime and the enforcement of penal, traffic or highway laws of this state or any political subdivision. "Peace officer" also means an employee of a police or law
enforcement agency of a federally recognized Indian tribe who has satisfactorily completed the peace officer standards and training academy and has been deputized by a sheriff of a county or a chief of police of a city of the state of Idaho.

SECTION 2. 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 23-484 31-3201B, Idaho Code.

(11) To allow a police officer of a federally recognized Indian tribe within the boundaries of this state to attend the peace officer standards and training academy if said police officer meets minimum physical and educational requirements of the acad-
emy. The Indian tribal law enforcement agency shall reimburse the peace officer standards and training academy for the officer's training. Upon satisfactory completion of the peace officer standards and training academy, the tribal police officer shall receive a certificate of satisfactorily completing the academy.

(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 deputy sheriff working as a detention officer in the county jail, or serving civil process, the superintendent of the Idaho state police, 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.

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

Approved April 8, 1992.
CHAPTER 249
(H.B. No. 580)

AN ACT
RELATING TO SEXUAL BATTERY; AMENDING CHAPTER 15, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-1508A, IDAHO CODE, TO PROVIDE FELONY CRIMINAL PENALTIES FOR CERTAIN SEXUAL CONTACT OR SEXUALLY RELATED CONDUCT WITH A MINOR CHILD WHO IS SIXTEEN OR SEVENTEEN YEARS OF AGE.

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

SECTION 1. 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 18-1508A, Idaho Code, and to read as follows:

18-1508A. SEXUAL BATTERY OF A MINOR CHILD SIXTEEN OR SEVENTEEN YEARS OF AGE -- PENALTY. (1) It is a felony for any person at least five (5) years of age older than a minor child who is sixteen (16) or seventeen (17) years of age, who, with the intent of arousing, appealing to or gratifying the lust, passion, or sexual desires of such person, minor child, or third party, to:
   (a) Commit any lewd or lascivious act or acts upon or with the body or any part or any member thereof of such minor child including, but not limited to, genital-genital contact, oral-genital contact, anal-genital contact, oral-anal contact, manual-anal contact or manual-genital contact, whether between persons of the same or opposite sex, or who shall involve such minor child in any act of explicit sexual conduct as defined in section 18-1507, Idaho Code; or
   (b) Solicit such minor child to participate in a sexual act; or
   (c) Cause or have sexual contact with such minor child, not amounting to lewd conduct as defined in paragraph (a) of this subsection; or
   (d) Make any photographic or electronic recording of such minor child.

(2) For the purpose of subsection (b) of this section, "solicit" means any written, verbal or physical act which is intended to communicate to such minor child the desire of the actor or third party to participate in a sexual act or participate in sexual foreplay, by the means of sexual contact, photographing or observing such minor child engaged in sexual contact.

(3) For the purpose of this section, "sexual contact" means any physical contact between such minor child and any person or between such minor children which is caused by the actor, or the actor causing such minor child to have self contact.

(4) Any person guilty of a violation of the provisions of subsection (1)(a) of this section shall be imprisoned in the state prison for a period not to exceed life.

(5) Any person guilty of a violation of the provisions of subsections (1)(b), (1)(c), or (1)(d) of this section shall be imprisoned in
the state prison for a period not to exceed fifteen (15) years.

Approved April 8, 1992.

CHAPTER 250
(H.B. No. 585, As Amended)

AN ACT
RELATING TO CASUALTY INSURANCE CONTRACTS; AMENDING SECTION 41-2507, IDAHO CODE, TO PROVIDE ADDITIONAL GROUNDS AND CONDITIONS FOR THE CANCELLATION OR NONRENEWAL OF AN AUTOMOBILE INSURANCE POLICY.

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

SECTION 1. That Section 41-2507, Idaho Code, be, and the same is hereby amended to read as follows:

41-2507. CANCELLATION OF POLICIES -- GROUNDS. No notice of cancellation of a policy shall be effective and the insurer shall not refuse renewal of a policy, unless based on one or more of the following reasons:

(1) Nonpayment of premium; or

(2) The policy was obtained through a material misrepresentation; or

(3) Any insured violated any of the terms and conditions of the policy; or

(4) The named insured failed to disclose fully his motor vehicle accidents and moving traffic violations, or his losses covered under any automobile physical damage or comprehensive coverage, for the preceding thirty-six (36) months if called for in the application; or

(5) As to renewal of the policy, if the insured at any time while the policy was in force failed to disclose fully to the insurer, upon request therefor, facts relative to accidents and losses incurred material to underwriting of the risk; or

(6) Any insured made a false or fraudulent claim or knowingly aided or abetted another in the presentation of such a claim; or

(7) The named insured or any other operator who either resides in the same household or customarily operates an automobile insured under such policy:

(a) Has, within the thirty-six (36) months prior to the notice of cancellation or nonrenewal, had his driver's license under suspension or revocation; or

(b) Has a history of and is subject to epilepsy or heart attacks, and such individual cannot produce a certificate from a physician testifying to his unqualified ability to operate a motor vehicle safely; or

(c) Has an accident record, conviction record (criminal or traffic), physical, mental, or other condition which is such that his operation of an automobile might endanger the public safety; or

(d) Has, while the policy is in force, engaged in a prearranged competitive speed contest while operating or riding in an automo-
bile insured under the policy; or
(e) Has, within the thirty-six (36) months prior to the notice of cancellation or nonrenewal been addicted to the use of narcotics or other drugs; or
(f) Uses alcoholic beverages to excess; or
(g) Has been convicted, or forfeited bail, during the thirty-six (36) months immediately preceding the notice of cancellation or nonrenewal; for
(i) Any felony; or
(ii) Criminal negligence resulting in death, homicide, or assault arising out of the operation of a motor vehicle; or
(iii) Operating a motor vehicle while in an intoxicated condition or while under the influence of drugs; or
(iv) Leaving the scene of an accident without stopping to report; or
(v) Theft or unlawful taking of a motor vehicle; or
(vi) Making fraudulent statements in an application for a driver's license; or
(h) Has been convicted of, has had a judgment entered against, or forfeited bail for, three (3) or more violations within the thirty-six (36) months immediately preceding the notice of cancellation or nonrenewal, of any law, ordinance, or regulation limiting the speed of motor vehicles, or any of the provisions of the motor-vehicle-laws of any state--violation-of-which constitutes a misdemeanor for which a violation point is assessed by the Idaho transportation department under the provisions of section 49-326, Idaho Code, whether or not the violations were repetitions of the same offense or different offenses.
(8) The insured automobile is:
(a) So mechanically defective that its operation might endanger public safety; or
(b) Used in carrying passengers for hire or compensation, except that the use of an automobile for a car pool shall not be considered use of an automobile for hire or compensation; or
(c) Used in the business of transportation of flammables or explosives; or
(d) An authorized emergency vehicle; or
(e) Modified or changed in condition during the policy period so as to increase the risk substantially; or
(f) Subject to an inspection law and has not been inspected or, if inspected, has failed to qualify.

Approved April 8, 1992.

CHAPTER 251
(H.B. No. 591, As Amended)

AN ACT
RELATING TO THE HAZARDOUS WASTE DISPOSAL FEE; AMENDING SECTION 39-4427, IDAHO CODE, TO PROVIDE AN INCREASE IN THE FEE FOR DISPOSING HAZARDOUS WASTE AT ANY PERMITTED COMMERCIAL FACILITY OR SITE.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 39-4427, Idaho Code, be, and the same is hereby amended to read as follows:

39-4427. HAZARDOUS WASTE DISPOSAL FEE. On and after July 1, 1984, there is imposed on the owner or operator of every commercial hazardous waste disposal facility or site permitted under section 39-4409, Idaho Code, a fee of twenty-six dollars ($26.00) per ton, or fraction thereof, on all materials disposed of at the facility or site, and, on and after January 1, 1993, the fee shall be thirty dollars ($30.00) per ton, or fraction thereof, on all materials disposed of at the facility or site.

Approved April 8, 1992.

CHAPTER 252
(H.B. No. 593, As Amended in the Senate,
As Amended in the Senate)

AN ACT
RELATING TO DISPARAGEMENT OF AGRICULTURAL FOOD PRODUCTS; AMENDING TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 20, TITLE 6, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO DEFINE TERMS, TO PROVIDE A RIGHT OF ACTION FOR DAMAGES UPON THE DISPARAGEMENT OF AGRICULTURAL FOOD PRODUCTS; TO PROVIDE AN EFFECTIVE DATE AND TO PROVIDE APPLICATION.

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 20, Title 6, Idaho Code, and to read as follows:

CHAPTER 20
DISPARAGEMENT OF AGRICULTURAL FOOD PRODUCTS

6-2001. LEGISLATIVE INTENT. The legislature hereby finds, determines and declares that the production of agricultural food products constitutes a large proportion of the Idaho economy and that it is beneficial to the citizens of this state to protect the vitality of the agricultural economy by providing a legal cause of action for producers of perishable agricultural food products to recover damages for the disparagement of any perishable agricultural food product.

6-2002. DEFINITIONS. As used in this chapter:
   (1) "Disparagement" means the publication to a third party of a false factual statement; and
   (a) The published statement is of and concerning the plaintiff's specific perishable agricultural food product;
   (b) The statement clearly imputes the safety of the product;
(c) The defendant intended the publication to cause harm to the plaintiff's pecuniary interest, or either recognized or reasonably should have recognized that it was likely to do so;
(d) The defendant made the statement with actual malice, that is, he knew that the statement was false or acted in reckless disregard of its truth or falsity; and
(e) The statement does in fact cause the plaintiff pecuniary loss.

(2) "Perishable agricultural food product" means an agricultural product as defined in section 22-2602, Idaho Code, intended for human consumption which is sold or distributed in a form that will perish or decay beyond marketability within a period of time.

6-2003. DISPARAGEMENT OF PERISHABLE AGRICULTURAL FOOD PRODUCTS -­ RIGHT OF ACTION FOR DAMAGES. (1) A producer of perishable agricultural food products who suffers actual damages as a result of another person's disparagement of the producer's product may bring an action for actual damages in a court of competent jurisdiction.

(2) The plaintiff shall bear the burden of proof and persuasion as to each element of the cause of action and must prove each element by clear and convincing evidence.

(3) The plaintiff may only recover actual pecuniary damages. Neither presumed nor punitive damages shall be allowed.

(4) The disparaging factual statement must be clearly directed at a particular plaintiff's product. A factual statement regarding a generic group of products, as opposed to a specific producer's product, shall not serve as the basis for a cause of action.

(5) Notwithstanding any limitation contained in chapter 2, title 5, Idaho Code, an action under the provisions of this chapter must be commenced within two (2) years after the cause of action accrues and not thereafter.

(6) This statutory cause of action is not intended to abrogate the common law action for product disparagement or any other cause of action otherwise available.

SECTION 2. This act shall be in full force and effect on and after July 1, 1992, and shall apply to acts occurring on or after July 1, 1992.

Approved April 8, 1992.

CHAPTER 253
(H.B. No. 608)

AN ACT
RELATING TO MOTOR VEHICLE FEES; AMENDING SECTION 49-434, IDAHO CODE, TO CLARIFY THE MILEAGE FEES FOR VEHICLES HAULING NONREDEUCIBLE LOADS UNDER SPECIAL PERMIT AUTHORITY.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 49-434, Idaho Code, be, and the same is hereby amended to read as follows:

49-434. OPERATING FEES. (1) 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.

<table>
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<tr>
<th>Maximum Gross Weight (Pounds)</th>
<th>Annual Registration Fee</th>
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<tr>
<td></td>
<td>Noncommercial and Farm Vehicles</td>
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<tr>
<td>8,001-16,000 inc.</td>
<td>$31.08</td>
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<tr>
<td>16,001-26,000 inc.</td>
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<td>26,001-30,000 inc.</td>
<td>91.68</td>
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<tr>
<td>30,001-40,000 inc.</td>
<td>130.08</td>
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<td>40,001-50,000 inc.</td>
<td>188.28</td>
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<tr>
<td>50,001-60,000 inc.</td>
<td>311.88</td>
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(2) There shall be paid on all commercial vehicles, irrespective of body type, 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 the individual self-propelled motor vehicles, and to the self-propelled motor vehicle in any combination of vehicles.

In addition, an annual license fee shall be required for each trailer or semitrailer in a combination of vehicles in the amount of fifteen dollars ($15.00). An annual license fee of eight dollars ($8.00) shall be required for each rental utility trailer having a maximum laden or gross weight of up to two thousand (2,000) pounds, or fifteen dollars ($15.00) for each rental utility trailer having a maximum laden or gross weight in excess of two thousand (2,000) pounds. For a fee of fifteen dollars ($15.00) per year for each trailer or semitrailer, or a fee of eight dollars ($8.00) or fifteen dollars ($15.00) per year, as applicable, for each rental utility trailer, the department may issue a trailer, rental utility trailer or semitrailer license plate that shall remain valid for a period of five (5) years. The license plate shall become void if the owner’s interest in the trailer, rental utility trailer or semitrailer changes during the five (5) year period. If the owner fails to enter the licensed trailer, rental utility trailer or semitrailer on the annual renewal application during the five (5) year period, the registration record shall be purged. Any unrenewed, unexpired plate shall be returned to the department if it is not entered on the renewal application.

(3) In addition to the registration and license fees provided by subsections (1) and (2), 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 (7) 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

(4) In addition to the registration and license fees of this section, there shall be paid on all farm vehicles, and any commercial vehicle exclusively engaged in the transportation of logs, pulp wood, stull, poles, piling, rough lumber, ores, ore concentrates, sand and gravel aggregates in bulk, livestock and vehicles domiciled in Idaho used for the sole purpose of transporting milk from the farm to processing plant, having a maximum gross weight in excess of sixty thousand (60,000) pounds, a use fee of 22.45 mills per mile.

(5) If any motor vehicle, trailer or semitrailer, or combinations thereof, which hauls reducible loads is authorized under the provisions of chapter 10, title 49, 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 maximum registered gross weight of the vehicle.

(6) If any motor vehicle, trailer or semitrailer or combinations thereof, which hauls nonreducible loads, is authorized under the provisions of section 49-1004, Idaho Code, 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 maximum gross weight in excess of those set in section 49-1001, Idaho Code.

(7) Any owner operating vehicle combinations may apply to the department for authority to report multiple weights and pay use fees based upon the maximum gross weight of each configuration in the combination being operated. The owner shall declare a maximum gross weight for each configuration being operated but not more than three (3) maximum gross weights for a vehicle combination may be declared. Any owner who receives authority to report and pay use fees at multiple maximum gross weights shall register the motor vehicle in a combination at the highest maximum gross weight of the vehicle.

(8) 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 (1) and (2). 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 (3) or (4) 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.

Approved April 8, 1992.

CHAPTER 254
(H.B. No. 609)

AN ACT
RELATING TO UNDERGROUND STORAGE TANK TECHNICIAN CERTIFICATION; AMENDING SECTION 41-281, IDAHO CODE, TO DELETE LIQUID COMPANY ASSETS AS A CONSIDERATION IN DETERMINING WHETHER AN APPLICANT FOR CERTIFICATION OR HIS EMPLOYER HAS SUFFICIENT INSURANCE; AMENDING SECTION 41-285, IDAHO CODE, TO ELIMINATE THE UNDERGROUND STORAGE TANK TECHNICIAN CERTIFICATION ACCOUNT AND TO PROVIDE FOR DEPOSIT OF FEES TO THE ARSON, FIRE AND FRAUD PREVENTION ACCOUNT.

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

SECTION 1. That Section 41-281, Idaho Code, be, and the same is hereby amended to read as follows:

41-281. REQUIREMENTS FOR CERTIFICATION. (1) The board shall certify as an underground storage tank technician any person who meets the following requirements:
(a) Has filed a written application on a form prescribed by the board containing all required information, including whether he has ever been disciplined for an action relating to the installation, repair, removal, testing or inspection of an underground storage tank in any other state or jurisdiction;
(b) Has paid a nonrefundable application fee;
(c) Has passed a written examination and paid any required examination fee;
(d) The applicant or his employer has general liability insurance, or surety bonds, or liquid company assets which, in combination, represent a value of not less than five hundred thousand dollars ($500,000); provided that this requirement shall not apply to applicants for certification employed by the state of Idaho or any agency thereof, or any city, county or other political subdivision of the state, or the United States. If the board finds that liability insurance is not generally available at a reasonable cost it may, by rule, waive the insurance requirement for all
applicants.

(e) The applicant has access to and will use testing equipment meeting all standards for testing equipment adopted by the environmental protection agency.

(2) A certificate issued under this section shall be valid for a period of one (1) year and may be renewed thereafter upon application to the board and payment of a renewal fee, if the applicant is in compliance with all other provisions of this act.

(3) The board may provide for certification by comity of underground storage tank technicians who have successfully completed examinations and are otherwise qualified for a license or certification in another state pursuant to requirements substantially equivalent to those specified in this act and the rules and regulations promulgated thereunder.

(4) The board may provide for waiver of the examination requirements for certification for persons meeting the qualifications provided in regulations of the environmental protection agency, code of federal regulations, title 40, part 280, for cathodic protection tester and corrosion expert, and for such other persons having special qualifications, expertise, training, accreditation or certification as it may deem appropriate.

SECTION 2. That Section 41-285, Idaho Code, be, and the same is hereby amended to read as follows:

41-285. UNDERGROUND-STORAGE-TANK-TECHNICIAN-CERTIFICATION FEES -- DEPOSIT IN ARSON, FIRE AND FRAUD PREVENTION ACCOUNT. There is hereby created in the dedicated fund of the state treasury the underground storage-tank-technician-certification account. All fees collected pursuant to the provisions of this act shall be remitted to the state treasurer who shall credit the same to the underground--storage--tank technician--certification arson, fire and fraud prevention account. Moneys deposited in the account pursuant to this section shall be expended pursuant to appropriation and may be utilized by the state fire marshal in carrying out and administering the provisions of this act.

Approved April 8, 1992.

CHAPTER 255
(H.B. No. 615, As Amended)

AN ACT
RELATING TO THE CODE COMMISSION; AMENDING SECTION 73-213, IDAHO CODE, TO INCREASE THE FEE LEVIED ON ACTIONS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 73-213, Idaho Code, be, and the same is hereby amended to read as follows:
73-213. TAX LEVY ON ACTIONS. There is hereby levied a fee of five
ten dollars ($510.00) upon each civil action filed in the district
court or in the magistrates' division of the district court including
matters involving decedents' estates, whether testate or intestate,
and including proceedings involving adoption and the appointment of a
guardian of the person or of the estate or both. There is also hereby
levied a fee of five ten dollars ($510.00) upon each party, except the
plaintiff, making an appearance in any civil action in the district
court or in the magistrates' division of the district court, except
that no fee shall be levied or collected for an appearance in the
small claims departments or for a proceeding under the summary admin­
istration of small estates act.

The clerks of the district courts and persons authorized by rule
or administrative order of the supreme court are directed and required
to remit all additional charges and fees authorized by this section
and collected during a calendar month, to the state treasurer on or
before the fifth day of the month following the calendar month of col­
clection. The state treasurer shall place all such sums in the code
fund for the following purposes:

1. From that portion of such sums pledged by section 73-214,
Idaho Code, to pay the principal and interest on any treasury notes
according to their priority issued under authority of this act. When
any such treasury notes are issued and remain outstanding and unpaid
and the state treasurer has sufficient moneys set aside as provided by
section 73-214, Idaho Code, to pay the unpaid principal and interest
of any treasury notes so issued and unpaid, the state treasurer, as
soon as such notes may be paid by their terms, shall pay the same and
shall certify such fact to the commission, and

2. To pay the cost of any compilations authorized under this act
by the code commission, and

3. To pay the compensation and expenses of the code commission
created by this act and its employees.

SECTION 2. This act shall be in full force and effect on and
after January 1, 1993.

Approved April 8, 1992.

CHAPTER 256
(H.B. No. 630)

AN ACT
RELATING TO THE PRESERVATION OF IDAHO'S HERITAGE RESOURCES; AMENDING
SECTION 67-7601, IDAHO CODE, TO CHANGE HISTORICAL RESOURCES TO
HERITAGE RESOURCES; AMENDING CHAPTER 76, TITLE 67, IDAHO CODE, BY
THE ADDITION OF A NEW SECTION 67-7602A, IDAHO CODE, TO DEFINE HER­
ITAGE RESOURCES; AMENDING CHAPTER 76, TITLE 67, IDAHO CODE, BY THE
ADDITION OF A NEW SECTION 67-7602B, IDAHO CODE, TO DESCRIBE FUND­
ing; AMENDING SECTION 67-7603, IDAHO CODE, TO CLARIFY REPORTING
REQUIREMENTS; AND AMENDING SECTION 2, CHAPTER 129, LAWS OF 1990,
TO EXTEND THE SUNSET PROVISION TO JULY 3, 1994.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-7601, Idaho Code, be, and the same is hereby amended to read as follows:

67-7601. PURPOSE. Idaho is a state with diverse historical heritage resources. As we enter our second century of statehood, there is a growing awareness of the need to insure that future generations of Idahoans share an appreciation of our heritage. To attain that goal, it is the policy of the state of Idaho to actively encourage public and private involvement in historic heritage preservation.

SECTION 2. That Chapter 76, 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 67-7602A, Idaho Code, and to read as follows:

67-7602A. HERITAGE RESOURCES. A heritage resource is a diverse range of historic, cultural and archaeological resources including, but not limited to, buildings with appurtenant land, sites, districts, artifacts, objects, manuscripts and published documents, and the remains of ethnic and regional folklife having local, regional, state or national significance.

SECTION 3. That Chapter 76, 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 67-7602B, Idaho Code, and to read as follows:

67-7602B. FUNDING. The Idaho heritage trust shall receive funds collected in section 49-450, Idaho Code, in the amount of fifty cents (50¢) per plate for the use of the copyrighted design provided in section 49-443(10), Idaho Code. The Idaho transportation department shall collect such funds and distribute them to the Idaho heritage trust fund quarterly. The role of the heritage trust is to accept proposals from the public requesting funds for heritage preservation projects. The proposals are evaluated on established criteria, and if in the opinion of the heritage trust they qualify, a grant may be awarded subject to the availability of funds. The heritage trust shall insure that the following occurs in respect to the management of funds:

(1) Funds earned from the use of the motor vehicle license plate design shall be deposited directly into the trust fund where it will earn interest that will be used for heritage preservation projects. Contributions from private fund raising efforts may also be deposited to the trust fund.

(2) Only the interest earned from the trust fund shall be expended, and the trust fund shall remain as a permanent endowment generating income in perpetuity for heritage preservation.

(3) The Idaho heritage trust shall require project sponsors to match the funds granted for each project, so that no more than half the monetary support for any project shall come from the proceeds of the trust fund.
SECTION 4. That Section 67-7603, Idaho Code, be, and the same is hereby amended to read as follows:

67-7603. ANNUAL REPORT. On an annual basis, the Idaho heritage trust shall issue a report outlining its activities for the previous year, including a listing and description of funded projects, and a financial statement. Copies of the report shall be provided to the governor and other elected officials of the executive branch of state government, as well as to members of the legislature. Copies of these reports shall be provided to ex officio members of the trust as defined in the Idaho heritage trust's bylaws.

SECTION 5. That Section 2, Chapter 129, Laws of 1990, be, and the same is hereby amended to read as follows:

SECTION 2. This act shall be in full force and effect on and after July 3, 1990, but shall be null, void and of no force and effect on and after July 3, 1992.

Approved April 8, 1992.

CHAPTER 257
(H.B. No. 634, As Amended)

AN ACT
RELATING TO PUBLIC RECORDS; AMENDING SECTION 9-340, IDAHO CODE, TO PROVIDE THAT CERTAIN WORKER'S COMPENSATION RECORDS OF THE INDUSTRIAL COMMISSION ARE EXEMPT FROM DISCLOSURE.

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

SECTION 1. That Section 9-340, Idaho Code, be, and the same is hereby amended to read as follows:

9-340. RECORDS EXEMPT FROM DISCLOSURE. The following records are exempt from disclosure:

(1) Any public record exempt from disclosure by federal or state law or federal regulations to the extent specifically provided for by such law or regulation.

(2) Trade secrets including those contained in response to public agency requests for proposal, requests for clarification, requests for information and similar requests. "Trade secrets" as used in this section mean 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.

(3) Records, maps or other records identifying the location of
archaeological or geophysical sites or endangered species, it not already known to the general public.

(4) Archaeological and geologic records concerning exploratory drilling, logging, mining and other excavation, when such records are required to be filed by statute for the time provided by statute.

(5) Production records, sale or purchase records, catch records, mortgage portfolio loan documents, or similar business records of a private concern or enterprise required by law to be submitted to or inspected by a public agency. Nothing in this subsection shall limit the use which can be made of such information for regulatory purposes or its admissibility in any enforcement proceeding.

(6) Records relating to the appraisal of real property, timber, or mineral rights prior to its acquisition, sale or lease by a public agency.

(7) Any estimate prepared by a public agency that details the cost of a public project until such time as disclosed or bids are opened, or upon award of the contract for construction of the public project.

(8) Records gathered by a local agency or the Idaho department of commerce, as described in chapter 47, title 67, Idaho Code, for the specific purpose of assisting a person to locate, maintain, invest in, or expand business operations in the state of Idaho.

(9) The records of a library which, when examined alone, or when examined with other public records, would reveal the identity of the library patron checking out, requesting, or using an item from a library.

(10) The material of a library, museum or archive which has been contributed by a private person, to the extent of any limitation that is a condition of the contribution.

(11) Records of a personal nature as follows:
(a) Records of personal debt filed with a public agency pursuant to law;
(b) Personal bank records compiled by a public depositor for the purpose of public funds transactions conducted pursuant to law;
(c) Records of ownership of financial obligations and instruments of a public agency, such as bonds, compiled by the public agency pursuant to law;
(d) Records, with regard to the ownership of, or security interests in, registered public obligations;
(e) Vital statistics records.

(12) Test questions, scoring keys, and other data used to administer a licensing examination, employment, academic or other examination or testing procedure before the examination is given if the examination is to be used again. Records establishing procedures for and instructing persons administering, grading or evaluating an examination or testing procedure are included in this exemption, to the extent that disclosure would create a risk that the result might be affected.

(13) Retired employees' and retired public officials' home addresses, home telephone numbers and other financial and nonfinancial membership records; active and inactive member financial and membership records and mortgage portfolio loan documents maintained by the public employee retirement system. Financial statements prepared by
retirement system staff, funding agents and custodians concerning the investment of assets of the public employee retirement system of Idaho are not considered confidential under this chapter.

(14) Any personal records, other than names and addresses, such as parentage, race, religion, sex, height, weight, tax identification and social security numbers, financial worth or medical condition submitted to any public agency pursuant to a statutory requirement for licensing, certification, permit or bonding.

(15) Unless otherwise provided by agency rule, information obtained as part of an inquiry into a person's fitness to be granted or retain a license, certificate, permit, privilege, commission or position.

(16) Computer programs developed or purchased by or for any public agency for its own use. As used in this subsection, "computer program" means a series of instructions or statements which permit the functioning of a computer system in a manner designed to provide storage, retrieval and manipulation of data from the computer system, and any associated documentation and source material that explain how to operate the computer program. Computer program does not include:

(a) The original data including, but not limited to, numbers, text, voice, graphics and images;
(b) Analysis, compilation and other manipulated forms of the original data produced by use of the program; or
(c) The mathematical or statistical formulas that would be used if the manipulated forms of the original data were to be produced manually.

(17) Records that identify the method by which the Idaho state tax commission selects tax returns for audit review.

(18) Information in an income or other tax return measured by items of income or sales, which is gathered by a public agency for the purpose of administering the tax.

(19) Information and records submitted to the Idaho state lottery for the performance of background investigations of employees, lottery retailers and major procurement contractors; audit records of lottery retailers, vendors and major procurement contractors submitted to or performed by the Idaho state lottery; validation and security tests of the state lottery for lottery games; business records and information submitted pursuant to sections 67-7412(8) and (9) and 67-7421(8) and (9), Idaho Code, and such documents and information obtained and held for the purposes of lottery security and investigative action as determined by lottery rules unless the public interest in disclosure substantially outweighs the private need for protection from public disclosure.

(20) Employment security information and unemployment insurance benefit information, except that all interested parties may agree to waive the exemption.

(21) Examination, operating or condition reports and all documents relating thereto, prepared by or supplied to any public agency responsible for the regulation or supervision of financial institutions including, but not limited to, banks, savings and loan associations, regulated lenders, business and industrial development corporations, credit unions, and insurance companies, or for the regulation or supervision of the issuance of securities.
(22) Investigatory records of a law enforcement agency, as defined in section 9-337(5), Idaho Code, under the conditions set forth in section 9-335, Idaho Code.

(23) Records of a personal nature related directly or indirectly to the application for and provision of statutory services rendered to persons applying for public care for the elderly, indigent, or mentally or physically handicapped, or participation in an environmental or a public health study.

(24) Records of investigations prepared by the department of health and welfare pursuant to its statutory responsibilities dealing with the protection of children, the rehabilitation of youth, adoptions and the commitment of mentally ill persons.

(25) Records of the department of health and welfare or a public health district that identifies a person infected with a reportable disease.

(26) Records of hospital care, medical records, records of psychiatric care or treatment and professional counseling records relating to an individual's condition, diagnosis, care or treatment.

(27) Records of a person maintained pursuant to chapter 18, title 16, Idaho Code.

(28) Shipping and marketing records of commodity commissions used to evaluate marketing and advertising strategies.

(29) Records contained in court files of judicial proceedings, the disclosure of which is prohibited by or under rules adopted by the Idaho supreme court, but only to the extent that confidentiality is provided under such rules, and any drafts or other working memoranda related to judicial decision making.

(30) Records consisting of draft legislation and documents specifically related to such draft legislation or research requests submitted to the legislative council by a member of the Idaho legislature for the purpose of placing such draft legislation into a form suitable for introduction as official proposed legislation of the legislature of the state of Idaho, unless the individual legislator having submitted or requested such records or research agrees to waive the provisions of confidentiality provided by this subsection.

(31) All papers, physical and electronic records and correspondence or other supporting materials comprising the work papers in the possession of the office of the legislative auditor prior to release of the related final audit and all other records or materials in the possession of the office of the legislative auditor that would otherwise be confidential or exempt from disclosure.

(32) The records, finding, determinations and decision of any prelitigation screening panel formed under chapter 10, title 6, Idaho Code.

(33) Board of professional discipline reprimands by informal admonition pursuant to subsection (6)(f) of section 54-1806A, Idaho Code.

(34) Records including, but not limited to, investigative reports, resulting from investigations conducted into complaints of discrimination made to the Idaho human rights commission unless the public interest in allowing inspection and copying of such records outweighs the legitimate public or private interest in maintaining confidentiality of such records. A person may inspect and copy docu-
ments from an investigative file to which he or she is a named party if such documents are not otherwise prohibited from disclosure by federal law or regulation or state law. The confidentiality of this subsection will no longer apply to any record used in any judicial proceeding brought by a named party to the complaint or investigation, or by the Idaho human rights commission, relating to the complaint of discrimination.

(35) Information, records, including names and addresses of victims, or investigations of the department of correction or the commission of pardons and parole to the extent that disclosure thereof would interfere with the secure and orderly conduct of their operations, or the rehabilitation of any person in the custody of the department of correction or on parole, or would substantially prejudice or prevent the carrying out of the functions of the department of correction or the commission of pardons and parole if the public interest in confidentiality clearly outweighs the public interest in disclosure.

(36) Except as provided in this subsection, all personnel records of a current or former public official other than the public official's public service or employment history, classification, pay grade and step, longevity, gross salary and salary history, status, workplace and employing agency. All other personnel information relating to a public employee or applicant, including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, applications, testing and scoring materials, grievances, correspondence and performance evaluations, shall not be disclosed to the public without the employee's or applicant's written consent. A public official or authorized representative may inspect and copy his personnel records, except for material used to screen and test for employment.

(37) The worker's compensation records of the Idaho industrial commission provided that the industrial commission shall make such records available:

(a) To the parties in any worker's compensation claim and to the industrial special indemnity fund of the state of Idaho; or
(b) To employers and prospective employers subject to the provisions of the Americans with disabilities act, 42 U.S.C. 12112, or other statutory limitations who certify that the information is being requested with respect to a worker to whom the employer has extended an offer of employment and will be used in accordance with the provisions of the Americans with disabilities act, 42 U.S.C. 12112, or other statutory limitations; or
(c) To employers and prospective employers not subject to the provisions of the Americans with disabilities act, 42 U.S.C. 12112, or other statutory limitations, provided the employer presents a written authorization from the person to whom the records pertain; or
(d) To others who demonstrate that the public interest in allowing inspection and copying of such records outweighs the public or private interest in maintaining the confidentiality of such records, as determined by a civil court of competent jurisdiction.

Approved April 8, 1992.
CHAPTER 258
(H.B. No. 663, As Amended)

AN ACT
RELATING TO COMMUNITY FORESTRY; AMENDING SECTION 38-101, IDAHO CODE, TO DEFINE COMMUNITY FORESTRY AND URBAN FORESTRY; AMENDING SECTION 38-102, IDAHO CODE, TO EMPOWER THE DIRECTOR OF THE DEPARTMENT OF LANDS TO PROMOTE COMMUNITY FORESTRY; AMENDING CHAPTER 1, TITLE 38, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 38-136, IDAHO CODE, TO ESTABLISH THE COMMUNITY FORESTRY TRUST ACCOUNT; AND AMENDING SECTION 63-3067B, IDAHO CODE, TO PROVIDE AUTHORIZATION FOR THE COMMUNITY FORESTRY TRUST ACCOUNT TO RECEIVE MONEYS.

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

SECTION 1. That Section 38-101, Idaho Code, be, and the same is hereby amended to read as follows:

38-101. DEFINITIONS. As used in this chapter, the following terms are defined as follows:
(a) "Forest land" means any land which has upon it sufficient brush or flammable forest growth of any kind or size, living or dead, standing or down, including debris or growth following a fire or removal of forest products, to constitute a fire menace to life (including animal) or property.
(b) "Range land" means any land which is not cultivated and which has upon it native grasses or other forage plants making it best suited for grazing of domestic and wild animals and which land is adjacent to or intermingled with forest land.
(c) "Person" shall mean and include any person or persons, and any corporation, firm or other entity.
(d) "Everyone" or "anyone" shall mean any and all person or persons, corporations, firms, or other entities.
(e) "State" shall mean the state of Idaho.
(f) "Board" shall mean the state board of land commissioners.
(g) "State forester" as used in this chapter and wherever else it is used in the Idaho Code, shall mean the director of the department of lands or his duly authorized delegates or employees, including fire wardens and deputy fire wardens.
(h) "Fire warden" or "forest warden" shall mean duly appointed fire wardens or their deputies.
(i) "Forest products" shall mean any ties, logs, poles, posts, cordwood, pulpwood or other timber products.
(j) "Slashing areas" shall mean areas upon which, after cutting of the trees or brush preparatory to clearing, or after the cutting of any forest products, sufficient flammable material remains upon the ground as a result of such operations to constitute a menace to life or property.
(k) "Slash" or "slashing" shall mean brush, severed limbs, poles, tops and/or other waste material incident to such cutting or to the clearing of land, which are four inches (4") and under in diameter.
(l) "Forest fire" as used in this chapter means any fire burning
uncontrolled on any land covered wholly or in part by timber and/or other potential forest products, slash, brush, or other flammable vegetation.

(m) "Range fire" means any fire burning uncontrolled on any range land.

(n) Whenever the term "state cooperative board of forestry" is used in any other section of the Idaho Code, it shall be construed to mean the state board of land commissioners.

(o) "Administrator" means the head of a division organized within the department of lands.

(p) "Community forestry" or "urban forestry" means the management of the trees and associated vegetation in rural and urban communities.

SECTION 2. That Section 38-102, Idaho Code, be, and the same is hereby amended to read as follows:

38-102. DUTIES OF DIRECTOR OF DEPARTMENT OF LANDS. It shall be the duty of the director of the department of lands to execute the provisions of this chapter, and the rules and regulations of the state board of land commissioners pertaining to forest and watershed protection; to represent the state in cooperation with forest owners and others in forest protection work; to further the enforcement of laws for the protection and preservation of forests; to collect and disseminate information upon forest resources and forest conditions; to promote community forest management on public and private lands; to report to the state board of land commissioners concerning the improvement and management of the state's forest holdings; to advise farmers and others concerning the development and management of woodlots and forest tracts; and to make such investigation and take such steps as shall lead to the adoption and execution of a comprehensive state forest policy in the interest of the entire state. The director shall furnish such information, make such recommendations, and perform such duties as may be required of him by the state board of land commissioners. The director may delegate all or any portion of his duties or responsibilities provided under this chapter to one (1) or more division heads or employees of the department of lands.

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 38-136, Idaho Code, and to read as follows:

38-136. COMMUNITY FORESTRY TRUST ACCOUNT. (1) There is hereby created within the dedicated fund of the state treasury the community forestry trust account.

(2) The account shall consist of the following:
(a) Moneys as provided in section 63-3067B, Idaho Code;
(b) Donations, gifts, and grants from any source;
(c) Any other moneys which may hereinafter be provided by law; and
(d) Interest earned by the account.

(3) The director or designee of the department of lands may authorize disbursements of moneys from the account for projects
related to community forestry.

(4) Not less than thirty-five percent (35%) of the funding for an approved project shall be provided by the entity sponsoring or proposing the project or program. Contributions such as materials, personnel, supplies, or services may be considered as all or part of the funding provided by the petitioning entity.

SECTION 4. That Section 63-3067B, Idaho Code, be, and the same is hereby amended to read as follows:

63-3067B. DESIGNATION BY INDIVIDUALS -- TRUST ACCOUNTS. (a) Every resident 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 set-aside account created by section 36-111, 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;
(v) The United States olympic account created by section 57-817, Idaho Code, but no donation shall exceed five dollars ($5.00); and
(vi) The Alzheimer's disease services account created in section 57-819, Idaho Code; and
(vii) The community forestry trust account created in section 38-136, Idaho Code.
(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, and three thousand dollars ($3,000) or twenty percent (20%) of the moneys remitted to each account during the fiscal year, whichever is less, from each account during each fiscal year thereafter, which amounts are hereby appropriated to the tax commission.

Approved April 8, 1992.
AN ACT
RELATING TO THE FOREST PRACTICES ACT; AMENDING SECTION 38-1302, IDAHO CODE, TO REVISE THE PURPOSE OF THE FOREST PRACTICES ACT AND TO PRECLUDE UNITS OF LOCAL GOVERNMENT FROM REGULATING FOREST PRACTICES ON FOREST LANDS WHICH CONFLICT WITH THE FOREST PRACTICES ACT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 38-1302, Idaho Code, be, and the same is hereby amended to read as follows:

38-1302. POLICY OF THE STATE -- PURPOSE OF ACT. (1) Recognizing that federal, state and private forest lands make a vital contribution to Idaho by providing jobs, products, tax base, and other social and economic benefits, by helping to maintain forest tree species, soil, air and water resources, and by providing a habitat for wildlife and aquatic life, it is the public policy of the state to encourage forest practices on these lands that maintain and enhance those benefits and resources for the people of the state of Idaho.

(2) To encourage uniform forest practices implementing the policy of this chapter, and to provide a mechanism for harmonizing and helping it implement and enforce laws and rules relating to federal, state and private forest land, it is the purpose of this chapter to vest in the board authority to adopt rules designed to assure the continuous growing and harvesting of forest tree species and to protect and maintain the forest soil, air, water resources, wildlife and aquatic habitat.

(3) No unit of local government shall enact any ordinance, rule or resolution which purports to regulate forest practices on the forest land in this state and which conflicts with any provision 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 April 8, 1992.

CHAPTER 260
(H.B. No. 692)

AN ACT
RELATING TO THE IDAHO PORK PRODUCERS ASSOCIATION; AMENDING TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 34, TITLE 25, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE A DECLARATION OF PUR-
POSE, TO PROVIDE DEFINITIONS, TO PROVIDE REFERENDUM AUTHORITY, TO PROVIDE FOR PAYMENT AND COLLECTION OF ASSESSMENT, TO PROVIDE FOR USE OF ASSESSMENT, TO PROVIDE FOR TERMINATION OF ASSESSMENT; AND DECLARING AN EMERGENCY.

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 34, Title 25, Idaho Code, and to read as follows:

CHAPTER 34
PORK PROMOTION ASSESSMENT ACT

25-3401. SHORT TITLE. This chapter shall be known as the "Pork Promotion Assessment Act."

25-3402. DECLARATION OF PURPOSE. It is in the public interest for the state to enable producers of porcine animals to assess themselves in order to raise funds to promote the interests of the pork industry and to control porcine diseases.

25-3403. DEFINITIONS. In this chapter:
(1) "Association" means the Idaho pork producers association, inc., an Idaho nonprofit corporation.
(2) "Buyer" means any person who buys, receives or assembles swine for his own account, or for the account of another person for feeding, breeding, slaughter or any other purpose.
(3) "Department" means the Idaho department of agriculture.
(4) "Market" means to sell, barter, exchange, slaughter for sale or otherwise dispose of a porcine animal in commerce.
(5) "Person" means an individual, a partnership, a corporation, a firm, an agency or other business unit.
(6) "Porcine animal" means all breeds of domestic porcine and all wild and exotic porcine.
(7) "Pork producer" means a person who owns, manages or has a financial interest in production of porcine animals in the state of Idaho.

25-3404. REFERENDUM. (1) The association may conduct among pork producers a referendum upon the question of whether an assessment shall be levied on porcine animals sold in this state.
(2) The association shall determine:
(a) The amount of the proposed assessment.
(b) The time and place of the referendum.
(c) Procedures for conducting the referendum and counting of votes.
(d) Any other matters pertaining to the referendum.
(3) The amount of the proposed assessment shall be stated on the referendum ballot. The amount shall not exceed thirty cents (30¢) for each porcine animal marketed in this state. If the assessment is approved in the referendum, the association may set the assessment at an amount equal to or less than the amount stated on the ballot. If the association sets a lower amount than the amount approved by refer-
endum, it may increase the amount annually without a referendum by no more than two cents (2¢) for each porcine animal. The increased rate may not exceed the amount approved by referendum and may not exceed the maximum allowable rate of thirty cents (30¢) for each porcine animal.

(4) Each producer, whether an individual, a partnership, a corporation, a firm, an agency or other business unit, shall have one (1) vote at such referendum. Any dispute over eligibility to vote or any other matter relating to the referendum shall be determined by the association. The association shall make reasonable efforts to provide pork producers with notice of the referendum and an opportunity to vote.

(5) The association shall be reimbursed for the costs of the referendum by moneys derived from the assessment.

25-3405. PAYMENT AND COLLECTION OF ASSESSMENT. (1) The assessment shall not be collected unless more than one-half (1/2) of the votes cast in the referendum are in favor of the assessment. If more than one-half (1/2) of the votes cast in the referendum are in favor of the assessment, then the association shall notify the department of the amount of the assessment and the effective date of the assessment. The department shall notify all buyers and pork producers of the assessment.

(2) Each pork producer shall pay an assessment on each porcine animal sold to a buyer.

(3) A buyer of a porcine animal shall collect the assessment when buying a porcine animal by deducting the assessment from the price paid for the animal. The buyer shall remit collected assessments to the department no later than the tenth day of the following month. The department shall provide forms to buyers for reporting the assessment. If the total assessments collected by a buyer in a month are less than twenty-five dollars ($25.00), the buyer may keep the assessments until the total amount due is at least twenty-five dollars ($25.00) or the end of the quarter, whichever comes first. All buyers shall file at least one (1) report in each calendar quarter, regardless of the amount due.

(4) A buyer of porcine animals shall keep records of the number of porcine animals purchased and the date purchased. Records shall be maintained for two (2) years and be available for inspection and reproduction by the department at all reasonable times. All financial information or records regarding purchases of porcine animals by individual buyers shall be kept confidential by employees or agents of the department and the association, and shall not be disclosed except by court order.

(5) A pork producer, who sells directly to an out-of-state buyer, shall pay the assessment. The producer shall remit assessments to the department no later than the tenth day of the month following the date of sale. The department shall provide forms to producers for reporting and remitting the assessment. If the total assessments owed by a producer in a month are less than twenty-five dollars ($25.00), the producer may accumulate the assessments until the total amount due is at least twenty-five dollars ($25.00) or the end of the quarter, whichever comes first. All producers shall file at least one (1) report in
each calendar quarter, regardless of the amount due.

(6) A producer shall keep records of the number of porcine animals sold, the market sold to and the date of sale. Records shall be maintained for two (2) years and be available for inspection and reproduction by the department at all reasonable times. All financial information or records regarding sale of porcine animals to out-of-state markets by producers shall be kept confidential by employees or agents of the department and the association, and shall not be disclosed except by court order.

(7) The association may bring an action to recover any unpaid assessments, plus the reasonable costs, including attorney fees, incurred in the action.

25-3406. USE OF ASSESSMENTS. The funds collected under this assessment shall be used to promote the interests of the pork industry and to conduct a porcine disease control program. The department shall remit all funds collected under this act to the association at least monthly. The association shall return to the department at least monthly those funds necessary to conduct a porcine disease control program. In order to prevent duplication of effort, these funds shall not be used for activities funded under 7 U.S.C. chapter 79, pork promotion, research and consumer information.

25-3407. TERMINATION OF ASSESSMENT. Upon receipt of a petition signed by at least ten percent (10%) of the pork producers in Idaho known to the association, the department shall notify the association and the association shall, within six (6) months, conduct a referendum upon the question of continuing the assessment. If a majority of the votes cast in the referendum are against continuing the assessment or if the association fails to conduct a referendum within the six (6) month period, the assessment expires at the end of the six (6) month period. If a majority of the votes cast in the referendum are in favor of continuing the assessment, then no subsequent referendum shall be held for at least three (3) years.

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

Approved April 8, 1992.

CHAPTER 261
(H.B. No. 695)

AN ACT
RELATING TO THE MOTOR VEHICLE CODE; AMENDING SECTION 49-120, IDAHO CODE, TO DEFINE THE TERM SPECIAL LICENSE PLATE; AMENDING SECTION 49-402, IDAHO CODE, TO PROVIDE FOR INITIAL AND ANNUAL PROGRAM FEES FOR SPECIAL LICENSE PLATE PROGRAMS; AMENDING SECTION 49-403, IDAHO CODE, TO CORRECT A CODE CITATION; AMENDING SECTION 49-403A, IDAHO
CODE, TO PROVIDE FOR REGISTRATION AND PLATE FEES ONLY; AMENDING
SECTIONS 49-404, 49-404A, 49-405, 49-406 AND 49-406A, IDAHO CODE,
TO PROVIDE FOR PAYMENT OF THE INITIAL AND ANNUAL PROGRAM FEE FOR
SPECIAL LICENSE PLATES; AMENDING SECTION 49-407, IDAHO CODE, TO
PROVIDE CLARIFICATION OF THE STATUTE, AND TO PROVIDE FOR PAYMENT
OF THE INITIAL AND ANNUAL PROGRAM FEES FOR SPECIAL LICENSE PLATE
PROGRAMS; AMENDING SECTIONS 49-408, 49-409 AND 49-414, IDAHO CODE,
TO PROVIDE FOR PAYMENT OF THE INITIAL AND ANNUAL PROGRAM FEES FOR
SPECIAL LICENSE PLATE PROGRAMS; AMENDING SECTION 49-415, IDAHO
CODE, TO REDESIGNATE THE PRISONER OF WAR PROGRAM AS THE FORMER
PRISONER OF WAR PROGRAM AND TO PROVIDE FOR PAYMENT OF REGISTRATION
AND PLATES FEES ONLY; AMENDING SECTION 49-415A, IDAHO CODE, TO
ALLOW FOR USE OF CONGRESSIONAL MEDAL OF HONOR LICENSE PLATES ON
TWO VEHICLES; AMENDING SECTION 49-415B, IDAHO CODE, TO FURTHER
DESCRIBE PEARL HARBOR VETERAN, TO ALLOW USE OF PEARL HARBOR SURVIV­
OR PLATES ON TWO VEHICLES, AND TO PROVIDE FOR PAYMENT OF REGIS­
TRATION AND PLATE FEES ONLY; AMENDING SECTION 49-416, IDAHO CODE,
TO PROVIDE FOR PAYMENT OF THE INITIAL AND ANNUAL PROGRAM FEES FOR
SPECIAL LICENSE PLATE PROGRAMS; AMENDING SECTION 49-431, IDAHO
CODE, TO INCREASE THE TRANSFER FEE FOR PASSENGER VEHICLES, TO PRO­
VIDE FOR THE TRANSFER OF LICENSE PLATES AND A TRANSFER FEE FOR
INTRASTATE COMMERCIAL AND FARM TRUCKS, TO PROVIDE FOR TRANSFER OF
PLATES AND A TRANSFER FEE FOR COMMERCIAL TRUCKS OPERATING INTER­
STATE ON APPORTIONED REGISTRATION; AMENDING SECTION 49-434, IDAHO
CODE, TO PROVIDE AN ADMINISTRATIVE FEE OF FOUR DOLLARS FOR ALL
TRUCKS REGISTERED WITH THE DEPARTMENT AND OPERATING WITH
NONAPPORTIONED LICENSE PLATES; AMENDING SECTION 49-435, IDAHO
CODE, TO INCREASE THE ADDITIONAL IDENTIFICATION CHARGE FOR APPOR­
TIONED TRUCKS; AMENDING SECTION 49-436, IDAHO CODE, TO CORRECT A
CODE CITATION; AND PROVIDING AN EFFECTIVE DATE AND FOR TRANSITION
OF CERTAIN AMENDMENTS.

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

SECTION 1. That Section 49-120, Idaho Code, be, and the same is
hereby amended to read as follows:

49-120. DEFINITIONS -- S.
(1) "Safety glazing materials" mean glazing materials so con­
structed, treated or combined with other materials as to reduce sub­
stantially, in comparison with ordinary sheet glass or plate glass,
the likelihood of injury to persons by objects from exterior sources
or by these safety glazing materials when they may be cracked or bro­
ken.
(2) "Safety zone" means the area or space officially set apart
within a highway for the exclusive use of pedestrians and which is
protected or is so marked or indicated by adequate signs as to be
plainly visible at all times while set apart as a safety zone.
(3) "Salvage pool" means a licensed vehicle dealer engaged pri­
marily in the business of disposing of salvage vehicles, recovered
stolen vehicles, or both.
(4) "School bus" means every motor vehicle that complies with the
color and identification requirements set forth in the most recent
edition of "Minimum Standards for School Buses" and is used to transport children to or from school or in connection with school approved activities and includes buses operated by contract carriers.

(5) "Secretary" means the secretary of transportation of the United States.

(6) "Security agreement." (See section 28-9-105, Idaho Code)

(7) "Security interest." (See section 28-1-201, Idaho Code)

(8) "Sell," "sold," "buy," and "purchase," mean and include, as used in sections 49-2401 through 49-2406, Idaho Code, exchange, barter, gift, and offer or contract to sell or buy.

(9) "Semitrailer." (See "Trailer", section 49-121, Idaho Code)

(10) "Serious traffic violation" means conviction of an offense specified in 49 CFR part 383 while operating a commercial motor vehicle.

(11) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for use by pedestrians.

(12) "Signal." (See "Railroad sign", section 49-119, Idaho Code)

(13) "Slow moving vehicle" means any vehicle not normally operated upon the highways.

(14) "Snow tire." (See "Tires", section 49-121, Idaho Code)

(15) "Sold." (See "Sell", "buy", and "purchase", this section)

(16) "Solid rubber tire." (See "Tires", section 49-121, Idaho Code)

(17) "Special license plate" means a license plate that is made available to the public as a personal alternative to the standard issue license plate. This definition shall not include the plates issued under sections 49-403, 49-403A, 49-410, 49-415 and 49-415B, Idaho Code.

(18) "Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including: ditch-digging apparatus, well-boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carry-alls and scrapers, power shovels and drag lines, and self-propelled cranes, and earth moving equipment. The term does not include travel trailers, dump trucks, truck mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

(19) "Specially constructed vehicle." (See "Vehicle", section 49-123, Idaho Code)

(20) "Stand" or "standing" means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

(21) "State" means a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of Canada.

(22) "Stop" means the act of or complete cessation from movement.

(23) "Stopping" means the act of any halting even momentarily of a vehicle.
(234) "Street." (See "Highways", section 49-109, Idaho Code)
(245) "Street rod" means any pre-1949 vehicle which has had a significant drive train update from a more modern vehicle. Changes may include engine, transmission, rear axle, and other suspension components. The body will be, or resemble the same as the manufacturer's original issue after its first sale after manufacture.
(256) "Studded tire." (See "Tires", section 49-121, Idaho Code)
(267) "Substandard width lane" means a lane that is too narrow for a bicycle and a motor vehicle to travel safely side by side within the lane.
(278) "Supplemental lot" means a physically separate location owned and maintained by a licensed dealer or manufacturer within the same or adjacent county as the principal place of business which meets all the requirements for a principal place of business.
(289) "Suspension of driver's license" means the temporary withdrawal by formal action of the department or as otherwise provided in this title of a person's driver's license or privilege to operate a motor vehicle on the public highways, which temporary withdrawal shall be for a period specifically designated by the department.

SECTION 2. That Section 49-402, Idaho Code, be, and the same is hereby amended to read as follows:

49-402. 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 .................................. $36.48
Vehicles three (3) and four (4) years old .................................. 33.48
Vehicles five (5) and six (6) years old .................................. 26.28
Vehicles seven (7) and eight (8) years old .................................. 22.68
Vehicles over eight (8) years old .................................. 16.08
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 first day of the beginning month. Registration periods shall expire midnight on the last day of the registration period in the year designated by the validation registration 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 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 ($12.48).

(3) For all hearses, ambulances and wreckers the annual fee shall be twenty-nine dollars and forty cents ($29.40), 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 and all terrain vehicles the annual fee shall be nine dollars ($9.00). For operation of an ATV off the public highways, the fee specified in section 67-7122, Idaho Code, shall also be paid.

(5) All vehicles required in subsections (2) through (4) of this section to be registered shall be issued number plates and/or validation stickers for a calendar year and shall expire midnight December 31.

(6) For all motor homes the fee shall be as specified in subsection (1) of this section and shall be in addition to the fees provided for in section 49-445, Idaho Code.

(7) A vehicle may be registered by the department under the provisions of subsections (1) through (4) 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 49-443, 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.

(8) A financial institution repossessing vehicles under the terms of a security agreement shall move the vehicle from the place of repossess 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 4, 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.

(9) In addition to the annual registration fee in this section, there shall be an initial program fee of twenty-five dollars ($25.00) and an annual program fee of fifteen dollars ($15.00) for all special license plate programs except for those license plates issued pursuant
to sections 49-403, 49-403A, 49-410, 49-415 and 49-415B, Idaho Code. The fees contained in this subsection shall be applicable to all new special plate programs. The initial program fee and the annual program fee shall be deposited in the state highway account and shall be used to fund the cost of administration of special license plate programs which are provided to the public as a personal alternative to the standard license plate requirements.

SECTION 3. That Section 49-403, Idaho Code, be, and the same is hereby amended to read as follows:

49-403. DISABLED VETERAN -- LICENSE PLATES. No fee shall be charged for the registration or reregistration of a motor vehicle owned by a veteran who has established his rights to benefits under the provisions of Public Law 662, 79th Congress, as amended, and Public Law 187, 82nd Congress, as amended. No fee shall be charged for the registration or reregistration of a motor vehicle owned by a veteran, who is at the time of the registration or reregistration receiving compensation from the veterans administration or in lieu thereof, from any of the armed forces of the United States, for one hundred per cent (100%) service-connected disability or for any of the following specific disabilities: Loss or permanent loss of use of one or both feet; loss or permanent loss of use of one or both hands; loss of sight in both eyes or permanent impairment of vision in both eyes to the degree as to constitute virtual blindness. These provisions shall be considered applicable not only as to the vehicle originally purchased under this authorization, but also as to any vehicle subsequently purchased and owned by the same veteran, so long as the privilege shall not extend to more than one (1) vehicle at a time. Special license plates shall be issued for such a vehicle, identified by the inscription "D.V.", and a separate number series shall be used to further identify the license plates so issued. These license plates shall not be issued by the counties but shall be issued by the department through and at the request of the appropriate county assessor. The plates shall be displayed in accordance with the procedure applicable to license plates set forth in section 49-428, Idaho Code. A vehicle displaying plates issued in accordance with the provisions of this section shall be afforded the same privileges specified in section 49-410(58), Idaho Code.

SECTION 4. That Section 49-403A, Idaho Code, be, and the same is hereby amended to read as follows:

49-403A. PURPLE HEART RECIPIENT -- LICENSE PLATES. (1) Purple heart recipient license plates are available to any applicant who is a veteran or an active or retired member of any of the armed forces of the United States, reserve forces or Idaho national guard, and who furnishes proof of entitlement by providing one of the following documents:

(a) A copy of form DD214 or equivalent document showing an award of the purple heart medal;
(b) A copy of the certificate presented with the medal; or
(c) A copy of the military order describing the award of the
medal to the applicant.

(2) In addition to the regular operating registration fee, the applicant shall be charged a fee of twenty-five dollars ($25.00) for the initial issuance of plates, and fifteen dollars ($15.00) upon each succeeding annual registration. The initial fee and the annual fee shall be deposited in the state highway account and shall be used to fund the cost of administration of this special license plate program which is provided to the public as a personal alternative to the standard license plate requirement plate fee required in section 49-450, Idaho Code. Whenever title or interest in a vehicle registered under the provisions of this section is transferred or assigned, the registration shall expire, but the purple heart recipient may transfer his plates to another vehicle upon payment of the required transfer fees. He may only display the plates after receipt of new registration from the department. A purple heart recipient shall not register more than two (2) vehicles under the provisions of this section.

(3) The purple heart recipient license plates shall be of a color and design acceptable to the military order of the purple heart association and approved by the department, utilizing a numbering system as determined by the department.

SECTION 5. That Section 49-404, Idaho Code, be, and the same is hereby amended to read as follows:

49-404. NATIONAL GUARD MEMBERS -- SPECIAL PLATES. (1) Any active member of the Idaho national guard residing in the state of Idaho may, upon application to the department, register not more than two (2) passenger motor vehicles and receive for each vehicle special license plates in lieu of regular license plates. The special license plates shall be designed, subject to the approval of the department, by the adjutant general. Proof of being an active member in the Idaho national guard must be furnished to the department before plates will be issued. These special license plates shall be issued for one (1) year periods, commencing on January 1.

The Idaho national guard shall, prior to an individual's discharge from active duty in the national guard, require that the special national guard license plates either be turned in to the department or exchanged for other proper license plates as a condition of discharge.

(2) Active members of the Idaho national guard will notify the department at a time to be set by the department, of their intention to procure special license plates under the terms specified in this section. Failure to do so will result in the member being required to accept regular license plates should the department be unable to procure special plates. Special plates may still be procured when available but members of the Idaho national guard will be subject to the usual transfer fee.

(3) Whenever a member of the Idaho national guard transfers or assigns his title or interest to a vehicle especially registered under the provisions of this section, the registration shall expire but the member may hold his special license plates which he may have reissued to him upon the payment of the required transfer fees. He may only display the plates after receipt of new registration from the department.
(4) In addition to the regular registration fee required in section 49-402(1), Idaho Code, the applicant shall pay the initial program fee and the annual program fee specified in section 49-402(9), Idaho Code.

SECTION 6. That Section 49-404A, Idaho Code, be, and the same is hereby amended to read as follows:

49-404A. MEMBERS OF THE ARMED FORCES RESERVE -- SPECIAL PLATES.
(1) Any active member of the armed forces reserves of the United States who is the owner of a vehicle required to be registered under section 49-402(1), Idaho Code, may, upon application to the department, register not more than two (2) passenger motor vehicles and receive for each vehicle special license plates in lieu of regular numbered plates. The special license plates shall be designated by the department with the word "RESERVIST" centered along the bottom edge and be numbered in sets of two (2) with a different number following appropriate letters as follows: United States Army Reserve: Army (number); United States Navy Reserve: Navy (number); United States Marine Corps Reserve: USMC (number); United States Air Force Reserve: USAF (number); and United States Coast Guard Reserve: USCG (number). Proof of being an active member in the United States armed forces reserves must be furnished to the department before special plates will be issued. Special license plates issued under this section shall be issued under the staggered registration process provided for in section 49-402(1), Idaho Code.

(2) Any branch of the armed forces reserves of the United States shall, prior to an individual's discharge from duty in that branch of the armed forces reserve, require that the special armed forces reserve license plates either be turned back to the department or exchanged for other proper license plates as a condition of discharge.

(3) In addition to the regular annual-operating registration fees required in section 49-402(1), Idaho Code, the applicant shall pay an initial program fee of twenty-five dollars--($25.00) and an annual program fee of fifteen dollars--($15.00) upon each succeeding annual renewal specified in section 49-402(9), Idaho Code. The initial program fee and the annual program fee shall be deposited in the state highway account and shall be used to fund the cost of administration of this special license plate program which is provided to the public as a personal alternative to the standard license plate requirement. When a plate holder transfers or assigns his title or interest in the vehicle registered under this section, the registration shall expire, but the special plates may be transferred to another vehicle upon payment of the required transfer fee. Special plates shall only be displayed after receipt of the new registration.

(4) The design and numbering scheme of the military reservist special plate shall be coordinated by the department with representatives of the armed forces reserves. However, the department shall have the final approval of the plate design and numbering scheme to ensure conformity within existing issues of plates and to contain costs within the limit of the fees received from applicants.

SECTION 7. That Section 49-405, Idaho Code, be, and the same is
hereby amended to read as follows:

49-405. RADIO AMATEURS -- SPECIAL LICENSE PLATES. (1) Any radio amateur residing in the state of Idaho, may, upon application to the department, register one (1) motor vehicle per radio license issued by the federal government and receive for that vehicle special license plates in lieu of regular license plates. The number on the plates shall be the same combination of figures and letters that make up the radio call sign of the amateur radio operator.

(2) Proof of holding an amateur license from the federal communications commission must be furnished to the department before the plates will be issued. Should the amateur's radio license expire during any given year and not be renewed, the special license plates must be surrendered to the department and regular license plates obtained.

(3) Radio amateurs will notify the department at a time to be set by the department of their intention to procure special license plates under the terms specified in this section. Failure to do so will result in the amateur being required to accept regular license plates should the department be unable to procure the special plates. Special plates may still be procured when available but amateurs will be subject to the usual transfer fee.

(4) Whenever an amateur transfers or assigns his title or interest to a vehicle especially registered the registration shall expire, but the amateur may hold his special license plates which he may have reissued to him upon the payment of the required transfer fees. He may only display the plates after receipt of new registration from the department.

(5) To--defray--the--costs--of--making--the--special--license--plates--In--addition--to--the--regular--registration--fee--required--in--section--49-402(1),--Idaho--Code,--the--applicant--shall--pay--an--the--initial--program--fee--of--five--dollars--($5.00)--over--and--above--the--regular--annual--program--fee--prescribed--specified--in--section--49-402(2),--Idaho--Code,--for--the--same--class--of--vehicles--regardless--of--the--time--of--issue.

SECTION 8. That Section 49-406, Idaho Code, be, and the same is hereby amended to read as follows:

49-406. IDAHO OLD TIMER -- IDAHO CLASSIC. (1) Any motor vehicle manufactured prior to January 1, 1943, and which is primarily a--collectors item--and--used--for--participation--in--club--activities;--exhibitions;--tours;--parades;--and--occasional--pleasure--use--not--to--include--work;--business;--or--regular--transportation shall, for the purposes of this section, be known as an "Idaho Old Timer". A motor vehicle which is over thirty (30) years of age and which does not qualify as an "Idaho Old Timer",--and--which--is--primarily--a-collectors--item--and--used--for--participation--in--club--activities;--exhibitions;--tours;--parades;--and--occasional--pleasure--use--not--to--include--work;--business;--or--regular--transportation shall, for the purposes of this section, be known as an "Idaho Classic."

(2) In--lieu--of--the--annual--operating--fee--levied--in--this--chapter,--the--operating--fee--for--an--"Idaho-Old-Timer"--or--"Idaho-Classic"--shall--be--ten--dollars--($10.00),--and--no--annual--operating--renewal--shall--be--required--The--applicant--shall--pay--the--initial--program--fee--and--the
annual program fee specified in section 49-402(9), Idaho Code.

(3) The owner of a vehicle applying for registration under the provisions of this section shall execute an affidavit that the vehicle for which registration is requested is owned and operated solely for the purpose enumerated in subsection (1) of this section, and also setting forth in the affidavit that the vehicle is an authentic restoration without major modifications from factory specifications. In any instance where the official inspecting the vehicle for registration as an "Idaho Old Timer" or "Idaho Classic" has doubts concerning authenticity of restoration to qualify under the provisions of this section, he may, at no cost to the state of Idaho, call upon the services of a member of any antique or classic car club in the state to render an expert opinion, in writing, as to the authenticity of restoration.

(4) The registration certificate need not specify the weight of the classic vehicle and the plates issued shall bear no date, but shall bear the inscription "Idaho Old Timer" or "Idaho Classic" as appropriate; and the registration number; and the plates shall be valid without renewal as long as the vehicle is in existence; The plates are issued for the applicant's use only for that vehicle and in the event of a transfer of the title, the transferor must surrender the plates for the transfer. Upon written request, and approval by the department, the applicant may retain the "Idaho Old Timer" or "Idaho Classic" plates after sale of the vehicle and upon payment of fees specified in subsection (2) of this section 49-431(1)(a), Idaho Code, may reuse the plates on another "Idaho Old Timer" or "Idaho Classic."

(5) The department has the power to revoke registrations for cause shown for failure of the applicant to comply with the provisions of this section.

SECTION 9. That Section 49-406A, Idaho Code, be, and the same is hereby amended to read as follows:

49-406A. IDAHO CLASSIC MOTORCYCLE. (1) Any motorcycle which is over thirty (30) years of age and which is primarily a collector's item used for participation in club activities, exhibitions, tours, parades and occasional pleasure use not to include work, business or general transportation shall, for the purposes of this section, be known as an "Idaho classic motorcycle."

(2) In lieu of the annual registration fee levied in this chapter, the operating fee for an "Idaho classic motorcycle" shall be ten dollars ($10.00), but no annual renewal registration shall be required. The applicant shall pay the initial program fee and annual program fee specified in section 49-402(9), Idaho Code.

(3) The owner applying for registration of any motorcycle under the provisions of this section shall execute an affidavit that the motorcycle for which registration is requested is owned and operated solely for the purposes enumerated in subsection (1) of this section, and also setting forth in the affidavit that the motorcycle is in an authentic, original or restored condition without major modifications from factory specifications. In any instance when the official inspecting the motorcycle for registration as an "Idaho classic motor-
cycle" has doubts concerning the authenticity of restoration to qualify under the provisions of this section, he may, at no cost to the state of Idaho, call upon the services of a member of any vintage, classic or antique motorcycle club in the state to render an expert opinion, in writing, as to the authenticity of restoration.

(4) The registration certificate need not specify the weight of the classic motorcycle, the plate-issued-shall-bear-no-date but shall bear the inscription "Idaho Classic Motorcycle,"--the--registration number--shall--be--shown-thereon,--and-the-plate--shall--be-valid-without renewal-as-long-as-the-motorcycle--is--in-existence.;--The--plate--is issued--for-the-applicant's-use-only-for-that-motorcycle;--and-in-the event-of-a-transfer-of-the-titlle;--the-transferor--must--surrender--the plate--for-the-transfer;--Upon-written-request;--and-approval-by-the department, the applicant may retain the "Idaho classic motorcycle" plate after the sale of the motorcycle and upon payment of fees specified in subsection--(2)--of-this section he 49-431(1)(b), Idaho Code, may reuse the plate on another "Idaho classic motorcycle."

(5) The department has the power to revoke registrations for cause shown for failure of the applicant to comply with the provisions of this section.

SECTION 10. That Section 49-407, Idaho Code, be, and the same is hereby amended to read as follows:

49-407. VEHICLES-THIRTY-YEARS-OR-OLDER---- YEAR OF MANUFACTURE 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 49-402(1) or (2), Idaho Code, may apply to display as the correct plates for that vehicle a pair of authentic Idaho plates designated for use manufactured in the same 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. In addition to the annual regular registration and other fees required in section 49-402(1) and (2), Idaho Code, the applicant shall pay the initial program fee and the annual program fee specified in section 49-402(9), Idaho Code.

SECTION 11. That Section 49-408, Idaho Code, be, and the same is hereby amended to read as follows:

49-408. STREET ROD. (1) Any motor vehicle manufactured prior to the year 1949, or designed and manufactured to resemble such a vehicle and which has been certified as a street rod by the United Street Rods of Idaho, may be registered as a street rod under the provisions of this section.

(2) Any street rod shall have all equipment in operating condition which was specifically required by law as a condition for its first sale after manufacture. No law requiring any particular equipment or specifying any standards to be met by motor vehicles shall apply to street rods unless it so specifically states.

(3) Upon receipt of an application on a form prescribed by the
department for special street rod automobile plates, accompanied by other documentation required in this section, the department shall issue to the applicant special street rod automobile plates. The registration certificate need not specify the weight of the street rod, and the plates issued shall bear no date but shall bear the inscription "Street Rod," "Idaho," a picture of a 1929 highway roadster, and the registration number issued for the street rod, and the plates shall be valid upon yearly annual renewal under section 49-402, Idaho Code, as long as the vehicle is in existence. The plates will be issued for the applicant's use only for the particular vehicle, and in the event of a transfer of title, the transferor may hold the plates and transfer them to another qualifying street rod.

(4) In addition to the annual operating regular registration fees prescribed required in this chapter, a one-time fee for the plates shall be ten dollars ($10.00) section 49-402(1), Idaho Code, the applicant shall pay the initial program fee and the annual program fee specified in section 49-402(9), Idaho Code.

(5) The department has the power to revoke any registration issued under this section for cause shown for failure of the applicant to comply with the provisions of this section.

SECTION 12. That Section 49-409, Idaho Code, be, and the same is hereby amended to read as follows:

49-409. PERSONALIZED LICENSE PLATES. (1) Any person who is the registered owner of a vehicle may apply to the department for personalized license plates in lieu of regular numbered plates except for a vehicle registered under sections 49-434 or 49-435, Idaho Code. In addition to the regular operating fee, the applicant shall be charged a fee of twenty-five dollars ($25.00) for the initial issuance of the plates, and twenty-five dollars ($25.00) upon each succeeding annual registration fees required in section 49-402(1), (4) and (6) and section 49-422, Idaho Code, the applicant shall pay the initial program fee and the annual program fee specified in section 49-402(9), Idaho Code. The personalized license plates shall be of the same color and design as other license plates, and shall consist of numbers or letters, or any combination thereof, not exceeding seven (7) positions. No more than one (1) particular combination of letters and numbers shall be in existence at any one (1) time. The form for application of the plates will be as prescribed by the director and, in his discretion, may refuse to issue the plates.

(2) When personalized license plates are issued for a vehicle, the regular license plates for that vehicle must be surrendered to the department unless the regular license plates are transferred to another vehicle owned by the personalized plate applicant. Personalized plates must also be surrendered upon failure to pay the annual fee for personalized license plates.

SECTION 13. That Section 49-414, Idaho Code, be, and the same is hereby amended to read as follows:

49-414. LEGISLATIVE LICENSE PLATES -- FEES. (1) Special legislative license plates shall be issued by the department upon application
and payment of the required fees. Each legislator is eligible for special license plates. The registration period shall be for one (1) year, from January 1 through December 31, and may be renewed, as long as the legislator holds office. The plates shall bear either the inscription "House" or "Senate", shall contain a consecutive numbering from one (1) through the maximum number of members in each body with the numbers to be assigned by the speaker of the house of representatives and the president pro tempore of the senate, and shall otherwise comply with the provisions of section 49-443, Idaho Code.

(2) In addition to the other regular registration fees provided required in section 49-402(1), Idaho Code, the applicants shall pay the plate initial program fee and the annual program fee as provided specified in section 49-4502(9), Idaho Code.

SECTION 14. That Section 49-415, Idaho Code, be, and the same is hereby amended to read as follows:

49-415. SPECIAL FORMER PRISONER OF WAR LICENSE PLATES ---POW. (1) Any veteran, who was a prisoner of war (POW) of an armed enemy of the United States during active service in the armed forces of the United States, that service occurring during any portion of a recognized war period enumerated in this section, and who has been released or discharged from the armed forces under other than dishonorable conditions, may upon application to the department, register and receive for not more than one -(1) two (2) motor vehicles, special POW-number former prisoner of war license plates in lieu of regular number license plates.

(2) In addition to the other regular registration fees required in section 49-402(1), Idaho Code, the applicant shall pay the plate fee required in section 49-450, Idaho Code. Whenever a qualifying former POW prisoner of war transfers or assigns his title or interest to a vehicle especially registered under this section the registration shall expire, but the former POW prisoner of war may hold the special plates which he and may have reassigned to him them transferred to another vehicle upon the payment of the required transfer fees provided in section 49-431, Idaho Code. He may only display those the plates after receipt of the new registration document from the department.

(3) POW Former prisoner of war license plates shall bear the letters "POW" followed by three (3) numerals words "Former Prisoner of War" and a declaration of the period of service, and shall in all other respects be as provided by law.

(4) Recognized war periods for the purpose of this section shall be any period of war recognized by the United States department of veterans affairs for the purpose of awarding federal veterans benefits as may be defined in title 38, U.S. code, chapter 1, section 101(11).

SECTION 15. That Section 49-415A, Idaho Code, be, and the same is hereby amended to read as follows:

49-415A. CONGRESSIONAL MEDAL OF HONOR LICENSE PLATES. (1) Congressional medal of honor license plates are available to applicants
who furnish proof of entitlement by certification from the United States Veterans Administration attesting to their status as a congressional medal of honor recipient.

(2) The license plates shall be provided free of charge. The applicant shall pay the regular annual registration fees required by section 49-402, Idaho Code. If the plate holder transfers his title or interest to a vehicle registered under this section, the plates may be transferred to another vehicle owned by the plate holder. If the plates are unexpired, the plate holder shall be given credit for the unexpired portion of the registration fee against the new registration fee. The transfer fee specified by section 49-431(1), Idaho Code, shall apply.

(3) These provisions shall apply to the vehicle to which the plates were originally issued and to any vehicle subsequently purchased and owned by the medal of honor recipient, except that the privilege shall not extend to more than one (1) two (2) vehicles at a time.

SECTION 16. That Section 49-415B, Idaho Code, be, and the same is hereby amended to read as follows:

49-415B. PEARL HARBOR SURVIVOR SPECIAL PLATES. (1) Any veteran who was on active duty in the armed forces of the United States and assigned or stationed at Pearl Harbor, Hawaii, or within three (3) miles of the island of Oahu on December 7, 1941, and who has been released or discharged from the armed forces under other than dishonorable conditions, may upon application to the department, register and receive for not more than one (1) two (2) motor vehicles, special Pearl Harbor survivor number plates in lieu of regular number plates.

(2) In addition to the regular annual registration fee required in section 49-402(1), Idaho Code, the applicant shall be charged an initial fee of twenty-five dollars ($25.00) for the issuance of the plates and an annual renewal fee of fifteen dollars ($15.00). The initial fee and the annual fee shall be deposited in the state highway account and shall be used to fund the cost of administration of this special license plate program which is provided to the public as a personal alternative to the standard license plate requirement. The plate fee required in section 49-450, Idaho Code, whenever a qualifying survivor of the Japanese attack on Pearl Harbor on December 7, 1941, transfers or assigns his title or interest to a vehicle especially registered under this section, the registration shall expire, but the Pearl Harbor survivor may hold his special plates which he may have reissued to him upon the payment of the required transfer fees. He may only display those plates after receipt of a new registration from the department.

(3) Pearl Harbor survivor plates shall bear the characters: "Pearl Harbor Survivor" followed by three (3) numerals; and shall in all other respects be as provided by law.

SECTION 17. That Section 49-416, Idaho Code, be, and the same is hereby amended to read as follows:

49-416. STATEHOOD CENTENNIAL LICENSE PLATES. (1) Statehood cen-
tennial license plates are available to owners of motor vehicles required to be registered under section 49-402(1) or section 49-402(3), Idaho Code, upon application at a county assessor's office or at the department. 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 required in section 49-402(1), Idaho Code, the applicant shall be charged a special fee of twenty-five dollars ($25.00) at the time of pay the initial issuance of such plates, and ten dollars ($10.00) upon each succeeding program fee and the annual registration of the vehicle, so long as the plates are in use program fee as specified in section 49-402(9), Idaho Code. All revenues from such initial registration and annual renewal fees for registrations issued or renewed on or before December 31, 1999, shall be deposited in the statehood centennial commission account. On and after January 1, 1991, revenues from the special fees shall be deposited in the highway distribution account.

(2) The statehood centennial license plates shall be of a color and design approved by the Idaho statehood centennial commission department, 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 49-409, Idaho Code.

(4) The fee for replacement plates shall be the fees required in section 49-425, 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 highway distribution account, and other fees deposited as provided by law.

(5) 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 18. That Section 49-431, Idaho Code, be, and the same is hereby amended to read as follows:

49-431. ASSIGNMENT OR TRANSFER OF INTEREST -- PROCEDURE. (1) Whenever the owner of a vehicle registered under the provisions of sections 49-402 and 49-402A, Idaho Code, transfers or assigns his title or interest thereto, the registration card and license plate shall remain with and in the possession of the transferor, and before the license plate shall be displayed upon another vehicle owned by the transferor, the transferor shall have that vehicle registered as provided for in section 49-441, Idaho Code. License plates remaining inactive in the registration file for more than twelve (12) consecutive months shall be deemed canceled, and new license plates with the identical number may be reissued to another applicant. The transfer fees collected under the provisions of this subsection (1) shall be paid to the county treasurer where the vehicle is registered and placed deposited in the county current expense fund or in the state highway account if the transfer is made by the department.
(a) For all vehicles registered under the provisions of section 49-402(1), Idaho Code, the transferor shall pay the operating registration fee as specified in that subsection less the operating registration fee already paid, plus a transfer fee of two five dollars ($25.00). If the transferor shall have an older vehicle to be registered, the transferor shall pay a transfer fee of two five dollars ($25.00).

(b) For vehicles registered in accordance with subsections (2) through (4) of section 49-402, Idaho Code, the operating fee shall be the fee specified in those subsections, plus a transfer fee of two five dollars ($25.00).

(c) For utility trailers registered under the provisions of section 49-402A, Idaho Code, the original registration shall continue until its expiration date, upon payment of a transfer fee of two five dollars ($25.00).

(2) Upon a change of registered ownership of any motor vehicle upon which the license plates have been computed as specified in section 49-434, Idaho Code, the license plates shall be returned to the department. No part of the registration or license fees shall be subject to refund. For all vehicles registered under the fee schedule in section 49-434, Idaho Code, except proportionally registered vehicles under section 49-435, Idaho Code, the transferor shall pay the registration fee as specified in that section less the registration fee already paid, plus a transfer fee of five dollars ($5.00). No portion of the fees previously paid shall be subject to refund if the license plates and registration are not transferred to another vehicle or if the registration fee previously paid is greater than the new fee.

(3) For all vehicles registered under section 49-435, Idaho Code, the transferor shall pay the registration fee as specified in section 49-434, Idaho Code, apportioned according to the provisions of section 49-435, Idaho Code, less the apportioned fee previously paid plus a transfer fee of eight dollars ($8.00). No portion of the registration fee previously paid shall be subject to refund if the license plate or plates and registration are not transferred to another vehicle or if the registration fee previously paid is greater than the new fee.

(34) In the event of a transfer by operation of law of the title or interest of an owner in and to a vehicle registered as specified in sections 49-402, 49-402A, 49-434 and 49-435, 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 shall expire and the registration card and plates shall be surrendered to the department. The vehicle shall not be operated upon the highways until and unless the person entitled thereto shall apply for and obtain a new registration card and plates in accordance with the provisions of section 49-441, Idaho Code. However, an administrator, executor, trustee or other representative of the owner, or a sheriff or other officer, or legal representative of any such person may operate or cause to be operated any vehicle upon the highway from the place of removal or place where formerly kept by the owner to a place of keeping or storage, provided the place of removal and place of destination are both located within the state of Idaho, and after obtaining a written permit from the department of the local police authori-
ties having jurisdiction of the highways and upon displaying in plain sight upon the vehicle a placard bearing the name and address of the person authorizing and directing such movement, the placard to be plainly readable from a distance of one hundred (100) feet during daylight.

SECTION 19. That Section 49-434, Idaho Code, be, and the same is hereby amended to read as follows:

49-434. OPERATING FEES. (1) 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.

<table>
<thead>
<tr>
<th>Maximum Gross Weight (Pounds)</th>
<th>Annual Registration Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noncommercial and Farm Vehicles</td>
<td>Commercial Vehicles</td>
</tr>
<tr>
<td>8,001-16,000 inc.</td>
<td>$ 31.08</td>
</tr>
<tr>
<td>16,001-26,000 inc.</td>
<td>61.08</td>
</tr>
<tr>
<td>26,001-30,000 inc.</td>
<td>91.68</td>
</tr>
<tr>
<td>30,001-40,000 inc.</td>
<td>130.08</td>
</tr>
<tr>
<td>40,001-50,000 inc.</td>
<td>188.28</td>
</tr>
<tr>
<td>50,001-60,000 inc.</td>
<td>311.88</td>
</tr>
</tbody>
</table>

(2) There shall be paid on all commercial vehicles, irrespective of body type, 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 the individual self-propelled motor vehicles, and to the self-propelled motor vehicle in any combination of vehicles.

In addition, an annual license fee shall be required for each trailer or semitrailer in a combination of vehicles in the amount of fifteen dollars ($15.00). An annual license fee of eight dollars ($8.00) shall be required for each rental utility trailer having a maximum laden or gross weight of up to two thousand (2,000) pounds, or fifteen dollars ($15.00) for each rental utility trailer having a maximum laden or gross weight in excess of two thousand (2,000) pounds. For a fee of fifteen dollars ($15.00) per year for each trailer or semitrailer, or a fee of eight dollars ($8.00) or fifteen dollars ($15.00) per year, as applicable, for each rental utility trailer, the department may issue a trailer, rental utility trailer or semitrailer license plate that shall remain valid for a period of five (5) years. The license plate shall become void if the owner's interest in the trailer, rental utility trailer or semitrailer changes during the five (5) year period. If the owner fails to enter the licensed trailer, rental utility trailer or semitrailer on the annual renewal application during the five (5) year period, the registration record shall be purged. Any unrenewed, unexpired plate shall be returned to the department if it is not entered on the renewal application.
(3) An administrative fee of four dollars ($4.00) shall be paid on all registrations completed by the department under this section.

(4) In addition to the registration and license fees provided by subsections (1) and (2), 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 (7) of this section.

<table>
<thead>
<tr>
<th>Maximum Gross Weight of Vehicle (Pounds)</th>
<th>Mills per Mile</th>
</tr>
</thead>
<tbody>
<tr>
<td>60,001-62,000</td>
<td>30.05</td>
</tr>
<tr>
<td>62,001-64,000</td>
<td>31.35</td>
</tr>
<tr>
<td>64,001-66,000</td>
<td>32.60</td>
</tr>
<tr>
<td>66,001-68,000</td>
<td>33.90</td>
</tr>
<tr>
<td>68,001-70,000</td>
<td>35.15</td>
</tr>
<tr>
<td>70,001-72,000</td>
<td>36.40</td>
</tr>
<tr>
<td>72,001-74,000</td>
<td>38.55</td>
</tr>
<tr>
<td>74,001-76,000</td>
<td>40.65</td>
</tr>
<tr>
<td>76,001-78,000</td>
<td>42.75</td>
</tr>
<tr>
<td>78,001-80,000</td>
<td>44.90</td>
</tr>
</tbody>
</table>

(5) In addition to the registration and license fees of this section, there shall be paid on all farm vehicles, and any commercial vehicle exclusively engaged in the transportation of logs, pulp wood, stull, poles, piling, rough lumber, ores, ore concentrates, sand and gravel aggregates in bulk, livestock and vehicles domiciled in Idaho used for the sole purpose of transporting milk from the farm to processing plant, having a maximum gross weight in excess of sixty thousand (60,000) pounds, a use fee of 22.45 mills per mile.

(6) If any motor vehicle, trailer or semitrailer, or combinations thereof, which hauls reducible loads is authorized under the provisions of chapter 10, title 49, 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 maximum registered gross weight of the vehicle.

(7) Any owner operating vehicle combinations may apply to the department for authority to report multiple weights and pay use fees based upon the maximum gross weight of each configuration in the combination being operated. The owner shall declare a maximum gross weight for each configuration being operated but not more than three (3) maximum gross weights for a vehicle combination may be declared. Any owner who receives authority to report and pay use fees at multiple maximum gross weights shall register the motor vehicle in a combination at the highest maximum gross weight of the vehicle.

(8) 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 (1)
and (2). 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 (34) or (45) 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.

SECTION 20. That Section 49-435, Idaho Code, be, and the same is hereby amended to read as follows:

49-435. PROPORTIONAL REGISTRATION OF COMMERCIAL VEHICLES. (1) Any owner engaged in operating one or more fleets may, in lieu of the registration fees imposed by section 49-434, Idaho Code, register each fleet for operation in this state by filing an application with the department which shall contain the following information and such other information pertinent to vehicle registration as the department may require:

(a) Total fleet miles. This shall be the total number of miles operated in all jurisdictions during the preceding year by the motor vehicles in a fleet during the year.

(b) In-state miles. This shall be the total number of miles operated in this state during the preceding year by motor vehicles in the fleets during the year.

(c) A description and identification of each vehicle of the fleet which is to be operated in this state during the registration year for which proportional fleet registration is requested, and, as determined by the department, the vehicle unit number of each fleet vehicle as assigned by the owner.

(2) The application for each fleet shall, at the time and in the manner required by the department, be supported by a fee payment computed as follows:

(a) Divide in-state miles by total fleet miles.

(b) Determine the total amount necessary to register each and every vehicle in the fleet for which registration is required based on the regular annual fees prescribed by section 49-434, Idaho Code.

(c) Multiply the sum obtained under subsection (2)(b) of this section, by the quotient obtained under subsection (2)(a) of this section.

(3) The applicant for proportional registration of any fleet, the motor vehicles of which are operated by him in jurisdictions in addition to those in which the applicant's fleet motor vehicles are operated, may state those motor vehicles separately in his application and compute and pay the fees in accordance with the separate statement, as to which "total miles" shall be the total miles of highway operation determined from miles of power units, whether prorated or not, operated in combination with prorated trailers in all jurisdictions during
the preceding year.

(4) The department shall register the vehicle so described and identified and may issue license plates or distinctive sticker or other suitable identification device for each vehicle listed in the application upon payment of the fees required under subsection (2) and an additional identification charge of two eight dollars ($28.00) per vehicle. A registration card shall be issued for each proportionally registered vehicle appropriately identifying it which shall be carried in or upon the vehicle identified at all times but which, in the case of vehicle combinations, may be carried in the vehicle supplying the motive power.

(5) Fleet vehicles so registered and identified shall be deemed to be fully licensed and registered in this state for any type of movement or operation, except that, in those instances in which a grant of authority is required for intrastate movement or operation, no vehicle shall be operated in intrastate commerce in this state unless the owner has been granted intrastate authority or rights by the public utilities commission and unless the vehicle is being operated in conformity with such authority or rights.

(6) The right to the privilege and benefits of proportional registration of fleet vehicles extended by this section, or by any contract, agreement, arrangement or declaration made under the authority provided in section 49-201, Idaho Code, shall be subject to the condition that each fleet vehicle proportionally registered shall also be proportionally or otherwise properly registered in at least one other jurisdiction during the period for which it is proportionally registered in this state.

(7) Vehicles acquired by the owner after the commencement of the registration year and subsequently added to a proportionally registered fleet shall be proportionally registered by applying the mileage percentage used in the original application for the fleet for that registration period to the annual registration fees due with respect to those vehicles for the remainder of the registration year.

(8) If any vehicle is withdrawn from a proportionally registered fleet during the period for which it is registered, the owner of the fleet shall so notify the department on appropriate forms to be prescribed by the department. The department may require the owner to surrender proportional registration cards and other identification devices which have been issued with respect to the vehicle as the department may deem advisable.

(9) The initial application for proportional registration of a fleet shall state the mileage data with respect to the fleet for the preceding year in this and other jurisdictions. If no operations were conducted with the fleet during the preceding year, the application shall contain a full statement of the proposed method of operation and estimates of annual mileage in this state and other jurisdictions. The department shall determine the in-state and total fleet miles to be used in computing the fee payment for the fleet. The department may evaluate and adjust the estimate in the application if it is not satisfied as to the correctness submitted.

(10) The department may refuse to accept proportional registration applications for the registration of vehicles based in another jurisdiction if it shall find that the other jurisdiction does not
grant similar registration privileges to fleet vehicles based in or owned by residents of this state.

(11) Any owner whose application for proportional registration has been accepted shall preserve the records on which the application is based for a period of four (4) years following the year of application. The owner shall agree to make his records accessible to the department for audit as to accuracy of computations, payments and assessments of deficiencies or allowances for credit. The department shall make arrangements with agencies of other jurisdictions administering motor vehicle registration laws for joint audits of any owner or exchange of audit information. No assessment for deficiency or claim for credit may be made for any period for which records are no longer required. Any sums found to be due and owing upon audit shall bear interest of six per cent (6%) from the date when they should have been paid until the date of actual payment. If the audit discloses a deliberate and willful intent to evade the requirements of appropriate payment under subsection (2)(b) of this section, an additional penalty of ten per cent (10%) shall also be assessed.

(12) No provision of this section relating to proportional registration of fleet vehicles shall be construed as requiring any vehicle to be proportionally registered if it is otherwise registered in this state for the operation in which it is engaged including regular registration or temporary trip permit.

(13) Proportionally registered vehicles having a maximum gross weight in excess of sixty thousand (60,000) pounds shall pay a use fee in accordance with section 49-434(3)(4), (5) and (6), Idaho Code, as applicable.

SECTION 21. That Section 49-436, Idaho Code, be, and the same is hereby amended to read as follows:

49-436. QUARTERLY REPORTS -- MAINTAINING RECORDS -- PENALTIES -- DEPOSIT OR BOND TO SECURE PAYMENT OF FEES -- APPEAL. (1) Not later than the last day of April, and on the last day of each third calendar month thereafter, each owner of a commercial or farm vehicle having a maximum combined gross weight in excess of sixty thousand (60,000) pounds, shall file with the department a statement of the gross miles each vehicle has traveled over the highways of the state of Idaho for the preceding calendar months of the year for which that report is made. Each report shall be cumulative of all miles traveled during all calendar months in that year for which the report is made.

(2) Every owner whose fees are computed as specified in section 49-434, Idaho Code, shall maintain records and purchase documents to substantiate and justify the use of such schedule and if the owner is reporting the use fee at multiple weights, the records shall include the configuration of the combination of vehicles for all miles traveled, and shall permit the department to inspect the same upon demand. When the records are maintained outside this state by owners engaged in transportation in this state, the owner shall reimburse the department for reasonable expenses incurred by the department in making audits of those records and accounts at the out-of-state location. The owner or the department may request that the records be presented at a place within the state designated by the department. The records
must be presented by a representative of the owner familiar with the records and who is responsible for the safekeeping of the records.

(3) Owners of commercial and farm vehicles using the registration fee schedules in section 49-434(1), Idaho Code, are subject to audit to determine if the proper schedule is being used. If the weight classification being used is found to be understated, the difference between the registration fees paid and the registration fees due will become due and payable. If the vehicles are found to be operating in excess of sixty thousand (60,000) pounds gross weight, the difference between the registration fees paid under section 49-434(1), Idaho Code, and the amount that would have been due under the use fee schedule in section 49-434(34) or (45), Idaho Code, will be determined and the balance due, if any, will be collected.

(4) An owner who wilfully fails to maintain records and purchase documents to substantiate and justify the mileage reported, the registration fee schedule used, or the configuration of the vehicle combination if reporting at multiple weights, shall have the registration of all vehicles registered under sections 49-434 and 49-435, Idaho Code, suspended until such time as adequate records are provided.

(5) An owner who fails to file any reports or pay any fees or penalties due is subject to suspension or revocation of their vehicle registrations. An order suspending the vehicle registrations shall be mailed to the owner upon discovery of the deficiency by the department. The suspension shall be lifted if the reports are filed and the payments due are made, along with a reinstatement fee of forty dollars ($40.00) per carrier within fifteen (15) days after receipt of the suspension order. The owner shall have the right to appeal the suspension by petitioning the department for a hearing within ten (10) days after receipt of the suspension order. If the suspension is set aside the reinstatement fee shall not be due.

(6) If the owner fails to file required reports, pay any fees or penalties due, or file an appeal within the time limit specified, the department shall revoke the registrations. No further registrations shall be permitted on the owners' vehicles until the owner complies by filing the required reports and paying the fees and penalties due, including the reinstatement fee provided in subsection (5) of this section.

(7) An owner failing to file a report or pay any fee due within the time required as specified in this section, shall in addition to the amount of the fee pay a penalty of fifteen percent (15%) of the amount of fee determined to be due, plus one percent (1%) of the amount for each month or fraction thereof after the report was required to be filed or the fee became due, but the department may remit all or any part of the penalty if satisfied that the delay was excusable.

(8) (a) If the department finds it necessary in order to ensure the collection of any fees or penalties imposed upon an owner, it may at the time and as a condition of granting a registration or to reinstate a registration require an owner to deposit and keep on deposit with the department a sum equal to the estimated fees computed under the schedule in section 49-434, Idaho Code, for a period of not to exceed three (3) months. In determining the necessity for an applicant or owner to maintain a deposit the
department shall consider the applicant or owner's financial capability and responsibility and prior experience, if any, in collecting fees or penalties from the applicant, owner or any person having a substantial interest or control, directly or indirectly, in or over the operations conducted or to be conducted under the registration.

(b) The department may accept in lieu of a deposit a bond to secure payment of sums payable by the owner. The total amount of the deposit or bond shall be determined by the department in a manner as it shall deem proper, taking into account the nature and scope of the owner's operations. The amount may be increased or reduced at any time.

(c) If an owner ceases to be registered under the provisions of this chapter, the department, upon receipt of all payments due, shall refund to the owner all deposits remaining to the owner's credit and shall release the surety on any bond given under this section.

(d) Any applicant or owner required to make a deposit to secure the payment of fees or penalties may by proper petition demand a hearing on the necessity of the deposit or the reasonableness of the amount required. A hearing shall be granted and held within ten (10) days after the demand. The decision of the director shall become final ten (10) days after service of the order upon the applicant or owner concerned. Notice shall be served personally or by certified mail addressed to the applicant or owner at his address as it appears in the records of the department. An appeal may be taken from any decision of the department as from the decision of the magistrate's division to the district court.

(9) An owner wishing to contest an assessment made by the department may within thirty (30) days from receipt of the assessment file an appeal with the department. Upon receipt of an appeal the director or his authorized representative shall schedule an informal conference between the owner and a representative of the department. The informal conference must be conducted within twenty (20) days from the date of receipt of notice of intent to appeal from the owner. The owner and the representative of the department shall reduce all conclusions, agreements and decisions to writing, if an informal conference is held, but attendance at and participation in the informal conference is at the option of the owner. If an informal conference is held, the written report of the results of that conference shall be provided to the director within ten (10) days. If the results of the informal conference are not satisfactory to the owner, he may continue with the appeal by informing the director in writing, and the director or his authorized representative shall appoint a hearing officer to conduct a contested case hearing in accordance with chapter 52, title 67, Idaho Code. The hearing officer may subpoena witnesses and evidence and administer oaths. The hearing officer shall prepare written findings of fact and conclusions of law for the director or his authorized representative. Upon receipt of findings of fact and conclusions of law the director or his authorized representative shall issue a final order affirming, modifying or reversing the original assessment. All final orders rendered by the director or his authorized representative shall be appealable in accordance with section 67-5215, Idaho Code.
SECTI ON 22. (1) This act shall be in full force and effect on and after January 1, 1993.


Approved April 8, 1992.

CHAPTER 262
(H.B. No. 699, As Amended)

AN ACT
RELATING TO PLATS AND VACATIONS; AMENDING SECTION 50-1301, IDAHO CODE, TO DEFINE "PUBLIC HIGHWAY AGENCY", "PUBLIC RIGHT OF WAY", "PUBLIC STREET" AND TO REDEFINE "STREET"; AMENDING SECTION 50-1306A, IDAHO CODE, TO PROVIDE THAT THE AUTHORITY TO VACATE PUBLIC STREETS LOCATED WITHIN A HIGHWAY DISTRICT BUT LYING MORE THAN ONE MILE BEYOND THE CITY LIMITS IS RESERVED TO THE HIGHWAY DISTRICT COMMISSIONERS; AMENDING SECTIONS 50-1309 AND 50-1312, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 50-1315, IDAHO CODE, TO PROVIDE FOR THE VALIDATION OF PLATS WHICH INCLUDE PUBLIC STREETS AND PUBLIC RIGHTS OF WAY WHICH DO NOT CONFORM TO CURRENT HIGHWAY STANDARDS; AMENDING SECTION 50-1317, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO CLARIFY THAT THE AUTHORITY TO VACATE HIGHWAYS AND PUBLIC RIGHTS OF WAY LOCATED WITHIN A HIGHWAY DISTRICT IS RESERVED TO THE COMMISSIONERS OF THE HIGHWAY DISTRICT; AMENDING SECTION 50-1319, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 50-1321, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO PROVIDE THAT NO VACATION OF A PUBLIC STREET, RIGHT OF WAY OR PART WHICH HAS BEEN ACCEPTED OR RECORDED AS PART OF A PLAT SHALL TAKE PLACE WITHOUT THE CONSENT OF OWNERS OF ADJOINING PROPERTY EXCEPT WHEN THE PUBLIC STREET OR PUBLIC RIGHT OF WAY HAS NOT BEEN OPENED FOR FIVE YEARS AND ALTERNATE ACCESS TO ADJOINING PROPERTIES EXISTS; AMENDING SECTION 50-1324, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AND AMENDING SECTION 50-1330, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO PROVIDE ADDITIONAL POWERS TO STREET DEPARTMENTS OF MUNICIPALITIES.

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

SECTION 1. That Section 50-1301, Idaho Code, be, and the same is hereby amended to read as follows:

50-1301. DEFINITIONS. The following definitions shall apply to terms used in sections 50-1301 through 50-13394, Idaho Code.

1. Easement: A right of use, falling short of ownership, and usually for a certain stated purpose;
2. Owner: The proprietor of the land, (having legal title);
3. Plat: The drawing, map or plan of a subdivision, cemetery,
townsite or other tract of land, or a replatting of such, including certifications, descriptions and approvals;

4. Private road: A road within a subdivision plat that is not dedicated to the public and not a part of a public highway system;

5. Public highway agency: The state transportation department, any city, county, highway district or other public agency with jurisdiction over public highway systems and public rights of way;

6. Public land survey corner: Any land survey corner actually established and monumented in an original survey or resurvey used as a basis of legal description for issuing a patent for the land to a private person from the United States government;

7. Public right of way: A right of way open to the public and under the jurisdiction of a public highway agency, where the public highway agency has no obligation to construct or maintain said right of way for vehicular traffic;

8. Public street: A street, road, thoroughfare, alley, highway or bridge under the jurisdiction of a public highway agency;

9. Sanitary restriction: The requirement that no building or shelter which will require a water supply facility or a sewage disposal facility for people using the premises where such building or shelter is located shall be erected until written approval is first obtained from the state board of health by its administrator or his delegate approving plans and specifications either for public water and/or sewage facilities, or individual parcel water and/or sewage facilities;

10. Street: A public street, road, thoroughfare, alley or highway or a right of way which may be open for public use but is not part of a public highway system nor under the jurisdiction of a public highway agency;

11. Subdivision: A tract of land divided into five (5) or more lots, parcels, or sites for the purpose of sale or building development, whether immediate or future; provided that this definition shall not include a bona fide division or partition of agricultural land for agricultural purposes. A bona fide division or partition of agricultural land for agricultural purposes shall mean the division of land into lots, all of which are five (5) acres or larger, and maintained as agricultural lands. Cities or counties may adopt their own definition of subdivision in lieu of the above definition.

SECTION 2. That Section 50-1306A, Idaho Code, be, and the same is hereby amended to read as follows:

50-1306A. VACATION OF PLATS -- PROCEDURE. (1) When any person, persons, firm, association or corporation may desire to vacate a plat or any part thereof which is inside or within one (1) mile of the boundaries of any city, it shall be lawful for such person, persons, firm, association or corporation to petition the city council to vacate. Such petition shall set forth particular circumstances of the requests to vacate; contain a legal description of the platted area or property to be vacated; the names of the persons affected thereby, and said petition shall be filed with the city clerk.

(2) Written notice of public hearing on said petition shall be given, by certified mail with return receipt, at least ten (10) days
prior to the date of public hearing to all property owners within three hundred (300) feet of the boundaries of the area described in the petition. Such notice of public hearing shall also be published once a week for two (2) successive weeks in the official newspaper of the city, the last of which shall be not less than seven (7) days prior to the date of said hearing; provided, however, that in a proceeding as to the vacation of all or a portion of a cemetery plat where there has been no interment, or in the case of a cemetery being within three hundred (300) feet of another plat for which a vacation is sought, publication of the notice of hearing shall be the only required notice as to the property owners in the cemetery.

(3) When the procedures set forth herein have been fulfilled, the city council may grant the request to vacate with such restrictions as they deem necessary in the public interest.

(4) When the platted area lies more than one (1) mile beyond the city limits, the procedures set forth herein shall be followed with the county commissioners of the county wherein the property lies. The county commissioners shall have authority, comparable to the city council, to grant the vacation, provided, however, when the platted area lies beyond one (1) mile of the city limits, but adjacent to a platted area within one (1) mile of the city, consent of the city council of the affected city shall be necessary in granting any vacation by the county commissioners.

(5) In the case of easements granted for gas, sewer, water, telephone, cable television, power, drainage, and slope purposes, public notice of intent to vacate is not required. Vacation of these easements shall occur upon the recording of the new or amended plat, provided that all affected easement holders have been notified by certified mail, return receipt requested, of the proposed vacation and have agreed to the same in writing.

When public streets or public rights of way are located within the boundary of a highway district, the highway district commissioners shall assume the authority to vacate said public streets and public rights of way as provided in subsection (4) of this section.

All publication costs shall be at the expense of the petitioner.

SECTION 3. That Section 50-1309, Idaho Code, be, and the same is hereby amended to read as follows:

50-1309. CERTIFICATION OF PLAT -- DEDICATION OF STREETS AND ALLEYS -- DEDICATION OF PRIVATE ROADS TO PUBLIC -- JURISDICTION OVER PRIVATE ROADS. 1. The owner or owners of the land included in said plat shall make a certificate containing the correct description of the land, with the statement as to their intentions to include the same in the plat, and make a dedication of all public streets and alleys rights of way shown on said plat, which certificate shall be acknowledged before an officer duly authorized to take acknowledgments and shall be indorsed on the plat. The professional land surveyor making the survey shall certify the correctness of said plat.

2. No dedication or transfer of a private road to the public can be made without the specific approval of the governing appropriate public highway agency accepting such private road.

3. Highway districts and single county-wide highway districts...
shall not have jurisdiction over private roads designated as such on subdivision plats and shall assume no responsibility for the design, inspection, construction, maintenance and/or repair of private roads.

SECTION 4. That Section 50-1312, Idaho Code, be, and the same is hereby amended to read as follows:

50-1312. EFFECT OF ACKNOWLEDGING AND RECORDING PLAT. The acknowledgment and recording of such plat is equivalent to a deed in fee simple of such portion of the premises platted as is on such plat set apart for public streets or other public use, or as is thereon dedicated to charitable, religious or educational purposes; provided, however, that in a county where a county-wide highway district exists and is in operation no such plat shall be accepted for recording by the county recorder unless the acceptance of said plat by the commissioners of the county-wide highway district is endorsed thereon in writing.

SECTION 5. That Section 50-1315, Idaho Code, be, and the same is hereby amended to read as follows:

50-1315. EXISTING PLATS VALIDATED. None of the provisions of sections 50-1301 through 50-1325, Idaho Code, shall be construed to require replatting in any case where plats have been made and recorded in pursuance of any law heretofore in force; and all plats heretofore filed for record and not subsequently vacated are hereby declared valid, notwithstanding irregularities and omissions in manner of form of acknowledgment or certificate. Provided, however:

(1) When plats have been accepted and recorded for a period of five (5) years and said plats include public streets that were never laid out and constructed to the standards of the appropriate public highway agency, said public street shall be classified as public right of way; and

(2) Public rights of way for vehicular traffic included in plats which would not conform to current highway standards of the appropriate public highway agency regarding alignments and access locations which, if developed, would result in an unsafe traffic condition, shall be modified or reconfigured in order to meet current standards before access permits to the public right of way are issued.

SECTION 6. That Section 50-1317, Idaho Code, be, and the same is hereby amended to read as follows:

50-1317. VACATION PROCEDURE IN UNINCORPORATED AREAS AND IN CITIES NOT EXERCISING THEIR CORPORATE FUNCTIONS -- FILING OF PETITION -- NOTICE OF HEARING. Whenever any person, persons, firm, association or corporation interested in any city which if unincorporated, or which, if incorporated, is not exercising its corporate functions, or interested in any platted and subdivided tract or acreage outside the limits of any incorporated city, may desire to vacate any lot, tract, public street, alley public right of way, private road, highway, common, plot or any part thereof in any such city, it shall be lawful to petition the board of county commissioners of the county where such
property is located, setting forth the particular circumstances of the case, and giving a distinct description of the property to be vacated and the names of the persons to be particularly affected thereby; which petition shall be filed with the appropriate county or highway district clerk and notice of the pendency of said petition shall be given for a period of thirty (30) days by written notice thereof, containing a description of the property to be vacated, posted in three (3) public or conspicuous places in said city, and also within the limits of said platted acreage, or in the event such property is located within a county in which there is published a newspaper, as defined by law, such notice shall also be published in such newspaper, once a week for two (2) successive weeks. Provided, however, when a public street or public right of way is located within the boundary of a highway district, the commissioners of the highway district shall assume the authority to vacate said public street or public right of way.

SECTION 7. That Section 50-1319, Idaho Code, be, and the same is hereby amended to read as follows:

50-1319. IN PRESENCE OF OPPOSITION -- CONTINUANCE OF APPLICATION -- HEARING -- WHEN PETITION GRANTED. If opposition be made thereto, such application shall be heard by the appropriate board of county commissioners or highway district commissioners at a time fixed by said board, at which time, if the objector shall consent to said vacation, or if the petitioner shall produce to the board of county commissioners the petition of two-thirds (2/3) of the property holders of lawful age in said town, or owning two-thirds (2/3) of the tracts in such platted and subdivided acreage, the said board of county commissioners may proceed to hear and determine upon said application, and may in their opinion justice requires it, grant the prayer of the petitioner, in whole or in part.

SECTION 8. That Section 50-1321, Idaho Code, be, and the same is hereby amended to read as follows:

50-1321. NECESSITY FOR CONSENT OF ADJOINING OWNERS -- ACKNOWLEDGMENT AND FILING OF CONSENT -- LIMITATION ON RULE -- PREREQUISITES TO ORDER OF VACATION. No vacation of a public street, public right of way or any part thereof having been duly accepted and recorded as part of a plat or subdivided tract shall take place unless the consent of the adjoining owners be obtained in writing and delivered to the governing body public highway agency having jurisdiction over said public street or public right of way. Such public street or public right of way may, nevertheless, be vacated without such consent upon the petition of the person, persons, or corporation, owning two-thirds (2/3) or more of the owners of the property abutting upon such public street or public right of way when such public street or public right of way has not been opened or used by the public for a period of twenty-five (25) years and when such nonconsenting owner or owners have access to his, her or their property from some other public highway street, public right of way or private road. However, before such order of vacation can be entered it must appear to the satisfaction of the governing
body public highway agency that such-nonconsenting the owner or owners of the property abutting said public street or public right of way have been served with notice of the pendency-of such-application proposed abandonment in the same manner and for the same time as is now or may hereafter be provided for the service of the summons in an action at law. Any vacation of lands within one (1) mile of a city shall require notification and consent of the city.

SECTION 9. That Section 50-1324, Idaho Code, be, and the same is hereby amended to read as follows:

50-1324. RECORDING VACATIONS. Upon payment of the appropriate fee therefor, the county recorder of each county shall index and record, in the same manner as other instruments affecting the title to real property, a certified copy of each ordinance, resolution or order by which any lot, tract, city public street, public right of way, private road, easement, common, plat or any part thereof has been vacated. Such certification shall be by the officer having custody of the original document and shall certify that the copy is a full, true and correct copy of the original.

SECTION 10. That Section 50-1330, Idaho Code, be, and the same is hereby amended to read as follows:

50-1330. JURISDICTION OF PUBLIC STREETS AND PUBLIC RIGHTS OF WAY WITHIN A HIGHWAY DISTRICT. In a county with highway districts, the highway district board of commissioners in such district shall have exclusive general supervisory authority over all public streets and public rights of way under their jurisdiction within their district, excluding public streets and public rights of way located inside of an incorporated city that has a functioning street department, with full power to establish design standards, establish use standards and regulations in accordance with the provisions of title 49, Idaho Code, accept, create, open, widen, extend, relocate, realign, control access to or vacate said public streets and public rights of way. Provided, however, when said public street or public right of way lies within one (1) mile of a city, or the established county/city impact area or adjacent to a platted area within one (1) mile of a city or the established county/city impact area, consent of the city council of the affected city shall be necessary prior to the granting of acceptance or vacation of said public street or public right of way by the highway district board of commissioners.

Approved April 8, 1992.
CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5202, IDAHO CODE, TO CREATE THE OFFICE OF ADMINISTRATIVE RULES COORDINATOR IN THE OFFICE OF THE STATE AUDITOR; AMENDING CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5203, IDAHO CODE, TO PROVIDE FOR THE PUBLICATION OF AN ADMINISTRATIVE BULLETIN; AMENDING CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5204, IDAHO CODE, TO PROVIDE FOR THE PUBLICATION OF THE ADMINISTRATIVE CODE; REPEALING SECTION 67-5202A, IDAHO CODE; AMENDING CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5205, IDAHO CODE, TO PROVIDE FOR THE FORMAT OF THE ADMINISTRATIVE CODE, TO PROVIDE FOR DISTRIBUTION OF THE ADMINISTRATIVE CODE, TO PROVIDE FOR ACCESS TO THE CODE THROUGH ELECTRONIC MEDIA, TO CREATE THE ADMINISTRATIVE CODE ACCOUNT AND TO PROVIDE THAT AGENCIES PAY THE COSTS OF PUBLICATION; AMENDING CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5206, IDAHO CODE, TO PROVIDE FOR THE PROMULGATION OF RULES BY THE COORDINATOR FOR FORMAT, NUMBERING AND PUBLICATION OF RULES AND TO PROVIDE FOR THE PROMULGATION OF PROCEDURAL RULES BY THE ATTORNEY GENERAL TO IMPLEMENT THE PROVISIONS OF THIS CHAPTER; AMENDING CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5207, IDAHO CODE, TO PROVIDE A SHORT TITLE; AMENDING CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5220, IDAHO CODE, TO PROVIDE FOR A NOTICE OF INTENT TO PROMULGATE RULES; AMENDING SECTION 67-5203, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO PROVIDE FOR PUBLIC NOTICE OF PROPOSED RULEMAKING BY PUBLICATION IN THE BULLETIN AND BY NEWSPAPER PUBLICATION; REPEALING SECTION 67-5204, IDAHO CODE; AMENDING CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5222, IDAHO CODE, TO PROVIDE FOR PUBLIC PARTICIPATION IN THE RULEMAKING PROCESS; AMENDING CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5223, IDAHO CODE, TO PROVIDE FOR INTERIM LEGISLATIVE REVIEW OF PROPOSED RULES; AMENDING CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5224, IDAHO CODE, TO PROVIDE FOR PUBLICATION OF FINAL RULES OF AN AGENCY AND TO PROVIDE FOR EFFECTIVE DATES OF FINAL RULES; AMENDING CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5225, IDAHO CODE, TO REQUIRE AN AGENCY TO MAINTAIN A RULEMAKING RECORD; AMENDING CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5226, IDAHO CODE, TO ALLOW AN AGENCY TO ADOPT A TEMPORARY RULE IN LIMITED CIRCUMSTANCES; AMENDING CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5227, IDAHO CODE, TO ALLOW A MINOR VARIANCE BETWEEN THE CONTENT OF A FINAL RULE AND A PROPOSED RULE; AMENDING CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5228, IDAHO CODE, TO ALLOW CORRECTION OF TYPOGRAPHICAL ERRORS; AMENDING SECTION 67-5303A, IDAHO CODE, TO REDESIGNATE THE SECTION, AND TO ALLOW LIMITED INCORPORATION OF MATERIAL BY REFERENCE; REPEALING SECTION 67-5205, IDAHO CODE; AMENDING SECTION 67-5206, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE TIME LIMITS FOR AGENCY ACTION ON A REQUEST FOR ADOPTION OF A RULE, AND TO PROVIDE THAT AN AGENCY DECISION DENYING A PETITION IS A FINAL AGENCY ACTION; AMENDING CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5231, IDAHO CODE, TO PROVIDE THAT AN AGENCY MUST HAVE SPECIFIC
STATUTORY AUTHORITY TO ADOPT A RULE, TO PROVIDE THAT FINAL RULES
NOT ADOPTED IN COMPLIANCE WITH THE PROVISIONS OF THIS CHAPTER ARE
VOIDABLE, AND TO PROVIDE A TIME LIMIT TO CHALLENGE NONCOMPLIANCE
WITH PROCEDURAL REQUIREMENTS; AMENDING SECTION 67-5208, IDAHO
CODE, TO REDESIGNATE THE SECTION, AND TO PROVIDE FOR DECLARATORY
RULINGS BY AGENCIES ON STATUTORY PROVISIONS AND RULES; AMENDING
CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
67-5240, IDAHO CODE, TO PROVIDE FOR CONTESTED CASES; AMENDING
CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
67-5241, IDAHO CODE, TO PROVIDE A PROCESS FOR INFORMAL DISPOSITION
OF A CONTESTED CASE; AMENDING SECTION 67-5209, IDAHO CODE, TO
REDESIGNATE THE SECTION, AND TO PROVIDE FOR PROCEDURES IN CON­
TESTED CASES; AMENDING CHAPTER 52, TITLE 67, IDAHO CODE, BY THE
ADDITION OF A NEW SECTION 67-5243, IDAHO CODE, TO PROVIDE FOR
ORDERS NOT ISSUED BY AN AGENCY HEAD; AMENDING CHAPTER 52, TITLE
67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5244, IDAHO
CODE, TO REQUIRE REVIEW BY THE AGENCY HEAD OF RECOMMENDED ORDERS;
REPEALING SECTION 67-5211, IDAHO CODE; AMENDING CHAPTER 52, TITLE
67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5245, IDAHO
CODE, TO PROVIDE FOR REVIEW OF PRELIMINARY ORDERS; AMENDING CHAP­
TER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
67-5246, IDAHO CODE, TO PROVIDE FOR ISSUANCE OF FINAL ORDERS;
AMENDING CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A
NEW SECTION 67-5247, IDAHO CODE, TO PROVIDE CONDITIONS FOR AN
AGENCY TO ACT THROUGH AN EMERGENCY PROCEEDING; AMENDING SECTION
67-5212, IDAHO CODE, TO REDESIGNATE THE SECTION, AND TO PROVIDE
FOR THE CONTENT OF ORDERS; AMENDING CHAPTER 52, TITLE 67, IDAHO
CODE, BY THE ADDITION OF A NEW SECTION 67-5249, IDAHO CODE, TO
REQUIRE THAT AN AGENCY MAINTAIN AN OFFICIAL RECORD IN CONTESTED
CASES; AMENDING SECTION 67-5202, IDAHO CODE, TO REDESIGNATE THE
SECTION, AND TO REQUIRE INDEXING OF PRECEDENTIAL AGENCY ORDERS;
AMENDING SECTION 67-5210, IDAHO CODE, TO REDESIGNATE THE SECTION
AND TO PROVIDE CONDITIONS FOR EXCLUSION OF EVIDENCE, AND TO
REQUIRE NOTICE BE GIVEN TO PARTIES IN A CONTESTED CASE; AMENDING
CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
67-5252, IDAHO CODE, TO PROVIDE FOR DISQUALIFYING A PRESIDING
OFFICER; AMENDING SECTION 67-5213, IDAHO CODE, TO REDESIGNATE THE
SECTION AND TO PROVIDE STRICT LIMITATIONS ON EX PARTE COMMUNICA­
TIONS; AMENDING SECTION 67-5214, IDAHO CODE, TO REDESIGNATE THE
SECTION AND TO REQUIRE NOTICE AND OPPORTUNITY FOR A CONTESTED CASE
IN ACTIONS AGAINST LICENSEES; AMENDING CHAPTER 52, TITLE 67, IDAHO
CODE, BY THE ADDITION OF A NEW SECTION 67-5255, IDAHO CODE, TO
PROVIDE FOR DECLARATORY RULINGS BY AGENCIES ON ORDERS; REPEALING
SECTIONS 67-5215 AND 67-5216, IDAHO CODE; AMENDING CHAPTER 52,
TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5270,
IDAHO CODE, TO PROVIDE FOR JUDICIAL REVIEW; AMENDING CHAPTER 52,
TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5271,
IDAHO CODE, TO REQUIRE EXHAUSTION OF ADMINISTRATIVE REMEDIES
BEFORE JUDICIAL REVIEW; AMENDING CHAPTER 52, TITLE 67, IDAHO CODE,
BY THE ADDITION OF A NEW SECTION 67-5272, IDAHO CODE, TO PROVIDE
FOR VENUE; AMENDING CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDI­
TION OF A NEW SECTION 67-5273, IDAHO CODE, TO PROVIDE TIME LIMITS
FOR FILING FOR JUDICIAL REVIEW; AMENDING CHAPTER 52, TITLE 67,
Idaho Code, by the addition of a new section 67-5274, Idaho Code, to provide that filing an action for judicial review does not itself stay the effectiveness or enforcement of an agency action; amending chapter 52, title 67, Idaho Code, by the addition of a new section 67-5275, Idaho Code, to provide for an agency record for judicial review; amending chapter 52, title 67, Idaho Code, by the addition of a new section 67-5276, Idaho Code, to provide that a court may allow additional evidence; amending chapter 52, title 67, Idaho Code, by the addition of a new section 67-5277, Idaho Code, to limit judicial review to issues of facts and additional evidence; amending section 67-5207, Idaho Code, to redesignate the section and to provide that the validity or applicability of a rule may be determined by a declaratory ruling in district court; amending chapter 52, title 67, Idaho Code, by the addition of a new section 67-5279, Idaho Code, to provide for the scope of judicial review and the type of relief that a court may grant; repealing section 67-5217, Idaho Code; amending section 67-5218, Idaho Code, to redesignate the section and to provide for legislative review of adopted rules; amending section 67-5219, Idaho Code, to redesignate the section; amending section 33-105, Idaho Code, to provide exceptions to the regular rulemaking requirements for the state board of education and the board of regents; amending section 36-105, Idaho Code, to provide exceptions to the regular rulemaking requirements for the fish and game commission; amending section 63-514, Idaho Code, to provide exceptions to the contested case provisions of chapter 52, title 67, Idaho Code, for the state tax commission; amending chapter 15, title 67, Idaho Code, by the addition of a new section 67-1509, Idaho Code, to provide that administrative rules of the superintendent of public instruction are subject to chapter 52, title 67, Idaho Code; amending section 72-1361, Idaho Code, to provide exceptions to the contested case provisions of chapter 52, title 67, Idaho Code, for the employment security agency and the industrial commission; providing duties for agencies to provide a copy of all administrative rules to the coordinator by May 1, 1993, and to provide for publication of administrative rules; providing an effective date for subsection (1) of section 60 of the act, authorizing the appointment of an administrative rules coordinator, and authorizing administrative declarations in order to effect an orderly publication of bulletins and the administrative code, providing an effective date for all other sections, and providing for rules in effect on June 30, 1993, and rules promulgated after July 1, 1993.

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

SECTION 1. That section 67-5201, Idaho Code, be, and the same is hereby amended to read as follows:

67-5201. DEFINITIONS. As used in this act:
(1) "Administrative code" means the Idaho administrative code established in this chapter.
(2) "Agency" means each state board, commission, department or officer authorized by law to make rules or to determine contested
cases, except--those--in but does not include the legislative or judicial branches, executive officers listed in section 1, article IV, of the constitution of the state of Idaho in the exercise of powers derived directly and exclusively from the constitution, the state militia and or the state board of corrections.

3) "Agency action" means:
   (a) the whole or part of a rule or order;
   (b) the failure to issue a rule or order; or
   (c) an agency's performance of, or failure to perform, any duty placed on it by law.

4) "Agency head" means an individual or body of individuals in whom the ultimate legal authority of the agency is vested by any provision of law.

5) "Bulletin" means the Idaho administrative bulletin established in this chapter.

6) "Contested case" means a proceeding--including but not restricted to--rate-making and licensing, in which the--legal--rights, duties, or privileges of a party are required by law to be determined by an agency after an opportunity for hearing which results in the issuance of an order.

7) "Coordinator" means the administrative rules coordinator prescribed in section 67-5202, Idaho Code.

8) "Document" means any proclamation, executive order, notice, rule or statement of policy of an agency.

9) "License" includes means the whole or part of any agency permit, certificate, approval, registration, charter, or similar form of permission authorization required by law, but it does not include a license required solely for revenue purposes.

10) "Licensing" includes the agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal or amendment of a license.

11) "Official text" means the text of a document issued, prescribed, or promulgated by an agency in accordance with this chapter and is the only legally enforceable text of such document.

12) "Order" means an agency action of particular applicability that determines the legal rights, duties, privileges, immunities, or other legal interests of one (1) or more specific persons.

13) "Party" means each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party.

14) "Person" means any individual, partnership, corporation, association, governmental subdivision or agency, or public or private organization or entity of any character other than an agency.

15) "Provision of law" means the whole or a part of the state or federal constitution, or of any state or federal:
   (a) statute; or
   (b) rule or decision of court.

16) "Publish" means to bring before the public by publication in the bulletin or administrative code, or as otherwise specifically provided by law.

17) "Rule" means the whole or a part of any agency statement of general applicability that has been promulgated in compliance with the provisions of this chapter and that implements, interprets, or
prescribes:
(a) law or interprets a statute as the statement applies to the general public policy, or
(b) the procedure or practice requirements of an agency. The term includes the amendment, or repeal, or suspension of a prior existing rule, but does not include:
(At) statements concerning only the internal management or internal personnel policies of any agency and not affecting private rights of the public or procedures available to the public; or
(Bii) declaratory rulings issued pursuant to section 67-520832, Idaho Code; or
(Cii) intra-agency memoranda; or
(D) statements of the state board of education and board of regents of the University of Idaho which relate to the curriculum of public educational institutions; to students attending or applicants to such institutions; or to the use and maintenance of land, equipment and buildings controlled by the respective institutions; or
(Eiv) any oral or written statements given by an agency which pertains to any interpretation of an existing or proposed rule or to the documentation of compliance with a rule; or
(F) any oral or written interpretation by an agency as to how a person or a business entity can document their compliance with an existing rule.
(17) "Rulemaking" means the process for formulation, adoption, amendment or repeal of a rule.
(18) "Statement of economic impact" means a statement of the economic impact for proposed rules and amendments to rules prepared by each promulgating agency. Each impact statement shall contain an evaluation of the costs and benefits of the rules and regulations to the people of the state of Idaho, including any health, safety or welfare costs and benefits.

SECTION 2. That Chapter 52, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5202, Idaho Code, and to read as follows:

67-5202. OFFICE OF ADMINISTRATIVE RULES COORDINATOR. There is hereby established the office of administrative rules coordinator in the office of the state auditor. The coordinator shall be a nonclassified employee and shall be appointed by the state auditor with the advice and consent of the senate. The coordinator shall receive all notices and rules required in this chapter to be published in the bulletin or the administrative code. The coordinator shall prescribe a uniform style, form, and numbering system which shall apply to all rules adopted by all agencies. The coordinator shall review all submitted rules for style, form, and numbering, and may return a rule that is not in proper style, form, or number.

SECTION 3. That Chapter 52, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be
known and designated as Section 67-5203, Idaho Code, and to read as follows:

67-5203. PUBLICATION OF ADMINISTRATIVE BULLETIN. (1) All documents required or authorized in this chapter or by other provision of law to be published shall initially be published in the bulletin. The bulletin shall be published by the administrative rules coordinator every other week.

(2) The bulletin shall contain all previously unpublished documents filed with the coordinator in compliance with a publication schedule established by the coordinator.

(3) Each issue of the bulletin shall contain a table of contents. A cumulative index shall be published at least every three (3) months.

(4) The following documents, if not required to be otherwise published, shall be published in the bulletin:

(a) all proclamations and executive orders of the governor, except those that have no general applicability or are effective only against state agencies or persons in their capacity as officers, agents, or employees thereof;

(b) agency notices of intent to promulgate rules, notices of proposed rules, and the text of all proposed and final rules, together with any explanatory material supplied by the agency;

(c) all agency documents required by law to be published in the bulletin; and

(d) any legislative documents affecting a final agency rule.

(5) The text of all documents published in the bulletin shall be the official text of that document until the document has been published in the administrative code.

(6) The coordinator shall provide a process for access to the contents of the bulletin and to the administrative code by electronic means.

(7) The coordinator shall provide a toll free telephone line for informational purposes.

SECTION 4. That Chapter 52, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5204, Idaho Code, and to read as follows:

67-5204. PUBLICATION OF ADMINISTRATIVE CODE. (1) The administrative rules coordinator shall annually publish a publication to be known as the "Idaho Administrative Code."

(2) The administrative code shall be a codification of:

(a) all proclamations and executive orders of the governor that have been published in the bulletin and have not been rescinded;

(b) the text of all final rules;

(c) any legislative documents affecting a final agency rule; and

(d) all documents required by law to be published in the administrative code.

(3) The text of all documents published in the administrative code shall be the official text of that document.

SECTION 5. That Section 67-5202A, Idaho Code, be, and the same is
hereby repealed.

SECTION 6. That Chapter 52, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5205, Idaho Code, and to read as follows:

67-5205. FORMAT -- COSTS -- DISTRIBUTION -- FUNDS. (1) The admin­
istrative code and the permanent supplements thereto shall be pub­
lished in such a manner that every agency has an opportunity to pro­
cure at reasonable cost from the coordinator, individual printed pam­
phlet copies of the rules and statements of policy of such agency pub­
lished by authority of this chapter. No administrative rule or state­
ment of policy published in the administrative code or the permanent
supplements shall be reset or otherwise reprinted at public expense
upon a format distinct from that of the administrative code without a
certification by the coordinator that such special format is necessary
for the effective performance by the agency of its functions.

(2) The prices to be charged for individual copies of and sub­
scriptions to the administrative code, the permanent supplements thereto and the bulletin, for reprints and bound volumes thereof and for pamphlet rules and statements of policy, which prices may be fixed
without reference to the restrictions placed upon and fixed for the
sale of other publications of the state, and the number of copies
which shall be distributed free for official use, in addition to those
free copies required to be as provided in this section, shall be set
by rules promulgated by the coordinator. The coordinator may set
prices without reference to the restrictions placed upon the sale of
other publications of the state. Free copies shall be distributed by
the coordinator, as follows:

(a) One (1) to each county clerk for the use of the county law
library.
(b) One (1) each to the senate and the house of representatives.
(c) One (1) to the attorney general.
(d) One (1) to the legislative council.
(e) One (1) each to the state universities and colleges, and one
   (1) to each community college.
(f) One (1) to the state law library.
(g) One (1) to the state library.
(h) One (1) each to any public library in this state which
   requests a copy from the coordinator.
(i) One (1) each to any city in this state which requests a copy
   from the coordinator.

In addition to those free copies required to be distributed by this
section, the coordinator may distribute free copies for official use.

(3) Without limiting the generality of the provisions of subsec­
tion (2) of this section, the rules of the coordinator may provide for
volume discounts to be available to established law book publishers
who agree to incorporate fully administrative rules, the permanent
supplements thereto and the bulletin into their general scheme of pro­
motion and distribution, and may provide for the free reciprocal
exchange of publications between this state and other states and for­
eign jurisdictions. The provisions of this section include the author-
ity to exchange, display, access and publish texts through electronic media.

(4) There is hereby created in the state treasury the administrative code account. All moneys received from the sale of the administrative code, the permanent supplements thereto, or the bulletin shall be deposited in the account. All agencies which have any material published in the bulletin, administrative code or supplements thereto, are hereby authorized and directed to pay out of their appropriations to the coordinator their respective shares of the costs of publication and distribution of such material. All moneys placed in the account are perpetually appropriated to the coordinator for the administration of the provisions of this chapter, and for the publication and distribution of the bulletin, administrative code or supplements thereto, as authorized in this chapter.

The coordinator shall allocate costs of publication and distribution to each participating agency in the same proportion that the amount of the costs of publication and distribution for that agency bears to the total costs of publication and distribution for all agencies, with the costs to be determined on a per page basis. A cost per page may be imposed even though less than a full page of publication is required.

The cost allocations to each participating agency shall be made monthly by the coordinator, and each participating agency shall promptly pay into the administrative code account such costs.

SECTION 7. That Chapter 52, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5206, Idaho Code, and to read as follows:

67-5206. PROMULGATION OF RULES IMPLEMENTING ADMINISTRATIVE PROCEDURE ACT. (1) In accordance with the rulemaking requirements of this chapter, the administrative rules coordinator shall promulgate rules implementing the provisions of sections 67-5203, 67-5204 and 67-5205, Idaho Code. The rules shall:

(a) establish a uniform numbering system applicable to rules adopted by all agencies;
(b) establish a uniform style and format applicable to rules adopted by all agencies;
(c) establish a publication schedule for the bulletin and the administrative code, including deadlines for the submission of documents to be included within each publication;
(d) establish a uniform indexing system for agency orders; and
(e) include such other rules as the coordinator deems necessary to implement the provisions of sections 67-5203, 67-5204 and 67-5205, Idaho Code, and this section.

(2) In accordance with the rulemaking requirements of this chapter, the attorney general shall promulgate rules of procedure appropriate for use by as many agencies as possible. The rules shall deal with all general functions and duties performed in common by several agencies.

(3) In accordance with the rulemaking requirements of this chapter, the attorney general shall promulgate rules implementing the pro-
visions of sections 67-5220 through 67-5232, Idaho Code. The rules shall specify:
(a) the form and content for petitions requesting an opportunity for an oral presentation in a substantive rulemaking;
(b) procedures for the creation of a record of comments received at any oral presentation;
(c) the standards by which exemptions from regular rulemaking requirements will be authorized to correct typographical errors, transcription errors, or clerical errors;
(d) the form and content for a petition for the adoption of rules and the procedure for its submission, consideration and disposition;
(e) procedures to facilitate negotiated rulemaking;
(f) the form and content of a petition for a declaratory ruling on the applicability of statutes or regulations; and
(g) such other provisions as may be necessary or useful.
(4) In accordance with the contested case requirements of this chapter, the attorney general shall promulgate rules implementing the provisions of sections 67-5240 through 67-5255, Idaho Code. The rules shall specify:
(a) form and content to be employed in giving notice of a contested case;
(b) procedures and standards required for intervention in a contested case;
(c) procedures for prehearing conferences;
(d) format for pleadings, briefs, and motions;
(e) the method by which service shall be made;
(f) procedures for the issuance of subpoenas, discovery orders, and protective orders if authorized by other provisions of law;
(g) qualifications for persons seeking to act as a hearing officer;
(h) qualifications for persons seeking to act as a representative for parties to contested cases;
(i) procedures to facilitate informal settlement of matters;
(j) procedures for placing ex parte contacts on the record; and
(k) such other provisions as may be necessary or useful.
(5) (a) After July 1, 1993, the rules promulgated by the attorney general under this section shall apply to all agencies that do not affirmatively promulgate alternative procedures after the promulgation of the rules by the attorney general. The rules promulgated by the attorney general shall supersede the procedural rules of any agency in effect on June 30, 1993, unless that agency promulgates its own procedures as provided in paragraph (b) of this subsection.
(b) After July 1, 1993, an agency that promulgates its own procedures shall include in the rule adopting its own procedures a finding that states the reasons why the relevant portion of the attorney general's rules were inapplicable to the agency under the circumstances.

SECTION 8. That Chapter 52, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5207, Idaho Code, and to read as
follows:

67-5207. SHORT TITLE. This chapter may be cited as the "Idaho Administrative Procedure Act."

67-5208 -- 67-5219. [RESERVED.]

SECTION 9. That Chapter 52, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5220, Idaho Code, and to read as follows:

67-5220. NOTICE OF INTENT TO PROMULGATE RULES. (1) An agency may publish in the bulletin a notice of intent to promulgate a rule. The notice shall contain a brief, nontechnical statement of the subject matter to be addressed in the proposed rulemaking, and shall include the purpose of the rule, the statutory authority for the rulemaking, and the principal issues involved. The notice shall identify an individual to whom comments on the proposal may be sent.

(2) The notice of intent to promulgate a rule is intended to facilitate negotiated rulemaking, a process in which all interested parties and the agency seek consensus on the content of a rule. Agencies are encouraged to proceed through such informal rulemaking whenever it is feasible to do so.

SECTION 10. That Section 67-5203, Idaho Code, be, and the same is hereby amended to read as follows:

67-520321. REQUIREMENT FOR PUBLIC NOTICE OF PROPOSED RULEMAKING. (a) Prior to the adoption, amendment, or repeal of any rule, the agency shall give at least twenty-(20)-day's notice of its intended action as provided for in Section 60-109, Idaho Code. The notice shall refer to publish notice of proposed rulemaking in the bulletin. The notice of proposed rulemaking shall include:

(1) the specific statutory authority under which the action is proposed and, if possible, refer to the particular code section or other provision of law which is being implemented, interpreted, or made specific and shall include for the rulemaking:

(b) a statement in nontechnical language of the substance of the intended action and the principal issues involved or proposed rule;

(c) a concise summary of any statement of economic impact required pursuant to subsection (e) of this section, the time, the place, when, the manner in which interested persons may, represent their views thereon, and nontechnical explanation of the purpose of the proposed rule;

(d) the text of the proposed rule prepared in legislative format;

(e) the location, date, and time of any public hearing the agency intends to hold on the proposed rule;

(f) the manner in which persons may make written comments on the proposed rule, including the name and address of a person in the agency to whom comments on the proposal may be sent.
(g) the manner in which persons may request an opportunity for an oral presentation as provided in section 67-5222, Idaho Code; and
(h) the deadline for public comments on the proposed rule.

The notice shall be mailed to all persons who have made a timely request in writing of the agency for advance notice of its rule-making proceedings and shall be published in some newspaper or newspapers published in the state sufficient to provide public notice;

(2) ten-(10)-days prior to notice specified in subsection (g); transmit notice of intended action; accompanied by the full text of the rule under consideration prepared so as to indicate words added or deleted from the presently effective text; if any; as well as a statement of the substance of the intended action, to the director of the legislative council. The director of the legislative council shall analyze and refer the material under consideration to the germane joint subcommittee created in section 67-454; Idaho Code, to afford the subcommittee opportunity to submit data; views or arguments in writing to the agency within the twenty-(20)-days specified in the notice. If a public hearing is held the record shall remain open for ten-(10)-days thereafter for further written comments from the germane joint subcommittee;

(3) afford all interested persons reasonable opportunity to submit data; views; or arguments; orally or in writing; in case of substantive rules; opportunity for oral hearing must be granted if requested in writing within the comment period provided for in subsection (a)-(1)-(t) of this section and as specified in the legal notice; by twenty-five-(25)-persons; by a governmental subdivision or agency; or by an association presenting a petition with signatures of not less than twenty-five-(25)-members of the organization. The agency shall consider fully all written and oral submissions respecting the proposed rule. Upon adoption of a rule, the agency; if requested in writing to do so by an interested person either prior to adoption or within thirty-(30)-days thereafter; shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption;

(4) compliance with the hearing requirements of section 67-5203(a)(3); Idaho Code, is not required when an agency has no discretion as to the substantive requirements of a proposed amendment to its rules which is designed solely to comply with a controlling judicial decision or court order, or with the provisions of a statute or federal regulation which has been amended since the adoption of the agency rule;

(b) If an agency finds that an imminent peril to the public health; safety; or welfare requires adoption of a rule upon fewer days' notice than required by subsection (a)-(a) of this section; and the state in writing its reasons for that finding; or if a change in law requires a rule to be in place at the same time as the law goes into effect; it may proceed without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency rule. The rule may be effective for a period of not longer than one hundred-twenty-(120)-days unless during that time the agency provides for regular promulgation; notice; and hearings as required by subsections (a) of this section; in the event that subsequent regular
rule-making is initiated but not completed within one hundred twenty (120) days; the emergency rule may be extended by an additional emergency adoption not to exceed sixty (60) days.

(c) Notwithstanding any other provisions of this section, the state board of education and board of regents of the university of Idaho shall be deemed to be in full compliance with this section if:

(1) Notice is given by including the intended action in the official written agenda for a regularly scheduled meeting of the board; and the agenda is available for public inspection at the central office of the board not less than fifteen (15) days prior to the meeting; and

(2) Notice of the intended action, accompanied by the full text of the rule under consideration prepared so as to indicate words added or deleted from the presently effective text, if any, is transmitted to the director of the legislative council at the time notice is given under subsection (1); the director of the legislative council shall analyze and refer the material under consideration to the general joint subcommittee created in section 67-454; and

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

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

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

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

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

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

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

(e) An agency or the state board of education or board of regents of the university of Idaho shall prepare a statement of economic impact with respect to a proposed rule if, within fifteen (15) days of receipt of the proposed rule, the joint committee files a written request with the agency for such a statement. The agency shall transmit the statement of economic impact to the director of the legislative council and shall publish a concise summary of the statement of economic impact in the manner provided for notice under subsections (a), (c), or (d) of this section, extending the deadline for the public to comment upon the proposed rule and offering an additional twenty (20) days during which the public is offered an opportunity to examine the full text of the statement of economic impact and to request oral hearing.

(f) A rule which is adopted, amended or repealed may vary in content from that which was originally proposed if the subject matter of the rule remains the same and the original notice was written so as to assure that members of the public were reasonably notified of the subject of agency action in order for them to determine whether their interests could be affected by agency action on that subject.

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

The adequacy of the contents of the statement of economic impact required by subsection (e) of this section is not subject to judicial review.

(2) (a) Coinciding with each issue of the bulletin, the coordinator shall cause the publication of an abbreviated notice with a brief description of the subject matter, showing any agency’s intent to propose a new or changed rule that is a new addition to that issue of the bulletin. The form and content of the notice shall be substantially as follows: no typeface used shall measure less than twelve (12) points and space width shall not be less than two (2) newspaper columns:

PUBLIC NOTICE
OF INTENT TO PROPOSE OR PROMULGATE NEW
OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text of an all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state administrative bulletin:

<table>
<thead>
<tr>
<th>Agency Name</th>
<th>Rule Number</th>
<th>Rule Subject</th>
</tr>
</thead>
</table>

Comment Deadline Comment Address Hearing Location
Citizens of (county name) can view all issues of the administrative bulletin in the following locations in this county.
Section 11. That Section 67-5204, Idaho Code, be, and the same is hereby repealed.

Section 12. That Chapter 52, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a New Section, to be known and designated as Section 67-5222, Idaho Code, and to read as follows:

67-5222. Public Participation. (1) Prior to the adoption, amendment, or repeal of a rule, the agency shall afford all interested persons reasonable opportunity to submit data, views and arguments, orally or in writing. The agency shall receive comments for not less than twenty-one (21) days after the date of publication of the notice of proposed rulemaking in the bulletin.

(2) When promulgating substantive rules, the agency shall provide an opportunity for oral presentation if requested by twenty-five (25) persons, a political subdivision, or an agency. The request must be made in writing and be within fourteen (14) days of the date of publication of the notice of proposed rulemaking in the bulletin, or within fourteen (14) days prior to the end of the comment period, whichever is later. An opportunity for oral presentation need not be provided when the agency has no discretion as to the substantive content of a proposed rule because the proposed rule is intended solely to comply:

(a) with a controlling judicial decision or court order; or

(b) with the provisions of a statute or federal rule that has been amended since the adoption of the agency rule.

Section 13. That Chapter 52, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a New Section, to be known and designated as Section 67-5223, Idaho Code, and to read as follows:

67-5223. Interim Legislative Review -- Legislative Hearings -- Statement of Economic Impact. (1) At the same time that notice of proposed rulemaking is filed with the coordinator, the agency shall provide the same notice, accompanied by the full text of the rule under consideration in legislative format, as well as a statement of the substance of the intended action, to the director of the legislative council. The director of the legislative council shall analyze and
refer the material under consideration to the germane joint subcommittee created in section 67-454, Idaho Code.

(2) If the germane joint subcommittee notifies the agency within fourteen (14) days of the date of publication of the notice of proposed rulemaking in the bulletin or within fourteen (14) days prior to the end of the comment period, whichever is later, that the subcommittee intends to hold a hearing on the proposed rulemaking within fourteen (14) days, the agency shall extend the comment period for such additional time as required to receive comments from the subcommittee. The notification from the germane joint subcommittee to the agency shall be sent to the agency and shall also be published in the bulletin.

(3) An agency shall prepare and deliver to the germane joint subcommittee a statement of economic impact with respect to a proposed rule if, within fourteen (14) days of the receipt of the proposed rule, the germane joint subcommittee files a written request with the agency for such a statement. The statement shall contain an evaluation of the costs and benefits of the rule, including any health, safety, or welfare costs and benefits. The adequacy of the contents of the statement of economic impact is not subject to judicial review.

SECTION 14. That Chapter 52, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5224, Idaho Code, and to read as follows:

67-5224. FINAL RULE. (1) Prior to the adoption, amendment, or repeal of a rule, the agency shall consider fully all written and oral submissions respecting the proposed rule.

(2) Subject to the provisions of subsection (3) of this section, the agency shall publish the text of the final rule in the bulletin. In addition, the agency shall publish a concise explanatory statement containing:

(a) reasons for adopting the final rule; and
(b) a statement of any change between the text of the proposed rule and the text of the final rule with an explanation of the reasons for any changes.

(3) With the permission of the coordinator, the agency need not publish in full the text of the final rule if no significant changes have been made from the text of the proposed rule as published in the bulletin, but the notice of adoption of the final rule must cite the volume of the bulletin where the text is available and note all changes that have been made.

(4) An agency shall not publish a final rule until at least seven (7) days after the close of all public comment.

(5) A rule becomes effective twenty-one (21) days after it has been published in the bulletin or on such other date as specified in the rule. All agencies are encouraged to promulgate their rules so that they become effective on one (1) of the following dates: January 1, April 1, July 1, or October 1.

SECTION 15. That Chapter 52, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be
known and designated as Section 67-5225, Idaho Code, and to read as follows:

67-5225. RULEMAKING RECORD. (1) Prior to the adoption, amendment, or repeal of a rule, the agency shall prepare a rulemaking record. The record shall be maintained in the main and regional or district offices of the agency.

(2) The rulemaking record shall be available for public inspection and copying. The rulemaking record must contain:
   (a) copies of all publications in the bulletin;
   (b) all written petitions, submissions, and comments received by the agency and the agency's response to those petitions, submissions, and comments;
   (c) all written materials considered by the agency in connection with the formulation, proposal, or adoption of the rule;
   (d) a record of any oral presentations, any transcriptions of oral presentations, and any memorandum prepared by a presiding officer summarizing the contents of the presentations; and
   (e) any other materials or documents prepared in conjunction with the rulemaking.

(3) Except as otherwise required by a provision of law, the rulemaking record need not constitute the exclusive basis for agency action on that rule or for judicial review thereof.

(4) The record required in this section shall be maintained by the agency for a period of not less than one (1) year after the effective date of the rule.

SECTION 16. That Chapter 52, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5226, Idaho Code, and to read as follows:

67-5226. TEMPORARY RULES. (1) If an agency finds that:
   (a) it is reasonably necessary to protect the public health, safety, or welfare; or
   (b) compliance with deadlines in amendments to governing law or federal programs; or
   (c) conferring a benefit;
requires adoption of a rule upon fewer days' notice than that otherwise required in sections 67-5221 through 67-5224, Idaho Code, the agency may proceed with such notice as is practicable to adopt a temporary rule. The agency may make the temporary rule immediately effective. The agency shall incorporate the required finding and a concise statement of its supporting reasons in each rule adopted in reliance upon the provisions of this subsection.

(2) Any temporary rule adopted pursuant to subsection (1) of this section shall remain in effect no more than eighteen (18) weeks unless during that time the agency provides for the promulgation of the rule as otherwise required in this chapter. In the event that the agency has initiated but not completed the rulemaking process within the eighteen (18) week period, the temporary rule may be extended for an additional period not to exceed nine (9) weeks.

(3) Temporary rules shall be published in the first available
issue of the bulletin.

(4) Temporary rules are not subject to the requirements of section 67-5223, Idaho Code.

SECTION 17. That Chapter 52, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5227, Idaho Code, and to read as follows:

67-5227. VARIANCE BETWEEN FINAL RULE AND PROPOSED RULE. An agency may adopt a final rule that varies in content from that which was originally proposed if the subject matter of the rule remains the same and the original notice was written so as to assure that members of the public were reasonably notified of the subject of agency action in order for such members of the public to determine whether their interests could be affected by agency action on that subject.

SECTION 18. That Chapter 52, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5228, Idaho Code, and to read as follows:

67-5228. EXEMPTION FROM REGULAR RULEMAKING PROCEDURES. An agency may amend a final rule to correct typographical errors, transcription errors, or clerical errors when the amendments are approved by the coordinator. Such amendments become effective without compliance with regular rulemaking procedures upon publication in the bulletin.

SECTION 19. That Section 67-5203A, Idaho Code, be, and the same is hereby amended to read as follows:

67-5203A29. INCORPORATION BY REFERENCE. (1) An agency may incorporate by reference in its rules and without republication of the incorporated material in full, all or any part of a code, standard or regulation rule which has been adopted by an agency of the state or of the United States or by any nationally recognized organization or association, without republication of the incorporated material, but shall, if the incorporation of its text in the agency rules would be unduly cumbersome, expensive, or otherwise inexpedient. The agency shall, as part of the rulemaking:

(a) State on the face of or as a notation to regulations making such adoptions by reference the places note where copies of referred publications the incorporated material may be procured obtained; and

(b) Make copies of such referred publications available for public inspection and copying along with its other regulations; and

(c) Provide if otherwise unavailable, provide one (1) copy of the referred publication incorporated material to the state law library and to the director of the legislative council coordinator.

(2) If the agency subsequently wishes to incorporate amendments to referred publications previously incorporated material, it shall comply with notice and hearing provisions governing the original adop-
tion the rulemaking procedures of this chapter.

SECTION 20. That Section 67-5205, Idaho Code, be, and the same is hereby repealed.

SECTION 21. That Section 67-5206, Idaho Code, be, and the same is hereby amended to read as follows:

67-52306. PETITION FOR ADOPTION OF RULES. (1) Any interested person may petition an agency requesting the promulgation adoption, amendment, or repeal of a rule. Each agency shall prescribe the form for petitions and the procedure for their submission, consideration, and disposition. Within 30 twenty-eight (28) days after submission of a petition, the agency shall either:
   (a) deny the petition in writing, stating its reasons for the denial, or
   (b) initiate rule-making proceedings in accordance with section 67-5203 this chapter.
   (2) An agency decision denying a petition is a final agency action.

SECTION 22. That Chapter 52, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5231, Idaho Code, and to read as follows:

67-5231. INVALIDITY OF RULES NOT ADOPTED IN COMPLIANCE WITH THIS CHAPTER -- TIME LIMITATION. (1) Rules may be promulgated by an agency only when specifically authorized by statute. A final rule adopted after July 1, 1993, is voidable unless adopted in substantial compliance with the requirements of this chapter.
   (2) A proceeding, either administrative or judicial, to contest any rule on the ground of noncompliance with the procedural requirements of this chapter must be commenced within two (2) years from the effective date of the rule.

SECTION 23. That Section 67-5208, Idaho Code, be, and the same is hereby amended to read as follows:

67-520832. DECLARATORY RULINGS BY AGENCIES. (1) Each agency shall provide the form for the filing and prompt disposition of petitions for a declaratory ruling. Any person may petition an agency for a declaratory ruling as to the applicability of any statutory provision or of any rule or order of the agency.
   (2) A petition for a declaratory ruling does not preclude an agency from initiating a contested case in the matter.
   (3) Rulings disposing of petitions have the same status as agency decisions or orders in contested cases. A declaratory ruling issued by an agency under this section is a final agency action.

67-5233 -- 67-5239. [RESERVED.]
same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5240, Idaho Code, and to read as follows:

67-5240. CONTESTED CASES. A proceeding by an agency, other than the public utilities commission or the industrial commission, that may result in the issuance of an order is a contested case and is governed by the provisions of this chapter, except as provided by other provisions of law.

SECTION 25. That Chapter 52, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5241, Idaho Code, and to read as follows:

67-5241. INFORMAL DISPOSITION. (1) Unless prohibited by other provisions of law:
   (a) an agency or a presiding officer may decline to initiate a contested case;
   (b) any part of the evidence in a contested case may be received in written form if doing so will expedite the case without substantially prejudicing the interests of any party;
   (c) informal disposition may be made of any contested case by negotiation, stipulation, agreed settlement, or consent order. Informal settlement of matters is to be encouraged;
   (d) the parties may stipulate as to the facts, reserving the right to appeal to a court of competent jurisdiction on issues of law.
   (2) An agency or a presiding officer may request such additional information as required to decide whether to initiate or to decide a contested case as provided in subsection (1) of this section.
   (3) If an agency or a presiding officer declines to initiate or decide a contested case under the provisions of this section, the agency or the officer shall furnish a brief statement of the reasons for the decision to all persons involved.
   (4) The agency may not abdicate its responsibility for any informal disposition of a contested case. Disposition of a contested case as provided in this section is a final agency action.

SECTION 26. That Section 67-5209, Idaho Code, be, and the same is hereby amended to read as follows:

67-520942. CONTESTED CASES----NOTICE----PROCEDURE AT HEARING ----REGSRRBS. (a) In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice.
   (b) The notice that shall include:
      (1) a statement of the time, place, and nature of the hearing;
      (2) a statement of the legal authority and jurisdiction under which the hearing is to be held; and
      (3) a reference to the particular sections of the statutes and rules involved;
      (4) a short and plain statement of the matters asserted or the issues involved. If the agency or other party is unable to state
the-matters-in-detail-at-the-time-the-notice-is-served;--the--initial--notice-may-be-limited-to-a-statement-of-the-issues-involved.
Thereafter-upon-application-a-more-definite-and-detailed-statement
shall-be-furnished.
(c)--Opportunity-shall-be- afforded--all--parties--to--respond--and
present-evidence-and-argument-on-all-issues-involved;
(d)--Unless--precluded-by-law,-informal-disposition-may-be-made-of
any-contested-case--by--stipulation;--agreed-settlement;--consent
order;--or-default;
(e)--The-record-in-a-contested-case-shall-includet
(f)--all-pleadings;--motion;--intermediate-rulings
(g)--evidence-received-or-considered;
(h) --a-statement-of-matters-officially-noticed;
(i) --questions--and--offers--of--proof;--objections;--and--rulings
thereon;
(j) --proposed-findings-and-exceptions;
(k) --any--decision;--opinion;--or-report-by-the-officer-presiding-at
the-hearing;
(l) --all-staff-memoranda-or-data-submitted-to-the-hearing--officer
or-members-of-the-agency-in-connection-with-their-consideration-of
the-case;
(m) --Any--party--may--request--in-writing-five-(5)--days-before-any
hearing-in-a-contested-case-that-the-oral-proceedings--thereof--be
taken--in-the-form-of-stenographic-notes.--Any-party-may-have-such
stenographic-notes-of-the-oral-proceedings;--or-any-part--thereof;
transcribed-at-his-own-expense;
(n) --Findings--of--fact--shall-be-based-exclusively-on-the-evidence
and-on-matters-officially-noticed;
(2) The agency head, one (1) or more members of the agency head,
or one (1) or more hearing officers may, in the discretion of the
agency head, be the presiding officer at the hearing.
(3) At the hearing, the presiding officer:
(a) Shall regulate the course of the proceedings to assure that
there is a full disclosure of all relevant facts and issues,
including such cross-examination as may be necessary.
(b) Shall afford all parties the opportunity to respond and pres­
ent evidence and argument on all issues involved, except as
restricted by a limited grant of intervention or by a prehearing
order.
(c) May give nonparties an opportunity to present oral or written
statements. If the presiding officer proposes to consider a
statement by a nonparty, the presiding officer shall give all par­
ties an opportunity to challenge or rebut it and, on motion of any
party, the presiding officer shall require the statement to be
given under oath or affirmation.
(d) Shall cause the hearing to be recorded at the agency's
expense. Any party, at that party's expense, may have a tran­
script prepared or may cause additional recordings to be made dur­
ing the hearing if the making of the additional recording does not
cause distraction or disruption.
(e) May conduct all or part of the hearing by telephone, televi­
sion, or other electronic means, if each participant in the hear­
ing has an opportunity to participate in the entire proceeding
while it is taking place.

(4) If a party fails to attend any stage of a contested case, the presiding officer may serve upon all parties notice of a proposed default order. The notice shall include a statement of the grounds for the proposed order. Within seven (7) days after service of the proposed order, the party against whom it was issued may file a written petition requesting the proposed order to be vacated. The petition shall state the grounds relied upon. The presiding officer shall either issue or vacate the default order promptly after the expiration of the time within which the party may file a petition. If the presiding officer issues a default order, the officer shall conduct any further proceedings necessary to complete the adjudication without the participation of the party in default and shall determine all issues in the adjudication, including those affecting the defaulting party.

SECTION 27. That Chapter 52, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5243, Idaho Code, and to read as follows:

67-5243. ORDERS NOT ISSUED BY AGENCY HEAD. (1) If the presiding officer is not the agency head, the presiding officer shall issue either:

(a) a recommended order, which becomes a final order only after review by the agency head in accordance with section 67-5244, Idaho Code; or

(b) a preliminary order, which becomes a final order unless reviewed in accordance with section 67-5245, Idaho Code.

(2) The order shall state whether it is a preliminary order or a recommended order.

(3) Unless otherwise provided by statute or rule, any party may file a motion for reconsideration of a recommended order or a preliminary order within fourteen (14) days of the issuance of that order. The presiding officer shall render a written order disposing of the petition. The petition is deemed denied if the presiding officer does not dispose of it within twenty-one (21) days after the filing of the petition.

SECTION 28. That Chapter 52, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5244, Idaho Code.

67-5244. REVIEW OF RECOMMENDED ORDERS. (1) A recommended order shall include a statement of the schedule for review of that order by the agency head or his designee. The agency head shall allow all parties to file exceptions to the recommended order, to present briefs on the issues, and may allow all parties to participate in oral argument.

(2) Unless otherwise required, the agency head shall either:

(a) issue a final order in writing within fifty-six (56) days of the receipt of the final briefs or oral argument, whichever is later, unless the period is waived or extended with the written consent of all parties or for good cause shown;

(b) remand the matter for additional hearings; or
(c) hold additional hearings.

(3) The agency head on review of the recommended decision shall exercise all the decision-making power that he would have had if the agency head had presided over the hearing.

SECTION 29. That Section 67-5211, Idaho Code, be, and the same is hereby repealed.

SECTION 30. That Chapter 52, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5245, Idaho Code, and to read as follows:

67-5245. REVIEW OF PRELIMINARY ORDERS. (1) A preliminary order shall include:
(a) a statement that the order will become a final order without further notice; and
(b) the actions necessary to obtain administrative review of the preliminary order.

(2) The agency head, upon his own motion may, or, upon motion by any party shall, review a preliminary order, except to the extent that:
(a) another statute precludes or limits agency review of the preliminary order; or
(b) the agency head has delegated his authority to review preliminary orders to one (1) or more persons.

(3) A petition for review of a preliminary order must be filed with the agency head, or with any person designated for this purpose by rule of the agency, within fourteen (14) days after the issuance of the preliminary order unless a different time is required by other provision of law. If the agency head on his own motion decides to review a preliminary order, the agency head shall give written notice within fourteen (14) days after the issuance of the preliminary order unless a different time is required by other provisions of law. The fourteen (14) day period for filing of notice is tolled by the filing of a petition for reconsideration under section 67-5243(3), Idaho Code.

(4) The basis for review must be stated on the petition. If the agency head on his own motion gives notice of his intent to review a preliminary order, the agency head shall identify the issues he intends to review.

(5) The agency head shall allow all parties to file exceptions to the preliminary order, to present briefs on the issues, and may allow all parties to participate in oral argument.

(6) The agency head shall:
(a) issue a final order in writing, within fifty-six (56) days of the receipt of the final briefs or oral argument, whichever is later, unless the period is waived or extended with the written consent of all parties, or for good cause shown;
(b) remand the matter for additional hearings; or
(c) hold additional hearings.

(7) The head of the agency or his designee for the review of preliminary orders shall exercise all of the decision-making power that
he would have had if the agency head had presided over the hearing.

SECTION 31. That Chapter 52, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5246, Idaho Code, and to read as follows:

67-5246. FINAL ORDERS -- EFFECTIVENESS OF FINAL ORDERS. (1) If the presiding officer is the agency head, the presiding officer shall issue a final order. (2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order. (3) If the presiding officer issued a preliminary order, that order becomes a final order unless it is reviewed as required in section 67-5245, Idaho Code. If the preliminary order is reviewed, the agency head shall issue a final order. (4) Unless otherwise provided by statute or rule, any party may file a motion for reconsideration of any final order issued by the agency head within fourteen (14) days of the issuance of that order. The agency head shall issue a written order disposing of the petition. The petition is deemed denied if the agency head does not dispose of it within twenty-one (21) days after the filing of the petition. (5) Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when: (a) the petition for reconsideration is disposed of; or (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days. (6) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient. (7) A nonparty shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order. (8) The provisions of this section do not preclude an agency from taking immediate action to protect the public interest in accordance with the provisions of section 67-5247, Idaho Code.

SECTION 32. That Chapter 52, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5247, Idaho Code, and to read as follows:

67-5247. EMERGENCY PROCEEDINGS. (1) An agency may act through an emergency proceeding in a situation involving an immediate danger to the public health, safety, or welfare requiring immediate agency action. The agency shall take only such actions as are necessary to prevent or avoid the immediate danger that justifies the use of emergency contested cases.
The agency shall issue an order, including a brief, reasoned statement to justify both the decision that an immediate danger exists and the decision to take the specific action. When appropriate, the order shall include findings of fact and conclusions of law.

The agency shall give such notice as is reasonable to persons who are required to comply with the order. The order is effective when issued.

After issuing an order pursuant to this section, the agency shall proceed as quickly as feasible to complete any proceedings that would be required if the matter did not involve an immediate danger.

Unless otherwise required by a provision of law, the agency record need not constitute the exclusive basis for agency action in emergency contested cases or for judicial review thereof.

SECTION 33. That Section 67-5212, Idaho Code, be, and the same is hereby amended to read as follows:

67-5212. CONTENTS OF ORDERS. (1) An final-decision-or order adverse-to-a-party-in-a-contested-case-shall must be in writing or-stated-in-the-record and shall include:

(a) A--final-decision-shall--include-findings-of-fact-and-conclus­ions-of-law,-separately-stated a reasoned statement in support of the decision. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts of record supporting the findings. In accordance-with-agency-rules,-a-party-submitted-proposed-findings of.--fact,-the--decision-shall--include-a-ruling-upon-each-proposed finding;

(b) a statement of the available procedures and applicable time limits for seeking reconsideration or other administrative relief.

(2) Findings of fact must be based exclusively on the evidence in the record of the contested case and on matters officially noticed in that proceeding.

(3) All Parties to the contested case shall be notified--either personally--or--by--mail provided with a copy of any decision or the order. Upon request a copy of the decision or order shall be delivered or-mailed-forthwith-to-each-party-and-to-his-attorney-of-record.

SECTION 34. That Chapter 52, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5249, Idaho Code, and to read as follows:

67-5249. AGENCY RECORD. (1) An agency shall maintain an official record of each contested case under this chapter for a period of not less than six (6) months after the expiration of the last date for judicial review, unless otherwise provided by law.

(2) The record shall include:

(a) all notices of proceedings, pleadings, motions, briefs, petitions, and intermediate rulings;

(b) evidence received or considered;

(c) a statement of matters officially noticed;

(d) offers of proof and objections and rulings thereon;
(e) the record prepared by the presiding officer under the provisions of section 67-5242, Idaho Code, together with any transcript of all or part of that record;
(f) staff memoranda or data submitted to the presiding officer or the agency head in connection with the consideration of the proceeding; and
(g) any recommended order, preliminary order, final order, or order on reconsideration.

(3) Except to the extent that this chapter or another statute provides otherwise, the agency record constitutes the exclusive basis for agency action in contested cases under this chapter or for judicial review thereof.

SECTION 35. That Section 67-5202, Idaho Code, be, and the same is hereby amended to read as follows:

67-52502. ADOPTION-OF-RULES—AVAILABLE-RULES—INDEXING OF PRECEDENTIAL AGENCY ORDERS. (a) In addition to other rule-making requirements—imposed—by Unless otherwise prohibited by any provision of law, each agency shall:
   1. adopt rules of practice setting forth the nature and requirements of all format and informal procedures available;
   2. make index all written final orders that the agency intends to rely upon as precedent. The index and the orders shall be available for public inspection all rules and all other written statements is—policy—or interpretations—formulated;—adopted;—or used by the agency in the discharge of its functions; and copying at cost in the main office and each regional or district office of the agency. The orders shall be indexed by name and subject.
   3. make available for public inspection all final orders, decisions and opinions;

(b) No agency rule, order, or decision is valid or effective against any person or party, nor may it be invoked by the agency for any purpose. A written final order may not be relied on as precedent by an agency to the detriment of any person until it has been made available for public inspection as herein required and indexed in the manner described in subsection (1) of this section. This provision is not applicable in favor of any person or party who has actual knowledge thereof.

SECTION 36. That Section 67-5210, Idaho Code, be, and the same is hereby amended to read as follows:

67-52510. RULES—OF EVIDENCE — OFFICIAL NOTICE. In—contested cases:
(1) The presiding officer may exclude evidence that is irrelevant, immaterial, or unduly repetitious evidence shall be excluded, or excludable on constitutional or statutory grounds, or on the basis of any evidentiary privilege provided by statute or recognized in the courts of this state. The rules of evidence—applied—non—jury civil cases in the district courts of this state shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted;
except where precluded by statute; All other evidence may be admitted if it is of a type commonly relied upon by prudent persons in the conduct of their affairs.

Agencies shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record; Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form:

(2) Any part of the evidence may be received in written form if doing so will expedite the hearing without substantially prejudicing the interests of any party.

(3) Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original if available.

(4) A party may conduct cross-examinations required for a full and true disclosure of the facts.

(4) Official notice may be taken of:

(a) any facts that could be judicially noticed in the courts of this state; and

(b) generally recognized technical or scientific facts within the agency's specialized knowledge.

(4) Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the specific facts or material noticed and the source thereof, including any staff memoranda or and data, and they shall. Notice should be provided either before or during the hearing, and must be provided before the issuance of any order that is based in whole or in part on facts or material noticed. Parties must be afforded an timely and meaningful opportunity to contest and rebut the facts or material so noticed. When the presiding officer proposes to notice staff memoranda or reports, a responsible staff member shall be made available for cross-examination if any party so requests.

(5) The agency's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence.

SECTION 37. That Chapter 52, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5252, Idaho Code, and to read as follows:

67-5252. PRESIDING OFFICER -- DISQUALIFICATION. (1) Except as provided in subsection (4) of this section, any person serving or designated to serve as presiding officer is subject to disqualification for bias, prejudice, interest, substantial prior involvement in the matter other than as a presiding officer, or any other cause provided in this chapter or any cause for which a judge is or may be disqualified.

(2) Any party may petition for the disqualification of a person:

(a) promptly after receipt of notice indicating that the person
will preside at the contested case; or
(b) promptly upon discovering facts establishing grounds for disqualification, whichever is later.
(3) A person whose disqualification is requested shall determine in writing whether to grant the petition, stating facts and reasons for the determination.
(4) Where disqualification of the agency head or a member of the agency head would result in an inability to decide a contested case, the actions of the agency head shall be treated as a conflict of interest under the provisions of section 59-704, Idaho Code.

SECTION 38. That Section 67-5213, Idaho Code, be, and the same is hereby amended to read as follows:

67-5213. EX PARTE CONSULTATIONS COMMUNICATIONS. Unless required for the disposition of ex parte matters specifically authorized by law statute, members or employees of an agency assigned to render a decision or to make findings of fact and conclusions of law a presiding officer serving in a contested case shall not communicate, directly or indirectly, in connection with regarding any substantive issue of fact in the proceeding, with any person or party, nor in connection with any issue of law, with any party or his representative, except upon notice and opportunity for all parties to participate in the communication. An agency member or employee may communicate with other members of the agency; and
(1) may have the aid and advice of one or more personal assistants.

SECTION 39. That Section 67-5214, Idaho Code, be, and the same is hereby amended to read as follows:

67-5214. LICENSES AGENCY ACTION AGAINST LICENSEES. (a) When the grant, denial, or renewal of a license is required to be preceded by notice and opportunity for hearing, the provisions of this act concerning contested cases apply. An agency shall not revoke, suspend, modify, annul, withdraw or amend a license or refuse to renew a license of a continuing nature when
(b) When a the licensee has made timely and sufficient application for the renewal of a license or a new license, unless the agency first gives notice and an opportunity for an appropriate contested case in accordance with the provisions of this chapter or other statute,
(2) When a the licensee has made timely and sufficient application for the renewal of a license with reference to any activity of a continuing nature, the existing license does not expire until the application has been finally determined by the agency, and, in case the application is denied or the terms of the new license limited, until the last day for seeking review of the agency order or a later date fixed by order of the a reviewing court.
(c) No revocation, suspension, annulment, or withdrawal of any license is lawful unless prior to the institution of agency proceedings, the agency gave notice by mail to the licensee of facts or conduct which warrant the intended action, and the licensee was given an opportunity to show compliance with all lawful requirements for the
retention of the license; if the agency finds that public health; safety; or welfare imperatively requires emergency action; and incorporates a finding to that effect in its order; summary suspension of a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

(3) This section does not preclude an agency from:
(a) taking immediate action to protect the public interest in accordance with section 67-5247, Idaho Code; or
(b) adopting rules, otherwise within the scope of its authority, pertaining to a class of licensees, including rules affecting the existing licenses of a class of licensees.

SECTION 40. That Chapter 52, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5255, Idaho Code, and to read as follows:

67-5255. DECLARATORY RULINGS BY AGENCIES. (1) Any person may petition an agency for a declaratory ruling as to the applicability of any order issued by the agency.
(2) A petition for a declaratory ruling does not preclude an agency from initiating a contested case in the matter.
(3) A declaratory ruling issued by an agency under this section is a final agency action.

67-5256 -- 67-5269. [RESERVED.]

SECTION 41. That Sections 67-5215 and 67-5216, Idaho Code, be, and the same are hereby repealed.

SECTION 42. That Chapter 52, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5270, Idaho Code, and to read as follows:

67-5270. RIGHT OF REVIEW. (1) Judicial review of agency action shall be governed by the provisions of this chapter unless other provision of law is applicable to the particular matter.
(2) A person aggrieved by final agency action other than an order in a contested case is entitled to judicial review under this chapter if the person complies with the requirements of sections 67-5271 through 67-5279, Idaho Code.
(3) A party aggrieved by a final order in a contested case decided by an agency other than the industrial commission or the public utilities commission is entitled to judicial review under this chapter if the person complies with the requirements of sections 67-5271 through 67-5279, Idaho Code.

SECTION 43. That Chapter 52, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5271, Idaho Code, and to read as follows:
67-5271. EXHAUSTION OF ADMINISTRATIVE REMEDIES. (1) A person is not entitled to judicial review of an agency action until that person has exhausted all administrative remedies required in this chapter.

(2) A preliminary, procedural, or intermediate agency action or ruling is immediately reviewable if review of the final agency action would not provide an adequate remedy.

SECTION 44. That Chapter 52, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5272, Idaho Code, and to read as follows:

67-5272. VENUE — FORM OF ACTION. Except when required by other provision of law, proceedings for review or declaratory judgment are instituted by filing a petition in the district court of the county in which:

(a) the hearing was held; or
(b) the final agency action was taken; or
(c) the aggrieved party resides; or
(d) the real property or personal property that was the subject of the agency decision is located.

SECTION 45. That Chapter 52, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5273, Idaho Code, and to read as follows:

67-5273. TIME FOR FILING PETITION FOR REVIEW. (1) A petition for judicial review of a final rule may be filed at any time, except as limited by section 67-5231, Idaho Code.

(2) A petition for judicial review of a final order or preliminary, procedural or intermediate agency action under section 67-5271(2), Idaho Code, must be filed within twenty-eight (28) days of the issuance of the order or, if reconsideration is sought, within twenty-eight (28) days after the decision thereon.

(3) A petition for judicial review of a final agency action other than a rule or order must be filed within twenty-eight (28) days of the agency action, except as provided by other provision of law. The time for filing a petition for review shall be extended during the pendency of the petitioner's timely attempts to exhaust administrative remedies, if the attempts are clearly not frivolous or repetitious.

SECTION 46. That Chapter 52, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5274, Idaho Code, and to read as follows:

67-5274. STAY. The filing of the petition for review does not itself stay the effectiveness or enforcement of the agency action. The agency may grant, or the reviewing court may order, a stay upon appropriate terms.

SECTION 47. That Chapter 52, Title 67, Idaho Code, be, and the
same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5275, Idaho Code, and to read as follows:

67-5275. AGENCY RECORD FOR JUDICIAL REVIEW. (1) Within forty-two (42) days after the service of the petition, or within further time allowed by the court, the agency shall transmit to the reviewing court the original or a certified copy of the agency record. The agency record shall consist of:
   (a) the record compiled under section 67-5225, Idaho Code, when the agency action was a rule;
   (b) the record compiled under section 67-5249, Idaho Code, when the agency action was an order; or
   (c) any agency documents expressing the agency action when the agency action was neither an order nor a rule.
   (2) By stipulation of all parties to the review proceedings, the record may be shortened. A party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs.
   (3) The court may require corrections to the record.

SECTION 48. That Chapter 52, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5276, Idaho Code, and to read as follows:

67-5276. ADDITIONAL EVIDENCE. (1) If, before the date set for hearing, application is made to the court for leave to present additional evidence and it is shown to the satisfaction of the court that the additional evidence is material, relates to the validity of the agency action, and that:
   (a) there were good reasons for failure to present it in the proceeding before the agency, the court may remand the matter to the agency with directions that the agency receive additional evidence and conduct additional factfinding.
   (b) there were alleged irregularities in procedure before the agency, the court may take proof on the matter.
   (2) The agency may modify its action by reason of the additional evidence and shall file any modifications, new findings, or decisions with the reviewing court.

SECTION 49. That Chapter 52, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5277, Idaho Code, and to read as follows:

67-5277. JUDICIAL REVIEW OF ISSUES OF FACT. Judicial review shall be conducted by the court without a jury. Unless otherwise provided by statute, judicial review of disputed issues of fact must be confined to the agency record for judicial review as defined in this chapter, supplemented by additional evidence taken pursuant to section 67-5276, Idaho Code.

SECTION 50. That Section 67-5207, Idaho Code, be, and the same is
hereby amended to read as follows:

67-52878. DECLARATORY JUDGMENT ON VALIDITY OR APPLICABILITY OF RULES. (1) The validity or applicability of a rule may be determined in an action for declaratory judgment in the district court of the county in which the petitioner's attorney resides, if it is alleged that the rule, or its threatened application interferes with or impairs, or threatens to interfere with or impair, the legal rights or privileges of the plaintiff petitioner.
(2) The agency shall be made a party to the action.
(3) A declaratory judgment may be rendered whether or not the plaintiff petitioner has requested the agency to pass upon the validity or applicability of the rule in question.

SECTION 51. That Chapter 52, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5279, Idaho Code, and to read as follows:

67-5279. SCOPE OF REVIEW -- TYPE OF RELIEF. (1) The court shall not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact.
(2) When the agency was not required by the provisions of this chapter or by other provisions of law to base its action exclusively on a record, the court shall affirm the agency action unless the court finds that the action was:
(a) in violation of constitutional or statutory provisions;
(b) in excess of the statutory authority of the agency;
(c) made upon unlawful procedure; or
(d) arbitrary, capricious, or an abuse of discretion.
If the agency action is not affirmed, it shall be set aside, in whole or in part, and remanded for further proceedings as necessary.
(3) When the agency was required by the provisions of this chapter or by other provisions of law to issue an order, the court shall affirm the agency action unless the court finds that the agency's findings, inferences, conclusions, or decisions are:
(a) in violation of constitutional or statutory provisions;
(b) in excess of the statutory authority of the agency;
(c) made upon unlawful procedure;
(d) not supported by substantial evidence on the record as a whole; or
(e) arbitrary, capricious, or an abuse of discretion.
If the agency action is not affirmed, it shall be set aside, in whole or in part, and remanded for further proceedings as necessary.
(4) Notwithstanding the provisions of subsections (2) and (3) of this section, agency action shall be affirmed unless substantial rights of the appellant have been prejudiced.

67-5280 -- 67-5290. [RESERVED.]

SECTION 52. That Section 67-5217, Idaho Code, be, and the same is hereby repealed.
SECTION 53. That Section 67-5218, Idaho Code, be, and the same is hereby amended to read as follows:

67-5218. COMMITTEE-ACTION LEGISLATIVE REVIEW OF ADOPTED RULES. The standing committees of the legislature may review adopted rules which have been published in the bulletin or in the administrative code. If reviewed, the standing committee to which reviewed the rules have been referred shall report to the membership of the body its findings and recommendations concerning its review of the rules. If ordered by the presiding officer, the report of the committee shall be printed in the journal. If the committee to which any rule shall have been referred, or any member of the legislature, shall be of the opinion that such rule is violative of the legislative intent of the statute under which such rule was made, or, if any rule previously promulgated and reviewed by the legislature shall be deemed violative of the legislative intent of the statute under which such rule was made, a concurrent resolution may be adopted rejecting, amending or modifying the same. Where an agency submits a rule or part of a rule which has been adopted or which has repealed or amended an already existing rule, the rejection or modification of the new rule by the legislature via concurrent resolution shall prevent the agency's intended action from remaining in effect beyond the date of the legislative action. It shall be the responsibility of the secretary of state to immediately notify the affected agency of the filing and effective date of any concurrent resolution enacted to amend, modify, or reject an agency rule and to transmit a copy of such concurrent resolution to the director of the agency for promulgation. The agency shall be responsible for implementing legislative intent as expressed in the concurrent resolution, including, as appropriate, the reinstatement of the prior rule, if any, in the case of legislative rejection of the new rule, or the incorporation of any legislative amendments to the new rule. The agency shall republish the rule in accordance with section 67-5285 the provisions of chapter 52, title 67, Idaho Code, reflecting the action taken by the legislature and the effective date thereof. Every rule promulgated within the authority conferred by law, and in accordance with the provisions of chapter 52, title 67, Idaho Code, shall be in full force and effect until the same is rejected, amended or modified by the legislature, or until it expires as provided in section 67-5219, Idaho Code.

SECTION 54. That Section 67-5219, Idaho Code, be, and the same is hereby amended to read as follows:

67-5219. EXPIRATION OF ADMINISTRATIVE RULES. (1) Notwithstanding any other provision of this chapter to the contrary, every rule adopted after June 30, 1990, shall automatically expire on July 1 of the following year unless such rule is extended by statute. Extended rules shall then continue to expire annually on July 1 of each succeeding year unless extended by statute in each such succeeding year.

(2) All rules adopted prior to June 30, 1990, shall expire on July 1, 1991, unless extended by statute. Thereafter, any such rules which are extended shall then continue to expire annually on July 1 of each succeeding year unless extended by statute in each succeeding...
year.

(3) Rules adopted pursuant to this chapter may be extended in whole or in part. When any part of an existing rule is amended, then that entire rule shall be subject to the provisions of this section.

(4) This section is a critical and integral part of this chapter. If any portion of this section or the application thereof to any person or circumstance is held invalid, the invalidity shall be deemed to affect all rules adopted subsequent to the effective date of this act and such rules shall be deemed null, void and of no further force and effect.

SECTION 55. That Section 33-105, Idaho Code, be, and the same is hereby amended to read as follows:

33-105. RULES AND REGULATIONS -- EXECUTIVE DEPARTMENT. (1) The state board shall have power to make rules and regulations for its own government and the government of its executive departments and offices; and, upon recommendations of its executive officers, to appoint to said departments and offices such specialists, clerks and other employees as the execution of duties may require, to fix their salaries and assign their duties.

(2) Statements of the state board of education and board of regents of the university of Idaho which relate to the curriculum of public educational institutions, to students attending or applicants to such institutions, or to the use and maintenance of land, equipment and buildings controlled by the respective institutions, are not rules and are not statements of general applicability for the purposes of chapter 52, title 67, Idaho Code.

(3) Notwithstanding any other provision of chapter 52, title 67, Idaho Code, the state board of education and board of regents of the university of Idaho shall be deemed to be in full compliance with the notice requirements of section 67-5221, Idaho Code, if:

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

(b) Notice of the intended action, accompanied by the full text of the rule under consideration prepared so as to indicate words added or deleted from the presently effective text, if any, is transmitted to the director of the legislative council at the same time that notice is given under paragraph (a) of this subsection.

The director of the legislative council shall refer the material under consideration to the germane joint subcommittee created in section 67-454, Idaho Code, to afford the subcommittee opportunity to submit data, views or arguments in writing to the board prior to the time for receiving comment as provided in paragraph (d) of this subsection; and

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

(d) At least fifteen (15) days prior to the scheduled date for
final action, the board shall mail to all persons who have made timely request in writing to the board and shall publish in an issue of the Idaho administrative bulletin a brief description of the intended action, or a concise summary of any statement of economic impact required pursuant to section 67-5223(3), Idaho Code, and shall note the time when, the place where, and the manner in which interested persons may present their views thereon; and

(e) Upon adoption of a rule, the board, if requested in writing to do so by an interested person either prior to adoption or within twenty-eight (28) days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption.

SECTION 56. That Section 36-105, Idaho Code, be, and the same is hereby amended to read as follows:

36-105. COMMISSION ORDERS AND REGULATIONS. (a) Adoption and Publication of Rules, Regulations and Orders. All rules, regulations and orders adopted pursuant to the provisions of this title shall be made in accordance with chapter 52, title 67, Idaho Code. Said rules, regulations, and orders may also be given such other publicity as the commission may deem desirable.

(b) Violation of Rules, Regulations and Orders. All rules, regulations and orders made as herein provided shall have full force and effect as law and any person violating any such rule, regulation, or order of the commission, adopted and published as herein set forth, shall be found guilty and punished as set forth in sections 36-1401 and 36-1402, Idaho Code.

(3) Notwithstanding any other provision of chapter 52, title 67, Idaho Code, the Idaho fish and game commission and the director of the Idaho fish and game department shall be deemed in full compliance with the notice provisions of section 67-5221, Idaho Code, when adopting, repealing, or amending any rule relating to setting of any season or limit on numbers, size, sex or species of wildlife classified by the commission as game animals, game birds, furbearers, and resident fish which may be taken in this state if:

(a) notice is published in the Idaho administrative bulletin at least fourteen (14) days prior to the effective date of the action; and

(b) notice is given to the director of the legislative council concurrent with publication in the bulletin.

When adopting, repealing, or amending any rule relating to setting of any season or limit on numbers, size, sex or species of wildlife classified by the commission as salmon, steelhead, or migratory birds which may be taken in this state, the Idaho fish and game commission and the director of the Idaho fish and game department shall be exempt from the provisions of section 67-5221, Idaho Code; however, after taking such action, the commission or the director shall cause a notice of such action to be published in the first available issue of the bulletin.

SECTION 57. That Section 63-514, Idaho Code, be, and the same is
hereby amended to read as follows:

63-514. PROCESS AND PROCEDURE BEFORE COMMISSION ---RULES AND REGULATIONS---DISTRIBUTION. Process and procedure before the state tax commission shall be as summary and simple as reasonably may be, and, as far as possible, in accordance with the rules of equity. The tax commission shall cause its rules and regulations to be printed in pamphlet form and shall cause a reasonable supply of the same to be delivered into the hands of the assessors of the several counties without charge. The state tax commission may make a charge to all others for each copy of the rules and regulations which charges shall not exceed the actual cost of printing the same plus the actual expense of the state tax commission for postage or other handling costs. Process and procedures before the state tax commission as the state board of equalization under chapters 6, 7 and 8, title 63, Idaho Code, and before the state tax commission for redetermination of taxes under section 63-3045 or 63-3631, Idaho Code, are not contested cases within the meaning of chapter 52, title 67, Idaho Code.

SECTION 58. That Chapter 15, 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 67-1509, Idaho Code, and to read as follows:

67-1509. ADMINISTRATIVE RULES. All administrative rules promulgated by the superintendent of public instruction shall be subject to the provisions of chapter 52, title 67, Idaho Code.

SECTION 59. That Section 72-1361, Idaho Code, be, and the same is hereby amended to read as follows:

72-1361. APPEALS TO THE EMPLOYMENT SECURITY AGENCY AND TO THE COMMISSION. Upon appeal from a denial of a claim for refund or credit, determination of amount due upon failure to report, determination of rate of contribution, determination of coverage, or jeopardy determination as provided by this act, the interested employer shall have opportunity for a fair hearing. The conduct of such hearings and appeal procedures shall be governed exclusively by the provisions of section 72-1368(f), (g), (h), (i) and (k), Idaho Code. The director may make special redeterminations as provided in subsection 72-1368(d), Idaho Code. The provisions of the Idaho administrative procedure act, chapter 52, title 67, Idaho Code, regarding contested cases and judicial review of contested cases are inapplicable to proceedings involving interested employers under this act.

SECTION 60. (1) Prior to May 1, 1993, every agency shall deposit with the coordinator a copy, either in printed or electronic media form as the coordinator may prescribe, together with a proper index, certified by the executive officer, chairman or secretary of the agency, of all administrative rules adopted by the agency which are in effect or which will be in effect on July 1, 1993, in default of which such administrative rules shall become invalid.

(2) Idaho administrative rules as published shall be the codifi-
cation specified in section 67-5204, Idaho Code. Publication of administrative rules may be commenced by the publication of individual titles or parts thereof of the manuscripts of administrative rules heretofore filed with the state law library. Except as otherwise provided in this section, such manuscripts of rules, as so amended and supplemented, shall be deemed the initial agency text of such rules for the purposes of this act.

SECTION 61. (1) Subsection (1) of section 60 of this act shall be in full force and effect on and after July 1, 1992, and additionally, the state auditor is authorized to appoint an administrative rules coordinator as soon as practical after July 1, 1992, and to declare such other sections of this act in full force and effect prior to July 1, 1993, as is necessary to effect an orderly publication of bulletins and the administrative code as soon after July 1, 1993, as possible.

(2) All other sections of this act shall be in full force and effect on and after July 1, 1993. Any rules and regulations in effect on June 30, 1993, and rules which are promulgated between July 1, 1993, and the publication of the Idaho administrative code, shall be in full force and effect until such administrative rules are published by the coordinator.

Approved April 8, 1992.

CHAPTER 264
(H.B. No. 722, As Amended in the Senate)

AN ACT
RELATING TO TIMBER SALES; AMENDING SECTION 58-407, IDAHO CODE, TO PROVIDE FOR A BOND TO BE PLACED WHEN AN ACTION IS BROUGHT FOR THE PURPOSE OF DELAYING OR PREVENTING THE CUTTING OR REMOVAL OF TIMBER BY THE PURCHASER AT A SALE DIRECTED BY THE STATE BOARD OF LAND COMMISSIONERS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 58-407, Idaho Code, be, and the same is hereby amended to read as follows:

58-407. BOND OF PERSONS CUTTING TIMBER. The state board of land commissioners shall require of all persons cutting timber upon state lands, a bond in a sufficient amount, with good and approved sureties, for the carrying out in good faith all the laws applicable thereto and all the terms and conditions imposed by the state board of land commissioners.

In any action or proceeding brought for the purpose of setting aside a sale of timber directed by the state board of land commissioners or brought for the purpose of delaying or preventing the cutting or removal of timber by the purchaser at any such sale, in which any party seeks a stay or seeks a temporary restraining order or preliminary injunction against the state board of land commissioners, the
state of Idaho or the purchaser, the court shall require security as
provided in rule 65(c) of the Idaho rules of civil procedure, in an
amount equal to not less than ten percent (10%) of either the
appraised value of the timber or the purchase price of the sale,
whichever is greater, for the benefit of the fund for which the state
holds in trust the timber included in the sale.

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

Approved April 8, 1992.

CHAPTER 265
(H.B. No. 750)

AN ACT
RELATING TO MEDICAL EXPENSES OF A DEPENDENT CHILD; AMENDING CHAPTER
12, TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
32-1215, IDAHO CODE, PROVIDING FOR ENFORCEMENT OF A SUPPORT ORDER
DIRECTING THE PAYMENT OF MEDICAL EXPENSES OF A DEPENDENT CHILD,
PROVIDING THE PROCEDURE FOR COMMENCING AN ACTION FOR ENFORCEMENT,
PROVIDING FOR FILING OF A MOTION AND AFFIDAVIT AND SPECIFYING THE
CONTENTS OF THE AFFIDAVIT, PROVIDING FOR NOTICE AND HEARING, PRO­
VIDING FOR ENTRY OF AN ORDER BY THE COURT, AND PROVIDING A DEFINI­
TION.

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

SECTION 1. That Chapter 12, 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 32-1215, Idaho Code, and to read as
follows:

32-1215. ORDER FOR PAYMENT OF MEDICAL EXPENSES. (1) A proceeding
to enforce a support order directing the payment of medical expenses
of a dependent child may be commenced as provided in section 32-1204,
Idaho Code.

(2) The petition or motion may be filed by an obligee when medi­
cal expenses not otherwise covered by insurance have been incurred in
the amount of one hundred dollars ($100) or more, or when insurance
premiums, deductibles, or payments on submitted claims for which pay­
ment or reimbursement is claimed to be due from the obligor equal or
exceed one hundred dollars ($100). The petition or motion shall
include a sworn statement by the obligee, stating the facts authoriz­
ing the issuance of the order, including:
(a) An itemization of the medical expenses, including a specific
reference to any insurance premiums, deductibles, or payments on
submitted claims for which payment or reimbursement is sought from
the obligor;
(b) Whether such expenses have been submitted to any applicable
insurance carrier or other third party payer and the results of such submission;
(c) That the obligor, stating his or her name, residence and social security number has failed or refused to pay the medical expenses or to reimburse the obligee therefor;
(d) A description of the terms of the support order requiring payment of the medical expenses claimed to be due.
(3) Upon the filing of a petition or motion and affidavit containing the information required in subsection (2) of this section, the clerk of the court shall set a hearing thereon. The obligee shall serve a copy of the petition or motion, accompanying affidavit and notice of hearing on the obligor at least ten (10) days before the date set for hearing, by personal service or certified mail, pursuant to the Idaho rules of civil procedure.
(4) After hearing, the court shall enter its order directing payment of the specific sums, if any, for which the obligor is found to be liable for previously incurred medical expenses. In addition, if the court determines that some or all of the medical expenses of the dependent child are of an ongoing or recurring nature and the anticipated amounts thereof are capable of determination to the satisfaction of the court, the court may order payment to the obligee of a specific sum per month toward such expenses.
(5) For purposes of this section "medical expenses" mean any and all costs and expenses related to the health care of a dependent child, including insurance premiums and any deductible amounts, all or a portion of which are ordered to be paid by the obligor in addition to any amount awarded as child support, pursuant to a support order.

Approved April 8, 1992.

CHAPTER 266
(H.B. No. 753)

AN ACT
RELATING TO THE CATASTROPHIC HEALTH CARE COST PROGRAM; AMENDING SECTION 31-3517, IDAHO CODE, TO PROVIDE THAT THE ADMINISTRATOR OF THE CATASTROPHIC HEALTH CARE COST PROGRAM SHALL REQUEST APPROPRIATIONS; TO PROVIDE THAT EACH COUNTY SHALL MAKE A PAYMENT TO THE CATASTROPHIC HEALTH CARE COST ACCOUNT, AND TO PROVIDE FOR PAYMENTS FROM THE REVENUE SHARING ACCOUNT IF A COUNTY DOES NOT PAY.

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

SECTION 1. That Section 31-3517, Idaho Code, be, and the same is hereby amended to read as follows:

31-3517. ESTABLISHMENT OF A CATASTROPHIC HEALTH CARE COST PROGRAM. (1) The governing board of the catastrophic health care cost program created by the counties pursuant to a joint exercise of powers agreement, dated October 1, 1984, and serving on June 30, 1991, is hereby continued as such through December 31, 1992, to complete the affairs of the board, to continue to pay for those medical costs
incurred by participating counties prior to October 1, 1991, until all costs are paid or the moneys in the catastrophic health care cost account contributed by participating counties are exhausted, and to pay the balance of such contributions back to the county of origin in the proportion contributed.

(2) Commencing October 1, 1991, a catastrophic health care cost program board is hereby established, and the board shall be the administrator of the catastrophic health care cost program. This board shall consist of seven (7) members, with six (6) county commissioners, one (1) from each of the six (6) districts or regions established by the Idaho association of counties, and one (1) member appointed by the governor.

(a) The commissioner members shall be elected by the boards of county commissioners of the member counties of each district or region, with each board of county commissioners entitled to one (1) vote. The process and procedures for conducting the election and determining the members shall be determined by the board itself, except that the election must be conducted, completed and results certified by December 31 of each year in which an election for members is conducted. The board recognized in subsection (1) of this section shall authorize and conduct the election in 1991.

(b) The term of office of a member shall be two (2) years, commencing on January 1 next following election or appointment, except that for commissioner members elected in 1991, the commissioner members from districts or regions 1, 3 and 5 shall serve for a term of one (1) year, and the commissioner members from districts or regions 2, 4 and 6 shall serve for a term of two (2) years. Members may be reelected or reappointed. Election or appointment to fill vacancies shall be for the balance of the unexpired term.

(c) Members shall be compensated as provided in section 59-509(b), Idaho Code, from the catastrophic health care cost account.

(d) At the first meeting of the board in January of each year, the board shall organize by electing a chair, a vice-chair, and such other officers as desired.

(3) The administrator is authorized to contract with a health insurance company, group health services organization or other provider of third party payment for health services authorized to do business in this state, or to establish a self-insurance fund in order to implement a catastrophic health care costs program.

The contract shall provide that the health insurance company, group health service organization or other third party payer, shall, for consideration, which shall be set by the administrator, assume the risk of providing for recipients under the catastrophic health care cost provisions of this chapter.

The administrator shall develop rules for a catastrophic health care cost program after consulting with the counties, organizations representing the counties, health care providers, and organizations representing health care providers.

The administrator shall cause an independent, certified audit of the program, including the operations of the catastrophic health care cost account to be performed annually, and the audit shall be submit-
ted by the administrator, with an annual report of the program, to the
Idaho Association of Counties and the legislature. The report shall be
filed not later than the fifteenth day of the legislative session with
the germane committees of the senate and the house of representatives.

(4) The administrator shall submit a request to the governor and
the legislature in accordance with the provisions of chapter 35, title
67, Idaho Code, for an appropriation for the maintenance and operation
of the catastrophic health care program.

SECTION 2. (1) Each county is hereby authorized and directed to
pay from its charity and indigent fund to the administrator of the
catastrophic health care cost account created in section 57-813, Idaho
Code, by not later than February 1, 1993, for deposit in the cata­
strophic health care cost account, the amount listed below:

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<th>County</th>
<th>Amount</th>
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Madison County 94,696
Minidoka County 77,444
Nez Perce County 135,016

Oneida County 13,968
Owyhee County 33,568
Payette County 65,736
Power County 28,344
Shoshone County 55,724

Teton County 13,756
Twin Falls County 214,320
Valley County 24,436
Washington County 34,200

(2) On February 1, 1993, the administrator shall inform the state auditor if any county has failed to make the payments in full as required in subsection (1) of this section. If any county has failed to make the full payment, the state auditor is hereby authorized and directed to reduce the payments from the revenue sharing account, specifically as provided in section 63-3638(g)(2), Idaho Code, otherwise due to the county in arrears by the amount of underpayment, and to transfer such unpaid amount or amounts to the catastrophic health care cost account, and such amounts are hereby appropriated from the revenue sharing account to the catastrophic health care cost account.

Approved April 8, 1992.

CHAPTER 267
(H.B. No. 756)

AN ACT
RELATING TO THE IDAHO HOUSING TRUST FUND; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 81, TITLE 67, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO DEFINE TERMS, TO PROVIDE FOR THE USE OF FUNDS FOR LOANS AND GRANT PROJECTS TO PROVIDE HOUSING, TO PROVIDE ELIGIBLE ACTIVITIES, TO PROVIDE FOR ELIGIBLE ORGANIZATIONS, TO PROVIDE FOR NOTICE OF GRANT AND LOAN APPLICATIONS, TO PROVIDE CRITERIA FOR EVALUATION, TO PROVIDE FOR AN ADVISORY COMMISSION, TO PROVIDE THAT THE IDAHO HOUSING AGENCY SHALL IMPLEMENT THE ALLOCATION PLAN, TO PROVIDE FOR PRECONSTRUCTION TECHNICAL ASSISTANCE, AND TO PROVIDE FOR COMPLIANCE MONITORING.

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 81, Title 67, Idaho Code, and to read as follows:
CHAPTER 81
IDAHO HOUSING TRUST FUND

67-8101. PURPOSE. The legislature finds that current economic conditions, federal housing policies and declining resources at the federal, state, and local level adversely affect the ability of low-income and very low-income persons to obtain safe, decent and affordable housing.

The legislature further finds that the state will lose substantial sums allocated to it by the federal government for affordable housing for low-income and very low-income households under the home program and similar funding programs unless matching funds are provided.

The legislature declares that it is therefore in the public interest to provide for a continuously renewable resource known as a housing trust fund from the private and/or public moneys to assist low-income and very low-income citizens in meeting their basic housing needs, and that the needs of very low-income citizens should be given priority.

67-8102. DEFINITIONS. As used in this chapter:
(1) "Advisory commission" means the housing trust fund advisory commission established in section 67-8106, Idaho Code.
(2) "Advocacy organization" means a not-for-profit organization which conducts, in part or in whole, activities to influence public policy on behalf of low-income or very low-income households.
(3) "Agency" means the Idaho housing agency.
(4) "Allocation plan" means the plan, approved and revised annually by the advisory commission, providing for the method and priorities of allocation of housing trust fund moneys and providing the procedures for loan and grant application for housing trust fund moneys.
(5) "Community-based organization" means a not-for-profit entity whose governing body includes a majority of members who reside in the community served by the organization.
(6) "Director" means the executive director of the Idaho housing agency.
(7) "Home program" means the housing funding program authorized under title II of the Cranston-Gonzalez national affordable housing act (P.L. 101-625).
(8) "Housing trust fund" means the moneys transmitted to the agency by state, federal, local or private sources, and so designated for such purpose.
(9) "Low-income household" means a single person, family or unrelated persons living together whose adjusted income is more than fifty percent (50%), but less than eighty percent (80%), of the median income of the area of residence, adjusted for family size, as such adjusted income and median income for the area are determined from time to time by the United States department of housing and urban development for purposes of the home program, or if such program ceases to be funded, then for purposes of section 8 of the U.S. housing act of 1937.
(10) "Very low-income household" means a single person, family or unrelated persons living together whose adjusted income is not more than fifty percent (50%) of the median income of the area of resi-
dence, adjusted for family size, as such adjusted income and median income for the area are determined from time to time by the United States department of housing and urban development for purposes of the home program, or if such program ceases to be funded, then for purposes of section 8 of the U.S. housing act of 1937.

67-8103. USE OF FUNDS FOR LOANS AND GRANT PROJECTS TO PROVIDE HOUSING -- ELIGIBLE ACTIVITIES. (1) The agency shall use at least seventy-five percent (75%) of funds from the housing trust fund to assist very low-income households.

(2) Activities eligible for assistance include, but are not limited to:
   (a) New construction, rehabilitation, or acquisition of housing units for occupancy by low income and very low-income households;
   (b) Rent subsidies in new construction or rehabilitated multifamily units for low-income and very low-income households;
   (c) Matching funds for social services directly related to providing housing for special-need tenants in assisted projects for low-income and very low-income households;
   (d) Technical assistance, design and finance services and consultation and administrative costs for eligible nonprofit community or neighborhood-based organizations;
   (e) Administrative costs for housing assistance groups or organizations which provide housing when such grant or loan will substantially increase the recipient's access to housing funds other than those available under this chapter;
   (f) Shelters and related services for the homeless;
   (g) Mortgage subsidies for new construction or rehabilitation of eligible multifamily units for low-income and very low-income households;
   (h) Mortgage insurance or guarantees for eligible projects for low-income and very low-income households;
   (i) Acquisition of housing units for the purpose of preservation as housing for low-income and very low-income households; and
   (j) The agency may use money from the housing trust fund account to match federal, local, or private money, including without limitation the home program funds, to be used for projects authorized under this chapter.

(3) The agency may use money from the the housing trust fund account to pay reasonable expenses incurred in connection with the provisions of this chapter.

67-8104. ELIGIBLE ORGANIZATION. Organizations that may receive assistance from the agency under the provisions of this chapter are local governments, local housing authorities, nonprofit community or neighborhood-based organizations, and regional or statewide nonprofit housing assistance or advocacy organizations, and for-profit housing developers.

67-8105. NOTICE OF GRANT AND LOAN APPLICATION PERIOD -- PRIORITIES -- CRITERIA FOR EVALUATION. (1) During each calendar year in which funds are available for use by the agency from the housing trust fund, the agency shall announce to all known interested parties and
through major media in each of the seven (7) planning regions of the state, the grant and loan application period specified in the current allocation plan of the advisory commission in the manner specified in the allocation plan.

(2) The agency shall give preference for applications based on the following criteria or other criteria:

(a) The degree funds will be used to match other funds;
(b) Recipient contributions to total project costs and contributions from other sources such as professional, craft and trade services, as well as lender interest rate subsidies;
(c) Local government project contributions in the form of infrastructure improvements, fee waivers and others;
(d) Projects that encourage ownership, management, and other project-related responsibility opportunities for tenants;
(e) Projects that demonstrate a strong probability of serving the original target group or income level for a period of at least forty (40) years;
(f) The demonstrated ability, stability and resources to implement the project;
(g) Projects which demonstrate serving the greatest need;
(h) Projects that provide housing for persons and families with the lowest incomes; and
(i) Projects to be owned by nonprofit organizations.

67-8106. ADVISORY COMMISSION. There is hereby created the Idaho housing trust fund advisory commission. The advisory commission shall consist of seven (7) members, appointed by the governor. At least two (2) members shall be representatives of advocacy organizations or community-based organizations engaged in the development or operation of housing for low-income and very low-income households. Two (2) of the members shall represent the real estate brokers, one (1) member from the Idaho association of realtors, and one (1) member from the Idaho real estate commission, One (1) member shall represent the agency; one (1) member shall represent the Idaho department of commerce; and one (1) member shall represent the Idaho department of health and welfare. The advisory commission shall, if possible, have at least one (1) member from each of the seven (7) planning regions of the state. Members appointed to the commission shall serve a term of two (2) years. However, four (4) members first appointed under the provisions of this chapter shall serve a term of one (1) year, and three (3) members shall serve a term of two (2) years. Individual terms shall be chosen by lot at the initial meeting of the advisory commission.

Members of the advisory commission shall not be entitled to compensation, but shall receive reimbursement for actual and reasonable expenses incurred in the performance of their duties.

The advisory commission shall meet at least annually and its duties and responsibilities are:

(1) To review and approve annually an allocation plan and a proposed budget therefor submitted by the agency setting forth priorities, policies and procedures for the year's expenditure of housing trust fund moneys, including policies which assure equitable distribution of funds statewide;
(2) Prior to approving the allocation plan, to publish notice of the proposed plan, requesting written comments thereon and holding one (1) or more public hearings thereon to solicit public comment;
(3) To monitor and review all allocations of funds under the housing trust fund;
(4) To make recommendations to the legislature for further legislation that may be necessary in the area of affordable housing.

67-8107. AGENCY TO IMPLEMENT THE ALLOCATION PLAN. The agency shall implement the procedures and policies as set forth in the allocation plan and may use its discretion in interpreting the allocation plan. The agency shall not be required to implement an allocation plan of the advisory commission which it deems to be too costly to administer or which the agency deems not consistent with its legislative mandate under the provisions of chapter 62, title 67, Idaho Code.

67-8108. PRECONSTRUCTION TECHNICAL ASSISTANCE. (1) The agency may use moneys from the housing trust fund to provide preconstruction technical assistance to eligible recipients seeking to construct, rehabilitate, or finance housing-related services for the low-income and very low-income persons. In so doing, the agency shall emphasize providing preconstruction technical assistance services to rural areas and small cities and towns. The agency may contract with nonprofit organizations to provide this technical assistance. The agency may contract for any of the following services:
(a) Financial planning and packaging for housing projects, including alternative ownership programs, such as limited equity partnerships and syndications;
(b) Project design, architectural planning and siting;
(c) Compliance with planning requirements;
(d) Securing matching resources for project developments;
(e) Maximizing local government contributions to project development in the form of land donations, infrastructure improvements, waivers of development fees, locally and state-managed funds, zoning variances, or creative local planning;
(f) Coordination with local planning, economic development, and environmental, social service and recreational activities;
(g) Construction and materials management; and
(h) Project maintenance and management.
(2) The agency may publish requests for proposals which specify contract performance standards, award criteria and contractor requirements. In evaluating proposals, the agency shall consider the ability of the contractor to provide technical assistance to low-income and very low-income persons and to persons with special housing needs.

67-8109. COMPLIANCE MONITORING. The director shall monitor the activities of recipients of grants and loans under the provisions of this chapter to determine compliance with the terms and conditions set forth in its application or stated by the agency in connection with the grant or loan.

Approved April 8, 1992.
CHAPTER 268
(H.B. No. 757)

AN ACT
RELATING TO REGISTRATION OF IMPLEMENTS OF HUSBANDRY; AMENDING SECTION 49-108, IDAHO CODE, TO REDEFINE "GROSS COMBINATION WEIGHT RATING (GCWR)" TO EXCLUDE IMPLEMENTS OF HUSBANDRY AS TOWED UNITS SUBJECT TO REGISTRATION; AND AMENDING SECTION 49-426, IDAHO CODE, TO CLARIFY THAT IMPLEMENTS OF HUSBANDRY SHALL NOT BE CONSIDERED AS TOWED UNITS IN THE REGISTRATION OF VEHICLES BY GROSS COMBINATION WEIGHT RATING.

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. DEFINITIONS -- G.
(1) "Good cause" means the failure of a dealer to comply with reasonable performance criteria established by a manufacturer, if the dealer was apprised by the manufacturer, in writing, of that failure; and
   (a) The notification stated that notice was provided of failure of performance;
   (b) The dealer was afforded a reasonable opportunity, for a period of not less than six (6) months, to comply with the criteria; and
   (c) The dealer did not demonstrate substantial progress toward compliance with the performance criteria of the manufacturer during the period.
(2) "Gross combination weight rating (GCWR)" means the value specified by the manufacturer as the maximum loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon or registered weight rating whichever is greater. Towed units shall not include implements of husbandry.
(3) "Gross vehicle weight rating (GVWR)" means the value specified by the manufacturer as the maximum loaded weight of a single vehicle or registered weight rating, whichever is greater.
(4) "Gross weight" means the weight of a vehicle without load plus the weight of any load on that vehicle.
(5) "Group of vehicles" is one motor vehicle operated under its own motive power with one (1) motor vehicle in tow, or one or more motor vehicles in tow in saddlemount fashion, providing that saddlemounting meets the requirements prescribed by the United States department of transportation.

SECTION 2. That Section 49-426, Idaho Code, be, and the same is hereby amended to read as follows:

49-426. EXEMPTIONS FROM OPERATING FEES. The provisions of this
chapter with respect to operating fees shall not apply to:

(1) Motor vehicles owned or leased by the United States, the state, a city, a county, any department thereof, or to any political subdivision or municipal corporation of the state, any taxing district of the state, or any organization, whether incorporated or unincorporated, organized for the operation, maintenance, or management of an irrigation project or irrigation works or system or for the purpose of furnishing water to its members or shareholders, but in other respects shall be applicable.

(2) 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, nor shall implements of husbandry be considered towed units under registration of vehicle combinations as defined in section 49-108(2), Idaho Code. 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 67-7101, 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 49-619, Idaho Code.

Approved April 8, 1992.

CHAPTER 269
(H.B. No. 763)

AN ACT
RELATING TO THE LOCAL PLANNING ACT; AMENDING SECTION 67-6502, IDAHO CODE, TO PROVIDE AN ADDITIONAL PURPOSE; AMENDING SECTION 67-6508, IDAHO CODE, TO PROVIDE FURTHER PLANNING DUTIES REGARDING SCHOOL FACILITIES AND SCHOOL TRANSPORTATION; AMENDING SECTION 67-6509, IDAHO CODE, TO PROVIDE FOR NOTICE OF INTENT TO CHANGE A PLAN; AMENDING SECTION 67-6511, IDAHO CODE, TO PROVIDE FOR CONSIDERATION OF THE IMPACT ON SCHOOLS; AMENDING SECTION 67-6512, IDAHO CODE, TO PROVIDE CONDITIONS ON SPECIAL USE PERMITS REGARDING SCHOOLS; AMENDING SECTION 67-6513, IDAHO CODE, TO ALLOW FOR MITIGATION FACTORS FOR SCHOOLS IN ORDINANCES; AND AMENDING SECTION 67-6520, IDAHO CODE, TO EMPOWER HEARING EXAMINERS TO HEAR SPECIAL USE MATTERS.

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

SECTION 1. That Section 67-6502, Idaho Code, be, and the same is hereby amended to read as follows:
67-6502. PURPOSE. The purpose of this act shall be to promote the health, safety, and general welfare of the people of the state of Idaho as follows:

(a) To protect property rights and enhance property values.
(b) To ensure that adequate public facilities and services are provided to the people at reasonable cost.
(c) To ensure that the economy of the state and localities is protected and enhanced.
(d) To ensure that the important environmental features of the state and localities are protected and enhanced.
(e) To encourage the protection of prime agricultural, forestry, and mining lands for production of food, fibre, and minerals.
(f) To encourage urban and urban-type development within incorporated cities.
(g) To avoid undue concentration of population and overcrowding of land.
(h) To ensure that the development on land is commensurate with the physical characteristics of the land.
(i) To protect life and property in areas subject to natural hazards and disasters.
(j) To protect fish, wildlife, and recreation resources.
(k) To avoid undue water and air pollution.
(l) To allow local school districts to participate in the community planning and development process so as to address public school needs and impacts on an ongoing basis.

SECTION 2. That Section 67-6508, Idaho Code, be, and the same is hereby amended to read as follows:

67-6508. PLANNING DUTIES. It shall be the duty of the planning or planning and zoning commission to conduct a comprehensive planning process designed to prepare, implement, and review and update a comprehensive plan, hereafter referred to as the plan. The plan shall include all land within the jurisdiction of the governing board. The plan shall consider previous and existing conditions, trends, desirable goals and objectives, or desirable future situations for each planning component. The plan with maps, charts, and reports shall be based on the following components unless the plan specifies reasons why a particular component is unneeded.

(a) Population -- A population analysis of past, present, and future trends in population including such characteristics as total population, age, sex, and income.
(b) School Facilities and Transportation -- An analysis of public school capacity and transportation considerations associated with future development.
(c) Economic Development -- An analysis of the economic base of the area including employment, industries, economies, jobs, and income levels.
(d) Land Use -- An analysis of natural land types, existing land covers and uses, and the intrinsic suitability of lands for uses such as agriculture, forestry, mineral exploration and extraction, preservation, recreation, housing, commerce, industry, and public facilities. A map shall be prepared indicating suitable projected land uses
for the jurisdiction.

(d) Natural Resource -- An analysis of the uses of rivers and other waters, forests, range, soils, harbors, fisheries, wildlife, minerals, thermal waters, beaches, watersheds, and shorelines.

(e) Hazardous Areas -- An analysis of known hazards as may result from susceptibility to surface ruptures from faulting, ground shaking, ground failure, landslides or mudslides; avalanche hazards resulting from development in the known or probable path of snowslides and avalanches, and floodplain hazards.

(f) Public Services, Facilities, and Utilities -- An analysis showing general plans for sewage, drainage, power plant sites, utility transmission corridors, water supply, fire stations and fire fighting equipment, health and welfare facilities, libraries, solid waste disposal sites, schools, public safety facilities and related services. The plan may also show locations of civic centers and public buildings.

(g) Transportation -- An analysis showing the general locations and widths of a system of major traffic thoroughfares and other traffic ways, and of streets and the recommended treatment thereof. This component may also make recommendations on building line setbacks, control of access, street naming and numbering, and a proposed system of public or other transit lines and related facilities including rights-of-way, terminals, viaducts and grade separations. The component may also include port, harbor, aviation, and other related transportation facilities.

(h) Recreation -- An analysis showing a system of recreation areas, including parks, parkways, trailways, river bank greenbelts, beaches, playgrounds, and other recreation areas and programs.

(i) Special Areas or Sites -- An analysis of areas, sites, or structures of historical, archeological, architectural, ecological, wildlife, or scenic significance.

(j) Housing -- An analysis of housing conditions and needs; plans for improvement of housing standards; and plans for the provision of safe, sanitary, and adequate housing.

(k) Community Design -- An analysis of needs for governing landscaping, building design, tree planting, signs, and suggested patterns and standards for community design, development, and beautification.

(l) Implementation -- An analysis to determine actions, programs, budgets, ordinances, or other methods including scheduling of public expenditures to provide for the timely execution of the various components of the plan.

Nothing herein shall preclude the consideration of additional planning components or subject matter.

SECTION 3. That Section 67-6509, Idaho Code, be, and the same is hereby amended to read as follows:

67-6509. RECOMMENDATION AND ADOPTION, AMENDMENT, AND REPEAL OF THE PLAN. (a) The planning or planning and zoning commission, prior to recommending the plan, amendment, or repeal of the plan to the governing board, shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place
and a summary of the plan to be discussed shall be published in the official newspaper or paper of general circulation within the jurisdiction. The commission shall also make available a notice to other papers, radio and television stations serving the jurisdiction for use as a public service announcement. Notice of intent to adopt, repeal or amend the plan shall be sent to all political subdivisions providing services within the planning jurisdiction, including school districts, at least fifteen (15) days prior to the public hearing scheduled by the commission. Following the commission hearing, if the commission makes a material change in the plan, further notice and hearing shall be provided before the commission forwards the plan with its recommendation to the governing board. A record of the hearings, findings made, and actions taken shall be maintained.

(b) The governing board, prior to adoption, amendment, or repeal of the plan, shall conduct at least one (1) public hearing using the same notice and hearing procedures as the commission. The governing board shall not hold a public hearing, give notice of a proposed hearing, nor take action upon the plan, amendments, or repeal until recommendations have been received from the commission. Following the hearing of the governing board, if the governing board makes a material change in the plan, further notice and hearing shall be provided before the governing board adopts the plan.

(c) No plan shall be effective unless adopted by resolution or ordinance by the governing board. An ordinance enacting a plan or part of a plan may be adopted, amended, or repealed by reference as provided for in sections 31-715 and 50-901, Idaho Code, three (3) copies of which shall be on file with the city clerk or county clerk.

(d) Any person may petition the commission or, in absence of a commission, the governing board, for a plan amendment at any time. The commission may recommend amendments to the plan to the governing board not more frequently than every six (6) months to correct errors in the original plan or to recognize substantial changes in the actual conditions in the area. The commission may recommend amendments to other ordinances authorized by this chapter to the governing board at any time.

SECTION 4. 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. Particular consideration shall be given to the effects of any proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction.

(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, or would result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction, the request shall be submitted to the planning or planning and zoning commission or, in absence of a commission, the governing board, which shall recommend and the governing board may adopt or reject an amendment to the plan under the notice and hearing procedures provided in section 67-6509, Idaho Code. After the plan has been amended, the zoning ordinance may then be amended as provided for under section 67-6511(b), Idaho Code.

(d) If a governing board adopts a zoning classification pursuant to a request by a property owner based upon a valid, existing comprehensive plan and zoning ordinance, the governing board shall not subsequently reverse its action or otherwise change the zoning classification of said property without the consent in writing of the current property owner for a period of four (4) years from the date the governing board adopted said individual property owner's request for a zoning classification change. If the governing body does reverse its action or otherwise change the zoning classification of said property during the above four (4) year period without the current property owner's consent in writing, the current property owner shall have standing in a court of competent jurisdiction to enforce the provisions of this section.

SECTION 5. That Section 67-6512, Idaho Code, be, and the same is hereby amended to read as follows:
67-6512. SPECIAL USE PERMITS, CONDITIONS, AND PROCEDURES. (a) As part of a zoning ordinance each governing board may provide by ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided under section 67-6509, Idaho Code, for the processing of applications for special or conditional use permits. A special use permit may be granted to an applicant if the proposed use is otherwise prohibited by the terms of the ordinance, but may be allowed with conditions under specific provisions of the ordinance, subject to the ability of political subdivisions, including school districts, to provide services for the proposed use, and when it is not in conflict with the plan.

(b) Prior to granting a special use permit, at least one (1) public hearing in which interested persons shall have an opportunity to be heard shall be held. At least fifteen (15) days prior to the hearing, notice of the time and place, and a summary of the proposal shall be published in the official newspaper or paper of general circulation within the jurisdiction. Notice may also be made available to other newspapers, radio and television stations serving the jurisdiction for use as a public service announcement. Notice shall be posted on the premises not less than one (1) week prior to the hearing. Notice shall also be provided to property owners or purchasers of record within the land being considered, three hundred (300) feet of the external boundaries of the land being considered, and any additional area that may be substantially impacted by the proposed special use as determined by the commission.

(c) 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 mailed notice.

(d) Upon the granting of a special use permit, conditions may be attached to a special use permit including, but not limited to, those:

(a1) Minimizing adverse impact on other development;

(b2) Controlling the sequence and timing of development;

(c3) Controlling the duration of development;

(d4) Assuring that development is maintained properly;

(e5) Designating the exact location and nature of development;

(f6) Requiring the provision for on-site or off-site public facilities or services;

(g7) Requiring more restrictive standards than those generally required in an ordinance;

(h8) Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.

(e) Prior to granting a special use permit, studies may be required of the social, economic, fiscal, and environmental effects of the proposed special use. A special use permit shall not be considered as establishing a binding precedent to grant other special use permits. A special use permit is not transferrable from one parcel of land to another.

SECTION 6. That Section 67-6513, Idaho Code, be, and the same is hereby amended to read as follows:
67-6513. SUBDIVISION ORDINANCE. Each governing board shall pro-
vide, by ordinance adopted, amended, or repealed in accordance with
the notice and hearing procedures provided under section 67-6509, 
Idaho Code, for standards and for the processing of applications for 
subdivision permits under sections 50-1301 through 50-1329, Idaho 
Code. Each such ordinance may provide for mitigation of the effects of 
subdivision development on the ability of political subdivisions of 
the state, including school districts, to deliver services without 
compromising quality of service delivery to current residents or 
imposing substantial additional costs upon current residents to accom-
modate the proposed subdivision.

SECTION 7. That Section 67-6520, Idaho Code, be, and the same is 
hereby amended to read as follows:

67-6520. HEARING EXAMINERS. Hearing examiners include profession-
ally trained or licensed staff planners, engineers, or architects. If 
authorized by local ordinance adopted, amended, or repealed in accor-
dance with the notice and hearing procedures provided in section 
67-6509, Idaho Code, hearing examiners may be appointed by a governing 
board or zoning or planning and zoning commission for hearing applica-
tions for subdivision, special use and variance permits and requests 
for zoning district boundary changes which are in accordance with the 
plan. Notice, hearing, and records before the examiner shall be as 
provided in this chapter for the zoning or planning and zoning commis-
sion. Whenever a hearing examiner hears an application, he shall rec-
ommend to the governing board or zoning or planning and zoning commis-
sion that the application be granted or denied and shall specify:

(a) the ordinance and standards used in evaluating the applica-
tion;
(b) the reasons for recommendation; and
(c) the actions, if any, that the applicant could take to obtain 
a permit or zoning district boundary change in accordance with the 
plan.

An applicant denied a permit or aggrieved by a decision may within 
sixty (60) days after all remedies have been exhausted under local 
ordinance seek judicial review under the procedures provided by sec-
tions 67-5215(b) through (g) and 67-5216, Idaho Code.

Approved April 8, 1992.

CHAPTER 270
(H.B. No. 770)

AN ACT
RELATING TO THE RESOURCE CONSERVATION AND RANGELAND DEVELOPMENT 
ACCOUNT; AMENDING SECTION 14-413, IDAHO CODE, TO PROVIDE A NAME 
CHANGE FOR THE ACCOUNT; AMENDING SECTION 22-2728, IDAHO CODE, TO 
PROVIDE THAT GRANTS MAY BE MADE FROM THE ACCOUNT; AMENDING SECTION 
22-2729, IDAHO CODE, TO PROVIDE A NAME CHANGE FOR THE ACCOUNT, AND 
TO PROVIDE THAT GRANTS MAY BE MADE FROM THE ACCOUNT; AMENDING SEC-
TION 22-2730, IDAHO CODE, TO PROVIDE A NAME CHANGE FOR THE ACCOUNT; AMENDING SECTION 22-2731, IDAHO CODE, TO PROVIDE A NAME CHANGE FOR THE ACCOUNT, AND TO PROVIDE THAT MONEYS IN THE ACCOUNT MAY BE ALLOCATED FOR USE BY ELIGIBLE APPLICANTS; AMENDING SECTION 22-2732, IDAHO CODE, TO PROVIDE THAT ELIGIBLE APPLICANTS MAY FILE FOR LOANS FROM THE ACCOUNT, TO PROVIDE A NAME CHANGE FOR THE ACCOUNT, AND TO PROVIDE FOR PROMISSORY NOTES; AMENDING CHAPTER 27, TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 22-2733, IDAHO CODE, TO PROVIDE THAT GRANTS MAY BE MADE FROM THE ACCOUNT, AND TO PROVIDE CONDITIONS FOR MAKING GRANTS.

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

SECTION 1. That Section 14-413, Idaho Code, be, and the same is hereby amended to read as follows:

14-413. DISTRIBUTION OF RECEIPTS. The 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:

(1) 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 commission to the appropriate counties not less than quarterly, and shall be credited to the county current expense fund.

(2) 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 commission under the terms and provisions of this act.

(3) The balance remaining after distributing the amounts in subsections (1) and (2) of this section shall be distributed as follows:

(a) Ten percent (10%) shall be distributed to the resource conservation and rangeland development loan account created in section 22-2730, Idaho Code; and

(b) The remainder shall be distributed to the water pollution control account.

SECTION 2. That Section 22-2728, Idaho Code, be, and the same is hereby amended to read as follows:

22-2728. DECLARATION OF POLICY -- DESIGNATION OF SOIL CONSERVA TION DISTRICTS AND SOIL CONSERVATION COMMISSION. (a) The legislature recognizes and finds:

(1) That it is essential to the general welfare of all citizens
of this state and it is in the public interest that multiple use conservation improvements should be implemented on a broader scale on both public and private lands in the state;

(2) That due to numerous economic and practical problems, relating to the improvement of individual tracts of land both public and private, insufficient attention has been given to resource conservation and improvement;

(3) That rangeland and other agricultural land improvement projects of the nature contemplated by this act would enhance the economic productivity and environmental quality of the state; and

(4) That it appears to be sound public policy for the state of Idaho to provide for a revolving account to provide loans or grants to the end that rangelands and other agricultural lands within the state can be made to provide the greatest benefits to all concerned.

(b) The purposes of this act are to provide a means whereby funds, including federal, state, private, or other moneys, can be obtained and utilized for the accelerated development of multiple use rangeland and other agricultural land conservation improvements in the state and to provide that these improvements be planned, coordinated, and implemented through existing statutory provisions pertaining to soil conservation districts and the state soil conservation commission and through the administrative direction and supervision of the state soil conservation commission in cooperation with appropriate federal and state agencies and the owners and operators of privately-owned lands.

SECTION 3. That Section 22-2729, Idaho Code, be, and the same is hereby amended to read as follows:

22-2729. ADDITIONAL POWERS. (a) In addition to the powers, functions, and duties of the soil conservation districts and state soil conservation commission previously provided for in this chapter, these districts and the commission shall have the following additional powers, functions, and duties:

(1) The districts shall conduct, in cooperation with appropriate federal and state agencies and the owners and operators of privately-owned rangelands and other agricultural lands in this state, conservation improvements on or in respect to these lands for the purposes of implementing conservation systems to conserve and improve natural resource conditions;

(2) The commission shall assist and advise the districts in implementing the conservation improvements and shall within the funds available provide loans or grants from the resource conservation and rangeland development loan account for funding of selected conservation improvements;

(3) The commission shall determine whether funds are available before approving any conservation improvements and after having made such determination shall enter into the necessary contracts for this implementation;

(4) The Idaho soil conservation commission shall be the agency for administration of funds accruing to the resource conservation and rangeland development program loan account, and may receive up
to four percent (4%) of the moneys accruing to the account to be appropriated annually for the purpose of administering loans or grants authorized pursuant to this section;

(5) The commission shall promulgate such rules and regulations as are necessary to carry out the purposes of this act.

SECTION 4. That Section 22-2730, Idaho Code, be, and the same is hereby amended to read as follows:

22-2730. RESOURCE CONSERVATION AND RANGELAND DEVELOPMENT LOAN ACCOUNT CREATED. (a) There is hereby created in the agency asset an account to be known as the Idaho resource conservation and rangeland development loan account, which shall consist of all moneys which may be appropriated to it by the legislature or made available to it from federal, private, or other sources. The state treasurer is directed to invest all unobligated moneys in the account. All interest and other income accruing from such investments shall accrue to the account. The soil conservation commission may expend from the account such sums as it shall deem necessary for any of the conservation improvements provided for under this act under such terms and conditions provided for in its rules and regulations.

SECTION 5. That Section 22-2731, Idaho Code, be, and the same is hereby amended to read as follows:

22-2731. ALLOCATION OF FUND. (a) The Idaho resource conservation and rangeland development loan account shall be allocated for use:

(1) By the commission to individuals eligible applicants for conservation improvements which it deems to be "in the public interest" in such amounts as are necessary for the implementation of conservation measures identified in a conservation plan.

(2) By the commission to individuals eligible applicants for the purpose of conservation improvements on rangelands, agricultural lands, and riparian lands, which will provide environmental enhancement to soil, water, wildlife, and related resources.

SECTION 6. That Section 22-2732, Idaho Code, be, and the same is hereby amended to read as follows:

22-2732. LOANS FROM ACCOUNT — APPLICATION — APPROVAL — REPAYMENT. (a) Any individual Eligible applicants may file an application with the local soil conservation district for a loan from the account for the purpose of financing conservation improvement cost. Such application shall be filed in such a manner, and shall be in such form, and be accompanied by such information as may be prescribed by the commission; provided, however, that any such application filed with the district under the provisions of this act shall:

(1) Describe the nature and purposes of the improvements.

(2) Set forth or be accompanied by a conservation plan approved by the local soil conservation district which identifies the conservation improvements, together with such engineering and economic feasibility data and estimated costs of construction as may be required by the commission.
(3) State whether money other than that for which application is made under this act will be used for improvement costs, and whether such money is available or has been sought for this purpose.

(4) Show that the applicant holds or can acquire title to all lands or has necessary easements and rights of way for the improvements.

(5) Show the proposed project is feasible from an engineering standpoint and economically justified.

(b) Within sixty (60) days of receipt of an application, the local soil conservation district shall review and evaluate, and if it deems necessary, investigate all aspects of the proposed improvements. As part of such investigation, the district shall determine whether the plan for development of the conservation improvements is satisfactory. If the district determines the plan is unsatisfactory, it shall return the application to the applicant and the district may make such recommendations to the applicant as are considered necessary to make the plan satisfactory. If the district determines the plan is satisfactory, it shall assign a priority to the application and forward the application to the commission with a recommendation for funding.

(c) The commission may approve a loan for conservation improvements if after review, evaluation, and investigation if necessary, finds that:

1. The applicant is qualified and responsible;
2. There is reasonable assurance that the borrower can repay the loan;
3. That money in the resource conservation and rangeland development loan account is available for the loan;
4. That the loan will not result in a condition whereby the applicant has a loan liability in excess of fifty thousand dollars ($50,000) pursuant to this act.

(d) If the commission approves a loan, the commission and applicant shall enter--into--an--agreement execute a promissory note for repayment to the account of money loaned therefrom, together with interest not to exceed six percent (6%) annually as determined by the commission. The agreement note shall further provide that repayment of the loan, together with interest thereon, shall commence not later than two (2) full years from the date the agreement note is signed. Repayment shall be completed within the time period specified by the commission not to exceed fifteen (15) years calculated from the date the agreement is signed, except that the commission may extend the time for making repayment in event of emergency or hardship. Such agreement shall also provide for such assurance of, and security for, repayment of the loan as are considered necessary by the commission.

(e) If an applicant fails to comply with the repayment contract, the interest in the improvement may be conveyed to a successor upon approval by the commission, which may contract with the qualified successor in interest of the original obligor for repayment of the loan, together with interest thereon, and for succession to its rights and obligation in any contract with the commission.

SECTION 7. That Chapter 27, 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 22-2733, Idaho Code, and to read as follows:

22-2733. GRANTS FROM ACCOUNT -- APPLICATION -- APPROVAL -- GRANT AGREEMENT. (a) Eligible applicants may file an application with the local soil conservation district for a grant from the account for the purpose of financing demonstration project costs for improving rangeland and riparian areas. Such application shall be filed in such a manner and shall be in such form, and be accompanied by such information as may be prescribed by the commission; provided, however, that any such application filed with the district under the provisions of this section shall:

1. Describe the nature and purpose of the project.
2. Set forth or be accompanied by a project plan approved by the local soil conservation district which identifies the practices to be applied, together with such engineering and economic feasibility data and estimated costs of construction as may be required by the commission.
3. State whether money other than that for which application is made under this section will be used for project costs, and whether such money is available or has been sought for this purpose.
4. Show that the applicant holds or can acquire title to all lands or has necessary easements and rights of way to implement the project plan.

(b) Within sixty (60) days of receipt of an application, the local soil conservation district shall review and evaluate, and if it deems necessary, investigate all aspects of the proposed improvements. As part of such investigation, the district shall determine whether the project plan is satisfactory. If the district determines that the plan is unsatisfactory, it shall return the application to the applicant and the district may make such recommendations to the applicant as are considered necessary to make the plan satisfactory. If the district determines the plan is satisfactory, it shall assign a priority to the application and forward the application to the commission with a recommendation for funding.

(c) The commission may approve a grant if after review, evaluation, and investigation if necessary, it finds that:
1. The applicant is qualified and responsible.
2. The project demonstrates public benefits.
3. That money in the resource conservation and rangeland development account is available for the grant.
(d) If the commission approves a grant, the commission applicant shall enter into an agreement covering the grant offer and acceptance of the grant for implementing the project plan. The agreement shall be project specific. The terms and conditions shall be those specified by the commission.

Approved April 8, 1992.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 6, Title 25, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 25-618, Idaho Code, and to read as follows:

25-618. BISON -- MANAGEMENT OF DISEASED ANIMALS. (1) The legislature finds that significant potential exists for the spread of contagious disease to persons, livestock and other animals in Idaho, and in particular, the spread of brucellosis to livestock, elk, moose and other susceptible animals from bison emigrating into Idaho from Yellowstone national park and its environs. It is the purpose of the provisions of this section to provide for the management or eradication of bison which have not been reduced to captivity and which pose a threat to persons, livestock or other animals through the transmission of contagious disease, and to prescribe the duties of the department of agriculture with respect thereto.

(2) When estrayed or migratory bison exposed to or affected with brucellosis or other communicable disease determined by the department to pose a significant threat to persons, livestock or other animals, enter into or are otherwise present within the state of Idaho, one (1) of the following actions will be taken by the department:

(a) The live bison may be physically removed by the safest and most expeditious means from within the state boundaries. This means may include, but is not limited to, capture, trucking, hazing/aversion or delivery to a slaughterhouse approved by the department. This shall constitute the action of choice if at all feasible.

(b) If live bison cannot safely or by reasonable and permanent means be removed from the state as provided in paragraph (a) of this subsection, they may be destroyed where they stand by the use of firearms. If firearms cannot be used with due regard for human safety and public and private property, the bison shall be relocated to a danger free area and destroyed by any practicable means of euthanasia, including the use of firearms.

(c) When bison of necessity or unintentionally are killed through actions of the department, the carcass remains will be disposed of by the most economical means possible. This may include but is not
limited to burying, incineration, rendering or field dressing for
delivery to a departmentally approved slaughterhouse or slaughter
destination.
(3) The department shall promulgate such rules and regulations
pursuant to chapter 52, title 67, Idaho Code, as it deems necessary to
implement the provisions of this section.
(4) Upon the request of the department of agriculture, the
department of fish and game shall cooperate with and assist the
department of agriculture in accomplishing the requirements of this
section.
Approved April 8, 1992.

CHAPTER 272
(H.B. No. 773, As Amended)

AN ACT
RELATING TO A WOLF ENVIRONMENTAL IMPACT STATEMENT; AMENDING SECTION
36-715, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT OF FISH AND
GAME MAY PARTICIPATE WITH THE UNITED STATES FISH AND WILDLIFE SER­
VICE AND UNITED STATES FOREST SERVICE IN THE PREPARATION OF AN
ENVIRONMENTAL IMPACT STATEMENT REGARDING WOLF RECOVERY IN IDAHO
THROUGH MAY 13, 1993; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 36-715, Idaho Code, be, and the same is
hereby amended to read as follows:

36-715. DUTIES OF THE DEPARTMENT OF FISH AND GAME REGARDING THE
ENDANGERED SPECIES ACT. (1) Since wolf/dog hybridizations are known to
exist within Idaho and these hybrids are not protected by the United
States endangered species act, a biological evaluation shall be
required of the animal to determine species priority before the
department of fish and game may take any action in accordance with the
United States endangered species act.
(2) The department of fish and game shall not be authorized to
expend funds, transfer assets or enter into a cooperative agreement
with any agency, department or entity of the United States government
concerning wolves unless expressly authorized by state statute except
that the department is authorized to provide a representative to par­
ticipate on the northern rocky mountain wolf recovery team and to par­
ticipate in activities regarding nuisance wolves.
(3) If a wolf is sighted, the burden of proof concerning the
reported presence of the wolf within Idaho shall rest with the
observer and the department of fish and game shall take no action to
enforce the United States endangered species act regarding wolves in
absence of that proof.
(4) From the effective date of this act through May 13, 1993, the
department of fish and game is authorized to enter into cooperative
agreements with the United States fish and wildlife service and the
United States forest service to receive and expend federal funds for the purpose of participating in the preparation of an environmental impact statement regarding wolf recovery in Idaho per the wolf environmental impact statement participation plan dated February, 1992.

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

Approved April 8, 1992.

CHAPTER 273
(H.B. No. 777)

AN ACT RELATING TO COMMERCIAL FISHERIES; AMENDING TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 46, TITLE 22, IDAHO CODE, TO PROVIDE DEFINITIONS, TO PROVIDE FOR LICENSING AND INSPECTION OF COMMERCIAL FISHERIES BY THE DEPARTMENT OF AGRICULTURE, TO PROVIDE FOR PROMULGATION OF RULES AND REGULATIONS BY THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE, TO PROVIDE FOR PENALTIES, AND TO ESTABLISH THE COMMERCIAL FISHERIES ACCOUNT; REPEALING SECTION 36-702, IDAHO CODE; AND AMENDING SECTION 42-4204, IDAHO CODE, TO CHANGE A STATUTORY REFERENCE.

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

SECTION 1. That Title 22, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 46, Title 22, Idaho Code, and to read as follows:

CHAPTER 46
COMMERCIAL FISH FACILITIES

22-4601. DEFINITIONS. As used in this chapter:
(1) "Commercial fish facility" means any facility, hatchery, pond, lake or stream or any other waters where fish are held, raised or produced for sale, but shall not include facilities used for the propagation of fish commonly considered as ornamental or aquarium varieties.
(2) "Department" means the Idaho department of agriculture.
(3) "Director" means the director of the department of agriculture.
(4) "Person" means an individual, partnership, corporation, company or other business entity and any agent or officer of any partnership, corporation, company or other business entity.

22-4602. LICENSE REQUIRED -- PURCHASES -- INSPECTIONS. (1) No person shall obtain, possess, preserve, or propagate fish in this state for the purpose of selling the same unless he has first secured a commercial fish rearing license from the director. Such license may
be issued by the director upon his finding that:

(a) Such commercial facility is not constructed in or across any natural streambed, lake or other watercourse containing wild fish.
(b) Any dam constructed to divert water into said facility meets all the requirements of section 36-906(a), Idaho Code.
(c) All water inlets to said facility are screened in the manner provided in section 36-906(b), Idaho Code.
(d) The application for such license is made upon a form provided by the department which sets forth such reasonable information as may be required by the director.
(e) The effluent control facilities have been approved by the legally designated state and federal agencies.
(f) The approved application is accompanied by a license fee of twenty-five dollars ($25.00).

(2) A valid license must be obtained for each separate location. Licenses shall expire February 1 in each even-numbered year; biennially thereafter.

(3) A receipt shall be issued to each purchaser identifying the hatchery source and specifying the numbers and species of fish and the date of sale for all sales from fish ponds for a fee and for the sale of live fish for stocking destined for release as wild fish in private or public waters.

(4) The director may, from time to time, inspect a licensed facility to determine conformity of the facility with the licensing requirements of this section and for purposes of determining the species of fish being propagated at the facility.

22-4603. RULES AND REGULATIONS. The director is authorized to promulgate rules and regulations in accordance with chapter 52, title 67, Idaho Code, for the administration and implementation of this chapter including, but not limited to, rules and regulations concerning onsite inspections, standards for maintenance of fish health and standards for marketing. The director is further authorized to develop and conduct research programs addressing environmental issues and other issues related to the industry. In the development of such rules, regulations and programs, the director shall consult with representatives of commercial fisheries and the aquaculture industry.

22-4604. PENALTIES. Any person violating the provisions of this chapter or any rule or regulation promulgated by the director pursuant thereto shall be subject to an administrative penalty not to exceed one thousand dollars ($1,000) for each offense. In addition to or in lieu of such penalty, the director is authorized to suspend for up to one (1) year or revoke any license issued hereunder. Proceedings under this section shall be conducted in the manner provided for contested cases in chapter 52, title 67, Idaho Code. If the department is unable to collect any administrative penalty assessed hereunder, or if any person fails to pay all or a portion of the administrative penalty assessed hereunder, the department may recover such amount by action in the appropriate district court.

Penalties collected for violations under this section shall be deposited in the commercial fisheries account.
22-4605. COMMERCIAL FISHERIES ACCOUNT. License fees and penalties collected under section 22-4604, Idaho Code, and any other moneys received by the department for research or other purposes related to commercial fisheries or aquaculture shall be deposited in the commercial fisheries account which is hereby created in the state treasury. Moneys in the account shall be used solely for carrying out the provisions of this chapter.

SECTION 2. That Section 36-702, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Section 42-4204, Idaho Code, be, and the same is hereby amended to read as follows:

42-4204. BOARD OF DIRECTORS -- COMPOSITION -- APPOINTMENT OF FIRST BOARD -- ELECTION OF SUBSEQUENT BOARDS. (1) The board of directors of the aquifer recharge district shall consist of five (5) members. Each member shall be a water user, or representative of a water user within the district. The members of the board shall be as follows:

(a) one (1) member shall be a member of a lateral ditch water user's association, canal company, irrigation district or similar organization;
(b) one (1) member shall be an owner or operator of a commercial fish hatchery licensed in accordance with the provisions of section 36-702 22-4602, Idaho Code;
(c) one (1) member shall be a farmer or rancher who is an appropriator of groundwater and whose diversion thereof is accomplished primarily through the operation of a well or wells;
(d) one (1) member shall be a member of the city council of a municipality within the district;
(e) one (1) member shall be generally representative of the interests of water users 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 three (3) members shall serve for a term of two (2) years and two (2) members shall serve for a term of one (1) year. Thereafter, members shall serve two (2) year terms and shall be elected as hereinafter provided.

(4) On the last Monday in March following the expiration of the term of those members serving for one (1) year, and on the last Monday in March of each year thereafter, an election shall be held at which directors to succeed those whose terms have expired will be elected. Each director so elected shall possess the qualifications required of all members of the board and in addition shall possess the qualifications of the director whom he is to succeed in office.

Approved April 8, 1992.
AN ACT
RELATING TO EMPLOYEE POSITIONS IN STATE GOVERNMENT; AMENDING SECTION 67-3519, IDAHO CODE, TO PROVIDE THAT AUTHORIZED BUT UNFILLED POSITIONS SHALL BE DECLARED NULL AND VOID.

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

SECTION 1. That Section 67-3519, Idaho Code, be, and the same is hereby amended to read as follows:

67-3519. EMPLOYEE POSITIONS — PROCEDURE FOR FILLING. (1) In addition to any powers, duties, functions and responsibilities of the division of financial management expressed elsewhere in this code, the division shall establish a list of employee positions for which funds are available from the allotment of appropriated funds to each appointing authority. A position is defined as a specific job normally held by one (1) employee. This list shall contain the title of each position and the pay grade of the position. No appointing authority, except those in the legislative and judicial departments, shall fill a new position without first obtaining the approval of the division and then obtaining proper classification from the personnel commission for positions in the classified service. No appointing authority, except those in the legislative and judicial departments, may increase the pay grade of a position by reclassification or any other means without the approval of the personnel commission for pay grade level and without the approval of the division for sufficiency of funds in the allotment of the appointing authority to meet the proposed change. Appointing authorities in preparation of budget requests shall include exact position control numbers in justification of salaries and other compensation and must assign position control numbers to proposed new positions prior to budget submission. A list of additions, deletions and changes during the first six (6) months of the current fiscal year and projections for the second six (6) months of the current fiscal year of the positions so controlled shall be furnished by the department to the legislature and to the governor on December 1. Any authority now or hereafter vested in any appointing authority or agency, commission, department, board, office or institution is hereby limited by the provisions of this section.

(2) Positions which have been authorized by the division of financial management, but which have not been filled by the appointing authority within twelve (12) months of such authorization, shall be declared null and void, and shall not be thereafter filled except upon a new authorization by the division of financial management.

Approved April 8, 1992.
CHAPTER 275
(H.B. No. 785, As Amended)

AN ACT
RELATING TO SCHOOL-COMMUNITY LIBRARIES; AMENDING SECTION 33-2601, IDAHO CODE, TO REDESIGNATE, TO PROVIDE PROPER NOMENCLATURE, AND TO PROVIDE THAT NO SCHOOL-COMMUNITY LIBRARY DISTRICT MAY BE ESTABLISHED AFTER JUNE 30, 1994; AMENDING CHAPTER 27, TITLE 33, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 33-2738, 33-2739 AND 33-2740, IDAHO CODE, TO PROVIDE FOR A BOARD OF TRUSTEES OF A SCHOOL-COMMUNITY LIBRARY DISTRICT; TO PROVIDE POWERS AND DUTIES FOR A BOARD OF TRUSTEES; AND TO PROVIDE FOR CONSOLIDATION OR REORGANIZATION OF SCHOOL-COMMUNITY LIBRARY DISTRICTS.

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

SECTION 1. That Section 33-2601, Idaho Code, be, and the same is hereby amended to read as follows:

33-2601;2737. SCHOOL-COMMUNITY LIBRARIES LIBRARY DISTRICTS.
(a) The board of trustees of any school district in which is situated no incorporated town-or-village city having a population in excess of one thousand (1,000), and in which no public library is maintained under any other provision of law, shall, upon petition of twenty (20) or more school district electors, submit to the school district electors of the district the question whether there shall be a public library established by the district for the benefit of the citizens thereof.

(b) The election on the question shall be held at the same time as the election of school district trustees, next following the filing of said petition, and notice shall be given, the election conducted, and the returns canvassed, as provided in sections 33-401 through 33-426 chapter 4 title 33, Idaho Code.

(c) If a majority of the school district electors voting in said election vote in favor of the question, the board of trustees of the school district is authorized to levy annually thereafter, upon the assessed value of taxable property in the school district, a tax not to exceed three (3) mils for the purpose of establishing and maintaining such library and the procuring of suitable building or rooms therefor a school-community library district shall be established.

The board of trustees of any school district which establishes a public library under the provisions of this section shall perform the duties required of, and have the power and authority granted to, the council, commissioners, or board of trustees of any city-or-village under the provisions of law relating to library districts; and the treasurer of the school district shall serve as treasurer for said public library.

The board of trustees of the school district, serving as the board of trustees of the library, may contract for specified services with an existing library district or public library, and may submit to the school district electorate of the district, at an election called and conducted as provided herein, but without precedent, petition;
(d) No new school-community library shall be established after June 30, 1994.

SECTION 2. That Chapter 27, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of NEW SECTIONS, to be known and designated as Sections 33-2738, 33-2739 and 33-2740, Idaho Code, and to read as follows:

33-2738. SCHOOL-COMMUNITY LIBRARY DISTRICTS -- BOARD OF TRUSTEES. Each school-community library district shall be governed by a board of trustees of five (5) members, who at the time of their selection and during their terms of office shall be qualified electors of the district.

(1) Four (4) of the trustees shall be elected. The procedure for nomination and election of trustees shall be as provided for the nomination and election of trustees of a library district pursuant to this chapter.

(2) The fifth trustee of the school-community library district board shall be a member of the school district board and shall be appointed by the school district board from its members at the annual meeting of the school district board.

(3) The initial board, except for the fifth trustee who shall be appointed by the school board, shall be appointed by the board of county commissioners, and shall serve until the next annual election of trustees or until their successors are appointed and qualified.

33-2739. SCHOOL-COMMUNITY LIBRARY DISTRICTS -- BOARD OF TRUSTEES -- POWERS AND DUTIES. The board of trustees of the school-community library district shall perform the duties required of, and have the power and authority granted to library district trustees pursuant to this chapter, including the authority to levy upon the taxable property in the school-community library district an annual tax not to exceed six hundredths per cent (.06%) of market value for assessment purposes for establishing and maintaining public library services. The school-community library district board shall have exclusive control of the school-community library district fund and shall cause to be made a full and complete audit of the books and accounts of the district as provided for in section 33-2726, Idaho Code.

33-2740. SCHOOL-COMMUNITY LIBRARY DISTRICTS -- CONSOLIDATION -- REORGANIZATION INTO LIBRARY DISTRICTS. School-community library districts may join existing library districts according to the procedures set forth in section 33-2711, Idaho Code.

School-community library districts may reorganize into a library district as follows. The board of trustees of the school-community library district shall present a resolution calling for reorganization to the board of county commissioners who shall follow the procedures in subsections (2) through (5) of section 33-2704, Idaho Code, except that no precedent petition shall be necessary. After the required hearing, the board of county commissioners shall appoint the first
board of library district trustees and thereafter such trustees shall
be elected as provided in section 33-2715, Idaho Code. The school-
community library district's dollar amount of the budget from ad valo-
rem taxes shall be transferred without interruption to the new library
district, and shall be the base of the ad valorem portion of the new
district's budget.

The disbursement of the assets and liabilities of the school-
community library district shall be the responsibility of the school-
community library district board of trustees should the library con-
solidate with a library district, organize into a library district, or
dissolve.

Approved April 8, 1992.

CHAPTER 276
(H.B. No. 787, As Amended, As Amended in the Senate)

AN ACT
RELATING TO CERTAIN LEVIES FOR SCHOOL DISTRICTS; AMENDING SECTION
33-804, IDAHO CODE, TO PROVIDE THAT SCHOOL PLANT FACILITIES LEVIES
ARE EXEMPT FROM THE PROVISIONS OF SECTIONS 63-2224 THROUGH
63-2226, IDAHO CODE; AMENDING SECTION 33-805, IDAHO CODE, TO PRO-
VIDE THAT SCHOOL EMERGENCY LEVIES ARE EXEMPT FROM THE PROVISIONS
OF SECTION 63-923(1) AND FROM THE PROVISIONS OF SECTIONS 63-2224
THROUGH 63-2226, IDAHO CODE AND TO PROVIDE A NOTICE PROCEDURE FOR
SCHOOL EMERGENCY LEVIES; AND DECLARING AN EMERGENCY.

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

SECTION 1. 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 cre-
ated, either by resolution of the board of trustees or by apportion-
ment to new districts according to the provisions of section 33-901,
Idaho Code, to provide funds therefor the board of trustees shall sub-
mit 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, during the period of years
in each of which the collection is proposed to be made, and the pur-
poses 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 chapter 4, title 33, Idaho Code; and the
dollar amount to be collected shall be approved only if:

\[\text{fifty-five percent (55\%)}\]

The 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;

2. 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

3. 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 63-2228(i)(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 63-2228(i)(i), Idaho Code.

Levies approved under the provisions of this section shall be exempt from the limitation imposed by in section 63-923(1), and from the requirements of sections 63-2224 through 63-2226, Idaho Code.

SECTION 2. That Section 33-805, Idaho Code, be, and the same is hereby amended to read as follows:

33-805. SCHOOL EMERGENCY FUND LEVY. Before the second Monday of September in each year, the board of trustees of any school district which qualifies under the provisions of this section may certify its need hereunder to the board of county commissioners in each county in which the district may lie, and request a school emergency fund levy upon all taxable property in the district.

The board of trustees shall compute the number of pupils in average daily attendance in the schools of the district as of such date, and if there be pupils in average daily attendance above the number in average daily attendance for the same period of the school year imme-
diately preceding the board shall:

1. Divide the total of the foundation program allowance based on said last annual report by the total number of pupils in average daily attendance shown thereon;

2. Multiply the quotient so derived by the number of additional pupils in average daily attendance.

The number of pupils in average daily attendance for each period and the amount so computed shall be certified to the board of county commissioners of the county in which the district lies.

In the case of a joint district, the board of trustees shall certify to the board of county commissioners of each county in which the district lies, to each, that proportion of the amount computed, as hereinabove, as the assessed value of taxable property within the district situate in each such county bears to the total assessed value of all taxable property in the district.

After receiving the amounts certified, as hereinabove provided, the board, or boards, of county commissioners shall determine the levy according to section 63-907, Idaho Code, as amended; and the proceeds of any such levy shall be credited to the general fund of the district.

Any levy certified under the provisions of this section shall be exempt from the limitation imposed in section 63-923(1), Idaho Code, and from the requirements of sections 63-2224 through 63-2226, Idaho Code. Provided however, that the school district shall advertise its intent to seek an emergency levy pursuant to this section by publishing in at least the newspaper of largest paid circulation published in the county of the district, or if there is no such newspaper, then in a newspaper published nearest to the district where the advertisement is required to be published. For purposes of this section, the definition of "newspaper" shall be as established in sections 60-106 and 60-107, Idaho Code; provided further that the newspaper of largest circulation shall be established by the statement of average annual paid weekday circulation listed on the newspaper's sworn statement of ownership that was filed with the United States post office on a date most recently preceding the date on which the advertisement required in this section is to be published. The advertisement shall be run when the school district ascertains that it will request an emergency school fund levy as provided in this section and shall be published once a week for two (2) weeks following action by the board of trustees.

The form and content of the notice shall be substantially as follows:

**NOTICE OF PROPERTY TAX INCREASE BY SCHOOL BOARD**

The (name of the school district) has proposed to increase the amount of ad valorem tax dollars it collects by certifying a school emergency fund levy pursuant to section 33-805, Idaho Code for the period .......... to .......... . The total amount of dollars to be collected pursuant to this levy is estimated to be .......... . The amount of dollars to be collected pursuant to this levy on a typical home of $50,000 taxable value of last year is estimated to be .......... . The amount of dollars to be collected pursuant to this levy on a typical farm of $100,000 taxable last year is estimated to be .......... . The amount of dollars to be collected pursuant to this levy on a
The amounts shown in this schedule do not reflect tax charges that are made because of voter approved bond levies, override levies, supplemental levies, or levies applicable to newly annexed property. Also the amounts shown in this schedule are an estimate only and can vary with the amount of dollars and the levy amount certified and the taxable value of individual property.

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

Approved April 8, 1992.

CHAPTER 277
(H.B. No. 788)

AN ACT
RELATING TO SCHOOL ACCOUNTABILITY REPORT CARDS; AMENDING SECTION 33-4501, IDAHO CODE, TO PROVIDE FOR ADDITIONAL ELEMENTS IN THE REPORT.

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

SECTION 1. That Section 33-4501, Idaho Code, be, and the same is hereby amended to read as follows:

33-4501. SCHOOL ACCOUNTABILITY REPORT CARD. In order to promote a model statewide standard of instructional accountability and conditions for teaching and learning, the superintendent of public instruction shall by October 30, 1990, develop and present to the state board of education for adoption a statewide model school accountability report card.

(1) The model school accountability report card shall include, but is not limited to, assessment of the following school conditions:
   (a) Student progress toward meeting reading, writing, arithmetic and other academic goals as measured by a listing of scores on applicable statewide tests over at least a three (3) year period. High school reports should include both SAT and composite ACT scores for a similar period.
   (b) Progress toward reducing drop-out rates.
   (c) Estimated expenditures per student.
   (d) Progress toward reducing class size and teaching loads.
   (e) Reduction of teachers assigned outside their subject areas of competence.
   (f) Currency of textbooks and other instructional materials.
   (g) The availability of qualified personnel to provide counseling and other student support services.
   (h) Qualifications and utilization of substitute teachers.
(i) Safety and adequacy of school facilities.
(j) An explanation of the teacher evaluation process.
(k) Classroom discipline and climate for learning.
(l) Teacher and staff training.
(m) Curriculum improvement.
(n) Quality of school instruction.
(o) Quality of school leadership.
(p) School goals and progress toward those goals.
(q) Achievement of any individual, team or class awards in district, state or national competition; i.e., a school wide "bragging sheet."

(2) Compilation of report cards of individual schools into one district report is a recommended format so long as individuality is maintained and comparisons can be made. This report, or the report on the largest high school, shall include reproductions of the district's school profile for the latest two (2) years as prepared by the state department of education.

There is hereby created in the department of education a task force on instructional improvement which shall consist of not more than eleven (11) members. The superintendent of public instruction shall appoint the members of the task force on instructional improvement. The members of the task force shall consist of practicing classroom teachers, school administrators, parents, school board members, classified employees, students and education research specialists and provided that four (4) members of the task force shall consist of practicing classroom teachers. In developing the statewide model school accountability report card, the superintendent of public instruction shall consult with the task force on instructional improvement. Members of the task force shall be compensated as provided in section 59-509(b), Idaho Code. The task force shall terminate upon the adoption of a statewide model accountability report card.

Approved April 8, 1992.

CHAPTER 278
(H.B. No. 789)

AN ACT
RELATING TO THE COMMISSION OF PARDONS AND PAROLE; AMENDING SECTION 20-213A, IDAHO CODE, AS AMENDED BY SECTION 14, CHAPTER 213, LAWS OF 1990, TO PROVIDE FOR CONFIDENTIALITY OF CERTAIN PARDONS OR COMMutations MATTERS, TO PROVIDE FOR DISCLOSURE OF CERTAIN INFORMATION TO CERTAIN ELECTED OFFICIALS, TO PROVIDE PENALTIES FOR WRONGFUL DISCLOSURE OF INFORMATION, AND TO PROVIDE FOR ATTENDANCE OF CERTAIN ELECTED OFFICIALS AT PAROLE COMMISSION MEETINGS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 20-213A, Idaho Code, as amended by Sec-
tion 14, Chapter 213, Laws of 1990, be, and the same is hereby amended to read as follows:

20-213A. COMPLIANCE WITH OPEN MEETING LAW -- EXECUTIVE SESSIONS AUTHORIZED -- REPORT REQUIRED. (1) All meetings of the commission of pardons and parole shall be held in accordance with the open meeting law as provided in chapter 23, title 67, Idaho Code, except:

(a) Deliberations and decisions concerning the granting, revoking, reinstating or refusing of paroles, or the granting or denying of pardons or commutations, may be made in executive session; and

(b) Votes of individual members in arriving at the parole, pardon or commutation decisions shall not be subject to disclosure according to chapter 3, title 9, Idaho Code made public, provided that the commission shall maintain a record of the votes of the individual members as required in subsection (2) of this section.

(2) A written record of the vote to grant or deny parole, pardon or commutation, by each commission member in each case reviewed by that member shall be produced by the commission. The record produced by the commission pursuant to this section shall be kept confidential and privileged from disclosure, provided the record shall be made available, upon request, to the governor and the chairman of the senate judiciary and rules committee and the chairman of the house of representatives judiciary, rules and administration committee, for all lawful purposes. Distribution of the report by a commissioner or an employee of the commission to any person not an employee of the commission and not specifically listed in this section shall be a misdemeanor.

(3) Nothing contained in this section shall prevent any person from obtaining the results of any parole, pardon or commutation action by the commission without reference to the manner in which any member voted, and the commission shall make such information public information.

(4) Nothing contained herein shall prevent a member of the board of correction from attending any meeting including an executive session of the commission of pardons and parole.

(5) Nothing contained herein shall prevent the governor and chairman of the senate judiciary and rules committee and the chairman of the house of representatives judiciary, rules and administration committee from attending any meeting including an executive session of the commission of pardons and parole.

SECTION 2. This act shall be in full force and effect on and after July 1, 1993.

Approved April 8, 1992.
CHAPTER 279
(H.B. No. 792, As Amended)

AN ACT
RELATING TO PUBLIC RECORDS; AMENDING CHAPTER 3, TITLE 9, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 9-348, IDAHO CODE, TO PROHIBIT PUBLIC AGENCIES FROM DISTRIBUTING OR SELLING MAILING LISTS OR A TELEPHONE NUMBER LIST WITH A LIST OF PERSONS, WITH EXCEPTIONS, AND TO PROVIDE PENALTIES; AND AMENDING SECTION 9-348, IDAHO CODE, TO REDESIGNATE THE SECTION.

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

SECTION 1. That Chapter 3, Title 9, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 9-348, Idaho Code, and to read as follows:

9-348. PROHIBITION ON DISTRIBUTION OR SALE OF MAILING OR TELEPHONE NUMBER LISTS -- PENALTY.
(1) Except as provided in subsections (2), (3), (4), (5) and (6) of this section, in order to protect the privacy of those who deal with public agencies:
   (a) No agency may distribute or sell for use as a mailing list or a telephone number list any list of persons without first securing the permission of those on the list; and
   (b) No list of persons prepared by the agency may be used as a mailing list or a telephone number list except by the agency or another agency without first securing the permission of those on the list.
(2) Except as may be otherwise provided in this chapter, this section does not prevent an individual from compiling a mailing list or a telephone number list by examination or copying of public records, original documents or applications which are otherwise open to public inspection.
(3) The provisions of this section do not apply to the lists of registered electors compiled pursuant to title 34, Idaho Code, or to lists of the names of employees governed by chapter 53, title 67, Idaho Code.
(4) The provisions of this section shall not apply to agencies which issue occupational or professional licenses.
(5) This section does not apply to the right of access either by Idaho law enforcement agencies or, by purchase or otherwise, of public records dealing with motor vehicle registration.
(6) This section does not apply to a corporate information list developed by the office of the secretary of state containing the name, address, registered agent, officers and directors of corporations authorized to do business in this state or to a business information list developed by the department of commerce containing the name, address, telephone number or other relevant information of Idaho businesses or individuals requesting information regarding the state of Idaho.
(7) If a court finds that a person or public official has deliberately and in bad faith violated the provisions of subsection (1)(b) of this section, the person or public official shall be liable for a civil penalty assessed by the court in an amount not in excess of one thousand dollars ($1,000) which shall be paid into the general account.

SECTION 2. That Section 9-348, Idaho Code, be, and the same is hereby amended to read as follows:

9-348. 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 8, 1992.

CHAPTER 280
(H.B. No. 794)

AN ACT RELATING TO THE VETERINARY PRACTICE ACT; AMENDING SECTION 54-2105, IDAHO CODE, TO PROVIDE COMPENSATION FOR THE MEMBERS OF THE CERTIFIED EUTHANASIA TASK FORCE AND THE VETERINARY TECHNICAL COMMITTEE.

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

SECTION 1. That Section 54-2105, Idaho Code, be, and the same is hereby amended to read as follows:

54-2105. BOARD OF VETERINARY MEDICINE -- COMPOSITION -- APPOINTMENT -- VACANCY -- QUALIFICATIONS -- COMPENSATION -- REMOVAL -- MEETINGS -- OFFICERS -- REVENUES -- POWERS. (1) A board of veterinary medicine which shall consist of five (5) members to be appointed by the governor, is hereby created in the department of self-governing agencies. Four (4) members shall be veterinarians and one (1) member shall be a public member. Each of the four (4) appointive veterinary members shall serve a term of four (4) years or until his successor is appointed, except that the terms of the first appointees may be for shorter periods to permit staggering of terms whereby one (1) term expires each year. The public member shall serve for a term of three (3) years.

Whenever the occasion arises for an appointment of a veterinary member under this section, the state veterinary medical association may nominate three (3) or more qualified persons and forward the nominations to the governor at least thirty (30) days before the date set for the appointment. The governor shall appoint one (1) of the persons so nominated. Vacancies due to death, resignation or removal shall be filled for the remainder of the unexpired term in the same manner as regular appointments. No person shall serve two (2) consecutive terms,
except in the case of a person appointed for less than a full term. Each of the four (4) veterinarians shall be qualified to serve as a member of the board if a graduate of a veterinary school, a resident of this state, and has been licensed to practice veterinary medicine in this state for the five (5) years immediately preceding the time of appointment. The public member shall be at least twenty-one (21) years of age and a resident of this state for five (5) years immediately preceding appointment. No person may serve on the board who was, during the two (2) years preceding appointment, a member of the faculty or trustees of a veterinary school.

Each member of the board, certified euthanasia task force and veterinary technical committee shall be compensated as provided by section 59-509(h), Idaho Code.

Any member of the board may be removed by the governor after a hearing by the board determines cause for removal.

(2) The board shall meet at least once each year at the time and place fixed by rule of the board. Other necessary meetings may be called by the president of the board by giving notice as may be required by rule. Except as may otherwise be provided, a majority of the board constitutes a quorum. Meetings shall be open and public except that the board may meet in closed session to prepare, approve, administer or grade examinations, or to deliberate the qualifications of an applicant for license or the disposition of a proceeding to discipline a licensed veterinarian.

(3) At its annual meeting, the board shall organize by electing a president, a secretary-treasurer, and such other officers as may be prescribed by rule. Officers of the board serve for terms of one (1) year and until a successor is elected, without limitation on the number of terms an officer may serve. The president shall serve as a chairman of board meetings.

(4) All revenues received under this chapter shall be paid to the state board of veterinary medicine account created in section 54-2120, Idaho Code, and shall be subject to and administered in accordance with the provisions of this chapter.

(5) The board shall have the power to:
(a) Examine and determine the qualifications and fitness of applicants for a license to practice veterinary medicine in the state.
(b) Issue, renew, deny, suspend or revoke licenses and temporary permits to practice veterinary medicine in the state or otherwise discipline licensed veterinarians consistent with the provisions of this chapter and the rules and regulations adopted hereunder.
(c) Establish and publish annually a schedule of fees for licensing and registration of veterinarians.
(d) Conduct investigations for the purpose of discovering violations of this chapter or grounds for disciplining licensed veterinarians.
(e) Hold hearings on all matters properly brought before the board, and in connection thereto to administer oaths, receive evidence, make the necessary determinations, and enter orders consistent with the findings. The board may require the attendance and testimony of witnesses and the production of papers, records, or other documentary evidence and may commission depositions. The
board may designate one or more of its members or a person appointed by the state board of veterinary medicine to serve as its hearing officer.

(f) Employ full-time or part-time personnel, professional, clerical or special, necessary to effectuate the provision of this chapter and purchase or rent necessary office space, equipment and supplies.

(g) Appoint from its own membership one or more members to act as representatives of the board at any meeting within or outside the state where such representation is deemed desirable.

(h) Bring proceedings in the courts for the enforcement of this chapter or any regulations made pursuant thereto.

(i) Levy civil penalties.

(j) Establish a certified euthanasia task force and assess application and certification fees. The fees so assessed are continuously appropriated to the board to support the activities of the task force.

(k) Establish a veterinary technical committee and assess application and certification fees. The fees so assessed are to be deposited to the state board of veterinary medicine account to support the activities of the committee.

(l) Adopt, amend, or repeal all rules necessary for its government and all regulations necessary to carry into effect the provisions of this chapter pursuant to the Idaho administrative procedure act, chapter 52, title 67, Idaho Code, including the establishment and publication of standards of professional conduct for the practice of veterinary medicine.

The powers enumerated above are granted for the purpose of enabling the board to effectively supervise the practice of veterinary medicine and are to be construed liberally to accomplish this objective.

Approved April 8, 1992.

CHAPTER 281
(H.B. No. 798)

AN ACT
RELATING TO FIREFIGHTERS' RETIREMENT; AMENDING SECTIONS 72-1462 AND 72-1463, IDAHO CODE, TO PROVIDE THAT A SURVIVING SPOUSE SHALL BE ELIGIBLE TO RECEIVE DEATH BENEFITS.

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

SECTION 1. That Section 72-1462, Idaho Code, be, and the same is hereby amended to read as follows:

72-1462. DEATH BENEFITS -- SPOUSE OF RETIRED FIREFIGHTER. (1) In the event a paid firefighter, retired on retirement-pay, shall die and leave surviving a spouse—_who_was_such_spouse_for_over_five_(5)_years_immediately_prior_to_said_firefighter’s_death_, but no minor children,
such surviving spouse shall receive for life the retirement benefits to which the deceased firefighter was entitled.

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

SECTION 2. That Section 72-1463, Idaho Code, be, and the same is hereby amended to read as follows:

72-1463. DEATH BENEFITS -- SURVIVING SPOUSE AND SURVIVING CHILD OR CHILDREN OF RETIRED FIREFIGHTER. In the event a paid firefighter, retired on retirement pay, shall die and leave surviving a spouse of over five (5) years immediately prior to the firefighter’s death, or a spouse and firefighter's surviving child or children, the spouse, during the spouse's lifetime shall be paid the retirement pay to which the deceased firefighter was eligible. If the surviving spouse dies the full retirement pay shall be paid to the firefighter's surviving child or children until they reach the age of eighteen (18) years or shall marry, whichever occurs first. Should a paid firefighter, retired on retirement pay, die without leaving a surviving spouse, and leave surviving him or her a minor child or children, said child or children shall be entitled to receive the pension to which said firefighter was entitled until they marry or shall attain eighteen (18) years of age, whichever occurs first.

Approved April 8, 1992.
CHAPTER 82
DEVELOPMENT IMPACT FEES

67-8201. SHORT TITLE. This chapter shall be known and may be cited as the "Idaho Development Impact Fee Act."

67-8202. PURPOSE. The legislature finds that an equitable program for planning and financing public facilities needed to serve new growth and development is necessary in order to promote and accommodate orderly growth and development and to protect the public health, safety and general welfare of the citizens of the state of Idaho. It is the intent by enactment of this chapter to:

1. Ensure that adequate public facilities are available to serve new growth and development;
2. Promote orderly growth and development by establishing uniform standards by which local governments may require that those who benefit from new growth and development pay a proportionate share of the cost of new public facilities needed to serve new growth and development;
3. Establish minimum standards for the adoption of development impact fee ordinances by governmental entities;
4. Ensure that those who benefit from new growth and development are required to pay no more than their proportionate share of the cost of public facilities needed to serve new growth and development and to prevent duplicate and ad hoc development requirements; and
5. Empower governmental entities which are authorized to adopt ordinances to impose development impact fees.

67-8203. DEFINITIONS. As used in this chapter:

1. "Affordable housing" means housing affordable to families whose incomes do not exceed eighty percent (80%) of the median income for the service area or areas within the jurisdiction of the governmental entity.
2. "Appropriate" means to legally obligate by contract or otherwise commit to use by appropriation or other official act of a governmental entity.
3. "Capital improvements" mean improvements with a useful life of ten (10) years or more, by new construction or other action, which increase the service capacity of a public facility.
4. "Capital improvement element" means a component of a comprehensive plan adopted pursuant to chapter 65, title 67, Idaho Code, which component meets the requirements of a capital improvements plan pursuant to this chapter.
5. "Capital improvements plan" means a plan adopted pursuant to this chapter that identifies capital improvements for which development impact fees may be used as a funding source.
6. "Developer" means any person or legal entity undertaking development.
7. "Development" means any construction or installation of a building or structure, or any change in use of a building or structure, or any change in the use, character or appearance of land, which
creates additional demand and need for public facilities.

(8) "Development approval" means any written authorization from a governmental entity which authorizes the commencement of a development.

(9) "Development impact fee" means a payment of money imposed as a condition of development approval to pay for a proportionate share of the cost of system improvements needed to serve development. This term is also referred to as an impact fee in this chapter. The term does not include the following:

(a) A charge or fee to pay the administrative, plan review, or inspection costs associated with permits required for development;
(b) Connection or hookup charges;
(c) Availability charges for drainage, sewer, water, or transportation charges for services provided directly to the development;
(d) Amounts collected from a developer in a transaction in which the governmental entity has incurred expenses in constructing capital improvements for the development if the owner or developer has agreed to be financially responsible for the construction or installation of the capital improvements, unless a written agreement is made pursuant to section 67-8209(3), Idaho Code, for credit or reimbursement.

(10) "Development requirement" means a requirement attached to a developmental approval or other governmental action approving or authorizing a particular development project including, but not limited to, a rezoning, which requirement compels the payment, dedication or contribution of goods, services, land, or money as a condition of approval.

(11) "Extraordinary costs" mean those costs incurred as a result of an extraordinary impact.

(12) "Extraordinary impact" means an impact which is reasonably determined by the governmental entity to: (i) result in the need for system improvements, the cost of which will significantly exceed the sum of the development impact fees to be generated from the project or the sum agreed to be paid pursuant to a development agreement as allowed by section 67-8214(2), Idaho Code, or (ii) result in the need for system improvements which are not identified in the capital improvements plan.

(13) "Fee payer" means that person who pays or is required to pay a development impact fee.

(14) "Governmental entity" means any unit of local government within a county of greater than two hundred thousand (200,000) population that is empowered in this enabling legislation to adopt a development impact fee ordinance.

(15) "Impact fee." See development impact fee.

(16) "Land use assumptions" mean a description of the service area and projections of land uses, densities, intensities, and population in the service area over at least a twenty (20) year period.

(17) "Level of service" means a measure of the relationship between service capacity and service demand for public facilities.

(18) "Manufactured home" means a structure, constructed according to HUD/FHA mobile home construction and safety standards, transportable in one or more sections, which, in the traveling mode,
is eight (8) feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure which meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 U.S.C. 5401, et seq.

(19) "Modular building" means any building or building component, other than a manufactured home, which is constructed according to standards contained in the Uniform Building Code, as adopted or any amendments thereto, which is of closed construction and is either entirely or substantially prefabricated or assembled at a place other than the building site.

(20) "Present value" means the total current monetary value of past, present, or future payments, contributions or dedications of goods, services, materials, construction or money.

(21) "Project" means a particular development on an identified parcel of land.

(22) "Project improvements" mean site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project.

(23) "Proportionate share" means that portion of the cost of system improvements determined pursuant to section 67-8207, Idaho Code, which reasonably relates to the service demands and needs of the project.

(24) "Public facilities" mean:
(a) Water supply production, treatment, storage and distribution facilities;
(b) Wastewater collection, treatment and disposal facilities;
(c) Roads, streets and bridges, including rights of way, traffic signals, landscaping and any local components of state or federal highways;
(d) Storm water collection, retention, detention, treatment and disposal facilities, flood control facilities, and bank and shore protection and enhancement improvements;
(e) Parks, open space and recreation areas, and related capital improvements; and
(f) Public safety facilities, including law enforcement, fire, emergency medical and rescue and street lighting facilities.

(25) "Recreational vehicle" means a vehicular type unit primarily designed as temporary quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.

(26) "Service area" means any defined geographic area identified by a governmental entity or by intergovernmental agreement in which specific public facilities provide service to development within the area defined, on the basis of sound planning or engineering principles.
or both.

(27) "Service unit" means a standardized measure of consumption, use, generation or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards for a particular category of capital improvements.

(28) "System improvements", in contrast to project improvements, mean capital improvements to public facilities which are designed to provide service to a service area including, without limitation, the type of improvements described in section 50-1703, Idaho Code.

(29) "System improvement costs" mean costs incurred for construction or reconstruction of system improvements, including design, acquisition, engineering and other costs attributable thereto, and also including, without limitation, the type of costs described in section 50-1702(h), Idaho Code, to provide additional public facilities needed to serve new growth and development. For clarification, system improvement costs do not include:

(a) Construction, acquisition or expansion of public facilities other than capital improvements identified in the capital improvements plan;
(b) Repair, operation or maintenance of existing or new capital improvements;
(c) Upgrading, updating, expanding or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards;
(d) Upgrading, updating, expanding or replacing existing capital improvements to provide better service to existing development;
(e) Administrative and operating costs of the governmental entity unless such costs are attributable to development of the capital improvement plan, as provided in section 67-8208, Idaho Code; or
(f) Principal payments and interest or other finance charges on bonds or other indebtedness except financial obligations issued by or on behalf of the governmental entity to finance capital improvements identified in the capital improvements plan.

67-8204. MINIMUM STANDARDS AND REQUIREMENTS FOR DEVELOPMENT IMPACT FEES ORDINANCES. Governmental entities which comply with the requirements of this chapter may impose by ordinance development impact fees as a condition of development approval on all developments.

(1) A development impact fee shall not exceed a proportionate share of the cost of system improvements determined in accordance with section 67-8207, Idaho Code. Development impact fees shall be based on actual system improvement costs or reasonable estimates of such costs.

(2) A development impact fee shall be calculated on the basis of levels of service for public facilities adopted in the development impact fee ordinance of the governmental entity that are applicable to existing development as well as new growth and development. The construction, improvement, expansion or enlargement of new or existing public facilities for which a development impact fee is imposed must be attributable to the capacity demands generated by the new development.
(3) A development impact fee ordinance shall specify the point in the development process at which the development impact fee shall be collected. The development impact fee may be collected no earlier than the commencement of construction of the development, or the issuance of a building permit or a manufactured home installation permit, or as may be agreed by the developer and the governmental entity.

(4) A development impact fee ordinance shall be adopted in accordance with the procedural requirements of section 67-8206, Idaho Code.

(5) A development impact fee ordinance shall include a provision permitting individual assessments of development impact fees under guidelines established in the ordinance.

(6) A development impact fee ordinance shall provide a process whereby a developer may receive a certification of the development impact fee schedule or individual assessment for a particular project, which shall establish the development impact fee for a period of one (1) year from the date of the certification.

(7) A development impact fee ordinance shall include a provision for credits in accordance with the requirements of section 67-8209, Idaho Code.

(8) A development impact fee ordinance shall include a provision prohibiting the expenditure of development impact fees except in accordance with the requirements of section 67-8210, Idaho Code.

(9) A development impact fee ordinance may provide for the imposition of a development impact fee for system improvement costs incurred subsequent to adoption of the ordinance to the extent that new growth and development will be served by the system improvements.

(10) A development impact fee ordinance may exempt all or part of a particular development project from development impact fees provided that such project is determined to create affordable housing, provided that the public policy which supports the exemption is contained in the governmental entity's comprehensive plan and provided that the exempt development's proportionate share of system improvements is funded through a revenue source other than development impact fees.

(11) A development impact fee ordinance shall provide that development impact fees shall only be spent for the category of system improvements for which the fees were collected and either within or for the benefit of the service area in which the project is located.

(12) A development impact fee ordinance shall provide for a refund of development impact fees in accordance with the requirements of section 67-8211, Idaho Code.

(13) A development impact fee ordinance shall establish for a procedure for timely processing of applications for determination by the governmental entity regarding development impact fees applicable to a project, individual assessment of development impact fees, credits or reimbursements to be allowed or paid under section 67-8209, Idaho Code, and extraordinary impact.

(14) A development impact fee ordinance shall provide for appeals regarding development impact fees in accordance with the requirements of section 67-8212, Idaho Code.

(15) A development impact fee ordinance must provide a detailed description of the methodology by which costs per service unit are determined. The following methodologies shall be acceptable:

(a) The development impact fee per service unit may not exceed
the amount determined by dividing the costs of the capital improvements described in section 67-8208(1)(f), Idaho Code, by the total number of projected service units described in section 67-8208(1)(g), Idaho Code. If the number of new service units projected over a reasonable period of time is less than the total number of new service units shown by the approved land use assumptions at full development of the service area, the maximum impact fee per service unit shall be calculated by dividing the costs of the part of the capital improvements necessitated by and attributable to the projected new service units described in section 67-8208(1)(g), Idaho Code, by the total projected new service units described in that section.

(b) An alternative methodology may be used by a governmental entity provided that the governmental entity can demonstrate that such alternative methodology accurately calculates the proportionate share of the impact of the proposed development on the capacity of system improvements in terms of generally accepted engineering and planning principles.

(16) A development impact fee ordinance shall include a schedule of development impact fees for various land uses per unit of development. The ordinance shall provide that a developer shall have the right to elect to pay a project's proportionate share of system improvement costs by payment of development impact fees according to the fee schedule as full and complete payment of the development project's proportionate share of system improvement costs, except as provided in section 67-8214(3), Idaho Code.

(17) After payment of the development impact fees or execution of an agreement for payment of development impact fees, additional development impact fees or increases in fees may not be assessed unless the number of service units increases or the scope or schedule of the development changes. In the event of an increase in the number of service units or schedule of the development changes, the additional development impact fees to be imposed are limited to the amount attributable to the additional service units or change in scope of the development.

(18) No system for the calculation of development impact fees shall be adopted which subjects any development to double payment of impact fees.

(19) A development impact fee ordinance shall exempt from development impact fees the following activities:
(a) Rebuilding the same amount of floor space of a structure which was destroyed by fire or other catastrophe, providing the structure is rebuilt and ready for occupancy within two (2) years of its destruction;
(b) Remodeling or repairing a structure which does not increase the number of service units;
(c) Replacing a residential unit, including a manufactured home, with another residential unit on the same lot, provided that the number of service units does not increase;
(d) Placing a temporary construction trailer or office on a lot;
(e) Constructing an addition on a residential structure which does not increase the number of service units; and
(f) Adding uses that are typically accessory to residential uses,
such as tennis courts or clubhouse, unless it can be clearly demonstrated that the use creates a significant impact on the capacity of system improvements.

(20) A development impact fee will be assessed for installation of a modular building, manufactured home or recreational vehicle unless the fee payer can demonstrate by documentation such as utility bills and tax records, either:
(a) That a modular building, manufactured home or recreational vehicle was legally in place on the lot or space prior to the effective date of the development impact fee ordinance; or
(b) That a development impact fee has been paid previously for the installation of a modular building, manufactured home or recreational vehicle on that same lot or space.

(21) A development impact fee ordinance shall include a process for dealing with a project which has extraordinary impacts.

(22) A development impact fee ordinance shall provide for the calculation of a development impact fee in accordance with generally accepted accounting principles. A development impact fee shall not be deemed invalid because payment of the fee may result in an incidental benefit to owners or developers within the service area other than the person paying the fee.

(23) A development impact fee ordinance shall include a description of acceptable levels of service for system improvements.

67-8205. DEVELOPMENT IMPACT FEE ADVISORY COMMITTEE. (1) Any governmental entity which is considering or which has adopted a development impact fee ordinance, shall establish a development impact fee advisory committee.
(2) The development impact fee advisory committee shall be composed of not fewer than five (5) members appointed by the governing authority of the governmental entity. Two (2) or more members shall be active in the business of development, building or real estate. An existing planning or planning and zoning commission may serve as the development impact fee advisory committee if the commission includes two (2) or more members who are active in the business of development, building or real estate; otherwise, two (2) such members who are not employees or officials of a governmental entity shall be appointed to the committee.
(3) The development impact fee advisory committee shall serve in an advisory capacity and is established to:
(a) Assist the governmental entity in adopting land use assumptions;
(b) Review the capital improvements plan, and proposed amendments, and file written comments;
(c) Monitor and evaluate implementation of the capital improvements plan;
(d) File periodic reports, at least annually, with respect to the capital improvements plan and report to the governmental entity any perceived inequities in implementing the plan or imposing the development impact fees; and
(e) Advise the governmental entity of the need to update or revise land use assumptions, capital improvements plan and development impact fees.
(4) The governmental entity shall make available to the advisory committee, upon request, all financial and accounting information, professional reports in relation to other development and implementation of land use assumptions, the capital improvements plan and periodic updates of the capital improvements plan.

67-8206. PROCEDURE FOR THE IMPOSITION OF DEVELOPMENT IMPACT FEES.

(1) A development impact fee shall be imposed by a governmental entity in compliance with the provisions set forth in this section.

(2) A capital improvements plan shall be developed in coordination with the development impact fee advisory committee utilizing the land use assumptions most recently adopted by the appropriate land use planning agency or agencies.

(3) At least one (1) public hearing shall be held to consider adoption, amendment, or repeal of a capital improvements plan. Two (2) notices, at least one (1) week apart, of the time, place and purpose of the hearing shall be published not less than fifteen (15) nor more than thirty (30) days before the scheduled date of the hearing, in a newspaper of general circulation within the jurisdiction of the governmental entity. A second notice of the hearing on adoption of the capital improvements plan, containing the same information, shall be published in the same manner at least seven (7) days before the scheduled date of the hearing. Such notices shall also include a statement that the governmental entity shall make available to the public, upon request, the following: proposed land use assumptions, a copy of the proposed capital improvements plan or amendments thereto, and a statement that any member of the public affected by the capital improvements plan or amendments shall have the right to appear at the public hearing and present evidence regarding the proposed capital improvements plan or amendments. The governmental entity shall send notice of the intent to hold a public hearing by mail to any person who has requested in writing notification of the hearing date at least fifteen (15) days prior to the hearing date, provided that the governmental entity may require that any person making such request renew the request for notification, not more frequently than once each year, in accordance with a schedule determined by the governmental entity, in order to continue receiving such notices.

(4) If the governmental entity makes a material change in the capital improvements plan or amendment, further notice and hearing may be provided before the governmental entity adopts the revision if the governmental entity makes a finding that further notice and hearing are required in the public interest.

(5) Following adoption of the initial capital improvements plan, a governmental entity shall conduct a public hearing to consider adoption of an ordinance authorizing the imposition of development impact fees or any amendment thereof. Notice of the hearing shall be provided in the same manner as set forth in subsection (3) of this section for adoption of a capital improvements plan.

(6) Nothing contained in this section shall be construed to alter the procedures for adoption of an ordinance by the governmental entity. Provided, however, a development impact fee ordinance shall not be adopted as an emergency measure and shall not take effect earlier than thirty (30) days subsequent to adoption.
67-8207. PROPORTIONATE SHARE DETERMINATION. (1) The development impact fee imposed must not exceed a proportionate share of the costs incurred or the costs that will be incurred by the governmental entity in the provision of system improvements to serve the new development. The proportionate share is the cost attributable to the new development after the governmental entity considers the following: (i) any appropriate credit, offset or contribution of money, dedication of land, or construction of system improvements; (ii) payments reasonably anticipated to be made by or as a result of a new development in the form of user fees, debt service payments, or taxes which are dedicated for system improvements for which development impact fees would otherwise be imposed; and (iii) all other available sources of funding such system improvements.

(2) In determining the proportionate share of the cost of system improvements to be paid by the developer, the following factors shall be considered by the governmental entity imposing the development impact fee:

(a) The cost of existing system improvements within the service area or areas;
(b) The means by which existing system improvements have been financed;
(c) The extent to which the new development will contribute to the cost of system improvements through taxation, assessment, or developer or landowner contributions, or has previously contributed to the cost of system improvements through developer or landowner contributions.
(d) The extent to which the new development is required to contribute to the cost of existing system improvements in the future.
(e) The extent to which the new development should be credited for providing system improvements, without charge to other properties within the service area or areas;
(f) Extraordinary costs, if any, incurred in serving the new development;
(g) The time and price differential inherent in a fair comparison of fees paid at different times; and
(h) The availability of other sources of funding system improvements including, but not limited to, user charges, general tax levies, intergovernmental transfers, and special taxation. The governmental entity shall develop a plan for alternative sources of revenue.

67-8208. CAPITAL IMPROVEMENTS PLAN. (1) Each governmental entity intending to impose a development impact fee shall prepare a capital improvements plan. That portion of the cost of preparing a capital improvements plan which is attributable to determining the development impact fee may be funded by a one (1) time ad valorem levy exempt from the provisions of sections 63-2225 and 63-923, Idaho Code, which does not exceed two one-hundredths per cent (.02%) of market value or by a surcharge imposed by ordinance on the collection of a development impact fee which surcharge does not exceed the development's proportionate share of the cost of preparing the plan. For governmental entities required to undertake comprehensive planning pursuant to chapter 65, title 67, Idaho Code, such capital improvements plan shall
be prepared and adopted according to the requirements contained in the local planning act, section 67-6509, Idaho Code, and shall be included as an element of the comprehensive plan. The capital improvements plan shall be prepared by qualified professionals in fields relating to finance, engineering, planning and transportation. The persons preparing the plan shall consult with the development impact fee advisory committee.

The capital improvements plan shall contain all of the following:

(a) A general description of all existing public facilities and their existing deficiencies within the service area or areas of the governmental entity and a reasonable estimate of all costs and a plan to develop the funding resources related to curing the existing deficiencies including, but not limited to, the upgrading, updating, improving, expanding or replacing of such facilities to meet existing needs and usage;

(b) A commitment by the governmental entity to use other available sources of revenue to cure existing system deficiencies where practical;

(c) An analysis of the total capacity, the level of current usage, and commitments for usage of capacity of existing capital improvements, which shall be prepared by a qualified professional planner or by a qualified engineer licensed to perform engineering services in this state;

(d) A description of the land use assumptions by the governmental entity;

(e) A definitive table establishing the specific level or quantity of use, consumption, generation or discharge of a service unit for each category of system improvements and an equivalency or conversion table establishing the ratio of a service unit to various types of land uses, including residential, commercial, agricultural and industrial;

(f) A description of all system improvements and their costs necessitated by and attributable to new development in the service area based on the approved land use assumptions, to provide a level of service not to exceed the level of service adopted in the development impact fee ordinance;

(g) The total number of service units necessitated by and attributable to new development within the service area based on the approved land use assumptions and calculated in accordance with generally accepted engineering or planning criteria;

(h) The projected demand for system improvements required by new service units projected over a reasonable period of time not to exceed twenty (20) years.

(i) Identification of all sources and levels of funding available to the governmental entity for the financing of the system improvements;

(j) If the proposed system improvements include the improvement of public facilities under the jurisdiction of the state of Idaho or another governmental entity, then an agreement between governmental entities shall specify the proportionate share of funding by each unit, provided the agreement shall not permit expenditure of development impact fees by a governmental entity which is not authorized to imposed development impact fees nor shall the gov-
ernmental entity authorized to impose development impact fees assume more than its proportionate share of funding joint improvements; and

(k) A schedule setting forth estimated dates for commencing and completing construction of all improvements identified in the capital improvements plan.

(2) The governmental entity imposing a development impact fee shall update the capital improvements plan at least once every five (5) years. The five (5) year period shall commence from the date of the original adoption of the capital improvements plan. The updating of the capital improvements plan shall be made in accordance with procedures set forth in section 67-8206, Idaho Code.

(3) The governmental entity must annually adopt a capital budget.

67-8209. CREDITS. (1) In the calculation of development impact fees for a particular project, credit shall be given for the present value of any construction of system improvements or contribution or dedication of land or money required by a governmental entity from a developer for system improvements of the category for which the development impact fee is being collected. Credit shall not be given for project improvements.

(2) A developer who is required to construct, fund or contribute system improvements in excess of the development impact fees which would otherwise have been paid for the development project, the developer shall be reimbursed for such excess construction, funding or contribution from development impact fees paid by future development located in the service area which is benefited by such improvements.

(3) If credit or reimbursement is due to the developer pursuant to this section, the parties shall enter into a written agreement, negotiated in good faith, prior to the construction, funding or contribution. The agreement shall provide for the amount of credit or the amount, time and form of reimbursement.

67-8210. EARMARKING AND EXPENDITURE OF COLLECTED DEVELOPMENT IMPACT FEES. (1) An ordinance imposing development impact fees shall provide that all development impact fee funds shall be maintained in one (1) or more interest-bearing accounts within the capital projects fund. Accounting records shall be maintained for each category of system improvements and the service area in which the fees are collected. Interest earned on development impact fees shall be considered funds of the account on which it is earned, and not funds subject to section 57-127, Idaho Code, and shall be subject to all restrictions placed on the use of development impact fees under the provisions of this chapter.

(2) Expenditures of development impact fees shall be made only for the category of system improvements and within or for the benefit of the service area for which the development impact fee was imposed as shown by the capital improvements plan and as authorized in this chapter. Development impact fees shall not be used for any purpose other than system improvement costs to create additional improvements to serve new growth.

(3) As part of its annual audit process, a governmental entity shall prepare an annual report describing the amount of all develop-
ment impact fees collected, appropriated, or spent during the preceding year by category of public facility and service area.

(4) Collected development impact fees must be expended within ten (10) years from the date they were collected, on a first-in, first-out (FIFO) basis, except that the development impact fees collected for wastewater collection, treatment and disposal and drainage facilities must be expended within twenty (20) years. Any funds not expended within the prescribed times shall be refunded pursuant to section 67-8211, Idaho Code.

67-8211. REFUNDS. (1) Any governmental entity which adopts a development impact fee ordinance shall provide for refunds upon the request of an owner of property on which a development impact fee has been paid if:
(a) Service is available but never provided;
(b) A building permit or permit for installation of a manufactured home is denied or abandoned; or
(c) The governmental entity, after collecting the fee when service is not available, has failed to appropriate and expend the collected development impact fees pursuant to section 67-8210(4), Idaho Code.
(2) When the right to a refund exists, the governmental entity is required to send a refund to the owner of record within ninety (90) days after it is determined by the governmental entity that a refund is due.
(3) A refund shall include a refund of interest at one-half (1/2) the legal rate provided for in section 28-22-104, Idaho Code.
(4) Any person entitled to a refund shall have standing to sue for a refund under the provisions of this chapter if there has not been a timely payment of a refund pursuant to subsection (2) of this section.

67-8212. APPEALS. (1) A governmental entity which adopts a development impact fee ordinance shall provide for administrative appeals by the developer or fee payer from any discretionary action or inaction by or on behalf of the governmental entity.
(2) A fee payer may pay a development impact fee under protest in order to obtain a development approval or building permit. A fee payer making such payment shall not be estopped from exercising the right of appeal provided in this chapter, nor shall such fee payer be estopped from receiving a refund of any amount deemed to have been illegally collected.

67-8213. COLLECTION. A governmental entity may provide in a development impact fee ordinance the means for collection of development impact fees, including, but not limited to:
(1) Additions to the fee for reasonable interest and penalties for non-payment or late payment;
(2) Withholding of the building permit or other governmental approval until the development impact fee is paid;
(3) Withholding of utility services until the development impact fee is paid; and
(4) Imposing liens for failure to timely pay a development impact
fee following procedures contained in chapter 5, title 45, Idaho Code.

67-8214. OTHER POWERS AND RIGHTS NOT AFFECTED. (1) Nothing in this chapter shall prevent a governmental entity from requiring a developer to construct reasonable project improvements in conjunction with a development project.

(2) Nothing in this chapter shall be construed to prevent or prohibit private agreements between property owners or developers and governmental entities in regard to the construction or installation of system improvements or providing for credits or reimbursements for system improvement costs incurred by a developer including interproject transfers of credits or providing for reimbursement for project improvements which are used or shared by more than one (1) development project.

(3) Nothing in this chapter shall obligate a governmental entity to approve development which results in an extraordinary impact.

(4) Nothing in this chapter shall obligate a governmental entity to approve any development request which may reasonably be expected to reduce levels of service below minimum acceptable levels established in the development impact fee ordinance.

(5) Nothing in this chapter shall be construed to create any additional right to develop real property or diminish the power of counties or cities in regulating the orderly development of real property within their boundaries.

(6) Nothing in this chapter shall work to limit the use by governmental entities of the power of eminent domain or supersede or conflict with requirements or procedures authorized in the Idaho Code for local improvement districts or general obligation bond issues.

67-8215. TRANSITION. (1) The provisions of this chapter shall not be construed to repeal any existing laws authorizing a governmental entity to impose fees or require contributions or property dedications for capital improvements. All ordinances imposing development impact fees shall be brought into conformance with the provisions of this chapter within one (1) year after the effective date of this chapter. Impact fees collected and developer agreements entered into prior to the expiration of the one (1) year period shall not be invalid by reason of this chapter. After adoption of a development impact fee ordinance, in accordance with the provisions of this chapter, notwithstanding any other provision of law, development requirements for system improvements shall be imposed by governmental entities only by way of development impact fees imposed pursuant to and in accordance with the provisions of this chapter.

(2) Notwithstanding any other provisions of this chapter, that portion of a project for which a valid building permit has been issued or construction has commenced prior to the effective date of a development impact fee ordinance shall not be subject to additional development impact fees so long as the building permit remains valid or construction is commenced and is pursued according to the terms of the permit or development approval.

67-8216. SEVERABILITY. The provisions of this chapter are hereby declared to be severable and if any provision of this chapter 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 chapter.

Approved April 8, 1992.

CHAPTER 283
(H.B. No. 808, As Amended)

AN ACT
RELATING TO TRESPASS; AMENDING SECTION 18-7008, IDAHO CODE, TO PROVIDE THAT THE POSTING OF A MINIMUM OF ONE HUNDRED SQUARE INCHES OF FLUORESCENT ORANGE PAINT OR THE PAINTING OF A METAL FENCE POST FLUORESCENT ORANGE, SHALL CONSTITUTE A "NO TRESPASSING" SIGN; AND AMENDING SECTION 36-1603, IDAHO CODE, TO PROVIDE THAT THE POSTING OF A MINIMUM OF ONE HUNDRED SQUARE INCHES OF FLUORESCENT ORANGE PAINT OR THE PAINTING OF A METAL FENCE POST FLUORESCENT ORANGE, SHALL CONSTITUTE A "NO TRESPASSING" SIGN AND TO PROVIDE CONSISTENT LANGUAGE WITH ANOTHER TRESPASS STATUTE.

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

SECTION 1. That Section 18-7008, Idaho Code, be, and the same is hereby amended to read as follows:

18-7008. TRESPASS -- ACTS CONSTITUTING. Every person who wilfully commits any trespass, by either:
1. Cutting down, destroying or injuring any kind of wood or timber belonging to another, standing or growing upon the lands of another; or
2. Carrying away any kind of wood or timber lying on such lands; or
3. Maliciously injuring or severing from the freehold of another, anything attached thereto, or the produce thereof; or
4. Digging, taking, or carrying away from any lot situated within the limits of any incorporated city, without the license of the owner or legal occupant thereof, any earth, soil, stone; or
5. Digging, taking, or carrying away from any land in any of the cities of the state, laid down on the map or plan of such city, or otherwise recognized or established as a street, alley, avenue, or park, without the license of the proper authorities, any earth, soil or stone; or
6. Wilfully opening, tearing down, or otherwise destroying any fence on the inclosed land of another, or opening any gate, bar, or fence of another and wilfully leaving it open, or using the corral or corrals of another without the permission of the owner; or
7. Wilfully covering up or encumbering in any manner, the land or city lot of another, without written permission from the owner or custodian thereof; or
8. Every person, except under landlord-tenant relationship, who, being first notified in writing, or verbally by the owner or autho-
rized agent of the owner of real property, to immediately depart from the same and who refuses so to depart after being so notified; or

9. Entering without permission of the owner or the owner's agent, upon the real property of another person which real property is posted with "No Trespassing" signs, is posted with a minimum of one hundred (100) square inches of fluorescent orange paint except that when metal fence posts are used, the entire post must be painted fluorescent orange, or other notices of like meaning, spaced at intervals of not less than one (1) sign, paint area or notice per six hundred sixty (660) feet along such real property; provided that where the geographical configuration of the real property is such that entry can reasonably be made only at certain points of access, such property is posted sufficiently for all purposes of this section if said signs, paint or notices are posted at such points of access:

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 — POSTING OF PUBLIC LANDS. (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, is posted with a minimum of one hundred (100) square inches of fluorescent orange paint except that when metal fence posts are used, the entire post must be painted fluorescent orange, 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, paint area or notice per six hundred sixty (660) feet provided that where the geographical configuration of the real property is such that entry can reasonably be made only at certain points of access, such property is posted sufficiently for all purposes of this subsection if said signs, paint areas or notices are posted at such points of access. 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 April 8, 1992.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 34-306, Idaho Code, be, and the same is hereby amended to read as follows:

34-306. PRECINCT BOUNDARY REQUIREMENTS. (1) Precinct boundaries shall follow visible, easily recognizable physical features; on the ground including, but not limited to, streets, railroad tracks, roads, streams, and lakes and ridges. The exception shall be when a precinct boundary coincides with a city, county, Indian reservation or school district boundary which does not follow a visible feature.

(2) In order to achieve compliance with the requirements of this section, and simultaneously maintain legislative district boundaries which may not follow visible features, as provided in section 67-202, Idaho Code, a county may designate subprecincts within precincts, the internal boundaries of which do not follow visible features.

SECTION 2. This act shall be in full force and effect on and after January 1, 1993.

Approved April 8, 1992.

CHAPTER 285
(H.B. No. 830)

AN ACT
RELATING TO RESTITUTION FOR CRIME VICTIMS; AMENDING CHAPTER 53, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-5307, IDAHO CODE, TO PROVIDE THAT A COURT MAY IMPOSE A FINE ON BEHALF OF VICTIMS OF CERTAIN CRIMES.

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

SECTION 1. That Chapter 53, Title 19, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 19-5307, Idaho Code, and to read as follows:

19-5307. FINES IN CASES OF CRIMES OF VIOLENCE. (1) Irrespective of any penalties set forth under state law, and in addition thereto, the court, at the time of sentencing or such later date as deemed necessary by the court, may impose a fine not to exceed five thousand dollars ($5,000) against any defendant found guilty of any felony listed in subsection (2) of this section.

The fine shall operate as a civil judgment against the defendant, and shall be entered on behalf of the victim named in the indictment or information, or the family of the victim in cases of homicide or crimes against children, and shall not be subject to any distribution otherwise required in section 19-4705, Idaho Code. A fine created under this section shall be a separate written order in addition to any other sentence the court may impose.
The fine contemplated in this section shall be ordered solely as a punitive measure against the defendant, and shall not be based upon any requirement of showing of need by the victim. The fine shall not be used as a substitute for an order of restitution as contemplated in section 19-5304, Idaho Code, nor shall such an order of restitution or order of compensation entered in accordance with section 72-1018, Idaho Code, be offset by the entry of such fine.

A defendant may appeal a fine created under this section in the same manner as any other aspect of a sentence imposed by the court. The imposition of a fine created under this section shall not preclude the victim from seeking any other legal remedy.

(2) The felonies for which a fine created under this section may be imposed are those described in:

- Section 18-805, Idaho Code (Aggravated arson);
- Section 18-905, Idaho Code (Aggravated assault);
- Section 18-907, Idaho Code (Aggravated battery);
- Section 18-909, Idaho Code (Assault with intent to commit a serious felony);
- Section 18-911, Idaho Code (Battery with intent to commit a serious felony);
- Section 18-913, Idaho Code (Felonious administration of drugs);
- Section 18-1501, Idaho Code (Felony injury to children);
- Section 18-1506, Idaho Code (Sexual abuse of a child under the age of sixteen);
- Section 18-1506a, Idaho Code (Ritualized abuse of a child);
- Section 18-1507, Idaho Code (Sexual exploitation of a child);
- Section 18-1508, Idaho Code (Lewd conduct with a child under the age of sixteen);
- Section 18-4001, Idaho Code (Murder);
- Section 18-4006, Idaho Code (Felony manslaughter);
- Section 18-4014, Idaho Code (Administering poison with intent to kill);
- Section 18-4015, Idaho Code (Assault with intent to murder);
- Section 18-4502, Idaho Code (First degree kidnapping);
- Section 18-5001, Idaho Code (Mayhem);
- Section 18-5501, Idaho Code (Poisoning food, medicine or wells);
- Section 18-6101, Idaho Code (Rape);
- Section 18-6108, Idaho Code (Male rape);
- Section 18-6501, Idaho Code (Robbery).

Approved April 8, 1992.

CHAPTER 286
(H.B. No. 831)

AN ACT
RELATING TO CREATION OF AN INVENTORY OF REAL PROPERTY EXEMPT FROM AD VALOREM TAX; AMENDING SECTION 63-105, IDAHO CODE, TO PROVIDE THAT COUNTY ASSESSORS MUST INVENTORY CERTAIN REAL PROPERTY EXEMPT FROM AD VALOREM TAXATION AND SUBMIT THE INVENTORY TO THE STATE T AY COM-
MISSION.

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

SECTION 1. That Section 63-105, Idaho Code, be, and the same is hereby amended to read as follows:

63-105. PROPERTY EXEMPT FROM TAXATION. (1) Property shall be exempt from taxation as provided in this chapter; provided, that no deduction shall be made in assessment of shares of capital stock of any corporation or association for exemptions claimed under this section, and provided further, that the term full cash value wherever used in this act shall mean the actual assessed value of the property as to which an exemption is claimed.

(2) It shall be the duty of the county assessor to compile an inventory of real property exempt pursuant to sections 63-105A, 63-105B, 63-105C, 63-105I, 63-105K, 63-105L, 63-105M, 63-105N, 63-105O and 63-105T, Idaho Code. For real property the exemption of which is pursuant to sections 63-105A, 63-105M and 63-105O, Idaho Code, the assessor need provide only the titleholder, and the number of acres located in the county exempted pursuant to these sections. For exemptions granted pursuant to all other applicable sections, the assessor must provide the name of the record titleholder, the statutory exemption applicable to the property, whether the property is improved, and a brief legal description of the property. The assessor must submit the completed inventory to the board of county commissioners by September 30, 1992, together with a certification that such inventory contains a complete listing of all properties in the county qualifying for the applicable statutory exemptions on January 1, 1992. The board of county commissioners shall submit a copy of the inventory and certification to the state tax commission by November 10, 1992.

(3) Using inventories provided by county assessors, the state tax commission shall compile a statewide inventory showing the same information as provided by the county assessors and shall submit copies of the statewide inventory to the house revenue and taxation committee and the senate local government and taxation committee within fourteen (14) days of the commencement of the first regular legislative session in 1993.

Approved April 8, 1992.

CHAPTER 287
(H.B. No. 846)

AN ACT
SUMMARIZING THE FISCAL YEAR 1993 APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 1993; SUPERSEeding THE PROVI- SIONS OF SECTION 39-3606, IDAHO CODE; PROVIDING THAT THE STATE AUDITOR SHALL MAKE TRANSFERS FROM VARIOUS ACCOUNTS; EXPRESSING
LEGISLATIVE INTENT WITH REGARD TO AUTHORIZED OR MANDATED SERVICES; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO THE DISTRIBUTION OF FUNDS TO CURRENT SERVICE PROVIDERS; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO SUBSTANCE ABUSE PREVENTION; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO WASTE REDUCTION; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO THE HEALTH PROFESSIONAL LOAN REPAYMENT PROGRAM; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO THE STATE DRINKING WATER PROGRAM; DIRECTING THE DEPARTMENT OF HEALTH AND WELFARE TO PROVIDE SPECIAL REPORTS; AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES OF MONEYS.

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

SECTION 1. In summary, the appropriation to the Department of Health and Welfare, as contained in Section 2 of this act, includes various amounts from the listed accounts within the designated fund categories for the period July 1, 1992, through June 30, 1993:

FROM:

General Fund: $163,900,800
  General Account

Dedicated Funds: 25,215,100
  Domestic Violence Account
  Cancer Control Account
  Emergency Medical Services Account I
  Medical Assistance Account
  Emergency Medical Services Account II
  Liquor Account
  Water Pollution Control Account
  Central Tumor Registry Account
  Alcoholism Treatment Account
  Hazardous Waste Monitoring Account
  State Agricultural Smoke Management Account
  State Youth Training Center Income Account
  State Hospital South Income Account
  Idaho Veterans Home Income Account
  State Hospital North Income Account
  County Medical Indigency Suspense Account

Federal Funds: 304,623,400
  Cooperative Welfare Account

Other Funds: 39,184,800
  Cooperative Welfare Account

TOTAL $532,924,100

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 the designated expense classes from various accounts within the fund categories listed for the period July 1, 1992, through June 30, 1993:
### I. INDIRECT SUPPORT SERVICES:

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#### C. LABORATORY SERVICES:

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<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
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### III. DIVISION OF WELFARE:

#### A. ELIGIBILITY SERVICES:

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### C. 287 '92

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### B. MEDICAL ASSISTANCE FROM:
- **General Fund**
  - $2,007,500
- **Dedicated Funds**
  - $665,000
- **Federal Funds**
  - $2,720,700
- **Other Funds**
  - $250,900
| **TOTAL**                   | $4,979,100          | $15,520,200                | $230,303,700       | $263,288,000 |

### C. ADULT AND ADC ASSISTANCE PAYMENTS:
- **General Fund**
  - $150,000
- **Federal Funds**
  - $665,000
- **Other Funds**
  - $7,800,200
| **TOTAL**                   | $150,000            | $32,957,900                | $33,107,900       |

### D. WORK PROGRAMS:
- **General Fund**
  - $650,200
- **Federal Funds**
  - $1,155,200
| **TOTAL**                   | $1,805,400          | $7,061,400                 | $8,866,800        |

### E. CHILD SUPPORT ENFORCEMENT:
- **General Fund**
  - $479,900
- **Federal Funds**
  - $2,736,700
| **TOTAL**                   | $2,816,600          | $3,815,800                 | $6,632,400        |

### IV. DIVISION OF FAMILY AND CHILDREN'S SERVICES:
#### A. SOCIAL SERVICES:
- **General Fund**
  - $5,440,700
- **Federal Funds**
  - $7,689,500
| **TOTAL**                   | $11,130,200         | $11,842,200                | $22,972,400       |

*Division Division*
- **TOTAL**
  - $24,801,200
  - $18,330,400
  - $39,000
  - $288,354,900
  - $331,525,500
### B. SUBSTANCE ABUSE:

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### C. STATE YOUTH SERVICES CENTER:

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<tr>
<td><strong>Dedicated Funds</strong></td>
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<tr>
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### D. JUVENILE JUSTICE:

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### E. JUVENILE DETENTION AND ASSESSMENT:

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### V. DIVISION OF ENVIRONMENT:

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### IDAHO SESSION LAWS

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VII. Division of Community Rehabilitation:

A. Community Developmental Disabilities:
### B. IDAHO STATE SCHOOL AND HOSPITAL:

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### C. COMMUNITY MENTAL HEALTH SERVICES:

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### D. STATE HOSPITAL NORTH:

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<td>FOR CAPITAL OUTLAY</td>
<td>FOR TRUSTEE AND BENEFIT PAYMENTS</td>
<td>FOR LUMP SUM</td>
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<td>A. DOMESTIC VIOLENCE COUNCIL: FROM:</td>
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<td>B. DEVELOPMENTAL DISABILITIES COUNCIL: FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 8,800</td>
<td>$ 19,100</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Funds</td>
<td>196,300</td>
<td>51,900</td>
<td>71,700</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 205,100</td>
<td>$ 71,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C. COMMISSION ON ALCOHOL AND DRUG ABUSE: FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 57,800</td>
<td>$ 39,700</td>
<td></td>
<td></td>
</tr>
<tr>
<td>D. COUNCIL FOR THE DEAF AND HEARING IMPAIRED: FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 47,900</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 377,900</td>
<td>$ 193,600</td>
<td>$ 974,000</td>
<td></td>
</tr>
<tr>
<td>GRAND TOTAL:</td>
<td>$ 86,317,700</td>
<td>$ 47,060,400</td>
<td>$ 328,400</td>
<td>$ 352,445,900</td>
</tr>
</tbody>
</table>
SECTION 3. It is legislative intent that the appropriation of moneys from the Water Pollution Control Account, in Section 2 of this act, specifically supersedes the provisions of Section 39-3606, Idaho Code.

SECTION 4. As appropriated in this act, the State Auditor shall make transfers of the General Account, the Water Pollution Control Account, and the Hazardous Waste Monitoring Account 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 amount provided herein.

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. It is legislative intent to purchase, through the Community Developmental Disabilities Services and the Community Mental Health Division budgets, the services known as: Work Services; Community Supported Employment for the Developmentally Disabled; and Community Supported Employment for the Chronically Mentally Ill, the Traumatically Brain Injured, and the Severe Learning Disabled from the current regional service providers including Easter Seals.

SECTION 7. It is legislative intent that, of those moneys appropriated for Substance Abuse Prevention by Section 2 of this act, $100,000 be used to purchase radio and television advertising, targeted to adolescents, with factual messages concerning alcohol, drugs, and tobacco. At least half of this amount is to be used for messages on alcohol.

SECTION 8. It is legislative intent that, of those full-time equivalent positions authorized in the Division of Environmental Quality for Solid Waste, one position be designated solely for the purpose of waste reduction activities.

SECTION 9. It is legislative intent that, of those moneys appropriated in Section 2 of this act for the Health Professional Loan Repayment Program, no more than $20,000 be used for administrative costs, and that the Department of Health and Welfare contract with a nonprofit organization, or any other interested and qualified entity. It is further the intent of the Legislature that the advisory committee shall be composed of volunteers, and that travel costs shall be limited to the part-time administrator.

SECTION 10. It is legislative intent that: (1) The Division of Environmental Quality shall revise state drinking water regulations so they are no more strict than federal regulations; (2) the Division of Environmental Quality shall assure state definitions of regulated systems are no more strict than federal definitions; (3) the state pro-
gram shall not regulate any systems which would not be regulated under federal law or regulations; (4) the Division of Environmental Quality shall offer technical assistance to small systems serving 500 people or less (approximately 2,434 systems).

It is further legislative intent that the Division of Environmental Quality report back to the Joint Senate Finance-House Appropriations Committee in 1993 whether the small systems have been able to comply with federal requirements. If the systems have been unable to comply with federal regulations because of costs, the Division of Environmental Quality shall provide the Joint Senate Finance-House Appropriations Committee with an estimated cost for the systems to comply. To the extent possible, the cost estimates shall be reported to the Division of Environmental Quality by the systems themselves.

SECTION 11. By January 31, 1993, the Department of Health and Welfare is directed to provide the Joint Senate Finance-House Appropriations Committee, through the Legislative Budget Office, a current report on expenditures for Air Quality, Water Quality, Hazardous Materials, and the Professional Educational Loan Repayment programs; and a current report on departmental personnel including the number of filled positions, vacant positions and estimated salary savings.

SECTION 12. There is hereby reappropriated to the Department of Health and Welfare any unexpended and unencumbered balances of the Cooperative Welfare Account moneys appropriated by the Idaho Legislature for the period July 1, 1991, through June 30, 1992, to be used for nonrecurring expenditures only, for the period July 1, 1992, through June 30, 1993.

Approved April 8, 1992.

CHAPTER 288
(H.B. No. 850)

AN ACT
APPROPRIATING MONEYS FOR THE STATE LIQUOR DISPENSARY FOR FISCAL YEAR 1993.

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

SECTION 1. There is hereby appropriated to the Office of the Governor for the State Liquor Dispensary the following amount, to be expended according to designated expense classes from the listed account for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>For:</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$4,263,000</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>3,206,400</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>461,600</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$7,931,000</strong></td>
</tr>
</tbody>
</table>
FROM:
Liquor Account $7,931,000
Approved April 8, 1992.

CHAPTER 289
(H.B. No. 851)

AN ACT
APPROPRIATING MONEYS FOR THE ENDOWMENT FUND INVESTMENT BOARD FOR FISCAL YEAR 1993.

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 designated expense classes from the listed accounts for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$169,700</td>
<td>$98,100</td>
</tr>
<tr>
<td>Professional Services Account</td>
<td>56,600</td>
<td>29,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$226,300</td>
<td>$127,700</td>
</tr>
</tbody>
</table>

Approved April 8, 1992.

CHAPTER 290
(H.B. No. 852)

AN ACT
APPROPRIATING MONEYS FOR THE PUBLIC EMPLOYEE RETIREMENT SYSTEM FOR FISCAL YEAR 1993.

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 Employee Retirement System the following amount, to be expended according to the designated expense classes from the listed account for the period July 1, 1992, through June 30, 1993:

FOR:
Personnel Costs $1,413,600
Operating Expenditures 745,900
Capital Outlay 48,800
TOTAL $2,208,300

FROM:
Public Employee Retirement System Account $2,208,300

Approved April 8, 1992.

CHAPTER 291
(H.B. No. 855)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 1993; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES OF MONEYS; SETTING FORTH CONDITIONS FOR THE REAPPROPRIATION; AND EXPRESSING LEGISLATIVE INTENT.

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, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>Account</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>37,473,100</td>
</tr>
<tr>
<td>Interagency Billing and Receipts Account</td>
<td>1,120,300</td>
</tr>
<tr>
<td>Probation and Parole Receipts Account</td>
<td>1,140,600</td>
</tr>
<tr>
<td>Penitentiary Income Account</td>
<td>920,200</td>
</tr>
<tr>
<td>Job Training Partnership Account</td>
<td>194,000</td>
</tr>
<tr>
<td>Law Enforcement Grants Account</td>
<td>255,800</td>
</tr>
<tr>
<td>On the Job Training Account</td>
<td>89,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$41,193,000</strong></td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Department of Correction the following amounts, to be expended for designated programs according to designated expense classes from the listed accounts for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>Account</th>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
<th>Trustee and Benefit Payments</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>4,678,500</td>
<td>2,772,800</td>
<td>14,300</td>
<td>1,634,000</td>
<td>9,099,600</td>
</tr>
<tr>
<td>Job Training Partnership Account</td>
<td>185,700</td>
<td>8,300</td>
<td></td>
<td></td>
<td>194,000</td>
</tr>
<tr>
<td>On the Job Training Account</td>
<td>77,200</td>
<td>11,800</td>
<td></td>
<td></td>
<td>89,000</td>
</tr>
<tr>
<td>Probation and Parole Receipts Account</td>
<td>33,600</td>
<td>13,000</td>
<td></td>
<td></td>
<td>46,600</td>
</tr>
<tr>
<td>FOR PERSONNEL COSTS</td>
<td>FOR OPERATING EXPENDITURES</td>
<td>FOR CAPITAL OUTLAY</td>
<td>FOR TRUSTEE AND BENEFIT PAYMENTS</td>
<td>TOTAL</td>
<td></td>
</tr>
<tr>
<td>---------------------</td>
<td>----------------------------</td>
<td>-------------------</td>
<td>---------------------------------</td>
<td>-------</td>
<td></td>
</tr>
<tr>
<td>Interagency Billing and Receipts</td>
<td>5,500</td>
<td></td>
<td></td>
<td>5,500</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$4,975,000</td>
<td>$2,811,400</td>
<td>$14,300</td>
<td>$1,634,000</td>
<td>$9,434,700</td>
</tr>
</tbody>
</table>

B. IDAHO STATE CORRECTIONAL INSTITUTION - BOISE:

FROM:

| General Account | $6,607,900 | $1,060,300 | $10,000 | $7,678,200 |
| Penitentiary Income Account | 920,200 |                                      |         | 920,200 |
| Interagency Billing and Receipts Account | 47,100 | 94,500 |                                | 141,600 |
| TOTAL | $6,655,000 | $2,075,900 | $10,000 | $8,740,000 |

C. IDAHO CORRECTIONAL INSTITUTION - OROFINO:

FROM:

| General Account | $2,598,000 | $791,100 | $48,700 | $3,437,800 |
| Interagency Billing and Receipts Account |                                | 800 | 1,000 | $1,800 |
| TOTAL | $2,598,000 | $791,900 | $1,000 | $3,439,600 |

D. NORTH IDAHO CORRECTIONAL INSTITUTION - COTTONWOOD:

FROM:

| General Account | $1,470,200 | $625,600 | $11,000 | $2,106,800 |
| Interagency Billing and Receipts Account | 25,000 | 87,800 | 65,000 | 177,800 |
| TOTAL | $1,495,200 | $713,400 | $76,000 | $2,284,600 |

E. SOUTH IDAHO CORRECTIONAL INSTITUTION - BOISE:

FROM:

| General Account | $1,368,400 | $432,300 |                                      | $1,800,700 |
| Interagency Billing and Receipts Account | 127,600 | 92,600 | 28,500 | 248,700 |
| TOTAL | $1,496,000 | $524,900 | $28,500 | $2,049,400 |

F. IDAHO MAXIMUM SECURITY INSTITUTION - BOISE:

FROM:

| General Account | $4,166,100 | $1,133,600 |                                      | $5,299,700 |
| ST. ANTHONY WORK CAMP:

FROM:

| General Account | $939,100 | $256,900 |                                      | $1,196,000 |
| Law Enforcement Grants Account | 22,400 |                                      | 22,400 |
SECTION 3. There is hereby reappropriated to the Department of Correction, subject to the provisions of Section 4 of this act, up to $1,305,000 of the unexpended and unencumbered balance of the General Account appropriation made for the period July 1, 1991, through June 30, 1992, to the Administration and Institutional Support Program for operating expenditures and for capital outlay, to be used for non-recurring expenditures only for the period July 1, 1992, through June 30, 1993.

SECTION 4. The reappropriation granted in Section 3 of this act shall be subject to the following conditions:

(1) If the unexpended and unencumbered balance in the General Account on June 30, 1992, is zero, the reappropriation in Section 3 is hereby declared to be null and void.

(2) If the unexpended and unencumbered balance in the General Account on June 30, 1992, is greater than zero but less than the total reappropriation authority granted to all state agencies, the amount reappropriated in Section 3 shall be in the proportion that the Department of Correction reappropriation bears to the total
reappropriation authority granted to all state agencies.

SECTION 5. It is legislative intent that the Department of Correction go forward with site selection and development of a specific proposal for siting a fourth community work center.

SECTION 6. It is legislative intent that the Department of Correction pay no more than $35.00 per day per inmate to counties for housing state prisoners beginning July 1, 1992, or as the department terminates existing contracts.

Approved April 8, 1992.

CHAPTER 292
(H.B. No. 856, As Amended)

AN ACT
RELATING TO SOLID WASTE FACILITIES; PROVIDING A STATEMENT OF LEGISLATIVE FINDINGS AND INTENT; AMENDING TITLE 39, CHAPTER 74, IDAHO CODE, AS ENACTED IN HOUSE BILL NO. 778, SECOND REGULAR SESSION, FIFTY-FIRST IDAHO LEGISLATURE, BY THE ADDITION OF A NEW SECTION 39-7421, IDAHO CODE, TO EXCLUDE CERTAIN FACILITIES; AND DECLARING AN EMERGENCY.

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

SECTION 1. STATEMENT OF LEGISLATIVE FINDINGS AND INTENT. (1) The legislature of the state of Idaho hereby finds that: (a) certain classes of facilities that dispose of, store or treat hazardous materials and wastes are comprehensively regulated pursuant to federal and state laws.

(2) Therefore, it is hereby declared that the purpose of this act is to preclude additional regulation through the enactment of section 39-7421, Idaho Code.

SECTION 2. That Chapter 74, Title 39, Idaho Code, as enacted in House Bill No. 778, Second Regular Session, Fifty-first Idaho Legislature, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 39-7421, Idaho Code, and to read as follows:

39-7421. EXCLUDED FACILITIES. This chapter shall not apply to any facility subject to the provisions of subtitle C of RCRA, the hazardous waste management act of 1983, as amended (section 39-4401, et seq., Idaho Code) or the state hazardous waste facility siting act, as amended (section 39-5801, et seq., Idaho Code).

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

Approved April 8, 1992.
CHAPTER 293  
(H.B. No. 859)

AN ACT
APPROPRIATING MONEYS FOR THE OFFICE ON AGING FOR FISCAL YEAR 1993.

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

SECTION 1. There is hereby appropriated to the Office of the Governor for the Office on Aging the following amount, to be expended according to the designated expense classes from the listed accounts, for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$262,800</td>
<td>$69,800</td>
<td>$2,187,200</td>
<td>$2,519,800</td>
</tr>
<tr>
<td>Miscellaneous Revenue Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office on Aging Federal Account</td>
<td>$315,000</td>
<td>$128,100</td>
<td>$4,670,900</td>
<td>$5,114,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$577,800</td>
<td>$213,900</td>
<td>$6,858,100</td>
<td>$7,649,800</td>
</tr>
</tbody>
</table>

Approved April 8, 1992.

CHAPTER 294  
(H.B. No. 860)

AN ACT
APPROPRIATING MONEYS FOR THE HUMAN RIGHTS COMMISSION FOR FISCAL YEAR 1993; APPROPRIATING MONEYS TO THE HUMAN RIGHTS COMMISSION FOR FISCAL YEAR 1992, IN ADDITION TO THE APPROPRIATION MADE BY SECTION 1, CHAPTER 107, LAWS OF 1991; AND DECLARING AN EMERGENCY FOR SECTION 2 OF THIS ACT.

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

SECTION 1. There is hereby appropriated to the Office of the Governor for the Human Rights Commission the following amount, to be expended according to designated expense classes from the listed accounts, for the period July 1, 1992, through June 30, 1993:
SECTION 2. In addition to the appropriation made by Section 1, Chapter 107, Laws of 1991, there is hereby appropriated to the Office of the Governor for the Human Rights Commission the following amount, to be expended according to the designated expense classes from the listed account for the period July 1, 1991, through June 30, 1992:

<table>
<thead>
<tr>
<th>FOR</th>
<th>FOR</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERSONNEL COSTS</td>
<td>OPERATING EXPENDITURES</td>
<td>TOTAL</td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$262,700</td>
<td>$100,100</td>
</tr>
<tr>
<td>Human Rights Federal Account</td>
<td>65,300</td>
<td>41,000</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>400</td>
<td>400</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$328,000</td>
<td>$141,500</td>
</tr>
</tbody>
</table>

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.

Approved April 8, 1992.

CHAPTER 295
(H.B. No. 861)

AN ACT
APPROPRIATING MONEYS FOR THE MILITARY DIVISION FOR FISCAL YEAR 1993;
REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; AND
SETTING FORTH CONDITIONS FOR THE REAPPROPRIATION.

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

SECTION 1. There is hereby appropriated to the Office of the Governor for the Military Division, the following amounts to be expended for the listed programs from the listed accounts for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FOR</th>
<th>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. MILITARY MANAGEMENT:</td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$1,521,900</td>
</tr>
<tr>
<td>Federal Account</td>
<td>218,100</td>
</tr>
<tr>
<td>Miscellaneous Revenue Account</td>
<td>35,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,775,600</td>
</tr>
</tbody>
</table>
B. FEDERAL AND STATE CONTRACTS:
FROM:
General Account
Federal Account
TOTAL

C. DISASTER SERVICES:
FROM:
General Account
Federal Account
Indirect Cost Recovery Account
TOTAL

GRAND TOTAL

SECTION 2. There is hereby reappropriated to the Office of the Governor for the Military Division, subject to the provisions of Section 3 of this act, the unexpended and unencumbered balance of any General Account appropriation made to the Military Division, for the period July 1, 1991, through June 30, 1992, to be used for nonrecurring expenditures only for the period July 1, 1992, through June 30, 1993.

SECTION 3. The reappropriation granted in Section 2 of this act shall be subject to the following conditions:

(1) If the unexpended and unencumbered balance in the General Account on June 30, 1992, is zero, the reappropriation in Section 2 is hereby declared to be null and void.

(2) If the unexpended and unencumbered balance in the General Account on June 30, 1992, is greater than zero but less than the total reappropriation authority granted to all state agencies, the amount reappropriated in Section 2 shall be in the proportion that the reappropriation for the Military Division bears to the total reappropriation authority granted to all state agencies.

Approved April 8, 1992.

CHAPTER 296
(H.B. No. 862)

AN ACT
EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 1993; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; SETTING FORTH CONDITIONS FOR THE REAPPROPRIATION; AND EXPRESSING LEGISLATIVE INTENT.

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, 1992, through June 30, 1993:
FOR:
Personnel Costs  $6,805,600
Operating Expenditures  2,658,300
Capital Outlay  125,700
Trustee and Benefit Payments  5,650,300
TOTAL  $15,239,900

FROM:
General Account  $5,865,000
Watermaster Service Account  264,800
Federal Indirect Support Account  248,600
Miscellaneous Federal Account  734,500
Federal Energy Account  1,495,900
Water Pollution Control Account  3,048,300
Water Resources Adjudication Account  3,082,800
Resource Conservation and Rangeland Development Loan Account  500,000
TOTAL  $15,239,900

SECTION 2. There is hereby appropriated to the Department of Water Resources the following amount, to be expended for the designated programs according to the designated expense classes from the listed accounts for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FOR</th>
<th>FOR</th>
<th>FOR</th>
<th>TRUSTEE AND</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERSONNEL</td>
<td>OPERATING</td>
<td>CAPITAL</td>
<td>BENEFIT</td>
</tr>
<tr>
<td>COSTS</td>
<td>EXPENDITURES</td>
<td>OUTLAY</td>
<td>PAYMENTS</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

I. MANAGEMENT & SUPPORT SERVICES:
FROM:
General Account  $523,900  $305,100  $25,600  $820,000  $1,674,600
Federal Indirect Support Account  160,900  87,700  248,600
TOTAL  $684,800  $392,800  $25,600  $820,000  $1,923,200

II. PLANNING AND POLICY DIVISION:
FROM:
General Account  $1,089,900  $235,500  $40,000  $434,600  $1,800,000
Miscellaneous Federal Account  434,200  129,500  563,700
Water Pollution Control Account  133,400  39,900  2,875,000  3,048,300
Resource Conservation and Rangeland Development Loan Account  500,000  500,000
TOTAL  $1,657,500  $404,900  $40,000  $3,809,600  $5,912,000

III. ENERGY RESOURCES DIVISION:
FROM:
General Account  $113,700  $27,500  $141,200
Federal Energy Account  752,300  743,600  1,495,900
TOTAL  $866,000  $771,100  $1,637,100
FOR PERSONNEL COSTS FOR OPERATING EXPENDITURES FOR TRUSTEE AND CAPITAL OUTLAY BENEFIT PAYMENTS TOTAL

IV. WATER MANAGEMENT DIVISION:
A. SNAKE BASIN ADJUDICATIONS:
FROM:
Water Resources
Adjudication Account $1,390,400 $611,600 $60,100 $1,020,700 $3,082,800

B. WATER MANAGEMENT:
FROM:
General Account $1,836,300 $412,900 $2,249,200
Watermaster Service Account 231,500 33,300 264,800
Miscellaneous Federal Account 139,100 31,700 170,800
TOTAL $2,206,900 $477,900 $2,684,800

GRAND TOTAL $6,805,600 $2,658,300 $125,700 $5,650,300 $15,239,900

SECTION 3. There is hereby reappropriated to the Department of Water Resources, subject to the provisions of Section 4 of this act, the unexpended and unencumbered balance of any General Account appropriation made for the period July 1, 1991, through June 30, 1992, to be used for nonrecurring expenditures only for the period July 1, 1992, through June 30, 1993.

SECTION 4. The reappropriation granted in Section 3 of this act shall be subject to the following conditions:

(1) If the unexpended and unencumbered balance in the General Account on June 30, 1992, is zero, the reappropriation in Section 3 is hereby declared to be null and void.

(2) If the unexpended and unencumbered balance in the General Account on June 30, 1992, is greater than zero but less than the total reappropriation authority granted to all state agencies, the amount reappropriated in Section 3 shall be in the proportion that the reappropriation for the Department of Water Resources bears to the total reappropriation authority granted to all state agencies.

SECTION 5. It is legislative intent that the appropriations of moneys from the Water Pollution Control Account and the Resource Conservation and Rangeland Development Loan Account in Section 2 of this act, specifically supersede the provisions of Section 39-3606 and Section 22-2731, Idaho Code, respectively.

Approved April 8, 1992.
AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE DEPARTMENT OF LAW ENFORCEMENT FOR FISCAL YEAR 1993; AND EXPRESSING LEGISLATIVE INTENT AS TO MATCHING FUNDS.

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

SECTION 1. It is legislative intent that the expenditures for the Department of Law Enforcement not exceed the following amount for the period July 1, 1992, through June 30, 1993:

FROM:
- General Account
- Idaho Law Enforcement Account
- Idaho Law Enforcement Telecommunications Account
- Drug Donation Account
- Federal Grant Account
- Hazardous Materials/Waste Enforcement Account
- Idaho State Racing Commission Account
- State Brand Board Account
- Miscellaneous Revenue Account
- Peace Officers Account

TOTAL $31,056,900

SECTION 2. There is hereby appropriated to the Department of Law Enforcement the following amount, to be expended for the designated programs according to the designated expense classes from the listed accounts for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>Account Description</th>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
<th>Trustee and Benefit Payments</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$1,155,500</td>
<td>$350,600</td>
<td>$500</td>
<td></td>
<td>$1,506,600</td>
</tr>
<tr>
<td>Idaho Law Enforcement Account</td>
<td>30,300</td>
<td></td>
<td></td>
<td></td>
<td>30,300</td>
</tr>
<tr>
<td>Peace Officers Account</td>
<td>2,700</td>
<td></td>
<td></td>
<td></td>
<td>2,700</td>
</tr>
<tr>
<td>Hazardous Materials/Waste Enforcement Account</td>
<td>800</td>
<td></td>
<td></td>
<td></td>
<td>800</td>
</tr>
<tr>
<td>Idaho Law Enforcement Telecommunications Account</td>
<td>1,200</td>
<td></td>
<td></td>
<td></td>
<td>1,200</td>
</tr>
<tr>
<td>Federal Grant Account</td>
<td>44,300</td>
<td>12,700</td>
<td></td>
<td></td>
<td>57,000</td>
</tr>
<tr>
<td>Miscellaneous Revenue Account</td>
<td>36,100</td>
<td>5,100</td>
<td></td>
<td></td>
<td>41,200</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,235,900</td>
<td>$403,400</td>
<td>$500</td>
<td></td>
<td>$1,639,800</td>
</tr>
<tr>
<td></td>
<td>FOR PERSONNEL OPERATING COSTS</td>
<td>FOR OPERATING EXPENDITURES</td>
<td>FOR CAPITAL OUTLAY</td>
<td>FOR TRUSTEE AND BENEFIT PAYMENTS</td>
<td>TOTAL</td>
</tr>
<tr>
<td>------------------------</td>
<td>-------------------------------</td>
<td>----------------------------</td>
<td>--------------------</td>
<td>----------------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td><strong>II. POLICE SERVICES:</strong> FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$4,166,800</td>
<td>$2,254,700</td>
<td></td>
<td>$6,421,500</td>
<td></td>
</tr>
<tr>
<td>Idaho Law Enforcement</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Telecommunications Account</td>
<td>118,800</td>
<td>259,300</td>
<td></td>
<td></td>
<td>378,100</td>
</tr>
<tr>
<td>Drug Donation Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Grant Account</td>
<td>214,400</td>
<td>$132,400</td>
<td></td>
<td></td>
<td>346,800</td>
</tr>
<tr>
<td>Hazardous Materials/Waste Enforcement Account</td>
<td>743,000</td>
<td>435,900</td>
<td>$2,100,000</td>
<td>3,278,900</td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Revenue Account</td>
<td>64,100</td>
<td>312,000</td>
<td>280,000</td>
<td>656,100</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$5,092,700</td>
<td>$3,476,300</td>
<td>$132,400</td>
<td>$2,380,000</td>
<td>$11,081,400</td>
</tr>
<tr>
<td><strong>III. IDAHO STATE POLICE:</strong> FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$1,481,900</td>
<td>$28,500</td>
<td>$102,600</td>
<td>$1,613,000</td>
<td></td>
</tr>
<tr>
<td>Idaho Law Enforcement Account</td>
<td>7,536,000</td>
<td>2,240,900</td>
<td>855,000</td>
<td>10,631,900</td>
<td></td>
</tr>
<tr>
<td>Drug Donation Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hazardous Materials/Waste Enforcement Account</td>
<td>128,100</td>
<td>59,600</td>
<td>$60,000</td>
<td>247,700</td>
<td></td>
</tr>
<tr>
<td>Federal Grant Account</td>
<td>1,177,400</td>
<td>481,500</td>
<td>25,000</td>
<td>1,683,900</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$10,323,400</td>
<td>$2,810,500</td>
<td>$1,128,600</td>
<td>$85,000</td>
<td>$14,347,500</td>
</tr>
<tr>
<td><strong>IV. BRAND INSPECTION:</strong> FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Brand Board Account</td>
<td>$1,506,800</td>
<td>$245,300</td>
<td>$11,000</td>
<td>$1,763,100</td>
<td></td>
</tr>
<tr>
<td><strong>V. RACING COMMISSION:</strong> FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Idaho State Racing Commission Account</td>
<td>$336,600</td>
<td>$252,300</td>
<td></td>
<td>$588,900</td>
<td></td>
</tr>
<tr>
<td><strong>VI. ALCOHOL BEVERAGE CONTROL:</strong> FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$586,100</td>
<td>$138,500</td>
<td>$21,000</td>
<td>$745,600</td>
<td></td>
</tr>
<tr>
<td>Federal Grant Account</td>
<td>36,400</td>
<td></td>
<td></td>
<td></td>
<td>36,400</td>
</tr>
<tr>
<td>Miscellaneous Revenue Account</td>
<td>1,000</td>
<td>$1,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$622,500</td>
<td>$139,500</td>
<td>$21,000</td>
<td></td>
<td>$783,000</td>
</tr>
<tr>
<td><strong>VII. POST ACADEMY:</strong> FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Peace Officers</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
SECTION 3. It is legislative intent that any new drug related funds may be used as a match for federal anti-drug abuse grant moneys.

Approved April 8, 1992.

CHAPTER 298
(H.B. No. 865)

AN ACT
APPROPRIATING MONEYS TO THE STATE AUDITOR FOR FISCAL YEAR 1993; EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO CERTAIN EXPENDITURES; EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO STATE AUDITOR BILLING CHARGES; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; SETTING FORTH CONDITIONS FOR THE REAPPROPRIATION; APPROPRIATING MONEYS TO THE STATE AUDITOR IN ADDITION TO THE APPROPRIATION MADE BY SECTION 1, CHAPTER 83, LAWS OF 1991; AND DECLARING AN EMERGENCY FOR SECTION 6 OF THIS ACT.

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

SECTION 1. There is hereby appropriated to the State Auditor the following amount, to be expended for the designated programs according to the designated expense classes from the listed accounts for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account $1,214,100</td>
<td>$ 223,700</td>
<td>$ 1,437,800</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Professional Services Account 119,700</td>
<td>1,968,300</td>
<td>12,000</td>
<td>2,100,000</td>
<td></td>
</tr>
<tr>
<td>TOTAL $1,333,800</td>
<td>$2,192,000</td>
<td>$12,000</td>
<td>$3,537,800</td>
<td></td>
</tr>
</tbody>
</table>

II. COMPUTER CENTER:
FROM:
Data Processing
FOR PERSONNEL COSTS  FOR OPERATING EXPENDITURES  FOR CAPITAL OUTLAY  FOR TRUSTEE AND BENEFIT PAYMENTS  TOTAL

Services Account $1,958,500 $1,453,900 $1,410,000 $4,822,400
III. SAFIRS:
FROM:
General Account $ 217,200 $ 688,400 $ 905,600
IV. BOARD OF EXAMINERS:
FROM:
General Account $7,700 $ 7,700
GRAND TOTAL $3,509,500 $4,334,300 $1,422,000 $7,700 $9,273,500

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

SECTION 3. It is legislative intent that:
(1) Fees charged to each state agency for statewide accounting and payroll functions as defined in Section 67-3524, Idaho Code, not exceed the amount budgeted to each agency under the title "state auditor billing charges" during fiscal year 1993.
(2) The State Auditor establish an expenditure object for the purpose of tracking state auditor billing charges and that the State Auditor deliver a report to the Joint Finance-Appropriations Committee before January 31, 1993, comparing budgeted to actual expenditures for billing charges for the period July 1, 1992, to December 31, 1992.

SECTION 4. There is hereby reappropriated to the State Auditor, subject to the provisions of Section 5 of this act, the unexpended and unencumbered balance of any General Account appropriation made to the State Auditor for the period July 1, 1991, through June 30, 1992, to be used for nonrecurring expenditures only for the period July 1, 1992, through June 30, 1993.

SECTION 5. The reappropriation granted in Section 4 of this act shall be subject to the following conditions:
(1) If the unexpended and unencumbered balance in the General Account on June 30, 1992, is zero, the reappropriation in Section 4 is hereby declared to be null and void.
(2) If the unexpended and unencumbered balance in the General Account on June 30, 1992, is greater than zero but less than the total reappropriation authority granted to all state agencies, the amount reappropriated in Section 4 shall be in the proportion that the reappropriation for the State Auditor bears to the total
reappropriation authority granted to all state agencies.

SECTION 6. In addition to the appropriation made by Section 1, Chapter 83, Laws of 1991, there is hereby appropriated to the State Auditor the following amounts, to be expended for the designated program according to the designated expense class from the listed accounts for the period July 1, 1991, through June 30, 1992:

I. AUDITING AND ACCOUNTING:
   FOR:
   Operating Expenditures $67,700

   FROM:
   General Account $48,000
   Miscellaneous Revenue Account 19,700
   TOTAL $67,700

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, Section 6 of this act shall be in full force and effect on and after passage and approval.

Approved April 8, 1992.

CHAPTER 299
(H.B. No. 866)

AN ACT
APPROPRIATING MONEYS FOR THE DIVISION OF FINANCIAL MANAGEMENT FOR FISCAL YEAR 1993.

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

SECTION 1. There is hereby appropriated to the Office of the Governor for the Division of Financial Management the following amount, to be expended according to the designated expense classes from the listed accounts for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FOR</th>
<th>FOR</th>
<th>FOR</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERSONNEL COSTS</td>
<td>FOR</td>
<td>FOR</td>
<td>TOTAL</td>
</tr>
<tr>
<td>OPERATING EXPENDITURES</td>
<td>C</td>
<td>OUTLAY</td>
<td></td>
</tr>
<tr>
<td>1168,600</td>
<td>$205,700</td>
<td>$7,000</td>
<td>$1,253,700</td>
</tr>
<tr>
<td>ACCOUNT</td>
<td>22,100</td>
<td>22,100</td>
<td></td>
</tr>
<tr>
<td>$994,800</td>
<td>$251,900</td>
<td>$7,000</td>
<td></td>
</tr>
</tbody>
</table>

Approved April 8, 1992.
CHAPTER 300
(H.B. No. 867)

AN ACT
APPROPRIATING MONEYS FOR THE PERSONNEL COMMISSION FOR FISCAL YEAR 1993.

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 the designated expense classes from the listed accounts for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FOR</th>
<th>FOR</th>
<th>FOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERSONNEL</td>
<td>OPERATING</td>
<td>CAPITAL</td>
</tr>
<tr>
<td>COSTS</td>
<td>EXPENDITURES</td>
<td>OUTLAY</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

FROM:
Personnel Commission Account $1,433,600 $391,200 $23,000 $1,847,800
Miscellaneous Receipts Account $9,700 $9,700
TOTAL $1,433,600 $400,900 $23,000 $1,857,500

Approved April 8, 1992.

CHAPTER 301
(H.B. No. 868)

AN ACT
APPROPRIATING MONEYS TO THE SECRETARY OF STATE FOR FISCAL YEAR 1993; EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO CERTAIN EXPENDITURES; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; AND SETTING FORTH CONDITIONS FOR THE REAPPROPRIATION.

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

SECTION 1. There is hereby appropriated to the Secretary of State, the following amount, to be expended for the designated programs according to the designated expense classes from the listed accounts for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FOR</th>
<th>FOR</th>
<th>FOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERSONNEL</td>
<td>OPERATING</td>
<td>TRUSTEE AND</td>
</tr>
<tr>
<td>COSTS</td>
<td>CAPITAL</td>
<td>BENEFIT</td>
</tr>
<tr>
<td>ACCOUNTS</td>
<td>EXPENDITURES</td>
<td>OUTLAY</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

A. ADMINISTRATION:
FROM:
General Account $634,900 $363,100 $35,000 $1,033,000
<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>B. CENTRALIZED UNIFORM COMMERCIAL CODE:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$372,400</td>
<td>$233,000</td>
<td>$140,000</td>
<td>$745,400</td>
</tr>
<tr>
<td>C. COMMISSION ON UNIFORM LAWS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td></td>
<td>$14,600</td>
<td></td>
<td>$14,600</td>
</tr>
<tr>
<td>D. IDAHO COMMISSION ON THE ARTS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$232,700</td>
<td></td>
<td>$3,500</td>
<td>$692,300</td>
</tr>
<tr>
<td>Idaho Commission on the Arts Federal Account</td>
<td></td>
<td>$116,400</td>
<td>$339,700</td>
<td></td>
</tr>
<tr>
<td>Interagency Billing and Receipts Account</td>
<td></td>
<td>182,800</td>
<td>321,100</td>
<td>616,900</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>54,000</td>
<td>15,800</td>
<td>$69,800</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td></td>
<td>$415,500</td>
<td>$283,400</td>
<td>$3,500</td>
</tr>
</tbody>
</table>

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

SECTION 3. There is hereby reappropriated to the Secretary of State for the Administration Program and the Centralized Uniform Commercial Code Program, subject to the provisions of Section 4 of this act, the unexpended and unencumbered balance of any General Account appropriation made to the Secretary of State for the Administration Program and the Centralized Uniform Commercial Code Program for the period July 1, 1991, through June 30, 1992, to be used for nonrecurring expenditures only for the period July 1, 1992, through June 30, 1993.

SECTION 4. The reappropriation granted in Section 3 of this act shall be subject to the following conditions:

1. If the unexpended and unencumbered balance in the General Account on June 30, 1992, is zero, the reappropriation in Section 3 is hereby declared to be null and void.

2. If the unexpended and unencumbered balance in the General Account on June 30, 1992, is greater than zero but less than the total reappropriation authority granted to all state agencies, the amount
reappropriated in Section 3 shall be in the proportion that the reappropriation for the Secretary of State bears to the total reappropriation authority granted to all state agencies.

Approved April 8, 1992.

CHAPTER 302  
(H.B. No. 869)

AN ACT

APPROPRIATING MONEY TO THE DEPARTMENT OF COMMERCE IN ADDITION TO THE APPROPRIATION MADE BY SECTION 1, CHAPTER 193, LAWS OF 1991; APPROPRIATING MONEY TO THE DEPARTMENT OF COMMERCE FOR FISCAL YEAR 1993; AND DECLARING AN EMERGENCY FOR SECTION 1 OF THIS ACT.

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

SECTION 1. In addition to the appropriation made by Section 1, Chapter 193, Laws of 1991, there is hereby appropriated to the Department of Commerce the following amount to be expended according to the designated expense classes from the listed accounts for the period July 1, 1991, through June 30, 1992:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Idaho Travel and Convention Account</td>
<td>$383,900</td>
<td>$250,200</td>
<td>$634,100</td>
</tr>
<tr>
<td>Seminars and Publications Account</td>
<td>212,000</td>
<td></td>
<td>212,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$595,900</td>
<td>$250,200</td>
<td>$846,100</td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Department of Commerce the following amount from the listed accounts to be expended according to designated expense classes for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$1,286,500</td>
<td>$1,029,800</td>
<td>$ 100,000</td>
<td>$2,416,300</td>
</tr>
<tr>
<td>Idaho Travel and Convention Account</td>
<td>309,400</td>
<td>1,447,400</td>
<td>1,296,100</td>
<td>3,052,900</td>
</tr>
<tr>
<td>Seminars and Publications Account</td>
<td>349,000</td>
<td></td>
<td></td>
<td>349,000</td>
</tr>
<tr>
<td>Miscellaneous Revenue Account</td>
<td>19,500</td>
<td></td>
<td></td>
<td>19,500</td>
</tr>
<tr>
<td>Federal Account</td>
<td>349,600</td>
<td>126,900</td>
<td>8,624,900</td>
<td>9,101,400</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,945,500</td>
<td>$2,972,600</td>
<td>$10,021,000</td>
<td>$14,939,100</td>
</tr>
</tbody>
</table>
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 passage and approval.

Approved April 8, 1992.

CHAPTER 303
(H.B. No. 870)

AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF REVENUE AND TAXATION IN ADDITION TO THE APPROPRIATION MADE BY SECTION 3, CHAPTER 259, LAWS OF 1991; EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE DEPARTMENT OF REVENUE AND TAXATION FOR FISCAL YEAR 1993; AND DECLARING AN EMERGENCY FOR SECTION 1 OF THIS ACT.

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

SECTION 1. In addition to the appropriation made by Section 3, Chapter 259, Laws of 1991, there is hereby appropriated to the Department of Revenue and Taxation for the designated programs the following amounts, to be expended according to the designated expense class from the listed accounts for the period July 1, 1991, through June 30, 1992:
A. COUNTY SUPPORT:
   FOR:
   Operating Expenditures
   FROM:
   Interagency Billing and Receipts Account
   B. BOARD OF TAX APPEALS:
   FROM:
   General Account
   TOTAL

SECTION 2. It is legislative intent that the expenditures for the Department of Revenue and Taxation not exceed the following amounts for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$11,469,500</td>
<td>$3,280,900</td>
<td>$60,700</td>
</tr>
<tr>
<td>Interagency Billing and Receipts Account</td>
<td>130,900</td>
<td>130,900</td>
<td></td>
</tr>
<tr>
<td>Multi-State Tax Compact Account</td>
<td>148,300</td>
<td>148,300</td>
<td></td>
</tr>
</tbody>
</table>
SECTION 3. There is hereby appropriated to the Department of Revenue and Taxation 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, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>Account</th>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tax Commission Administration Account</td>
<td>151,900</td>
<td>109,200</td>
<td>261,100</td>
<td></td>
</tr>
<tr>
<td>Unclaimed Property Account</td>
<td>236,800</td>
<td>60,200</td>
<td>2,500</td>
<td>299,500</td>
</tr>
<tr>
<td>Highway Suspense Account</td>
<td>1,066,600</td>
<td>351,000</td>
<td>12,700</td>
<td>1,430,300</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$12,924,800</td>
<td>$4,080,500</td>
<td>$75,900</td>
<td>$17,081,200</td>
</tr>
</tbody>
</table>

A. GENERAL SERVICES:
FROM:
<table>
<thead>
<tr>
<th>Account</th>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$2,128,900</td>
<td>$1,039,800</td>
<td>$60,700</td>
<td>$3,229,400</td>
</tr>
<tr>
<td>Tax Commission Administration Account</td>
<td>29,400</td>
<td>29,400</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Highway Suspense Account</td>
<td>225,800</td>
<td>69,900</td>
<td>5,300</td>
<td>301,000</td>
</tr>
<tr>
<td>Interagency Billing and Receipts Account</td>
<td>54,600</td>
<td>54,600</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$2,354,700</td>
<td>$1,193,700</td>
<td>$66,000</td>
<td>$3,614,400</td>
</tr>
</tbody>
</table>

B. AUDIT AND COLLECTIONS:
FROM:
<table>
<thead>
<tr>
<th>Account</th>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$5,895,700</td>
<td>$945,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multi-State Tax Compact Account</td>
<td>148,300</td>
<td>148,300</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tax Commission Administration Account</td>
<td>151,900</td>
<td>54,400</td>
<td>206,300</td>
<td></td>
</tr>
<tr>
<td>Unclaimed Property Account</td>
<td>236,800</td>
<td>60,200</td>
<td>2,500</td>
<td>299,500</td>
</tr>
<tr>
<td>Highway Suspense Account</td>
<td>672,600</td>
<td>132,700</td>
<td>7,400</td>
<td>812,700</td>
</tr>
<tr>
<td>Interagency Billing and Receipts Account</td>
<td>4,000</td>
<td>4,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$6,957,000</td>
<td>$1,344,600</td>
<td>$9,900</td>
<td>$8,311,500</td>
</tr>
<tr>
<td>FOR PERSONNEL COSTS</td>
<td>FOR OPERATING EXPENDITURES</td>
<td>FOR CAPITAL OUTLAY</td>
<td>TOTAL</td>
<td></td>
</tr>
<tr>
<td>---------------------</td>
<td>---------------------------</td>
<td>-------------------</td>
<td>-------</td>
<td></td>
</tr>
<tr>
<td>C. COUNTY SUPPORT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 1,598,800</td>
<td>$ 393,800</td>
<td>$ 1,992,600</td>
<td></td>
</tr>
<tr>
<td>Interagency Billing and Receipts Account</td>
<td>55,100</td>
<td>55,100</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 1,598,800</td>
<td>$ 448,900</td>
<td>$ 2,047,700</td>
<td></td>
</tr>
<tr>
<td>D. REVENUE OPERATIONS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 1,792,400</td>
<td>$ 887,600</td>
<td>$ 2,680,000</td>
<td></td>
</tr>
<tr>
<td>Tax Commission Administration Account</td>
<td>25,400</td>
<td>25,400</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Highway Suspense Account</td>
<td>168,200</td>
<td>148,400</td>
<td>316,600</td>
<td></td>
</tr>
<tr>
<td>Interagency Billing and Receipts Account</td>
<td>17,200</td>
<td>17,200</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 1,960,600</td>
<td>$1,078,600</td>
<td>$ 3,039,200</td>
<td></td>
</tr>
<tr>
<td>E. BOARD OF TAX APPEALS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 53,700</td>
<td>$ 14,700</td>
<td>$ 68,400</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$12,924,800</td>
<td>$4,080,500</td>
<td>$75,900 $17,081,200</td>
<td></td>
</tr>
</tbody>
</table>

SECTION 4. 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.

Approved April 8, 1992.

CHAPTER 304
(H.B. No. 871)

AN ACT
EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS FOR VOCATIONAL EDUCATION FOR FISCAL YEAR 1993; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; SETTING FORTH CONDITIONS FOR THE REAPPROPRIATION; AND SUPERSEDING PROVISIONS OF SECTION 39-3606, IDAHO CODE.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. It is legislative intent that the expenditures to the State Board of Education for Vocational Education not exceed the following amount from the listed accounts for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$24,403,300</td>
</tr>
<tr>
<td>Carl Perkins Vocational Education Act Account</td>
<td>4,781,300</td>
</tr>
<tr>
<td>Interagency Billing and Receipts Account</td>
<td>219,800</td>
</tr>
<tr>
<td>Water Pollution Control Account</td>
<td>61,900</td>
</tr>
<tr>
<td>Displaced Homemaker Account</td>
<td>140,000</td>
</tr>
<tr>
<td>State Council on Vocational Education Account</td>
<td>148,500</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$29,754,800</strong></td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the State Board of Education for Vocational Education the following amount, to be expended for the designated programs according to the designated expense classes from the listed accounts for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FOR</th>
<th>FOR</th>
<th>FOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERSONNEL</td>
<td>OPERATING</td>
<td>TRUSTEE AND</td>
</tr>
<tr>
<td>COSTS</td>
<td>EXPENDITURES</td>
<td>BENEFIT PAYMENTS</td>
</tr>
</tbody>
</table>

A. ADMINISTRATION AND SUPERVISION:

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$1,297,800</td>
<td>$236,600</td>
<td></td>
<td>$1,534,400</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carl Perkins Vocational Education Act Account</td>
<td>88,300</td>
<td>159,400</td>
<td></td>
<td>247,700</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$1,386,100</strong></td>
<td><strong>$396,000</strong></td>
<td><strong>$1,782,100</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

B. GENERAL PROGRAMS:

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$163,000</td>
<td>$29,900</td>
<td>$4,735,700</td>
<td>$4,928,600</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Pollution Control Account</td>
<td></td>
<td>61,900</td>
<td></td>
<td>61,900</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carl Perkins Vocational Education Act Account</td>
<td>112,000</td>
<td>10,000</td>
<td>4,103,500</td>
<td>4,225,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interagency Billing and Receipts Account</td>
<td></td>
<td>66,800</td>
<td></td>
<td>66,800</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$275,000</strong></td>
<td><strong>$39,900</strong></td>
<td><strong>$8,967,900</strong></td>
<td><strong>$9,282,800</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

C. POST-SECONDARY PROGRAMS:

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td></td>
<td></td>
<td>$17,910,300</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interagency Billing and Receipts Account</td>
<td></td>
<td></td>
<td>153,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$18,063,300</strong></td>
<td></td>
<td><strong>$18,063,300</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
D. DISPLACED HOMEMAKER PROGRAM:
FROM:
General Account $ 30,000 $ 30,000
Displaced Homemaker Account $ 5,000 $ 135,000 $ 140,000
Carl Perkins Vocational Education Act Account $308,100 $308,100
TOTAL $ 5,000 $ 473,100 $ 478,100

E. IDAHO STATE COUNCIL ON VOCATIONAL EDUCATION:
FROM:
State Council on Vocational Education Account $ 103,300 $ 45,200 $ 148,500
GRAND TOTAL $1,764,400 $486,100 $27,504,300 $29,754,800

SECTION 3. There is hereby reappropriated to the State Board of Education for Vocational Education, subject to the provisions of Section 4 of this act, the unexpended and unencumbered balance of any General Account appropriation made to Vocational Education for the period July 1, 1991, through June 30, 1992, to be used for nonrecurring expenditures only for the period July 1, 1992, through June 30, 1993.

SECTION 4. The reappropriation granted in Section 3 of this act shall be subject to the following conditions:
(1) If the unexpended and unencumbered balance in the General Account on June 30, 1992, is zero, the reappropriation in Section 3 is hereby declared to be null and void.
(2) If the unexpended and unencumbered balance in the General Account on June 30, 1992, is greater than zero but less than the total reappropriation authority granted to all state agencies, the amount reappropriated in Section 3 shall be in the proportion that the reappropriation for Vocational Education bears to the total reappropriation authority granted to all state agencies.

SECTION 5. It is legislative intent that the appropriation of moneys from the Water Pollution Control Account, in Section 2 of this act, specifically supersedes the provisions of Section 39-3606, Idaho Code.

Approved April 8, 1992.
CHAPTER 305
(H.B. No. 885)

AN ACT
RELATING TO AIR QUALITY; AMENDING SECTION 39-103, IDAHO CODE, TO FURTHER DEFINE EMISSION; DIRECTING THE BOARD OF HEALTH AND WELFARE TO PROMULGATE EMERGENCY RULES CONSISTENT WITH THE ACT; REPEALING SECTION 39-103, IDAHO CODE; AMENDING CHAPTER 1, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-103, IDAHO CODE, TO DEFINE TERMS; PROVIDING SEVERABILITY; DECLARING AN EMERGENCY, PROVIDING A SUNSET CLAUSE AND EFFECTIVE DATES.

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

SECTION 1. That Section 39-103, Idaho Code, be, and the same is hereby amended to read as follows:

39-103. DEFINITIONS. Whenever used or referred to in this act, unless a different meaning clearly appears from the context, the following terms shall have the following meanings:

1. "Board" means the board of health and welfare.
2. "Department" means the department of health and welfare.
3. "Director" means the director of the department of health and welfare.
4. "State" means the state of Idaho.
5. "Air contaminant" or "air contamination" means the presence in the outdoor atmosphere of any dust, fume, mist, smoke, vapor, gas or other gaseous fluid or particulate substance differing in composition from or exceeding in concentration the natural components of the atmosphere.
6. "Air pollution" means the presence in the outdoor atmosphere of any contaminant or combination thereof in such quantity of such nature and duration and under such conditions as would be injurious to human health or welfare, to animal or plant life, or to property, or to interfere unreasonably with the enjoyment of life or property.
7. "Emission" means any controlled or uncontrolled release or discharge into the outdoor atmosphere of any air contaminant or combination thereof. Emission also includes any release or discharge of any air contaminant from a stack, vent or other means into the outdoor atmosphere that originates from an emission unit.
8. "Water pollution" is such alteration of the physical, thermal, chemical, biological or radioactive properties of any waters of the state, or such discharge of any contaminant into the waters of the state as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare or to domestic, commercial, industrial, recreational, esthetic or other legitimate uses or to livestock, wild animals, birds, fish or other aquatic life.
9. "Waters" mean all the accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof which are wholly or partially within, flow through or border upon this state.
10. "Solid waste" means garbage, refuse, and other discarded solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants.

11. "Solid waste disposal" means the collection, storage, treatment, utilization, processing or final disposal of solid waste.

12. "Laboratory" means not only facilities for biological, serological, biophysical, cytological and pathological tests, but also facilities for the chemical or other examination of materials from water, air or other substances.

13. "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.

14. "Public swimming pool" means an artificial structure, and its appurtenances, which contains water more than two (2) feet deep which is used or intended to be used for swimming or recreational bathing, and which is for the use of any segment of the public pursuant to a general invitation but not an invitation to a specific occasion or occasions.

15. "Public water supply" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use in incorporated municipalities; or unincorporated communities where ten (10) or more separate premises or households are being served or intended to be served; or any other supply which serves water to the public and which the department of health and welfare declares to have potential health significance.

16. "Substantive" means that which creates, defines or regulates the rights of any person or implements, interprets or prescribes law or policy, but does not include statements concerning only the internal management of the department and not affecting private rights or procedures available to the public.

17. "Nutrient" means any one (1) of the natural elements including, but not limited to, carbon, hydrogen, oxygen, nitrogen, potassium, phosphorus, magnesium, sulfur, calcium, sodium, iron, manganese, copper, zinc, molybdenum, vanadium, boron, chlorine, cobalt and silicon, that are essential to plant and animal growth.

SECTION 2. The Director of the Department of Health and Welfare and the Board of Health and Welfare are directed to promulgate emergency and permanent rules and regulations to amend the Idaho Department of Health and Welfare Rules and Regulations, Title 1, Chapter 1, Rules and Regulations for the Control of Air Pollution, consistent with this act.
SECTION 3. That Section 39-103, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Chapter 1, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 39-103, Idaho Code, and to read as follows:

39-103. DEFINITIONS. Whenever used or referred to in this act, unless a different meaning clearly appears from the context, the following terms shall have the following meanings:
1. "Board" means the board of health and welfare.
2. "Department" means the department of health and welfare.
3. "Director" means the director of the department of health and welfare.
4. "State" means the state of Idaho.
5. "Air contaminant" or "air contamination" means the presence in the outdoor atmosphere of any dust, fume, mist, smoke, vapor, gas or other gaseous fluid or particulate substance differing in composition from or exceeding in concentration the natural components of the atmosphere.
6. "Air pollution" means the presence in the outdoor atmosphere of any contaminant or combination thereof in such quantity of such nature and duration and under such conditions as would be injurious to human health or welfare, to animal or plant life, or to property, or to interfere unreasonably with the enjoyment of life or property.
7. "Emission" means a release or discharge into the outdoor atmosphere of any air contaminant or combination thereof.
8. "Water pollution" is such alteration of the physical, thermal, chemical, biological or radioactive properties of any waters of the state, or such discharge of any contaminant into the waters of the state as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare or to domestic, commercial, industrial, recreational, esthetic or other legitimate uses or to livestock, wild animals, birds, fish or other aquatic life.
9. "Waters" mean all the accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof which are wholly or partially within, flow through or border upon this state.
10. "Solid waste" means garbage, refuse, and other discarded solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants.
11. "Solid waste disposal" means the collection, storage, treatment, utilization, processing or final disposal of solid waste.
12. "Laboratory" means not only facilities for biological, serological, biophysical, cytological and pathological tests, but also facilities for the chemical or other examination of materials from
water, air or other substances.

13. "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.

14. "Public swimming pool" means an artificial structure, and its appurtenances, which contains water more than two (2) feet deep which is used or intended to be used for swimming or recreational bathing, and which is for the use of any segment of the public pursuant to a general invitation but not an invitation to a specific occasion or occasions.

15. "Public water supply" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use in incorporated municipalities; or unincorporated communities where ten (10) or more separate premises or households are being served or intended to be served; or any other supply which serves water to the public and which the department of health and welfare declares to have potential health significance.

16. "Substantive" means that which creates, defines or regulates the rights of any person or implements, interprets or prescribes law or policy, but does not include statements concerning only the internal management of the department and not affecting private rights or procedures available to the public.

17. "Nutrient" means any one (1) of the natural elements including, but not limited to, carbon, hydrogen, oxygen, nitrogen, potassium, phosphorus, magnesium, sulfur, calcium, sodium, iron, manganese, copper, zinc, molybdenum, vanadium, boron, chlorine, cobalt and silicon, that are essential to plant and animal growth.

SECTION 5. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1, 2, and 5 of this act shall be in full force and effect on and after passage and approval. Sections 1 and 2 of this act shall be null, void and of no force and effect on and after March 1, 1993. Sections 3 and 4 of this act shall be in full force and effect on and after March 1, 1993.

Approved April 8, 1992.
CHAPTER 306
(H.B. No. 887)

AN ACT
AMENDING SECTION 1, CHAPTER 108, LAWS OF 1991; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 108, Laws of 1991, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the Office of the Governor for the State Liquor Dispensary the following amount, to be expended according to designated expense classes from the listed account for the period July 1, 1991, through June 30, 1992:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL</th>
<th>FOR OPERATING COSTS</th>
<th>FOR CAPITAL EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
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<td>4,141,800</td>
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SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved April 8, 1992.

CHAPTER 307
(S.B. No. 1288, As Amended in the House)

AN ACT
RELATING TO THE FORMULATION AND ADOPTION OF A COMPREHENSIVE STATE NUTRIENT MANAGEMENT PLAN FOR THE SURFACE WATERS OF THE STATE OF IDAHO; AMENDING SECTION 39-105, IDAHO CODE, TO EXTEND THE DEADLINE FOR COMPLETING THE PANHANDLE HYDROLOGIC BASIN PLAN.

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

SECTION 1. That Section 39-105, Idaho Code, be, and the same is hereby amended to read as follows:

39-105. POWERS AND DUTIES OF THE DIRECTOR. The director shall have the following powers and duties:
1. All of the powers and duties of the department of public health, the department of health, the board of health, and the air pollution control commission, are hereby transferred to the director of the department of health and welfare, provided, however, that rule making and hearing functions relating to environmental protection,
public health and licensure and certification standards shall be vested in the board of health and welfare. The director shall have all such powers and duties as may have been or could have been exercised by his predecessors in law, including the authority to adopt, promulgate, and enforce rules and regulations in those circumstances when the authority to adopt, promulgate, and enforce such rules and regulations is not vested in the board of health and welfare, and shall be the successor in law to all contractual obligations entered into by his predecessor in law. All rule making proceedings and hearings of the director shall be governed by the provisions of chapter 52, title 67, Idaho Code.

2. The director shall, pursuant and subject to the provisions of the Idaho Code, and the provisions of this act, formulate and recommend to the board, rules, regulations, codes and standards, as may be necessary to deal with problems related to personal health, water pollution, air pollution, visual pollution, noise abatement, solid waste disposal, and licensure and certification requirements pertinent thereto, which shall, upon adoption by the board, have the force of law relating to any purpose which may be necessary and feasible for enforcing the provisions of this act, including, but not limited to the prevention, control or abatement of environmental pollution or degradation and the maintenance and protection of personal health. Any such regulation or standard may be of general application throughout the state or may be limited as to times, places, circumstances or conditions in order to make due allowance for variations therein.

3. The director, under the rules, regulations, codes or standards adopted by the board, shall have the general supervision of the promotion and protection of the life, health, mental health and environment of the people of this state. The powers and duties of the director shall include but not be limited to the following:
   a. The issuance of licenses and permits as prescribed by law and by the rules and regulations of the board.
   b. The supervision and administration of laboratories and the supervision and administration of standards of tests for environmental pollution, chemical analyses and communicable diseases. The director may require that laboratories operated by any city, county, institution, person, firm or corporation for health or environmental purposes conform to standards set by the board.
   c. The supervision and administration of a mental health program, which shall include services for the evaluation, screening, custody and treatment of the mentally ill and those persons suffering from a mental defect, or mental defects.
   d. The enforcement of minimum standards of health, safety and sanitation for all public swimming pools within the state.
   e. The enforcement of standards, rules and regulations, relating to public water supplies.
   f. The supervision and administration of the various schools, hospitals and institutions that were the responsibility of the board of health at the time this act went into effect.
   g. The supervision and administration of services dealing with the problems of alcoholism, including but not limited to the care and rehabilitation of persons suffering from alcoholism.
   h. The establishment of liaison with other governmental depart-
ments, agencies and boards in order to effectively assist other governmental entities with the planning for the control of or abatement of environmental and health problems. All of the rules, regulations and standards adopted by the board shall apply to state institutions.

i. The supervision and administration of an emergency medical service program, including but not limited to assisting other governmental agencies and local governmental units, in providing first aid emergency medical services and for transportation of the sick and injured.

j. The supervision and administration of a system to safeguard air quality and for limiting and controlling the emission of air contaminants.

k. The supervision and administration of a system to safeguard the quality of the waters of this state, including but not limited to the enforcement of standards relating to the discharge of effluent into the waters of this state and the storage, handling and transportation of solids, liquids, and gases which may cause or contribute to water pollution.

l. The supervision and administration of administrative units whose responsibility shall be to assist and encourage counties, cities, other governmental units, and industries in the control of and/or abatement of environmental and health problems.

m. The supervision and administration of a statewide solid waste disposal plan including the enforcement of rules and regulations for minimum sanitary standards for the storage, collection, incineration, composting, grinding, disposing or other processing of solid wastes, and for the construction, operation and maintenance of solid waste control systems. Plans, maps, specifications, and a proposed operational procedure report for a proposed public, commercial, industrial, or agricultural solid waste disposal site shall be submitted to the director for his review and approval.

n. The enforcement of all laws, rules, regulations, codes and standards relating to environmental protection and health.

o. The formulation and adoption of a comprehensive state nutrient management plan for the surface waters of the state of Idaho in consultation with the appropriate state or federal agencies, local units of government, and with public involvement as provided for under the administrative procedures act. The director shall recommend by March 1, 1990, to the board for adoption, rules and regulations setting forth procedures for development of the plan, including mechanisms to keep the public informed and encourage public participation in plan development. The plan shall be developed on a hydrologic basin unit basis with a lake system emphasis. The panhandle hydrologic basin plan shall be completed no later than July 1, 1992. The remaining basin plans shall be completed no later than January 1, 1995. Each plan shall identify nutrient sources; the dynamics of nutrient removal, use, and dispersal; and preventative or remedial actions where feasible and necessary to protect the surface waters of the state. The director shall formulate and recommend to the board for adoption rules and regulations as necessary to implement the plan. The plan shall be used by the department and other appropriate agencies including soil conserva-
tion districts, public health districts and local units of govern-
ment in developing programs for nutrient management. State and
local units of government shall exercise their police powers in
compliance with the comprehensive state nutrient management plan
of this act. Local nutrient management programs adopted by any
local unit of government prior to the completion of the state com-
prehensive nutrient management plan or a hydrologic basin plan
shall be consistent with the criteria for inclusion in the compre-
hensive state nutrient management plan as enumerated in this sub-
section, as evidenced by findings of fact by the local units of
government and confirmed by the division of environmental quality
and the local health district board. The director shall recommend
by March 1, 1990, to the board for adoption, rules and regulations
for procedures to determine consistency.

4. The formulation of a water quality management plan for
Priest lake in conjunction with a planning team from the Priest
lake area whose membership shall be appointed by the board and
consist of a fair representation of the various land managers, and
user and interest groups of the lake and its Idaho watershed. The
stated goal of the plan shall be to maintain the existing water
quality of Priest lake while continuing existing nonpoint source
activities in the watershed and providing for project specific
best management practices when necessary. The plan shall include
comprehensive characterization of lake water quality through com-
pletion of a baseline monitoring program to be conducted by the
department and shall consider existing economics and nonpoint
source activity dependent industries of the Priest lake area. The
planning team shall conduct public hearings and encourage public
participation in plan development including opportunity for public
review and input. Technical assistance to the planning team, with
state nonpoint source management programs in forest practices,
road construction and maintenance, agriculture and mining shall be
provided by the department. Technical assistance to the planning
team on area planning, zoning and sanitary regulations shall be
provided by the clean lakes council. The plan shall be submitted
to the board for its approval at the end of a three (3) year plan
development period. Upon review and acceptance by the board, the
plan shall be submitted to the legislature for amendment, adoption
or rejection. If adopted by the legislature, the plan shall be
enacted by passage of a statute at the regular legislative session
when it receives the plan and shall have the force and effect of
law. Existing forest practices, agricultural and mining nonpoint
source management programs are considered to be adequate to pro-
tect water quality during the plan development period.

4. The director, when so designated by the governor, shall have
the power to apply for, receive on behalf of the state, and utilize
any federal aid, grants, gifts, gratuities, or moneys made available
through the federal government, including but not limited to the fed-
ERAL water pollution control act, for use in or by the state of Idaho
in relation to health and environmental protection.

5. The director shall have the power to enter into and make con-
tracts and agreements with any public agencies or municipal corpora-
tion for facilities, land, and equipment when such use will have a
beneficial, recreational, or therapeutic effect or be in the best interest in carrying out the duties imposed upon the department.

The director shall also have the power to enter into contracts for the expenditure of state matching funds for local purposes. This subsection will constitute the authority for public agencies or municipal corporations to enter into such contracts and expend money for the purposes delineated in such contracts.

6. The director is authorized to adopt an official seal to be used on appropriate occasions, in connection with the functions of the department or the board, and such seal shall be judicially noticed. Copies of any books, records, papers and other documents in the department shall be admitted in evidence equally with the originals thereof when authenticated under such seal.

Approved April 9, 1992.

CHAPTER 308
(S.B. No. 1296)

AN ACT
RELATING TO SECURITY FOR WORKERS' COMPENSATION INSURANCE; AMENDING SECTION 72-319, IDAHO CODE, TO PROVIDE PROPER NOMENCLATURE, TO PROVIDE AN ALTERNATIVE PENALTY FOR FAILURE TO PROVIDE WORKERS' COMPENSATION INSURANCE, TO DELETE A THIRTY DAY GRACE PERIOD, AND TO PROVIDE THAT ASSESSMENT OF THE PENALTY IS AT THE DISCRETION OF THE COMMISSION, RATHER THAN MANDATORY.

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

SECTION 1. That Section 72-319, Idaho Code, be, and the same is hereby amended to read as follows:

72-319. PENALTY FOR FAILURE TO SECURE COMPENSATION. (1) Any employer required to secure the payment of compensation under this law who fails to secure the payment thereof shall be guilty of a misdemeanor. In any case where the employer is a corporation, any officer or employee of the corporation who had authority to secure payment of compensation on behalf of the corporation and failed to do so shall individually be guilty of a misdemeanor.

(2) Such officer or employee shall be personally liable jointly and severally with such corporation for any compensation which may accrue under this law in respect to any injury or occupational disease suffered by any employee of such corporation while it shall so fail to secure the payment of compensation.

(3) Any employer who knowingly transfers, sells, encumbers, assigns, or in any manner disposes of, conceals, secretes or destroys any property or records belonging to such employer, after one (1) of his employees has been afflicted by an injury or occupational disease, with intent to avoid the payment of compensation to such employee or his dependents, shall be guilty of a misdemeanor. In any case where such employer is a corporation, any officer or employee
thereof, if knowingly participating or acquiescing in any such act, shall also be individually guilty of a misdemeanor.

(4) Any employer required to secure the payment of compensation under this law, who 

 **wittily-failed** fails to do so, shall be liable to for a penalty for each day during which such failure continues, whichever is greater, and in cases where the employer is a corporation and is unable to pay the fine, any officer or employee of the corporation who had authority to secure payment of compensation on behalf of the corporation and 

 **wittily** failed to do so, shall be liable for a like penalty, to be recovered for the time during which such failure continued, but for not more than three (3) consecutive years, in an action brought by the commission in the name of the state of Idaho; any amount so collected shall be paid into the industrial administration fund; for this purpose the district court of any county in which the employer carries on any part of his its trade or occupation shall have jurisdiction. In determining whether the--employer 

 **wittily-failed**--to--secure--the-payment-of-compensation,--or--whether penalties should be assessed or collected for the employer's failure to secure the payment of compensation, the commission may consider the following factors:

(a) When the employer was notified that his--workmen's such employer's workers' compensation insurance coverage had been cancelled or that such insurance was required;
(b) The length of time that elapsed between when the employer was notified that workmen's workers' compensation insurance coverage was required or that his such employer's coverage had been cancelled, and the date that such coverage was put into effect;
(c) Whether the employer is able to document attempts to secure workmen's workers' compensation insurance coverage during the period of time that he such employer was without such coverage;
(d) Whether there were prior instances in which the employer failed to keep workmen's workers' compensation insurance in effect or such coverage was cancelled, and the reasons for such failure or cancellation;
(e) The reasons that the employer is unable to obtain or keep in effect workmen's workers' compensation insurance coverage;

The above-enumerated factors are not to be taken as exclusive and the commission may consider any other relevant factor.

(5) If any employer required to secure the payment of compensation under this law shall be in default under section 72-301, Idaho Code, for a period of thirty--(30)---days, he the employer may be enjoined by the district court of any county in which such employer carries on any part of his its trade or occupation from carrying on his such business while such default continues. All proceedings in the courts under this section are to be brought by the industrial commission in the name of the state of Idaho.

(6) An employer who 

 **wittily** fails to secure the payment of compensation and who has been assessed a penalty within the previous three (3) years pursuant to section 72-319(4), Idaho Code, shall be liable for the following penalty in addition to the penalty provided by section 72-319(4), Idaho Code:
(a) Five hundred dollars ($500) for the second subsequent failure to secure the payment of compensation;
(b) One thousand dollars ($1,000) for the third and any subsequent failure to secure the payment of compensation.

Approved April 9, 1992.

CHAPTER 309
(S.B. No. 1303)

AN ACT
RELATING TO THE MEDICAL ASSISTANCE PROGRAM; AMENDING SECTION 19, CHAPTER 233, LAWS OF 1991, TO DELAY IMPLEMENTATION OF MEDICALLY NEEDY SERVICES FROM JULY 1, 1992 TO OCTOBER 1, 1993; AND DECLARING AN EMERGENCY.

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

Section 1. That Section 19, Chapter 233, Laws of 1991, Idaho Code, be, and the same is hereby amended to read as follows:

SECTION 19. (1) 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.
(2) Sections 2 through 17 of this act shall be in full force and effect on and after October 1, 1991.
(3) Section 18 of this act shall be in full force and effect on and or after October 1, 1991.
(4) On October 1, 1991, all moneys contributed by counties to the catastrophic health care cost account as of the close of business on September 30, 1991, shall be separately identified and set aside, and shall be used by the administrator to fund medical costs of participating counties which occurred prior to October 1, 1991, until all claims are paid or until such moneys are exhausted. Any fund balance remaining after the proper payment of claims incurred prior to October 1, 1991, shall be apportioned back to the county of origin. If no fund balance exists, but outstanding claims exist that were incurred prior to October 1, 1991, such claims shall be paid as provided in subsection (5) of this section.
(5) All claims incurred on or after October 1, 1991, shall be paid from the catastrophic health care cost account funded from state appropriations to the account.

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

Approved April 9, 1992.
CHAPTER 310
(S.B. No. 1321, As Amended)

AN ACT
RELATING TO THE GROUND WATER QUALITY PLAN; PROVIDING LEGISLATIVE ADOPTION OF THE IDAHO GROUND WATER QUALITY PLAN WITH AN AMENDMENT TO POLICY VI-B RELATING TO LIABILITY FOR COSTS OF REMEDIATION.

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

SECTION 1. Pursuant to the requirements of Section 39-124, Idaho Code, the Legislature of the State of Idaho does hereby adopt the Idaho Ground Water Quality Plan finally adopted by the Ground Water Quality Council on November 14, 1991, as provided in Section 39-123, Idaho Code, with the following amendment to Policy VI-B. Liability for Costs of Remediation:

VI-B. Liability for Costs of Remediation

The policy of the state of Idaho is that costs for remediation be apportioned between responsible parties (to be defined by the Idaho Legislature) and the general public through a variety of funding mechanisms. The apportionment of costs should take into account the cause of the contamination, whether the person(s) causing the contamination are identifiable and able to conduct the remediation, and whether the contamination results from past or current practices and other appropriate factors.

Rationale

An important part of remediation is determining who is responsible for the conduct and costs incurred throughout cleanup. In an attempt to find a clear strategy for assigning liability for the cost of remediation, the Council has examined the federal program as well as the strategies used by other states. There are many problems associated with these programs which include a perception of unfairness in the allocation of responsibility and a concern that a significant portion of monies designated for cleanup is used for attorneys' and consultants' fees rather than cleanup itself. The sense of the Council is that remediation is more important than spending excessive amounts of money to determine who is liable for costs. Much of the ground water contamination existing today results from past practices that often were either commonly accepted practices of the day or even authorized under a permit system. Also, part of identifying responsible parties includes providing a defense for an innocent landowner in certain circumstances. In view of the complexity of the many contamination situations that can occur, it is virtually impossible to establish a single set of rules to determine who is liable for the costs of remediation.

The Council recognizes that state and/or local funding may be nec-
necessary-to-pay-for-remediation-of-sites-for-which-there-is-no-identifiable-responsible-party. The narrower the definition of potentially responsible party, the larger the share of remediation costs that must be taken up by public funding.

Implementation

Responsible party should be defined through legislation that differentiates liability for contamination from prior practices and current practices. The following are offered for consideration for legislation:

1. For contamination that occurs after the adoption of legislation, the following should be held liable for the costs of remediation:
   * The person who caused the contamination.
   * The owner of the property from which the contamination originated.

2. For contamination from past practices, the following should be held liable for the costs of remediation:
   * The person who caused the contamination.
   * The owner of the property that is the source of contamination at the time of the onset of contamination, with certain defenses allowed. These defenses include:
     - Those owners or operators who had no reason to suspect, after appropriate investigation, the existence of contamination;
     - Holders of security interests who are not involved in management of the property;
     - Those owners or operators that have contamination under their property and investigation shows that the contamination originated from a source not on the property;
     - Others to be defined consistent with federal and other state law.

An innocent landowner would have responsibility to allow remediation to be conducted on the property even in the absence of liability for costs.

---When-these-parties-cannot-be-identified,-no-longer-exist,-or-are-financially-unable,-the-general-public,-through-state-or-local-funding-will-have-to-pay-for-remediation-that-occurs.

3. Establish a state remediation fund to pay for remediation:
   * In emergency situations when a responsible party is unable or unwilling to conduct the remediation;
   * When a responsible party cannot be identified.

A mechanism should be included for the state remediation fund to recover costs from uncooperative responsible parties who are liable for remediation.

If a public fund is not established for remediation, ground water will not be remediated at all, or the definition of who is liable for remediation must be very broad (strict, joint and several liability). The preference of the Council is to incorporate the concept of strict liability and avoid the
inequities of joint and several liability.

4. Regulations should be developed to determine when state remediation funds may be used. The state remediation fund should be used only when no other mechanism for funding is feasible.

5. Establish a local funding option to pay for remediation activities below a certain threshold.

6. The Council discussed several approaches to fund remediation and was unable to reach a consensus on any approach. Among suggested sources of funding were taxes on specific products, per capita taxes, and insurance requirements. No one source of funding remediation should stand alone, but rather a combination of sources is suggested.

7. The definition of responsible party liability should not affect liability under other state or federal laws.

Approved April 9, 1992.

CHAPTER 311
(S.B. No. 1379, As Amended in the House)

AN ACT
RELATING TO FUNERAL PROCESSIONS; AMENDING TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 27, TITLE 49, IDAHO CODE, TO ALLOW A FUNERAL PROCESSION THE RIGHT-OF-WAY THROUGH STREET AND HIGHWAY INTERSECTIONS, TO REGULATE THE CONDUCT OF A FUNERAL PROCESSION, TO REGULATE EQUIPMENT REQUIRED ON A FUNERAL ESCORT VEHICLE OR FUNERAL LEAD VEHICLE, TO PROVIDE LIABILITY FOR DAMAGES SUFFERED AS THE RESULT OF A FUNERAL PROCESSION, AND TO PROVIDE PENALTIES.

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

SECTION 1. That Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 27, Title 49, Idaho Code, and to read as follows:

CHAPTER 27
FUNERAL PROCESSIONS

49-2701. FUNERAL PROCESSION RIGHT-OF-WAY -- FUNERAL ESCORT VEHICLES -- FUNERAL LEAD VEHICLES. (1) "Funeral procession" means two (2) or more vehicles accompanying the body of a deceased person, in the daylight hours, including a funeral lead vehicle or a funeral escort vehicle.

(2) "Funeral lead vehicle" means a motor vehicle, including a funeral hearse, properly equipped, pursuant to section 49-2702, Idaho Code, leading and facilitating the movement of a funeral procession.

(3) "Funeral escort vehicle" means any motor vehicle properly equipped pursuant to section 49-2702, Idaho Code, and which escort facilitates the funeral procession and serves to direct traffic as
provided in this section.

(4) Pedestrians and operators of all vehicles, except as stated in subsection (7) of this section, shall yield the right-of-way to any vehicle which is part of a funeral procession being led by a funeral escort vehicle or a funeral lead vehicle.

(5) Whenever the funeral escort vehicle or funeral lead vehicle in a funeral procession enters an intersection, the remainder of the vehicles in such funeral procession may continue to follow the funeral lead vehicle through the intersection, notwithstanding any traffic control device or right-of-way provisions prescribed by statute or local ordinance, provided the operator of each vehicle exercises reasonable care toward any other vehicle or pedestrian on the roadway.

(6) Except as provided in subsection (7) of this section, the driver of a funeral escort vehicle may direct the drivers of other vehicles in a funeral procession to proceed through an intersection or to make turns or other movements despite any official traffic control device. The driver of a funeral escort vehicle may direct and control the drivers of vehicles not in a funeral procession, including those in or approaching an intersection, to stop, proceed, or make turns or other movements without regard to an official traffic control device. Funeral escort vehicles may exceed the speed limit by fifteen (15) miles per hour when overtaking the funeral procession to direct traffic at the next intersection.

(7) Funeral processions shall have the right-of-way at intersections regardless of traffic control devices, subject to the following conditions and exceptions:

(a) Operators of vehicles in a funeral procession shall yield the right-of-way to an approaching emergency vehicle giving an audible or visible signal; and
(b) Operators of vehicles in a funeral procession shall yield the right-of-way when directed to do so by a police officer.

49-2702. EQUIPMENT. A funeral escort vehicle or a funeral lead vehicle must be equipped with at least one (1) lighted rotating or oscillating lamp exhibiting a red light or lens visible under normal atmospheric conditions for a distance of five hundred (500) feet from the front of the vehicle. The turn signals must be flashing simultaneously on the first vehicle in procession, but only when such vehicle is in use in the funeral procession.

49-2703. DRIVING IN PROCESSION. (1) All vehicles comprising a funeral procession shall follow the preceding vehicle in the funeral procession as closely as is practicable and safe.

(2) Any ordinance, law or regulation requiring that motor vehicles be operated to allow sufficient space between them to enable another vehicle to enter and occupy that space without danger shall not be applicable to vehicles in a funeral procession.

(3) The driver of a motor vehicle in a funeral procession may not drive the vehicle at a speed greater than:

(a) Fifty-five (55) miles per hour on a highway where the posted speed limit is fifty-five (55) miles per hour or more; or
(b) Five (5) miles per hour below the posted speed limit on other streets or roads.
49-2704. OTHER VEHICLES. The driver of a vehicle that is not part of a funeral procession may not:

(1) Drive between the vehicles forming a funeral procession while they are in motion except when authorized to do so by a police officer or when driving an authorized emergency vehicle emitting an audible or visible signal;

(2) Join a funeral procession to secure the right-of-way as granted in section 49-2701, Idaho Code;

(3) Pass a funeral procession on a multiple lane highway on the procession's right side unless the funeral procession is in the farthest left lane;

(4) Enter an intersection, even if the driver is facing a green traffic control signal, when a funeral procession is proceeding through a red traffic control signal at that intersection as permitted under section 49-2701, Idaho Code, unless the driver can do so without crossing the path of the funeral procession. If the red signal changes to green while the funeral procession is within the intersection, the driver of a vehicle facing a green signal may proceed subject to the right-of-way of the vehicles participating in a funeral procession.

49-2705. LIABILITY. (1) Liability for any death, personal injury, or property damage suffered by any person in a funeral procession shall not be imposed upon the funeral home and/or duly authorized escort vehicle in charge of the funeral procession, its employees or agents, unless such death, personal injury, or property damage is proximately caused by the negligent or intentional act or omission of an employee or agent of the funeral home and/or duly authorized escort vehicle.

(2) Liability for any death, personal injury, or property damage that results from, is caused by, or arising out of any action or inaction of any operator of a vehicle in a funeral procession under the control of a funeral home and/or duly authorized escort vehicle shall not be imposed upon such funeral home and/or duly authorized escort vehicle, its employees or agents, unless the death, personal injury, or property damage is proximately caused by the negligent or intentional act or omission of an employee or agent of the funeral home and/or duly authorized escort vehicle.

(3) The operator of a vehicle in a funeral procession shall not be deemed to be an agent of the funeral home and/or duly authorized escort vehicle unless such operator is an employee of the funeral home and/or duly authorized escort vehicle and acting in the course of his employment, or unless such operator was retained as an independent contractor of the funeral home and is performing services pursuant thereto.

49-2706. PENALTY. Any person in violation of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction be
punished by a fine not to exceed one hundred dollars ($100).

Approved April 9, 1992.

CHAPTER 312
(S.B. No. 1382)

AN ACT
RELATING TO PUBLIC RECORDS; AMENDING SECTION 9-340, IDAHO CODE, TO PROVIDE THAT CERTAIN RECORDS OF SEED CROPS ARE EXEMPT FROM DISCLOSURE.

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

SECTION 1. That Section 9-340, Idaho Code, be, and the same is hereby amended to read as follows:

9-340. RECORDS EXEMPT FROM DISCLOSURE. The following records are exempt from disclosure:
(1) Any public record exempt from disclosure by federal or state law or federal regulations to the extent specifically provided for by such law or regulation.
(2) Trade secrets including those contained in response to public agency requests for proposal, requests for clarification, requests for information and similar requests. "Trade secrets" as used in this section mean 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.
(3) Records, maps or other records identifying the location of archaeological or geophysical sites or endangered species, if not already known to the general public.
(4) Archaeological and geologic records concerning exploratory drilling, logging, mining and other excavation, when such records are required to be filed by statute for the time provided by statute.
(5) Production records, sale or purchase records, catch records, mortgage portfolio loan documents, or similar business records of a private concern or enterprise required by law to be submitted to or inspected by a public agency. Nothing in this subsection shall limit the use which can be made of such information for regulatory purposes or its admissibility in any enforcement proceeding.
(6) Records relating to the appraisal of real property, timber, or mineral rights prior to its acquisition, sale or lease by a public agency.
(7) Any estimate prepared by a public agency that details the cost of a public project until such time as disclosed or bids are opened, or upon award of the contract for construction of the public project.
(8) Records gathered by a local agency or the Idaho department of commerce, as described in chapter 47, title 67, Idaho Code, for the specific purpose of assisting a person to locate, maintain, invest in, or expand business operations in the state of Idaho.

(9) The records of a library which, when examined alone, or when examined with other public records, would reveal the identity of the library patron checking out, requesting, or using an item from a library.

(10) The material of a library, museum or archive which has been contributed by a private person, to the extent of any limitation that is a condition of the contribution.

(11) Records of a personal nature as follows:
(a) Records of personal debt filed with a public agency pursuant to law;
(b) Personal bank records compiled by a public depositor for the purpose of public funds transactions conducted pursuant to law;
(c) Records of ownership of financial obligations and instruments of a public agency, such as bonds, compiled by the public agency pursuant to law;
(d) Records, with regard to the ownership of, or security interests in, registered public obligations;
(e) Vital statistics records.

(12) Test questions, scoring keys, and other data used to administer a licensing examination, employment, academic or other examination or testing procedure before the examination is given if the examination is to be used again. Records establishing procedures for and instructing persons administering, grading or evaluating an examination or testing procedure are included in this exemption, to the extent that disclosure would create a risk that the result might be affected.

(13) Retired employees' and retired public officials' home addresses, home telephone numbers and other financial and nonfinancial membership records; active and inactive member financial and membership records and mortgage portfolio loan documents maintained by the public employee retirement system. Financial statements prepared by retirement system staff, funding agents and custodians concerning the investment of assets of the public employee retirement system of Idaho are not considered confidential under this chapter.

(14) Any personal records, other than names and addresses, such as parentage, race, religion, sex, height, weight, tax identification and social security numbers, financial worth or medical condition submitted to any public agency pursuant to a statutory requirement for licensing, certification, permit or bonding.

(15) Unless otherwise provided by agency rule, information obtained as part of an inquiry into a person's fitness to be granted or retain a license, certificate, permit, privilege, commission or position.

(16) Computer programs developed or purchased by or for any public agency for its own use. As used in this subsection, "computer program" means a series of instructions or statements which permit the functioning of a computer system in a manner designed to provide storage, retrieval and manipulation of data from the computer system, and any associated documentation and source material that explain how to
operate the computer program. Computer program does not include:
(a) The original data including, but not limited to, numbers, text, voice, graphics and images;
(b) Analysis, compilation and other manipulated forms of the original data produced by use of the program; or
(c) The mathematical or statistical formulas that would be used if the manipulated forms of the original data were to be produced manually.

(17) Records that identify the method by which the Idaho state tax commission selects tax returns for audit review.

(18) Information in an income or other tax return measured by items of income or sales, which is gathered by a public agency for the purpose of administering the tax.

(19) Information and records submitted to the Idaho state lottery for the performance of background investigations of employees, lottery retailers and major procurement contractors; audit records of lottery retailers, vendors and major procurement contractors submitted to or performed by the Idaho state lottery; validation and security tests of the state lottery for lottery games; business records and information submitted pursuant to sections 67-7412(8) and (9) and 67-7421(8) and (9), Idaho Code, and such documents and information obtained and held for the purposes of lottery security and investigative action as determined by lottery rules unless the public interest in disclosure substantially outweighs the private need for protection from public disclosure.

(20) Employment security information and unemployment insurance benefit information, except that all interested parties may agree to waive the exemption.

(21) Examination, operating or condition reports and all documents relating thereto, prepared by or supplied to any public agency responsible for the regulation or supervision of financial institutions including, but not limited to, banks, savings and loan associations, regulated lenders, business and industrial development corporations, credit unions, and insurance companies, or for the regulation or supervision of the issuance of securities.

(22) Investigatory records of a law enforcement agency, as defined in section 9-337(5), Idaho Code, under the conditions set forth in section 9-335, Idaho Code.

(23) Records of a personal nature related directly or indirectly to the application for and provision of statutory services rendered to persons applying for public care for the elderly, indigent, or mentally or physically handicapped, or participation in an environmental or a public health study.

(24) Records of investigations prepared by the department of health and welfare pursuant to its statutory responsibilities dealing with the protection of children, the rehabilitation of youth, adoptions and the commitment of mentally ill persons.

(25) Records of the department of health and welfare or a public health district that identifies a person infected with a reportable disease.

(26) Records of hospital care, medical records, records of psychiatric care or treatment and professional counseling records relating to an individual's condition, diagnosis, care or treatment.
(27) Records of a person maintained pursuant to chapter 18, title 16, Idaho Code.

(28) Shipping and marketing records of commodity commissions used to evaluate marketing and advertising strategies.

(29) Records contained in court files of judicial proceedings, the disclosure of which is prohibited by or under rules adopted by the Idaho supreme court, but only to the extent that confidentiality is provided under such rules, and any drafts or other working memoranda related to judicial decision making.

(30) Records consisting of draft legislation and documents specifically related to such draft legislation or research requests submitted to the legislative council by a member of the Idaho legislature for the purpose of placing such draft legislation into a form suitable for introduction as official proposed legislation of the legislature of the state of Idaho, unless the individual legislator having submitted or requested such records or research agrees to waive the provisions of confidentiality provided by this subsection.

(31) All papers, physical and electronic records and correspondence or other supporting materials comprising the work papers in the possession of the office of the legislative auditor prior to release of the related final audit and all other records or materials in the possession of the office of the legislative auditor that would otherwise be confidential or exempt from disclosure.

(32) The records, finding, determinations and decision of any prelitigation screening panel formed under chapter 10, title 6, Idaho Code.

(33) Board of professional discipline reprimands by informal admonition pursuant to subsection (6)(f) of section 54-1806A, Idaho Code.

(34) Records including, but not limited to, investigative reports, resulting from investigations conducted into complaints of discrimination made to the Idaho human rights commission unless the public interest in allowing inspection and copying of such records outweighs the legitimate public or private interest in maintaining confidentiality of such records. A person may inspect and copy documents from an investigative file to which he or she is a named party if such documents are not otherwise prohibited from disclosure by federal law or regulation or state law. The confidentiality of this subsection will no longer apply to any record used in any judicial proceeding brought by a named party to the complaint or investigation, or by the Idaho human rights commission, relating to the complaint of discrimination.

(35) Information, records, including names and addresses of victims, or investigations of the department of correction or the commission of pardons and parole to the extent that disclosure thereof would interfere with the secure and orderly conduct of their operations, or the rehabilitation of any person in the custody of the department of correction or parole, or would substantially prejudice or prevent the carrying out of the functions of the department of correction or the commission of pardons and parole if the public interest in confidentiality clearly outweighs the public interest in disclosure.

(36) Except as provided in this subsection, all personnel records of a current or former public official other than the public
official's public service or employment history, classification, pay grade and step, longevity, gross salary and salary history, status, workplace and employing agency. All other personnel information relating to a public employee or applicant, including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, applications, testing and scoring materials, grievances, correspondence and performance evaluations, shall not be disclosed to the public without the employee's or applicant's written consent. A public official or authorized representative may inspect and copy his personnel records, except for material used to screen and test for employment.

(37) Names and addresses of seed companies, seed crop growers, seed crop consignees, locations of seed crop fields, variety name and acreage by variety. Upon the request of the owner of the proprietary variety, this information shall be released to the owner. Provided, however, that if a seed crop has been identified as diseased or has been otherwise identified by the Idaho department of agriculture, other state departments of agriculture, or the United States department of agriculture to represent a threat to that particular seed or commercial crop industry or to individual growers, information as to test results, location, acreage involved and disease symptoms of that particular seed crop, for that growing season, shall be available for public inspection and copying. This exemption shall not supersede the provisions of section 22-436, Idaho Code.

Approved April 9, 1992.

CHAPTER 313
(S.B. No. 1383)

AN ACT
RELATING TO PUBLIC RECORDS; AMENDING SECTION 9-340, IDAHO CODE, TO PROVIDE THAT THE NAMES AND ADDRESSES OF GROWERS AND SHIPPERS MAINTAINED BY COMMODITY COMMISSIONS SHALL BE EXEMPT FROM DISCLOSURE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 9-340, Idaho Code, be, and the same is hereby amended to read as follows:

9-340. RECORDS EXEMPT FROM DISCLOSURE. The following records are exempt from disclosure:

(1) Any public record exempt from disclosure by federal or state law or federal regulations to the extent specifically provided for by such law or regulation.

(2) Trade secrets including those contained in response to public agency requests for proposal, requests for clarification, requests for information and similar requests. "Trade secrets" as used in this section mean 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.
(3) Records, maps or other records identifying the location of archaeological or geophysical sites or endangered species, if not already known to the general public.
(4) Archaeological and geologic records concerning exploratory drilling, logging, mining and other excavation, when such records are required to be filed by statute for the time provided by statute.
(5) Production records, sale or purchase records, catch records, mortgage portfolio loan documents, or similar business records of a private concern or enterprise required by law to be submitted to or inspected by a public agency. Nothing in this subsection shall limit the use which can be made of such information for regulatory purposes or its admissibility in any enforcement proceeding.
(6) Records relating to the appraisal of real property, timber, or mineral rights prior to its acquisition, sale or lease by a public agency.
(7) Any estimate prepared by a public agency that details the cost of a public project until such time as disclosed or bids are opened, or upon award of the contract for construction of the public project.
(8) Records gathered by a local agency or the Idaho department of commerce, as described in chapter 47, title 67, Idaho Code, for the specific purpose of assisting a person to locate, maintain, invest in, or expand business operations in the state of Idaho.
(9) The records of a library which, when examined alone, or when examined with other public records, would reveal the identity of the library patron checking out, requesting, or using an item from a library.
(10) The material of a library, museum or archive which has been contributed by a private person, to the extent of any limitation that is a condition of the contribution.
(11) Records of a personal nature as follows:
(a) Records of personal debt filed with a public agency pursuant to law;
(b) Personal bank records compiled by a public depositor for the purpose of public funds transactions conducted pursuant to law;
(c) Records of ownership of financial obligations and instruments of a public agency, such as bonds, compiled by the public agency pursuant to law;
(d) Records, with regard to the ownership of, or security interests in, registered public obligations;
(e) Vital statistics records.
(12) Test questions, scoring keys, and other data used to administer a licensing examination, employment, academic or other examination or testing procedure before the examination is given if the examination is to be used again. Records establishing procedures for and instructing persons administering, grading or evaluating an examination or testing procedure are included in this exemption, to the extent that disclosure would create a risk that the result might be
affected.

(13) Retired employees' and retired public officials' home addresses, home telephone numbers and other financial and nonfinancial membership records; active and inactive member financial and membership records and mortgage portfolio loan documents maintained by the public employee retirement system. Financial statements prepared by retirement system staff, funding agents and custodians concerning the investment of assets of the public employee retirement system of Idaho are not considered confidential under this chapter.

(14) Any personal records, other than names and addresses, such as parentage, race, religion, sex, height, weight, tax identification and social security numbers, financial worth or medical condition submitted to any public agency pursuant to a statutory requirement for licensing, certification, permit or bonding.

(15) Unless otherwise provided by agency rule, information obtained as part of an inquiry into a person's fitness to be granted or retain a license, certificate, permit, privilege, commission or position.

(16) Computer programs developed or purchased by or for any public agency for its own use. As used in this subsection, "computer program" means a series of instructions or statements which permit the functioning of a computer system in a manner designed to provide storage, retrieval and manipulation of data from the computer system, and any associated documentation and source material that explain how to operate the computer program. Computer program does not include:

(a) The original data including, but not limited to, numbers, text, voice, graphics and images;
(b) Analysis, compilation and other manipulated forms of the original data produced by use of the program; or
(c) The mathematical or statistical formulas that would be used if the manipulated forms of the original data were to be produced manually.

(17) Records that identify the method by which the Idaho state tax commission selects tax returns for audit review.

(18) Information in an income or other tax return measured by items of income or sales, which is gathered by a public agency for the purpose of administering the tax.

(19) Information and records submitted to the Idaho state lottery for the performance of background investigations of employees, lottery retailers and major procurement contractors; audit records of lottery retailers, vendors and major procurement contractors submitted to or performed by the Idaho state lottery; validation and security tests of the state lottery for lottery games; business records and information submitted pursuant to sections 67-7412(8) and (9) and 67-7421(8) and (9), Idaho Code, and such documents and information obtained and held for the purposes of lottery security and investigative action as determined by lottery rules unless the public interest in disclosure substantially outweighs the private need for protection from public disclosure.

(20) Employment security information and unemployment insurance benefit information, except that all interested parties may agree to waive the exemption.

(21) Examination, operating or condition reports and all docu-
ments relating thereto, prepared by or supplied to any public agency responsible for the regulation or supervision of financial institutions including, but not limited to, banks, savings and loan associations, regulated lenders, business and industrial development corporations, credit unions, and insurance companies, or for the regulation or supervision of the issuance of securities.

(22) Investigatory records of a law enforcement agency, as defined in section 9-337(5), Idaho Code, under the conditions set forth in section 9-335, Idaho Code.

(23) Records of a personal nature related directly or indirectly to the application for and provision of statutory services rendered to persons applying for public care for the elderly, indigent, or mentally or physically handicapped, or participation in an environmental or a public health study.

(24) Records of investigations prepared by the department of health and welfare pursuant to its statutory responsibilities dealing with the protection of children, the rehabilitation of youth, adoptions and the commitment of mentally ill persons.

(25) Records of the department of health and welfare or a public health district that identifies a person infected with a reportable disease.

(26) Records of hospital care, medical records, records of psychiatric care or treatment and professional counseling records relating to an individual's condition, diagnosis, care or treatment.

(27) Records of a person maintained pursuant to chapter 18, title 16, Idaho Code.

(28) Shipping and marketing records of commodity commissions used to evaluate marketing and advertising strategies and the names and addresses of growers and shippers maintained by commodity commissions.

(29) Records contained in court files of judicial proceedings, the disclosure of which is prohibited by or under rules adopted by the Idaho supreme court, but only to the extent that confidentiality is provided under such rules, and any drafts or other working memoranda related to judicial decision making.

(30) Records consisting of draft legislation and documents specifically related to such draft legislation or research requests submitted to the legislative council by a member of the Idaho legislature for the purpose of placing such draft legislation into a form suitable for introduction as official proposed legislation of the legislature of the state of Idaho, unless the individual legislator having submitted or requested such records or research agrees to waive the provisions of confidentiality provided by this subsection.

(31) All papers, physical and electronic records and correspondence or other supporting materials comprising the work papers in the possession of the office of the legislative auditor prior to release of the related final audit and all other records or materials in the possession of the office of the legislative auditor that would otherwise be confidential or exempt from disclosure.

(32) The records, finding, determinations and decision of any prelitigation screening panel formed under chapter 10, title 6, Idaho Code.

(33) Board of professional discipline reprimands by informal admonition pursuant to subsection (6)(f) of section 54-1806A, Idaho
(34) Records including, but not limited to, investigative reports, resulting from investigations conducted into complaints of discrimination made to the Idaho human rights commission unless the public interest in allowing inspection and copying of such records outweighs the legitimate public or private interest in maintaining confidentiality of such records. A person may inspect and copy documents from an investigative file to which he or she is a named party if such documents are not otherwise prohibited from disclosure by federal law or regulation or state law. The confidentiality of this subsection will no longer apply to any record used in any judicial proceeding brought by a named party to the complaint or investigation, or by the Idaho human rights commission, relating to the complaint of discrimination.

(35) Information, records, including names and addresses of victims, or investigations of the department of correction or the commission of pardons and parole to the extent that disclosure thereof would interfere with the secure and orderly conduct of their operations, or the rehabilitation of any person in the custody of the department of correction or on parole, or would substantially prejudice or prevent the carrying out of the functions of the department of correction or the commission of pardons and parole if the public interest in confidentiality clearly outweighs the public interest in disclosure.

(36) Except as provided in this subsection, all personnel records of a current or former public official other than the public official's public service or employment history, classification, pay grade and step, longevity, gross salary and salary history, status, workplace and employing agency. All other personnel information relating to a public employee or applicant, including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, applications, testing and scoring materials, grievances, correspondence and performance evaluations, shall not be disclosed to the public without the employee's or applicant's written consent. A public official or authorized representative may inspect and copy his personnel records, except for material used to screen and test for employment.

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

Approved April 9, 1992.

CHAPTER 314

(S.B. No. 1393, As Amended in the House)

AN ACT

RELATING TO ORGANIC FOOD PRODUCTS; AMENDING SECTION 22-1102, IDAHO CODE, TO INCLUDE LAMB AS A FOOD PRODUCT AND TO PROVIDE A DEFINITION OF LAMB; AMENDING SECTION 22-1103, IDAHO CODE, TO PROVIDE STANDARDS FOR HEALTH CARE AND TREATMENT, AND PROHIBITIONS AGAINST
DENIAL OF HEALTH CARE AND TREATMENT FOR LAMBS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 22-1102, Idaho Code, be, and the same is hereby amended to read as follows:

22-1102. DEFINITIONS. In this chapter:
(1) "Director" means the director of the department of agriculture or the director's designee.
(2) "Food products" shall include all agricultural, horticultural, viticultural and vegetable products of the soil, and apiary and apiary products, and lamb, but shall not include poultry and poultry products, other livestock and livestock products, dairy products or aquaculture products.
(3) "Handler" means any person or organization who processes, packages, transports or stores organic food or nonorganic food.
(4) "Lamb" means a young sheep that has not reached one (1) year of age.
(5) "Organic certification seal" means the design approved by the director and which when imprinted or affixed on labels, packages or products, or used in advertising in any manner, shall signify that the standards and regulations developed in accordance with the provisions of this chapter and all other conditions of the provisions of this chapter have been met.
(6) "Organic food" means any food product that is marketed using the term organic, or any derivative of organic in its labeling or advertising. Organic foods are those processed, packaged, transported and stored to retain maximum nutritional value, without the use of artificial preservatives, coloring or other additives, irradiation, or synthetic pesticides.
(7) "Organically grown food" means food products grown in Idaho which are produced without the use of synthetically compounded fertilizers, pesticides, or growth regulators for a period not to exceed thirty-six (36) months prior to harvest. Organically grown foods are produced under the standards and regulations established in accordance with the provisions of this chapter.
(8) "Person" means any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not.
(9) "Producer" means any person or organization who:
(a) Grows, raises or produces a food product; and
(b) Sells the food product as, or offers it for sale as, an organic food.
(10) "Vendor" means any person who sells organic food to the consumer or another vendor.

SECTION 2. That Section 22-1103, Idaho Code, be, and the same is hereby amended to read as follows:

22-1103. ADMINISTRATION AND ENFORCEMENT -- RULES AND REGULATIONS. The administration and enforcement of the provisions of this chapter
shall be under the director. The director is authorized, in confor-
mance with chapter 52, title 67, Idaho Code, to promulgate rules and
regulations concerning, but not limited to:

(1) Standards for agricultural crops produced for sale as
organically grown products.

(2) Records required of organic crop producers.

(3) The number of on-site inspections, announced and unannounced.

(4) Chemical residue analysis of organically grown agricultural
products and fees for conducting such analysis.

(5) Certification of private laboratories to conduct chemical
residue analyses.

(6) Standards that an agricultural producer must meet to be rec-
ognized as a producer under the provisions of this chapter.

(7) Development and distribution of the organic certification
seal and standards for its application for use on Idaho agricultural
products.

(8) Development and implementation of labeling standards.

(9) Standards for health care and medical treatment for lambs and
for the prevention and control of infectious or communicable diseases
among lambs.

(10) Standards for prohibitions against denial of health care or
medical treatment of lambs in order to obtain or retain organic certi-
fication.

SECTION 3. This act shall be in full force and effect upon certi-
fication of the Director of the Department of Agriculture filed with
the Secretary of State that national organic livestock regulations
have been adopted pursuant to the Organic Foods Production Act of
1990.

Approved April 9, 1992.

CHAPTER 315
(S.B. No. 1429, As Amended)

AN ACT
RELATING TO ALCOHOLIC BEVERAGES; AMENDING SECTION 23-910, IDAHO CODE,
TO DELETE THE REQUIREMENT OF UNITED STATES CITIZENSHIP; AMENDING
SECTION 23-1005, IDAHO CODE, TO DELETE THE REQUIREMENT OF UNITED
STATES CITIZENSHIP; AMENDING SECTION 23-1010, IDAHO CODE, TO
DELETE THE REQUIREMENT OF UNITED STATES CITIZENSHIP; AND AMENDING
SECTION 23-1307, IDAHO CODE, TO DELETE THE REQUIREMENT OF UNITED
STATES CITIZENSHIP.

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

SECTION 1. That Section 23-910, Idaho Code, be, and the same is
hereby amended to read as follows:

23-910. PERSONS NOT QUALIFIED TO BE LICENSED. No license shall be
issued to:
a. An individual who is not a citizen of the United States or who has not been a bona fide resident of the state of Idaho for at least one (1) month next preceding the granting of such license; or to a partnership unless all members thereof are citizens of the United States and have been residents of the state of Idaho for at least one (1) month; or to a corporation or association unless the same is organized under the laws of the state of Idaho or qualified under the laws of the state of Idaho to do business in this state and unless the principal officers and the members of the governing board are citizens of the United States and residents of the state of Idaho for at least one (1) month, except the officers and members of the governing board of a railroad or airline or a nonprofit corporation managed by members pursuant to the Idaho nonprofit corporation act, chapter 3, title 30, Idaho Code, need not be residents of the state of Idaho.

b. Any person, or any one (1) of its members, officers, or governing board, who has, within three (3) years prior to the date of making application, been convicted of any violation of the laws of the United States, the state of Idaho, or any other state of the United States, or of the resolutions or ordinances of any county or city of this state, relating to the importation, transportation, manufacture or sale of alcoholic liquor or beer; or who has been convicted of, paid any fine, been placed on probation, received a deferred sentence, received a withheld judgment or completed any sentence of confinement for any felony within five (5) years prior to the date of making application for any license.

c. A person who is engaged in the operation, or interested therein, of any house or place for the purpose of prostitution or who has been convicted of any crime or misdemeanor opposed to decency and morality.

d. A person whose license issued under this act has been revoked; an individual who was a member of a partnership or association which was a licensee under this act and whose license has been revoked; an individual who was an officer, member of the governing board or one (1) of the ten (10) principal stockholders of a corporation which was a licensee under this act and whose license has been revoked; a partnership or association one (1) of whose members was a licensee under this act and whose license was revoked; a corporation one (1) of whose officers, member of the governing board or ten (10) principal stockholders was a licensee under the provisions of this act and whose license has been revoked; an association or partnership, one (1) of whose members was a member of a partnership or association licensed under the provisions of this act and whose license has been revoked; a partnership or association, one (1) of whose members was an officer, a member of the governing board, or one (1) of the ten (10) principal stockholders of a corporation licensed under the provisions of this act and whose license has been revoked; a corporation, one (1) of whose officers, member of the governing board, or ten (10) principal stockholders was an officer, member of the governing board, or one (1) of the ten (10) principal stockholders of a corporation licensed under the provisions of this act and whose license...
was revoked.

e. Any officer, agent, or employee of any distillery, winery, brewery, or any wholesaler, or jobber, of liquor or malt beverages.

f. A person who does not hold a retail beer license issued under the laws of the state of Idaho.

g. A person licensed under this act as a bartender and whose permit as bartender has been revoked.

h. Any license, held by any licensee disqualified under the provisions of this section from being issued a license, shall forthwith be revoked by the director.

SECTION 2. That Section 23-1005, Idaho Code, be, and the same is hereby amended to read as follows:

23-1005. QUALIFICATIONS OF LICENSEES. No license shall issue to an applicant for a dealer's or wholesaler's license unless the applicant, if an individual, or at least one (1) of the partners, if a partnership, shall be a citizen of the United States— and shall have been a resident of the state of Idaho for at least one (1) year prior to application; nor if the applicant be a corporation, unless such corporation is authorized to do business within the state of Idaho; nor shall such license be issued to an applicant whose license, or the license of any partner, has been revoked within two (2) years; nor to an applicant who, or if a partnership any partner of whom, has been convicted of any violation of any law of Idaho or of the United States regulating, governing, or prohibiting the sale of alcoholic beverages or intoxicating liquor. Any such license issued shall be revoked if the licensee ceases to have the qualifications, or acquires the disqualifications, in this section provided.

SECTION 3. That Section 23-1010, Idaho Code, be, and the same is hereby amended to read as follows:

23-1010. LICENSE TO SELL BEER AT RETAIL -- APPLICATION PROCEDURE AND FORM -- SHOWING OF ELIGIBILITY FOR LICENSE AND DISQUALIFICATIONS. (1) Every person who shall apply for a state license to sell beer at retail shall tender the license fee to, and file written application for license with, the director. The application shall be on a form prescribed by the director which shall require such information concerning the applicant, the premises for which license is sought and the business to be conducted thereon by the applicant as the director may deem necessary or advisable, and which shall enable the director to determine that the applicant is eligible and has none of the disqualifications for license, as provided for in this section. Such information shall include the following:

(a) The name and place of residence of the applicant and length of his residence within the state of Idaho, and if the applicant is a partnership, the names, places of residence and lengths of residence within the state of Idaho of each partner, and, if the applicant is a corporation or association, the date and place of incorporation or organization, the location of its principal place of business in Idaho and the names and places of residence of its officers, directors or members of its governing board, and of the
person who manages or will manage the business of selling beer at retail;
(b) The particular place for which the license is desired, designating the same by a street and number, if practicable, or by such other apt description as definitely locates such place, and the name of the owner of the premises for which license is sought;
(2) The application shall affirmatively show:
(a) That the applicant is the bona fide owner of the business which will be engaged in the sale of beer at retail and with respect to which license is sought;
(b) That the condition of the place or building wherein it is proposed to sell beer at retail conforms to all laws and regulations of the state of Idaho and to the ordinances of the county and municipality applicable thereto relating to public health and safety and to the zoning ordinances of the municipality applicable thereto;
(c) That there is no stamp or permit outstanding and in force which has been issued to any person by the United States government for the premises for which license to sell beer at retail is sought which stamp or permit denotes payment of any special tax imposed by the United States government on a retail dealer in liquor or wines, unless said premises are premises for which a retail license for sale of liquor by-the-drink, issued under the provisions of chapter 9, title 23, Idaho Code, is in force and effect;
(d) That the individual applicant, or each partner of a partnership applicant, is a citizen of the United States; or, with respect to a corporation or association, that it is qualified to do business within the state of Idaho and that the person who is or will be the manager of the corporation's or association's business of selling beer at retail is a citizen; further, that such individual applicant, at least one (1) of the partners of the partnership applicant, and said manager of the corporation or association applicant, shall have been a bona fide resident of the state of Idaho for at least thirty (30) days prior to the date of application;
(e) That the applicant, if an individual, is not less than nineteen (19) years of age;
(f) That within three (3) years immediately preceding the date of filing the application the applicant has not been convicted of the violation of any law of the state of Idaho, any other state, or of the United States, regulating, governing or prohibiting the sale, manufacture, transportation or possession of alcoholic beverages or intoxicating liquors, or, within said time, suffered the forfeiture of a bond for failure to appear in answer to charges of any such violation;
(g) That within five (5) years immediately preceding the date of filing the application the applicant has not been convicted of any felony or paid any fine or completed any sentence of confinement therefor within said time;
(h) That within three (3) years next preceding the date of filing said application the applicant has not had any license provided for herein, or any license or permit issued to the applicant pur-
suant to the law of this state, or any other state, or of the United States, to sell, manufacture, transport or possess alcoholic beverages or intoxicating liquors, revoked.

(3) The affirmative showing required with respect to an applicant under (e), (f), (g), and (h) of subsection (2) of this section shall also be required to be made with respect to each partner of a partnership applicant and to each incumbent officer, director or member of the governing board of a corporation or association applicant, and to each person then employed by an applicant whose duties include the serving or dispensing of beer.

(4) The application must be subscribed and sworn to by the individual applicant, or by a partner of a partnership applicant, or by an officer or manager of a corporation or association applicant, before a notary public or other person authorized by law to administer oaths.

(5) If an applicant shall be unable to make any affirmative showing required in this section or if an application shall contain a false material statement, knowingly made, the same shall constitute a disqualification for license and license shall be refused. If license is received on any application containing a false material statement, knowingly made, such license shall be revoked. If at any time during the period for which license is issued a licensee becomes unable to make the affirmative showings required by this section license shall be revoked, or, if disqualification can be removed, the license shall be suspended until the same shall be removed. The procedure to be followed upon refusal, revocation or suspension of license as herein provided for shall be in accordance with the procedure set forth in this act.

(6) All licenses issued hereunder shall expire at 1:00 o'clock A.M. on January 1 of the following year and shall be subject to renewal upon proper application.

SECTION 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
(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.

Approved April 9, 1992.

CHAPTER 316
(S.B. No. 1437)

AN ACT
RELATING TO THE INSURANCE GUARANTY ASSOCIATION ACT; AMENDING SECTION 41-3603, IDAHO CODE, TO PROVIDE ADDITIONAL EXCEPTIONS TO THE APPLICATION OF THE ACT; AMENDING SECTION 41-3605, IDAHO CODE, TO PROVIDE ADDITIONAL DEFINITIONS; AMENDING SECTION 41-3608, IDAHO CODE, TO PROVIDE FOR PAYMENT OF CLAIMS, TO PROVIDE A MAXIMUM PAYMENT OF TEN THOUSAND DOLLARS ON A CLAIM FOR THE RETURN OF UNEARNED PREMIUMS, TO PROVIDE PROPER NOMENCLATURE, TO PROHIBIT PAYMENT OF DIVIDENDS BY MEMBER INSURERS WHILE ASSESSMENTS ARE DEFERRED AND TO PROVIDE FOR REFUNDS OF ASSESSMENTS INCREASED BY VIRTUE OF DEFERRED ASSESSMENTS; AMENDING SECTION 41-3613, IDAHO CODE, TO PROVIDE PROCEEDURES FOR AIDING IN THE DETECTION AND PREVENTION OF INSURER INSOLVENCIES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 41-3603, Idaho Code, be, and the same is hereby amended to read as follows:

41-3603. Application of act. This act shall apply to all kinds of direct insurance, except--life,--title,--surety,--disability,--credit, mortgage guaranty, ocean-marine and warranty insurance: This act shall not apply but shall not be applicable to the following:

(1) Life, annuity, health or disability insurance;
(2) Residual value, mortgage guaranty, financial guaranty or other forms of insurance offering protection against investment risks;
(3) Fidelity or surety bonds, or any other bonding obligations;
(4) Credit insurance, vendors' single interest insurance, or collateral protection insurance or any similar insurance protecting the interests of a creditor arising out of a creditor-debtor transaction;
(5) Insurance of warranties or service contracts;
(6) Title insurance;
(7) Ocean marine insurance;

(8) Any transaction or combination of transactions between a person (including affiliates of such person) and an insurer (including affiliates of such insurer) which involves the transfer of investment or credit risk unaccompanied by transfer of insurance risk;

(9) Any insurance provided by or guaranteed by government including, but not limited to the state insurance fund, created pursuant to chapter 9, title 72, Idaho Code, or to and the Idaho petroleum clean water trust fund, created pursuant to chapter 49, title 41, Idaho Code;

(10) Any insurance provided by or through any reciprocal insurer which exclusively insures members who are governmental entities; or

(11) Insurance written on a retroactive basis to cover known losses for which a claim has already been made and the claim is known to the insurer at the time the insurance is bound.

SECTION 2. 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) "Affiliate" means a person who directly, or indirectly, through one (1) or more intermediaries controls, is controlled by, or is under common control with an insolvent insurer on December 31 of the year next preceding the date the insurer becomes an insolvent insurer.

(3) "Association" means the Idaho insurance guaranty association created under section 41-3606, Idaho Code.

(4) "Claimant" means any insured making a first party claim or any person instituting a liability claim, provided that no person who is an affiliate of the insolvent insurer may be a claimant.

(5) "Director" means the director of the department of insurance of this state.

(6) "Control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing, ten percent (10%) or more of the voting securities of any other person. This presumption may be rebutted by a showing that control does not exist in fact.

(7) "Covered claim" means an unpaid claim, including one for unearned premiums, submitted by a claimant, which arises out of and is within the coverage and is subject to the applicable limits 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, provided that for entities other than
an individual, the residence of a claimant or insured is the state in which its principal place of business is located 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 awarded as punitive or exemplary damages; any amount sought as a return of premium under any retrospective rating plan; any amount sought from or by any insured who is an affiliate of the insolvent insurer; or any amount due any reinsurer, insurer, insurance pool, or underwriting association, as subrogation recoveries or otherwise.

(58) "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.

(69) "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.

(710) "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.

(811) "Person" means any individual, corporation, partnership, association or voluntary organization.

(912) "Warranty insurance" includes a contract under which one other than a manufacturer, builder, seller or lessor of the subject property undertakes to perform or provide, for a fixed term and consideration, repair or replacement service or indemnification therefor for the operational or structural failure of specified real or personal property or property components. Warranty insurance includes, but is not limited to, automobile guaranty insurance.

SECTION 3. That Section 41-3608, Idaho Code, be, and the same is hereby amended to read as follows:

41-3608. OBLIGATIONS AND POWERS OF ASSOCIATION. (1) The association shall:
(a) Be obligated to the extent of the pay covered claims existing prior to the determination of insolvency; or--before--the--policy expiration date if less than arising within thirty (30) days after the determination of insolvency, or before the insured replaces the policy expiration date if less than thirty (30) days after the determination of insolvency, or before the insured replaces the policy or causes its cancellation, if he does so within thirty (30) days of the determination; but--such. Such obligation shall include be satisfied by paying only that amount of each covered claim which is in excess of one hundred dollars ($100) and is less
than three hundred thousand dollars ($300,000), except that the
association shall pay the full amount of any covered claim arising
out of a workmen’s compensation policy. With regard to a covered
claim for the return of unearned premiums, the association shall
not pay an amount exceeding ten thousand dollars ($10,000) per
policy. In no event shall the association be obligated to a policyholder or claimant in an amount in excess of the
obligation of the insolvent insurer under the policy from which
the claim arises.

Notwithstanding any other provision of this chapter, a cov­
ered claim shall not include any claim filed with the association
after the final date set by the court for the filing of claims
against the liquidator or receiver of an insolvent insurer.

(b) Be deemed the insurer to the extent of its obligation on the
covered claims and to such extent shall have all rights, duties,
and obligations of the insolvent insurer as if the insurer had not
become insolvent.

(c) Allocate claims paid and expenses incurred among the three
accounts separately, and assess member insurers separately for
each account amounts necessary to pay the obligations of the asso­
ciation under paragraph (a) of this subsection subsequent to an
insolvency, the expenses of handling covered claims subsequent to
an insolvency, the cost of examinations under section 41-3613,
Idaho Code, and other expenses authorized by this act. The assess­
ments of each member insurer shall be in the proportion that the
net direct written premiums of the member insurer for the preced­
ing calendar year preceding the assessment on the kinds of insur­
ance in the account bears to the net direct written premiums of
all member insurers for the preceding calendar year preceding the
assessment on the kinds of insurance in the account. Each member
insurer shall be notified of the assessment not later than thirty
(30) days before it is due. No member insurer may be assessed in
any one (1) year on any account an amount greater than one per
cent (1%) of that member insurer’s net direct written premiums for
the preceding calendar year preceding the assessment on the kinds of insurance in the account. If the maximum assessment, together
with the other assets of the association in any account, does not
provide in any one (1) year in any account an amount sufficient to
make all necessary payments from that account, the funds available
shall be prorated and the unpaid portion shall be paid as soon thereafter as funds become available. The association shall pay claims in any order which it deems reasonable, including the payment of claims as such are received from the claimants or
in groups or categories of claims. The association may exempt or
deferr, in whole or in part, the assessment of any member insurer,
if the assessment would cause the member insurer’s financial
statement to reflect amounts of capital or surplus less than the
minimum amounts required for a certificate of authority by any
jurisdiction in which the member insurer is authorized to transact
insurance; provided, however, that during the period of deferment,
no dividends shall be paid to shareholders or policyholders.
Deferred assessments shall be paid when such payment will not
reduce capital or surplus below required minimums. Such payments
shall be refunded to those companies receiving larger assessments by virtue of such deferment, or at the election of any such company, credited against future assessments. Each member insurer may set off against any assessment, authorized payments made on covered claims and expenses incurred in the payment of such claims by the member insurer if they are chargeable to the account for which the assessment is made.

(d) Investigate claims brought against the association and adjust, compromise, settle, and pay covered claims to the extent of the association's obligation and deny all other claims and may review settlements, releases and judgments to which the insolvent insurer or its insureds were parties to determine the extent to which such settlements, releases and judgments may be properly contested.

(e) Notify such persons as the director directs under section 41-3610(2)(a), Idaho Code.

(f) Handle claims through its employees or through one or more insurers or other persons designated as servicing facilities. Designation of a servicing facility is subject to the approval of the director, but such designation may be declined by a member insurer.

(g) Reimburse each servicing facility for obligations of the association paid by the facility and for expenses incurred by the facility while handling claims on behalf of the association and shall pay the other expenses of the association authorized by this act.

(2) The association may:

(a) Employ or retain such persons as are necessary to handle claims and perform other duties of the association.

(b) Borrow funds necessary to effect the purposes of this act in accord with the plan of operation.

(c) Sue or be sued.

(d) Negotiate and become a party to such contracts as are necessary to carry out the purpose of this act.

(e) Perform such other acts as are necessary or proper to effectuate the purpose of this act.

(f) Refund to the member insurers in proportion to the contribution of each member insurer to that account that amount by which the assets of the account exceed the liabilities, if, at the end of any calendar year, the board of directors finds that the assets of the association in any account exceed the liabilities of that account as estimated by the board of directors for the coming year.

SECTION 4. That Section 41-3613, Idaho Code, be, and the same is hereby amended to read as follows:

41-3613. PREVENTION OF INSOLVENCIES. To aid in the detection and prevention of insurer insolencies:

{it shall be the duty of the board of directors, upon majority vote, to notify the director of any information indicating any--member
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 in a financial condition hazardous to the policyholders or the public. Within thirty 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 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 (3) 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.

The board of directors shall, upon majority vote:
(a) Make recommendations to the director for the detection and prevention of insurer insolvencies; and
(b) Respond to requests by the director to discuss and make recommendations regarding the status of any member insurer whose financial condition may be hazardous to policyholders or the public. Such recommendations shall not be considered public documents.

The board of directors shall, at the conclusion of any domestic insurer insolvency in which the association was obligated to pay covered claims, prepare a report on the history and causes of such insolvency, based on the information available to the association, and submit such report to the director.

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 9, 1992.

CHAPTER 317
(S.B. No. 1455)

AN ACT
RELATING TO ADMINISTRATIVE RULES AND REGULATIONS; CONTINUING CERTAIN RULES IN FULL FORCE AND EFFECT UNTIL JULY 1, 1993; CONTINUING RULES APPROVED, MODIFIED OR AMENDED BY ADOPTION OF A CONCURRENT RESOLUTION OF THE SECOND REGULAR SESSION OF THE FIFTY-FIRST LEGISLATURE IN FULL FORCE AND EFFECT UNTIL JULY 1, 1993; PROVIDING THAT RULES REJECTED BY CONCURRENT RESOLUTION SHALL BE NULL, VOID AND OF NO FORCE AND EFFECT; AUTHORIZING AGENCIES TO AMEND CERTAIN RULES PURSUANT TO THE ADMINISTRATIVE PROCEDURE ACT AND DECLARING THE EFFECT OF THIS ACT UPON ADMINISTRATIVE RULES; AND PROVIDING SEVERABILITY.

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

SECTION 1. Except as provided in sections 2 and 3 of this act, every rule, as that term is defined in section 67-5201, Idaho Code, that would expire on July 1, 1992, pursuant to the provisions of subsections (1) and (2) of section 67-5219, Idaho Code, shall continue in full force and effect until July 1, 1993, at which time they shall expire as provided in section 67-5219, Idaho Code.

SECTION 2. All rules as that term is defined in section 67-5201, Idaho Code, which have been affirmatively approved, modified or amended by the adoption of a concurrent resolution by both the senate and house of representatives in the second regular session of the fifty-first legislature shall continue in full force and effect in such approved, modified or amended language until July 1, 1993, at which time they shall expire as provided in section 67-5219, Idaho Code.

SECTION 3. All rules as that term is defined in section 67-5201, Idaho Code, which have been rejected by the adoption of a concurrent resolution by both the senate and the house of representatives in the second regular session of the fifty-first legislature shall be null, void and of no force and effect as provided in section 67-5218, Idaho Code.

SECTION 4. Nothing contained in this act shall be deemed to prohibit an agency as that term is defined in section 67-5201, Idaho Code, from amending rules which have been continued in full force and effect until July 1, 1993, pursuant to sections 1 and 2 of this act, according to the procedures contained in chapter 52, title 67, Idaho Code. Nothing contained in this act shall endow any administrative rule continued in full force and effect under this act with any more
legal stature than that of an administrative rule. Nothing contained in this act shall be deemed to be a legislative approval of any rule whose force and effect has been extended by this act and nothing contained herein shall constitute a legislative finding that any of the rules whose force and effect has been extended hereunder are consistent with the legislative intent of the statute(s) pursuant to which they were promulgated.

SECTION 5. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

Approved April 9, 1992.

CHAPTER 318
(S.B. No. 1461)

AN ACT
AMENDING THE CHARTER OF THE CITY OF BELLEVUE APPROVED FEBRUARY 9, 1883, AS AMENDED; AMENDING SECTIONS 7, 37, 101 AND 105 THEREOF TO PROVIDE FOR THE ELECTION OF A MAYOR FOR A TWO YEAR TERM; TO PROVIDE FOR THE HOURS OF THE MUNICIPAL ELECTION; TO PROVIDE FOR A FISCAL YEAR TO COMMENCE OCTOBER FIRST; AND TO PROVIDE FOR A SALARY FOR MEMBERS OF THE CITY COUNCIL AND THE MAYOR; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 7 of the Charter of the City of Bellevue, be, and the same is hereby amended to read as follows:

Section 7. The Mayor shall be elected for one two years, and shall hold his office until his successor is elected and qualified.

SECTION 2. That Section 37 of the Charter of the City of Bellevue, be, and the same is hereby amended to read as follows:

Section 37. All elections shall commence at twelve o'clock p.m., and continue until six eight o'clock p.m. of the same day, without closing the polls between such hours. If any judge of an election fails to attend and serve at the proper time the voters of the ward then present may elect another in his place, and if any clerk fails to attend and serve at the proper time the judges of the election may appoint another in this place.

SECTION 3. That Section 101 of the Charter of the City of Bellevue, be, and the same is hereby amended to read as follows:
Section 101. The fiscal year of the city shall commence on the first day of June October and end on the last day of May September each year beginning with October 1, 1992.

SECTION 4. That Section 105 of the Charter of the City of Bellevue, be, and the same is hereby amended to read as follows:

Section 105. The Mayor and Alderman are not entitled to, and shall not receive any salary or compensation for their official services except as the same shall be fixed by ordinance in accordance with Section 50-203, Idaho Code, and subsequent amendments thereto.

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 9, 1992.

CHAPTER 319
(S.B. No. 1475)

AN ACT
RELATING TO CRIMINAL IDENTIFICATION, RECORDS AND STATISTICS; AMENDING SECTIONS 19-4812 AND 19-4813, IDAHO CODE, TO INCLUDE THE PHOTOGRAPHING AND FINGERPRINTING OF PERSONS ISSUED A CRIMINAL SUMMONS, AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 19-4812, Idaho Code, be, and the same is hereby amended to read as follows:

19-4812. CRIMINAL IDENTIFICATION, RECORDS AND STATISTICS. (1) Definitions as used in this section and section 19-4813, Idaho Code:
(a) "Bureau" means the criminal identification, records and communications bureau in the department of law enforcement of the state of Idaho.
(b) "Law enforcement agency" means a governmental unit of one or more persons employed full time by the state or a political subdivision of the state for the purpose of preventing and detecting crime and enforcing state laws or local ordinances, employees of which unit are authorized to make arrests for crimes while acting within the scope of their authority.
(c) "Offense" means an act which is a felony, a misdemeanor or a petty misdemeanor.
(2) The bureau shall:
(a) Obtain and file fingerprints, descriptions, photographs and any other available identifying data on persons who have been arrested, or taken into custody or served a criminal summons, in this state:
1. for an offense which is a felony;
2. for an offense which is a misdemeanor involving burglary tools, commercial gambling, dealing in gambling devices, contributing to the delinquency of a child, dealing in stolen property, controlled substances, firearms, dangerous weapons, explosives, pandering, prostitution, sex offenses where children are victims, or worthless checks;
3. for an offense charged as disorderly conduct but which relates to an act connected with one or more of the offenses under subdivision 2;
4. as a fugitive from justice;
5. for any other offense designated by the director of the bureau.

(b) Accept for filing fingerprints and other identifying data, taken at the discretion of the law enforcement agency involved, on persons arrested or taken into custody or served a criminal summons for offenses other than those listed in paragraph (a).

(c) Obtain and file fingerprints and other available identifying data on unidentified human corpses found in this state.

(d) Obtain and file information relating to identifiable stolen or lost property.

(e) Obtain and file a copy or detailed description of each arrest warrant issued in this state in which the law enforcement agency desires the return of the person described in said warrant but which is not served because the whereabouts of the person named on the warrant is unknown or because that person has left the state. All available identifying data shall be obtained with the copy of the warrant, including any information indicating that the person named on the warrant may be armed, dangerous or possessed of suicidal tendencies.

(f) Collect information concerning the number and nature of all offenses designated by the director of the bureau, including, but not limited to, Part I and Part II offenses as defined by the federal bureau of investigation under its system of uniform crime reports for the United States which are known to have been committed in this state, the legal action taken in connection with such offenses from the inception of the complaint to the final discharge of the defendant and such other information as may be useful in the study of crime and the administration of justice. The director of the bureau may determine any other information to be obtained regarding crime statistics. However, the information shall include such data as may be requested by the federal bureau of investigation under its system of uniform crime reports for the United States.

(g) Furnish all reporting officials with forms and instructions which specify in detail the nature of the information required under paragraphs (a) to (f), inclusive, the time it is to be forwarded, the method of classifying and such other matters as shall facilitate collection and compilation.

(h) Cooperate with and assist all law enforcement agencies in the state in the establishment of a state system of criminal identification and in obtaining fingerprints and other identifying data on
all persons described in paragraphs (a), (b) and (c).
(i) Offer assistance and, when practicable, instructions to all local law enforcement agencies in establishing efficient local bureaus of identification and records systems.
(j) Compare the fingerprints and descriptions that are received from law enforcement agencies with the fingerprints and the descriptions already on file and, if the person arrested or taken into custody is a fugitive from justice or has a criminal record, immediately notify the law enforcement agencies concerned and supply copies of the criminal records to these agencies.
(k) Make available all statistical information obtained to the governor and the legislature.
(l) Prepare and publish reports and releases at least once a year and no later than July 1, containing the statistical information gathered under this section and presenting an accurate picture of crime in this state and of the operation of the agencies of criminal justice.
(m) Make available upon request, to all local and state law enforcement agencies in this state, to all federal law enforcement and criminal identification agencies, and to state law enforcement and criminal identification agencies in other states, any information in the files of the bureau which aid these agencies in the performance of their official duties. For this purpose the bureau shall operate on a twenty-four (24) hour a day basis, seven (7) days a week. Such information may also be made available to any other agency of this state or political subdivision thereof, and to any other federal agency as authorized, and upon assurance by the agency concerned that the information is to be used for official purposes only.
(n) Cooperate with other agencies of this state, the criminal justice agencies of other states, and the uniform crime reports and the national crime information center systems of the federal bureau of investigation in developing and conducting an interstate, national and international system of criminal identification, records and statistics.
(o) Permit any individual upon completion of satisfactory fingerprint identification to review all criminal history record information pertaining to that individual contained within the files of the criminal identification bureau.

SECTION 2. That Section 19-4813, Idaho Code, be, and the same is hereby amended to read as follows:

19-4813. COOPERATION IN CRIMINAL IDENTIFICATION, RECORDS AND STATISTICS. (1) All persons in charge of law enforcement agencies shall obtain, or cause to be obtained, the fingerprints in duplicate, according to the fingerprint system of identification established by the director of the federal bureau of investigation, full face, profile and full length photographs, if possible, and other available identifying data, of each person arrested, or taken into custody or served a criminal summons for an offense of a type designated in section 19-4812(2)(a), Idaho Code, of all persons arrested, or taken into custody or served a criminal summons as fugitives from justice, and
fingerprints in duplicate and other identifying data of all unidentified human corpses in their jurisdictions, but photographs need not be taken if it is known that photographs of the type listed, taken within the previous year, are on file at the bureau. Fingerprints and other identifying data of persons arrested, or taken into custody or served a criminal summons for offenses other than those designated in section 19-4812(2)(a), Idaho Code, may be taken at the discretion of the law enforcement agency concerned. Any person arrested, or taken into custody or served a criminal summons and subsequently released without charge, or cleared of the offense through court proceedings, shall have any fingerprint record taken in connection therewith returned upon request and pursuant to judicial order.

(2) Fingerprints and other identifying data required to be taken under subsection (1) shall be forwarded to the bureau within fourteen (14) days after taking for filing and classification but the period of fourteen (14) days may be extended to cover any intervening holiday or weekend.

(3) All persons in charge of law enforcement agencies shall forward to the bureau copies or detailed descriptions of the arrest warrants and the identifying data described in section 19-4812(2)(c), Idaho Code, immediately upon determination of the fact that the warrant cannot be served for the reason stated. If the warrant is subsequently served or withdrawn, the law enforcement agency concerned must immediately notify the bureau of such service or withdrawal. In any case, the law enforcement agency concerned must annually, no later than January 31 of each year, confirm to the bureau all arrest warrants of this type which continue to be outstanding.

(4) All persons in charge of state penal and correctional institutions shall obtain fingerprints, according to the fingerprint system of identification established by the director of the federal bureau of investigation, and full face and profile photographs of all persons received on commitment to these institutions. The prints and photographs so taken shall be forwarded to the bureau, together with any other identifying data requested, within ten (10) days after the arrival at the institution of the person committed. Full length photographs in release dress shall be taken immediately prior to the release of such persons from these institutions. Immediately after release, these photographs shall be forwarded to the bureau.

(5) All persons in charge of law enforcement agencies, all clerks of court, all persons in charge of state, county and municipal penal and correctional institutions, and all persons in charge of state and county probation and parole offices shall supply the bureau with the information described in section 19-4812(2)(f), Idaho Code, on the basis of the forms and instructions to be supplied by the bureau under section 19-4812(2)(g), Idaho Code. Provided, however, that clerks of court are not required to provide said information to the bureau if they have previously provided the information to the law enforcement agency submitting the offense report and the law enforcement agency has forwarded the information to the bureau.

(6) All persons in charge of law enforcement agencies in this state shall furnish the bureau with any other identifying data required in accordance with guidelines established by the bureau. All law enforcement agencies and penal and correctional institutions in
this state having criminal identification files shall cooperate in providing to the bureau copies of such items presently in these files as will aid in establishing the nucleus of the state criminal identification file.

Approved April 9, 1992.

CHAPTER 320
(S.B. No. 1520)

AN ACT
APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR FISCAL YEAR 1993; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; AND SETTING FORTH CONDITIONS FOR THE REAPPROPRIATION.

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

SECTION 1. There is hereby appropriated to the Office of the Governor the following amounts, to be expended for the designated programs according to the designated expense classes from the listed accounts, for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FOR PERSONNEL</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
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<tr>
<td>I. GOVERNOR'S OFFICE ADMINISTRATION:</td>
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<td>To be expended pursuant to Section 67-808d, Idaho Code:</td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Account $ 5,900</td>
<td>$ 3,800</td>
<td>$ 73,000</td>
<td>$ 82,700</td>
</tr>
<tr>
<td>V. COMMISSION ON CHILDREN AND YOUTH:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account $ 52,900</td>
<td>$ 8,200</td>
<td></td>
<td>$ 61,100</td>
</tr>
<tr>
<td>Federal Account 25,800</td>
<td>91,400</td>
<td>$214,200</td>
<td>331,400</td>
</tr>
<tr>
<td>TOTAL $ 78,700</td>
<td>$ 99,600</td>
<td>$214,200</td>
<td>$ 392,500</td>
</tr>
<tr>
<td>VI. ENERGY:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Account $ 12,400</td>
<td></td>
<td></td>
<td>$ 12,400</td>
</tr>
<tr>
<td>VII. STATE EMERGENCY RESPONSE COMMISSION:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Pollution</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Control Account $ 100,900</td>
<td>$118,700</td>
<td></td>
<td>$ 219,600</td>
</tr>
<tr>
<td>Federal Account 27,600</td>
<td>38,800</td>
<td></td>
<td>66,400</td>
</tr>
<tr>
<td>TOTAL $ 128,500</td>
<td>$157,500</td>
<td></td>
<td>$ 286,000</td>
</tr>
</tbody>
</table>
SECTION 2. There is hereby reappropriated to the Office of the Governor, subject to the provisions of Section 3 of this act, the unexpended and unencumbered balance of any General Account appropriation made to the Office of the Governor for the period July 1, 1991, through June 30, 1992, to be used for nonrecurring expenditures only for the period July 1, 1992, through June 30, 1993.

SECTION 3. The reappropriation granted in Section 2 of this act shall be subject to the following conditions:

(1) If the unexpended and unencumbered balance in the General Account on June 30, 1992, is zero, the reappropriation in Section 2 is hereby declared to be null and void.

(2) If the unexpended and unencumbered balance in the General Account on June 30, 1992, is greater than zero but less than the total reappropriation authority granted to all state agencies, the amount reappropriated in Section 2 shall be in the proportion that the reappropriation for the Office of the Governor bears to the total reappropriation authority granted to all state agencies.

Approved April 9, 1992.

CHAPTER 321
(S. B. No. 1522)

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; REAPPROPRIATING CERTAIN UNEXPENDED BALANCES; EXPRESSING LEGISLATIVE INTENT CONCERNING THE USE OF MONEYS APPROPRIATED BY THIS ACT; APPROPRIATING MONEYS FROM THE FISH AND GAME ACCOUNT; APPROPRIATING MONEYS FROM THE PUBLIC BUILDING ACCOUNT; 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:

- Department of Administration: $275,000
- State Board of Education: $6,360,000
- Department of Correction: $723,900
- Department of Health and Welfare: $1,625,000
- Department of Lands: $170,000
- Idaho Commission for the Blind: $75,000
- Military Division: $313,500
- Department of Parks and Recreation: $150,000
- Department of Employment: $65,000
- Department of Fish and Game: $100,000
- Statewide Contingency: $142,600

TOTAL: $10,000,000

B. ASBESTOS ABATEMENT PROJECTS:

- State Board of Education: $895,500
- Supreme Court: $15,000
- Department of Administration Contingency: $89,500

TOTAL: $1,000,000

C. UNDERGROUND STORAGE TANK PROGRAM:

D. DEPARTMENT OF LANDS:

- McCall Offices

E. DEPARTMENT OF FISH AND GAME:

- McCall Offices: $270,000

F. DEPARTMENT OF CORRECTION:

- Pocatello Women's Correctional Center, Phase III: $3,721,000

G. STATE BOARD OF EDUCATION:

- ISU/U of I Center for Higher Education, Idaho Falls: $3,400,000
- ISU, Baldwin Hall demolition: $290,000
- ISU, Physical Science Building Renovation, planning: $300,000
- CSI, Library/Media Center, planning: $300,000
- NIC, Old Library/Lee Hall remodel, planning: $158,000
- Canyon County Vo-tech classroom building: $2,391,700
- EITC, classroom complex, planning: $200,000

TOTAL: $7,039,700

H. DEPARTMENT OF ADMINISTRATION:

- Division of Communications Building, East Butte: $80,500
- Division of Communications Building, Cottonwood: $127,500

TOTAL: $208,000

GRAND TOTAL: $23,182,700

SECTION 2. There is hereby appropriated to the Permanent Building Fund Advisory Council and the Division of Public Works the balance of moneys remaining unexpended from the appropriation made by Chapter 337, Laws of 1990, Section 1, Subsection E, for the Department of Correction 200-bed Unit, ISCI-Boise, and from the balance of moneys remaining unexpended from the appropriation made by Chapter 337, Laws of 1990, Section 1, Subsection G, for the State Board of Education, Idaho State University-Baldwin Hall, Renovation, to be used to pay the cost of any land, building, equipment, or the rebuilding, renovation
or repair of named and listed projects found in Section 1 of this act.

SECTION 3. It is the express intention that the moneys appropriated by this act may be made available for matching any allocation of moneys now in existence or hereafter made available by agencies of the United States and/or private donations; and it is further the express intention of the legislature to authorize the Division of Public Works to expend, for the purpose of paying the cost of any land, building, equipment, or the rebuilding, renovation or repair of buildings, moneys appropriated for public works to various agencies as part of the respective agency operating budgets; provided the express approval by the Permanent Building Fund Advisory Council is granted to make application for such moneys in each instance. It is further the intention of the Legislature that this authority be effective from the effective date of this act.

SECTION 4. There is hereby appropriated $270,000 from the Fish and Game Account for deposit in the Permanent Building Account.

SECTION 5. There is hereby appropriated to the Permanent Building Fund Advisory Council and the Division of Public Works $110,800 from the Public Building Account for the Attorney General remodel costs.

SECTION 6. All appropriations made herein shall be exempt from the provisions of Chapter 36, Title 67, and Section 67-3516, Idaho Code, but shall be available for expenditure only after allotment in accordance with the other provisions of Chapter 35, Title 67, Idaho Code, and all appropriations made hereunder shall be subject to the provisions of Section 67-5711, Idaho Code, except as otherwise provided herein.

SECTION 7. The State Treasurer is hereby authorized and directed to anticipate the revenues in the Permanent Building Fund by the issuance of tax anticipation notes in accordance with authority conferred by Sections 63-3201, 63-3202, 63-3203, 63-3204 and 63-3205, Idaho Code, and in accordance with the procedures and subject to the limitations provided in those sections, in the same manner as though the revenues in the General Account were being anticipated.

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

Approved April 9, 1992.

CHAPTER 322
(H.B. No. 853)

AN ACT
APPROPRIATING MONEYS FOR THE FAMILY PRACTICE RESIDENCY PROGRAMS FOR FISCAL YEAR 1993; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUM-
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated to the State Board of Education the following amount to be expended for the Family Practice Residency Programs according to the designated expense classes from the listed account for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$233,200</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>15,700</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>13,100</td>
</tr>
<tr>
<td>Trustee and Benefit Payments</td>
<td>265,400</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$527,400</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$527,400</td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby reappropriated to the State Board of Education for the Family Practice Residency Programs, subject to the provisions of Section 3 of this act, the unexpended and unencumbered balance of any General Account appropriation made to the Family Practice Residency Programs for the period July 1, 1991, through June 30, 1992, to be used for nonrecurring expenditures only for the period July 1, 1992, through June 30, 1993.

SECTION 3. The reappropriation granted in Section 2 of this act shall be subject to the following conditions:

1. If the unexpended and unencumbered balance in the General Account on June 30, 1992, is zero, the reappropriation in Section 2 is hereby declared to be null and void.

2. If the unexpended and unencumbered balance in the General Account on June 30, 1992, is greater than zero but less than the total reappropriation authority granted to all state agencies, the amount reappropriated in Section 2 shall be in the proportion that the reappropriation for the Family Practice Residency Programs bears to the total reappropriation authority granted to all state agencies.

Approved April 9, 1992.

CHAPTER 323
(H.B. No. 872)

AN ACT
RELATING TO HIGHWAY ABANDONMENT AND VACATION; AMENDING SECTION 40-203, IDAHO CODE, TO PROVIDE THAT A CHARGE NOT EXCEEDING THE FAIR MARKET VALUE MAY BE IMPOSED ON THE ACQUIRING ENTITY AS A CONDITION OF THE ABANDONMENT AND TO PROVIDE AN EXCEPTION.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 40-203, Idaho Code, be, and the same is hereby amended to read as follows:

40-203. ABANDONMENT AND VACATION OF COUNTY AND HIGHWAY DISTRICT SYSTEM HIGHWAYS. (1) A board of county or highway district commissioners, whichever shall have jurisdiction of the highway system, shall use the following procedure to withdraw public highway status from any highway in the county or highway district system:

(a) The commissioners may by resolution declare its intention to abandon and vacate any highway considered no longer to be in the public interest.

(b) Any resident within a county or highway district system may petition the respective commissioners for abandonment and vacation. The petitioner shall pay a reasonable fee as determined by the commissioners to cover the cost of the proceedings.

(c) The commissioners shall establish a hearing date on the proposed abandonment and vacation.

(d) The commissioners shall prepare a report stating the effects of the proposed abandonment and vacation on the public interest.

(e) The commissioners shall publish notice of the hearing in accordance with the provisions of section 40-206, Idaho Code, and shall mail notice to owners of land abutting the portion of the highway proposed to be abandoned and vacated at their addresses as shown on the county assessor's tax rolls at least fifteen (15) days prior to the date of the hearing.

(f) At the hearing, the commissioners shall review the report prepared under this section and shall accept testimony from persons having an interest in the proceedings.

(g) After completion of the procedures, the commissioners may retain the highway as such or may by order or resolution declare the highway status withdrawn from all or part of the portion of the highway under consideration.

(h) If the commissioners determine that a highway parcel to be abandoned and vacated in accordance with the provisions of this section has a fair market value of twenty-five hundred dollars ($2,500) or more, a charge may be imposed upon the acquiring entity, not in excess of the fair market value of the parcel, as a condition of the abandonment and vacation; provided, however, no such charge shall be imposed on the landowner who originally dedicated such parcel to the public for use as a highway.

(i) The commissioners shall cause any order or resolution to be recorded in the county records and the official map of the highway system to be amended as affected by the abandonment and vacation.

(2) No highway or part of it shall be abandoned and vacated so as to leave any real property adjoining the highway without an established highway connecting that real property with another highway.

(3) In the event of abandonment and vacation, rights-of-way or easements may be reserved for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone and similar lines and appurtenances.

(4) A highway established by prescription not worked or used for a period of five (5) years ceases to be a highway for any purpose
whatever, unless the highway is designated as a part of a county or
highway district system by inclusion on the official map. In the case
of highways furnishing public access to state or federal public lands
or waters, no person may encroach upon them and restrict public use
without first petitioning for the abandonment of the highway to the
appropriate commissioners of the county or highway district in which
the highway is located. Until abandonment is authorized by the commis­sioners having jurisdiction, public use of the highway may not be
restricted or impeded by encroachment or installation of any obstruc­tion restricting public use, or by the installation of signs or
notices that might tend to restrict or prohibit public use.

Approved April 9, 1992.

CHAPTER 324
(H.B. No. 875)

AN ACT
APPROPRIATING MONEYS FOR THE STATE LIBRARY BOARD FOR FISCAL YEAR 1993;
REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; AND
SETTING FORTH PROVISIONS FOR THE REAPPROPRIATION.

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 according to the designated expense classes from the listed
accounts for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FOR</th>
<th>FOR</th>
<th>FOR</th>
<th>TRUSTEE AND</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERSONNEL</td>
<td>OPERATING</td>
<td>CAPITAL</td>
<td>BENEFIT</td>
</tr>
<tr>
<td>COSTS</td>
<td>EXPENDITURES</td>
<td>OUTLAY</td>
<td>PAYMENTS</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| FROM: | | | |
|-------| | | |
| General Account | $1,261,500 | $457,200 | $168,800 | $ 21,200 | $1,908,700 |
| Federal Grant Account | 124,000 | 176,700 | 672,900 | | 973,600 |
| Professional Services Account | | | 10,200 | 7,000 | 58,000 | | 75,200 |
| TOTAL | $1,385,500 | $644,100 | $175,800 | $752,100 | $2,957,500 |

SECTION 2. There is hereby reappropriated to the State Board of
Education for the State Library Board, subject to the provisions of
Section 3 of this act, the unexpended and unencumbered balance of any
General Account appropriation made to the State Library Board for the
period July 1, 1991, through June 30, 1992, to be used for nonrecur­ring expenditures only for the period July 1, 1992, through June 30,
1993.

SECTION 3. The reappropriation granted in Section 2 of this act
shall be subject to the following conditions:
(1) If the unexpended and unencumbered balance in the General Account on June 30, 1992, is zero, the reappropriation in Section 2 is hereby declared to be null and void.
(2) If the unexpended and unencumbered balance in the General Account on June 30, 1992, is greater than zero but less than the total reappropriation authority granted to all state agencies, the amount reappropriated in Section 2 shall be in the proportion that the reappropriation for the State Library Board bears to the total reappropriation authority granted to all state agencies.

Approved April 9, 1992.

CHAPTER 325
(H.B. No. 879)

AN ACT

APPROPRIATING MONEYS TO THE STATE AUDITOR IN ADDITION TO THE APPROPRIATION MADE BY SECTION 1, CHAPTER 83, LAWS OF 1991; 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 83, Laws of 1991, there is hereby appropriated to the State Auditor the following amount, to be expended for the designated program according to the designated expense class from the listed account for the period July 1, 1991, through June 30, 1992:

IV. BOARD OF EXAMINERS:
FOR:
Trustee and Benefit Payments $55,000
FROM:
General Account $55,000

SECTION 2. 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.

Approved April 9, 1992.

CHAPTER 326
(H.B. No. 882)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF INSURANCE FOR FISCAL YEAR 1993; 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 Department of Insurance the following amount, to be expended for the designated programs according to the designated expense classes from the listed accounts for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>A. ADMINISTRATION:</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
</tr>
<tr>
<td>Insurance Administration Account</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B. REGULATION:</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
</tr>
<tr>
<td>Insurance Administration Account</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>C. ARSON, FIRE AND FRAUD:</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
</tr>
<tr>
<td>Arson, Fire and Fraud Prevention Account</td>
</tr>
</tbody>
</table>

**GRAND TOTAL**: $2,380,700 $1,546,300 $33,600 $3,960,600

SECTION 2. It is legislative intent that:

1. Of the amounts appropriated in the Administration Program from the Insurance Administration Account for Operating Expenditures in Section 1, $65,000 is designated as one time funding for the purposes of conducting an actuarial study ($50,000) and providing administrative support ($15,000) for a task force similar to the task force authorized by HCR No. 23, Laws of 1991, which is hereby created.

2. The executive committee of the Health Insurance Task Force shall report periodically on its deliberations to the Office of the Governor and the Special Legislative Committee on Health Care.

3. The Department of Insurance shall report its findings and recommended legislation to the First Regular Session of the Fifty-second Idaho Legislature.

Approved April 9, 1992.

CHAPTER 327
(H.B. No. 883)

AN ACT
AUTHORIZING THE IDAHO STATE BUILDING AUTHORITY TO ISSUE BONDS FOR THE CONSTRUCTION OF CERTAIN FACILITIES.

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

SECTION 1. Whereas, the Legislature recognizes the need for public facilities for the use by the Department of Health and Welfare, State Hospital North in Orofino, Idaho; and for the use by the Depart-
ment of Correction for a 190-bed detention unit at South Idaho Correctional Institution at Boise, Idaho;

Whereas, the Legislature has previously appropriated funds in the amount of $500,000 for the planning and design for a new State Hospital North;

Whereas, programs or plans for the new facilities have received the review and approval of the affected departments and the Permanent Building Fund Advisory Council; and financing for such facilities, whether by bonds or other methods, has been recommended by the Governor;

Whereas, the amounts appropriated and available are not sufficient to cover all of the anticipated construction related costs associated with these facilities in a timely manner; and

Whereas, it is imperative and necessary that these facilities be placed in service at the earliest time to serve the public need. State Hospital North is operating with provisional licensing jeopardizing federal reimbursement for services; and the Department of Correction is facing increases in numbers of inmates requiring a minimum construction of approximately 200 beds per year;

The Legislature hereby authorizes and provides 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, under such terms and conditions as may be reasonable and necessary, to provide financing to plan, design, construct and equip the following facilities to be located at the following state-owned sites:

(1) Department of Health and Welfare, State Hospital North, Orofino, Idaho: $8,000,000; and

(2) Department of Correction, South Idaho Correctional Institution, Boise, Idaho: $2,400,000.

Further in accordance with Subsection (6) of Section 67-5708, Idaho Code, for purposes of entering into lease-purchases or other time purchase agreements with the Idaho State Building Authority, this section constitutes legislative authorization by statute, and establishes the required maximum design and/or construction cost to be financed for each building and facility.

Provided further, this Section and statement of legislative intent acts as authorization required by the provisions of Section 67-6410, Idaho Code.

Provided further, the Division of Public Works and the Permanent Building Fund Advisory Council shall be responsible for the planning, design, inspection and construction of such facilities.

Approved April 9, 1992.

CHAPTER 328
(H.B. No. 888)

AN ACT
APPROPRIATING MONEYS FOR THE COMMISSION ON CHILDREN AND YOUTH FOR FISCAL YEAR 1993; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO ADMIN-
ISTRATIVELY COSTS; AND EXPRESSING LEGISLATIVE INTENT WITH REGARD TO USES OF APPROPRIATED MONEYS.

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

SECTION 1. There is hereby appropriated to the Office of the Governor for the Commission on Children and Youth the following amount, to be expended according to the designated expense classes from the listed account, for the period July 1, 1992, through June 30, 1993:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$90,000</td>
</tr>
<tr>
<td>Trustee and Benefit Payments</td>
<td>$4,705,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$4,795,000</strong></td>
</tr>
</tbody>
</table>

FROM:

| Federal Account             | $4,795,000 |

SECTION 2. It is legislative intent that an amount, not to exceed $90,000 of the amounts appropriated in Section 1, may be used for the administration of the child care and development block grant.

SECTION 3. It is legislative intent that, to the extent possible, the Commission on Children and Youth use the child care and development block grant:

1. To involve parents and volunteers in public schools with the portion of the grant allocated to public schools.
2. To provide for neglected human needs for children at risk; to strengthen minds and bodies; and to build self-esteem and capability.
3. To provide materials and technology, including satellite and public television, in support of programs.
4. To offer a part-time salary for volunteer coordinators in some county courthouses to work with schools, law enforcement officers, courts, extension agents, and other groups and agencies.

Approved April 9, 1992.

CHAPTER 329
(H.B. No. 889)

AN ACT
APPROPRIATING MONEYS FROM THE PUBLIC BUILDING ACCOUNT FOR LEGISLATIVE REMODELING AND RENOVATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Permanent Building Fund Advisory Council and the Division of Public Works $50,000 from the Public Building Account for legislative space remodeling and renovation costs. No contracts for remodeling or renovation may be let without the express approval of the Speaker of the House of Represent
tatives and the President Pro Tempore of the Senate.

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

Approved April 9, 1992.

CHAPTER 330
(H.B. No. 891)

AN ACT
RELATING TO THE APPROPRIATIONS TO THE DEPARTMENT OF HEALTH AND WELFARE AND THE OFFICE ON AGING; AMENDING SECTION 2, CHAPTER 257, LAWS OF 1991; AMENDING SECTION 1, CHAPTER 317, LAWS OF 1991; REPEALING SECTION 2, CHAPTER 317, LAWS OF 1991; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2, Chapter 257, Laws of 1991, be, and the same is hereby amended to read as follows:

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 the designated expense classes from various accounts within the fund categories listed for the period July 1, 1991, through June 30, 1992:

<table>
<thead>
<tr>
<th>FOR PERSONNEL</th>
<th>FOR OPERATING</th>
<th>FOR CAPITAL</th>
<th>FOR TRUSTEE AND</th>
<th>FOR LUMP SUM</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>COSTS</td>
<td>EXPENDITURES</td>
<td>OUTLAY</td>
<td>BENEFIT PAYMENTS</td>
<td>OUTLAY</td>
<td></td>
</tr>
<tr>
<td>INDIRECT SUPPORT SERVICES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$4,499,400</td>
<td>$2,972,100</td>
<td>$79,600</td>
<td></td>
<td>$7,551,100</td>
</tr>
<tr>
<td>Dedicated Funds</td>
<td>54,000</td>
<td></td>
<td></td>
<td></td>
<td>54,000</td>
</tr>
<tr>
<td>Federal Funds</td>
<td>3,948,500</td>
<td>2,757,000</td>
<td>39,800</td>
<td></td>
<td>6,745,300</td>
</tr>
<tr>
<td>Other Funds</td>
<td>20,200</td>
<td>4,600</td>
<td></td>
<td></td>
<td>24,800</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$8,447,900</td>
<td>$5,803,300</td>
<td>$124,000</td>
<td></td>
<td>$14,375,200</td>
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### C. 330 '92

**IDaho Session Laws**

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#### D. Work Programs:

**From:**

- **General Fund**
  - $585,100
  - $439,800
  - $879,600
  - $1,904,500

- **Federal Funds**
  - $1,037,500
  - $176,500
  - $1,938,000
  - $3,151,900

**Total**

- $1,622,500
- $616,300
- $2,817,600
- $5,056,400

#### E. Child Support Enforcement:

**From:**

- **General Fund**
  - $424,100
  - $269,700

- **Federal Funds**
  - $3,281,500
  - $1,902,300
  - $91,000
  - $5,274,800

- **Other Funds**
  - $199,200
  - $15,800
  - $9,700
  - $224,700

**Total**

- $3,904,800
- $2,187,800
- $100,700
- $6,193,300

**Division Total**

- $24,591,600
- $12,324,300
- $325,700
- $239,823,100
- $1,982,800
- $279,047,500

#### IV. Division of Family and Children's Services:

**A. Social Services:**

**From:**

- **General Fund**
  - $5,289,100
  - $1,307,200
  - $101,200
  - $1,320,200
  - $8,017,700

- **Federal Funds**
  - $7,528,000
  - $2,589,100
  - $402,100
  - $693,700
  - $11,212,900

- **Other Funds**
  - $146,300
  - $44,100
  - $754,900
  - $945,399

**Total**

- $12,963,400
- $3,904,400
- $503,300
- $11,808,800
- $20,975,900

**B. Substance Abuse:**

**From:**

- **General Fund**
  - $27,000
  - $24,000
  - $935,400
  - $986,400

- **Dedicated Funds**
  - $144,700
  - $65,900
  - $11,000
  - $1,496,200
  - $1,717,800

- **Federal Funds**
  - $242,000
  - $892,500
  - $300
  - $1,766,200
  - $2,901,000

- **Other Funds**
  - $9,000

**Total**

- $413,700
- $792,400
- $11,300
- $4,206,800
- $5,614,200

#### C. State Youth Services Center:

**From:**

- **General Fund**
  - $4,352,700

- **Dedicated Funds**
  - $706,000
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<td>TRUSTEE AND</td>
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D. JUVENILE JUSTICE: FROM:

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V. DIVISION OF ENVIRONMENT:

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#### B. IDAHO NATIONAL ENGINEERING LABORATORY OVERSIGHT:

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#### VII. DIVISION OF COMMUNITY REHABILITATION:

A. COMMUNITY DEVELOPMENTAL DISABILITIES:

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B. IDAHO STATE SCHOOL AND HOSPITAL:

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C. 330 '92  IDAHO SESSION LAWS  969
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<th>FOR OPERATING EXPENDITURES</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR LUMP SUM</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other Funds</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$739,000 $739,000</td>
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<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$20,110,500 $20,110,500</td>
</tr>
</tbody>
</table>

**C. COMMUNITY MENTAL HEALTH SERVICES:**

**FROM:**

- **General Fund**
  - $5,095,400
  - $1,064,000
  - $60,000
  - $422,800
  - $300,000
  - $6,942,200
- **Federal Funds**
  - 360,800
  - 651,000
  - 24,900
  - 1,036,700
- **Other Funds**
  - 2,902,400
  - 379,600
  - 3,282,000
  - 447,700
  - $300,000
  - $11,260,900

**TOTAL**

- $8,358,600
- $2,094,600
- $60,000
- $447,700
- $300,000
- $11,260,900

**D. STATE HOSPITAL NORTH:**

**FROM:**

- **General Fund**
  - $3,203,200
  - 1,018,800
  - 75,000
  - 389,100
  - $4,686,100

**TOTAL**

- $525,000
- $25,000
- $927,400

**E. STATE HOSPITAL SOUTH:**

**FROM:**

- **General Fund**
  - $7,614,000
  - 1,126,100
  - $8,740,100

**TOTAL**

- $525,000
- $25,000
- $9,667,500

**F. STATE ECONOMIC OPPORTUNITY OFFICE:**

**FROM:**

- **General Fund**
  - $24,500
  - 6,400
  - 1,200
  - $32,100

**TOTAL**

- $55,900
- $98,700
- $17,600
- $10,022,800
- $10,662,900

**G. ADULT SERVICES:**

**FROM:**

- **General Fund**
  - $981,400
  - 159,200
  - 9,000
  - 430,500
  - $1,580,100

**Federal Funds**

- 191,900

**Other Funds**

- 188,300
- 18,000
  - 206,300

**TOTAL**

- $1,361,600
- $177,200
- $9,000
- $430,500
- $1,978,300
<table>
<thead>
<tr>
<th>PERSONNEL</th>
<th>OPERATING</th>
<th>CAPITAL</th>
<th>TRUSTEE AND</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>COSTS</td>
<td>EXPENDITURES</td>
<td>OUTLAY</td>
<td>BENEFIT PAYMENTS</td>
<td>LUMP SUM</td>
</tr>
<tr>
<td>DIVISION</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>TOTAL $16,886,400</td>
<td>$ 39,914,980</td>
<td>$ 253,900</td>
<td>$ 13,949,600</td>
<td>$ 35,914,100</td>
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</tbody>
</table>

VIII. INDEPENDENT COMMISSIONS AND COUNCILS:

A. STATE EMERGENCY RESPONSE COMMISSION:
   FROM:
   Dedicated Funds $ 110,000 $ 113,000 $ 2,700 $ 225,700

B. DOMESTIC VIOLENCE COUNCIL:
   FROM:
   General Fund $ 15,000
   Dedicated Funds $ 64,100 $ 60,300 $ 227,000 $ 351,400
   Federal Funds $ 2,500 $ 576,400 $ 578,900
   TOTAL $ 64,100 $ 77,800 $ 803,400 $ 945,300

C. DEVELOPMENTAL DISABILITIES COUNCIL:
   FROM:
   General Fund $ 8,400 $ 21,500 $ 3,900 $ 8,600 $ 42,400
   Federal Funds $ 193,500 $ 51,900 $ 11,100 $ 317,100
   TOTAL $ 201,900 $ 73,400 $ 3,900 $ 80,300 $ 359,500

D. COMMISSION ON ALCOHOL AND DRUG ABUSE:
   FROM:
   General Fund $ 56,800 $ 41,000 $ 97,800

E. COUNCIL FOR THE DEAF AND HEARING IMPAIRED:
   FROM:
   General Fund $ 51,200
   DIVISION $ 432,880 $ 305,200 $ 6,600 $ 883,700 $ 1,679,500

GRAND TOTAL $79,494,000 $39,645,800 $2,247,900 $297,181,300 $468,094,000
SECTION 2. That Section 1, Chapter 317, Laws of 1991, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the Office of the Governor for the Office on Aging the following amount, to be expended according to the designated expense classes from the listed accounts, for the period July 1, 1991, through June 30, 1992:

<table>
<thead>
<tr>
<th>FOR</th>
<th>PERSONNEL COSTS</th>
<th>OPERATING EXPENDITURES</th>
<th>CAPITAL OUTLAY</th>
<th>TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Non-Federal Account</td>
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<tr>
<td>Federal Account</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Office on Aging</td>
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<tr>
<td>Federal Account</td>
<td>$316,200</td>
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<tr>
<td>TOTAL</td>
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<td>$207,900</td>
<td>$10,200</td>
<td>$6,006,100</td>
<td>$6,741,900</td>
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</tbody>
</table>

SECTION 3. That Section 2, Chapter 317, Laws of 1991, be, and the same is hereby repealed.

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

Approved April 9, 1992.

CHAPTER 331
(H.B. No. 778)

AN ACT

RELATING TO THE SITING AND DESIGN OF SOLID WASTE FACILITIES; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 74, TITLE 39, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS AND PURPOSES, TO PROVIDE APPLICABILITY, TO PROVIDE DEFINITIONS, TO PROVIDE FOR CONSISTENCY WITH FEDERAL LAW, TO PROVIDE FOR AUTHORITY REGARDING SOLID WASTE, TO PROVIDE FOR THE ROLES OF UNITS OF GOVERNMENT, TO PROVIDE FOR LOCATION RESTRICTIONS AND SITE CERTIFICATION, TO PROVIDE A PROCEDURE FOR SITE CERTIFICATION, TO PROVIDE FOR STANDARDS FOR DESIGN, TO PROVIDE FOR A DESIGN AND DEVELOPMENT REVIEW PROCEDURE, TO PROVIDE FOR STANDARDS OF OPERATION, TO PROVIDE FOR REVIEW OF OPERATION PLANS, TO PROVIDE FOR GROUND WATER MONITORING, TO PROVIDE A PROCEDURE FOR GROUND WATER MONITORING PLAN APPROVAL, TO PROVIDE FOR STANDARDS FOR CLOSURE, TO PROVIDE FOR STANDARDS FOR POST CLOSURE CARE, TO PROVIDE FOR FINANCIAL ASSISTANCE, TO PROVIDE
FOR MODIFICATIONS TO SITES, TO PROVIDE FOR INSPECTIONS, AND TO PROVIDE FOR VIOLATIONS AND ENFORCEMENT; AMENDING SECTION 39-105, IDAHO CODE, TO PROVIDE ADDITIONAL POWERS AND DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND WELFARE; AMENDING SECTION 39-414, IDAHO CODE, TO PROVIDE AN ADDITIONAL POWER AND DUTY OF A DISTRICT BOARD OF HEALTH; 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 74, Title 39, Idaho Code, and to read as follows:

CHAPTER 74
IDAHO SOLID WASTE FACILITIES ACT

39-7401. LEGISLATIVE FINDINGS AND PURPOSES. (1) The legislature finds:
(a) That adverse public health and environmental impacts can result from the improper land disposal of solid waste and that the need for establishing safe sites with adequate capacity for the disposal of solid waste is a matter of statewide concern and necessity; and
(b) That the resource conservation and recovery act (42 U.S.C. sec. 6901, et seq.) as amended, and regulations adopted pursuant thereto, establish complex, detailed and costly provisions for the location, design, operation and monitoring of solid waste disposal sites, including such sites as may be operated pursuant to the responsibility established in chapter 44, title 31, Idaho Code; and
(c) That the coordination and timeliness of response to federal law on the part of all public officials within the state is critical to compliance with federal regulations as explained in 40 CFR 258, preamble, section IV, A; and
(d) That the director of the department of health and welfare should have the responsibility and authority to issue a certificate of suitability concerning prospective solid waste disposal sites, to provide advisory review and comment regarding solid waste disposal facility design, and to approve ground water monitoring plans pursuant to the provisions of this chapter and section 39-105, Idaho Code; and
(e) That the respective district boards of health should have the responsibility and authority to issue a certificate of compliance for operating plans and to monitor operations and enforce operational standards for solid waste disposal sites pursuant to the provisions of this chapter and section 39-414, Idaho Code.

(2) Therefore, the legislature hereby establishes the solid waste disposal standards and procedures outlined herein and a facility approval process for the state of Idaho, the political subdivisions thereof, and any private solid waste disposal site owner in order to facilitate the development and operation of solid waste disposal sites to ensure protection of human health and the environment, to protect the air, land and waters of the state of Idaho.
39-7402. APPLICABILITY. (1) The standards and procedures set forth in this chapter apply to owners and operators of new municipal solid waste landfill (MSWLF) units, existing MSWLF units, and lateral expansions of existing MSWLF units, except as otherwise specifically provided.

(2) The requirements of this chapter do not apply to MSWLF units that ceased to accept waste prior to October 9, 1991.

(3) MSWLF units that receive waste after October 9, 1991, but stop receiving waste before October 9, 1993, are exempt from the requirements of this chapter, except as provided in 40 CFR 258.1(d) or as otherwise expressly provided herein.

(4) All MSWLF units that will receive waste on or after October 9, 1993, must comply with requirements of this chapter, unless otherwise allowed in 40 CFR 258.1(f).

(5) MSWLF units failing to satisfy these standards shall cease operation and shall not accept municipal solid waste for disposal by order of the division of environmental quality and/or the district health department until provisions of this chapter are complied with unless a compliance schedule has been approved by the director of the department of health and welfare and/or the district health department.

39-7403. DEFINITIONS. As used in this chapter:

(1) "Active portion" means that part of a facility or unit that has received or is receiving wastes and that has not been closed in accordance with 40 CFR 258.60.

(2) "Agricultural wastes" mean wastes generated on farms resulting from the production of agricultural products including, but not limited to, manures and carcasses of dead animals weighing each or collectively in excess of fifteen (15) pounds but do not include wastes that are classified hazardous.

(3) "Aquifer" means a geological formation, group of formations, or a portion of a formation capable of yielding significant quantities of ground water to wells or springs.

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

(5) "Buffer zone" means that part of a facility that lies between the active portion and the property boundary.

(6) "Clean soils and clean dredge spoils" mean soils and dredge spoils which are not hazardous wastes or problem wastes as defined in this section.

(7) "Commercial solid waste" means all types of solid waste generated by stores, offices, restaurants, warehouses and other nonmanufacturing activities, excluding residential and industrial wastes.

(8) "Construction/demolition waste" means the waste building materials, packaging and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings and other structures. Such waste includes, but is not limited to, bricks, concrete, other masonry materials, soil, rock, lumber, road spoils, rebar, paving materials and tree stumps. Noninert wastes and asbestos wastes are not considered to be demolition waste for the purposes of this chapter.

(9) "Contaminate" means to allow discharge of a substance from a
landfill that would cause:
(a) The concentration of that substance in the ground water to exceed the maximum contamination level (MCL) specified in 40 CFR 258.40, Idaho drinking water standards; or
(b) A statistically significant increase in the concentration of that substance in the ground water where the existing concentration of that substance exceeds the maximum contamination level specified in paragraph (a) of this subsection; or
(c) A statistically significant increase above background in the concentration of a substance which:
   (i) is not specified in paragraph (a) of this subsection; and
   (ii) is a result of the disposal of solid waste; and
   (iii) has been determined by the department to present a substantial risk to human health or the environment in the concentrations found at the point of compliance.

(10) "County" means any county in the state of Idaho.
(11) "Cover material" means soil or other suitable material that is used to protect the active portion of the MSWLF unit.
(12) "Department" means the Idaho department of health and welfare.
(13) "Facility" means all contiguous land, including buffer zones, structures, other appurtenances and improvements on the land used for compliance with the provisions of this chapter.
(14) "Floodplain" means the area encompassed by the one hundred (100) year flood as defined by applicable federal flood insurance maps.
(15) "Ground water" means water below the land surface in a zone of saturation.
(16) "Health district" means one (1) of the seven (7) district health departments of the state of Idaho.
(17) "Holocene fault" means a fault characterized as a fracture or a zone of fractures in any material along which strata on one (1) side have been displaced with respect to that on the other side and Holocene being the most recent epoch of the quaternary period, extending from the end of the pleistocene epoch to the present.
(18) "Industrial solid waste" means solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under subtitle C of RCRA. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: Electric power generation; fertilizer and agricultural chemicals; food and related products and by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay and concrete products; textile manufacturing; transportation equipment and water treatment. This term does not include mining waste or oil and gas waste.
(19) "Inert wastes" mean noncombustible, nonhazardous, nonputresible, nonleaching solid wastes that are likely to retain their physical and chemical structure under expected conditions of disposal, including resistance to biological attack.
(20) "Landfill" means an area of land or an excavation in which
wastes are placed for permanent disposal, and that is not a land application unit, surface impoundment, injection well or waste pile.

(21) "Landspreading disposal facility" or "land application unit" means a facility that applies sludges or other solid wastes onto or incorporates solid waste into the soil surface, excluding manure spreading operations, at greater than agronomic rates and soil conditioners and immobilization rates.

(22) "Lateral expansion" means a horizontal expansion of the waste boundaries of an existing MSWLF unit.

(23) "Leachate" means a liquid that has passed through or emerged from solid waste and contains soluble, suspended or miscible materials removed from such waste.

(24) "Limited purpose landfill" means a landfill that receives solid waste of limited type with known and consistent composition other than wood wastes, municipal solid waste, inert waste and construction/demolition waste.

(25) "Liquid" as defined in 40 CFR 258.28(3c)(1).

(26) "Liquid waste" means any waste material that is determined to contain free liquids as described in "test methods for evaluating solid wastes, physical/chemical methods" (EPA pub. no. SW-846).

(27) "Lower explosive limits" mean the lowest percentage by volume of methane gas which will propagate a flame in air at twenty-five degrees centigrade and atmospheric pressure.

(28) "Monofill" means a landfill which contains a specific waste whose waste stream characteristics remain unchanged over time and may include special wastes, problem wastes or other consistent characteristic wastes but do not include wastes regulated under any other applicable regulations.

(29) "Municipal solid waste landfill (MSWLF)" means a discrete area of land or an excavation that receives household waste, and that is not a land application unit, surface impoundment, injection well, or waste pile, as those terms are defined under 40 CFR 257.2. A MSWLF unit also may receive other types of RCRA subtitle D wastes, such as commercial solid waste, nonhazardous sludge, small quantity generator waste and industrial solid waste. Such a landfill may be publicly or privately owned. A MSWLF unit may be a new MSWLF unit, an existing MSWLF unit or a lateral expansion.

(30) "New MSWLF unit" means any municipal solid waste landfill unit that has not received waste prior to October 9, 1993.

(31) "Open burning" means the combustion of solid waste without: (a) control of combustion air to maintain adequate temperature for efficient combustion; (b) containment of the combustion reaction in an enclosed device to provide sufficient resident time and mixing for complete combustion; and (c) control of the emission of the combustion products.

(32) "Operator" means the person(s) responsible for the overall operation of a facility or part of a facility.

(33) "Owner" means the person(s) who owns a facility or part of a facility.

(34) "Permeability" means the capacity of a material to transmit a fluid. For the purposes of this chapter permeability is expressed in terms of hydraulic conductivity of water in centimeter per second units of measurement. Soils and synthetic liners with an hydraulic
conductivity of 1 X 10^-7 cm/sec or less are considered impermeable.

(35) "Person" means an individual, association, firm, partnership, political subdivision, public or private corporation, state or federal agency, municipality, industry, or any other legal entity whatsoever.

(36) "Pile" or "waste pile" means any noncontainerized accumulation of solid, nonflowing waste that is used for treatment or storage.

(37) "Plan of operation" means the written plan developed by an owner or operator of a MSWLF unit detailing how the facility is to be operated during its active life, during closure, and throughout the post closure period.

(38) "Point of compliance" means a vertical surface located at the hydraulically downgradient intercept with the uppermost aquifer at which a release from a waste management unit measured as change in constituent values will trigger assessment monitoring. Point of compliance shall be used to define the facility design, location and frequency of monitoring wells and types, timing, and costs of corrective action. Point of compliance shall be located on land owned by the owner of the MSWLF unit and no more than one hundred fifty (150) meters downgradient from the active area of the landfill to be monitored unless the preponderance of scientific evidence supports a location closer to the active area.

(39) "Post closure" means the requirements placed upon the MSWLF unit after closure to ensure their environmental safety for at least a thirty (30) year period or until the site becomes stabilized.

(40) "Problem wastes" mean:
(a) Soils removed during remediation of a contaminated site, or a hazardous waste site closure or other cleanup efforts and actions which contain harmful substances but are not designated hazardous wastes; or
(b) Dredge spoils resulting from the dredging of surface waters of the state where contaminants are present in the dredge spoils at concentrations not suitable for open water disposal and the dredge spoils are not dangerous wastes and are not regulated by section 404 of the federal clean water act (PL 95-217).

(41) "Processing" means an operation conducted on solid waste to prepare it for disposal.

(42) "Putrescible waste" means solid waste which contains material capable of being decomposed by microorganisms.

(43) "Qualified professional" means a licensed geologist or professional engineer, as appropriate, holding current professional registration in compliance with applicable provisions of the Idaho Code.

(44) "RCRA" means the resource conservation and recovery act (42 U.S.C. sec. 6901 et seq.), as amended.

(45) "Reserved" means a section not currently governed by the requirements of this chapter which is set aside for possible future legislative consideration.

(46) "Run-off" means any rainwater, leachate, or other liquid that drains over land from any part of a facility.

(47) "Run-on" means any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

(48) "Saturated zone" means that part of the earth's crust in which all voids are filled with water.
(49) "Septage" means a semisolid consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from a septic tank system.

(50) "Sludge" means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial waste water treatment plant, or air pollution control facility exclusive of the treated effluent from a waste water treatment plant.

(51) "Solid waste" means any garbage or refuse, sludge from a waste water treatment plant, water supply treatment plant, or air pollution control facility and other discarded material including liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, agricultural operations and community activities, but does not include solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. 1342, or source, special nuclear, or by-product material as defined in the atomic energy act of 1954, as amended (68 Stat. 923). These regulations shall not apply to the following solid wastes:

(a) Overburden, waste dumps and low grade stockpiles from mining operations;
(b) Liquid wastes whose discharge or potential discharge is regulated under federal, state or local water pollution permits;
(c) Hazardous wastes as designated in the radiation and nuclear materials act, chapter 30, title 39, Idaho Code, or in 40 CFR 258, appendix II;
(d) Wood waste used for ornamental, animal bedding, mulch and plant bedding and road building purposes;
(e) Agricultural wastes, limited to manures and crop residues, returned to the soils at agronomic rates;
(f) Clean soils and clean dredge spoils as otherwise regulated under section 404 of the federal clean water act (PL 95-217);
(g) Septage taken to a sewage treatment plant permitted by either the U.S. environmental protection agency or the department;
(h) Radioactive wastes, defined in the radiation and nuclear materials act, chapter 30, title 39, Idaho Code; and
(i) Wood debris resulting from the harvesting of timber and the disposal of which is permitted under chapter 1, title 38, Idaho Code.

(52) "Special waste" means those wastes which require special treatment or handling after it arrives at the disposal site. The term includes, but is not limited to, asbestos containing material, petroleum contaminated soils, low-level PCB containing material, low-level dioxin containing material and uncut tires.

(53) "Statistically significant" means significant as determined by ANOVA analysis of variance as applied within 40 CFR 258.53(h)(2).

(54) "Uppermost aquifer" means the geological formation nearest the natural ground surface that is an aquifer as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

(55) "Waste management unit boundary" means a vertical surface located at the hydraulically downgradient limit of the unit. This vertical surface extends down into the uppermost aquifer.

(56) "Water quality standard" means a standard set for maximum
allowable contamination in surface waters and ground water as set forth in the water quality standards for waters for the state of Idaho (IDAPA 16.01.2001).

(57) "Wetlands" as defined in 40 CFR 232.2(r).

(58) "Wood waste" means solid waste consisting of wood pieces or particles generated as a by-product or waste from the manufacturing of wood products, handling and storage of raw materials and trees and stumps. This includes, but is not limited to, sawdust, chips, shavings, bark, pulp, hog fuel and log yard waste, but does not include wood pieces or particles containing chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenate.

Undefined terms shall be given their usual and ordinary meaning within the context of the provisions of this chapter.

39-7404. CONSISTENCY WITH FEDERAL LAW -- STATUS OF APPENDICES. The legislature intends that the state of Idaho enact and carry out a solid waste program that will enable the state to achieve approved state status with respect to solid waste disposal facility regulation from the federal government.

The legislature finds that subtitle D of RCRA, and in particular the code of federal regulations, title 40, part 257 and 258, establish complex, detailed and costly provisions for the disposal of solid waste. By the provisions of this chapter, the legislature desires to avoid duplicative or conflicting state and federal regulatory systems and allow local MSWLF unit owners the maximum flexibility possible under 40 CFR 257 and 258, to meet the substantive goals of protection of human health and the environment with consideration for actual site and climatic conditions.

The board may not promulgate any rule or regulation that would impose conditions or requirements more stringent or broader in scope than the referenced RCRA regulations of the United States environmental protection agency or the provisions of this chapter. Until state technical guidance is adopted, agency conclusions in appendix B through appendix H, inclusive, 40 CFR 258, shall be adopted and used for technical guidance for relevant provisions of this chapter.

39-7405. AUTHORITY REGARDING SOLID WASTE. The local government entity with legal responsibility for disposal of solid waste pursuant to the provisions of chapter 44, title 31, Idaho Code, shall have full authority to manage and control the ownership, disposition and ultimate disposal of solid waste within its jurisdiction. It is the intention of the legislature that this grant of authority shall be construed in manner commensurate with the full extent of the duties established in chapter 44, title 31, Idaho Code.

39-7406. RESPECTIVE ROLES OF COUNTY, DEPARTMENT AND HEALTH DISTRICT -- LIBERAL CONSTRUCTION. (1) The county, department and health district each perform key roles in statewide solid waste management. Principal jurisdiction for the various functions of solid waste regulation and management as it pertains to site selection, development and operation shall be carried out as outlined herein:

(a) Each county may select a solid waste disposal site or sites, evaluate said site(s) for compliance with site certification cri-
teria, develop design plans for construction and operation of MSWLF unit(s), including monitoring plans, provide for public review of its proposed development and operation plans through the conduct of at least one (1) public hearing when design plans are completed, publish legal notices, serve as the repository of funds established for financial assurance, cooperate with the department and district to construct and operate a solid waste disposal system which protects human health and the environment, and perform such other solid waste related duties as may be specified in chapter 44, title 31, Idaho Code;

(b) The department shall interact and cooperate with federal agencies to secure approved state status concerning solid waste programs, administer the site selection process by requiring an owner to certify, through such professional documentation as may be required in this chapter, that the site is not encumbered by critical site limitations as set forth in section 39-7407, Idaho Code, ascertaining that such certification has been made by a qualified professional, review and comment upon proposed MSWLF unit development plans, review and approve ground water monitoring plans prepared by the owner of a MSWLF site, approve designs and ground water monitoring plans submitted for review by private MSWLF owners, provide approvals required in 40 CFR 258 in accordance with procedures established in this chapter, prepare and/or adopt technical guidance and such regulations as may be necessary to implement the provisions of this chapter, and cooperate in actual site monitoring and corrective action programs; and

(c) The health district shall ascertain that operations standards are met, prepare and/or adopt technical guidance, and review and enforce all aspects of operation, closure and post closure except as specified above.

(2) This chapter shall be liberally construed to allow these public entities having jurisdiction to perform their respective roles to protect human health and the environment through expeditious and technically proper solid waste management practices, while recognizing the authority of local governments to act in their governmental capacity to perform the duties prescribed in chapter 44, title 31, Idaho Code. It is further the intention of the legislature that in the absence of obtaining approved state status in solid waste matters by the department, the mandatory provisions of this chapter shall be of no force and effect. Absent approved state status, the department shall possess no jurisdiction over a MSWLF site owned by a political subdivision of the state, except as may be incidental to regulatory authority vested in the department by other statutes, provided further that application of such other statutes to MSWLF sites shall recognize the absolute need of society to dispose of the solid waste it generates in a cost efficient and reliable manner.

39-7407. LOCATION RESTRICTIONS -- SITE CERTIFICATION. (1) The following location restrictions shall apply to all new MSWLF units, existing MSWLF units, and lateral expansions. Existing sites that cannot demonstrate compliance with the following standards for airports, floodplains, or unstable areas, must close by October 9, 1996, except as otherwise provided in 40 CFR 258.16.
(2) All MSWLF units to which this chapter is applicable shall meet the following locational standards:
(a) Shall not be located proximate to an airport runway as provided in 40 CFR 258.10;
(b) Shall not be located in areas designated by the United States fish and wildlife service or the Idaho department of fish and game as critical habitat for endangered or threatened species of plants, fish, or wildlife, or designated as critical migratory routes for protectively managed species;
(c) Shall not be located so that the active portion is any closer than six hundred sixty (660) feet to the property line of adjacent land, or so that the point of compliance is not closer than two hundred (200) feet to the property line of adjacent land;
(d) Shall not be located so as to be at variance with any locally adopted land use plan or zoning requirement unless otherwise provided by local law or ordinance, provided that if no land use plan has been adopted by the local government which would have land use jurisdiction pursuant to chapter 65, title 67, Idaho Code, the site certification shall contain an analysis of the factors outlined in section 67-6508, Idaho Code, accompanied by findings and conclusions, setting forth the reasons therefore, entered by the local government with jurisdiction after a public hearing in accord with provisions of section 67-6509, Idaho Code, that the public interest would be served by locating a solid waste landfill on the site for which certification is sought;
(e) Shall not be located so that the active portion is any closer than one thousand (1,000) feet to any state or national park, or land reserved or withdrawn for scenic or natural use;
(f) Shall not be located within the course of a one hundred (100) year flood as defined in 40 CFR 258.11;
(g) Shall not be located in wetlands, except as provided in 40 CFR 258.12;
(h) A MSWLF unit active portion shall not be located as follows:
   (i) within three hundred (300) feet or the distance of the point of compliance, whichever is greater, upstream of a perennial stream, or river; and
   (ii) within one thousand (1,000) feet of any perennial lake or pond.
(i) A MSWLF unit active portion shall not be located where the integrity of the site would be compromised by the presence of ground water which would interfere with construction or operation of the site;
(j) A MSWLF unit shall not be located:
   (i) within two hundred (200) feet of a holocene fault as defined in 40 CFR 258.13 or adjacent to geologic features which could compromise the structural integrity of the MSWLF unit; and
   (ii) within seismic impact zones except as provided in 40 CFR 258.14; and
(k) A MSWLF unit active portion shall not be located on any site whose natural state would be considered unstable in that its undisturbed character would not permit establishment of an MSWLF unit without unduly threatening the integrity of the design due to
inherent site instability. The provisions of 40 CFR 258.15 shall serve as a guideline for such determination.

(3) Design of a MSWLF unit shall not be reviewed until site certification has been obtained.

39-7408. SITE CERTIFICATION PROCEDURE. (1) It shall be the responsibility of each owner of a MSWLF unit to obtain site certification from the department. The site certification process is hereby established to ascertain compliance with the requirements of section 39-7407, Idaho Code.

(2) The site certification procedure shall be administered in the following manner:

(a) Prior to submittal of the application, the applicant may conduct a site tour for the department, health district and all other public agencies with jurisdiction to familiarize the agencies with characteristics of the site and site surroundings.

(b) The applicant may then submit an application to the department. The application shall address each of the criteria set forth in section 39-7407, Idaho Code, explaining the technical findings regarding each.

(c) Wherever technical evaluation of relevant information is required a qualified professional, as applicable, shall certify compliance with the requisite criteria.

(d) When the application is submitted to the department, the applicant shall publish legal notice of submittal of the application and shall make the application available for public inspection and copying. The date of publication of such notice shall begin a fourteen (14) day comment period during which written comments concerning the application may be submitted to the department.

(e) The department shall act upon the application within twenty-one (21) days of the end of the comment period set forth above. The department shall review the site certification application, not substituting its judgment for that of the applicant or contra- vening the opinion of the applicant's professional(s) without reliable empirical evidence that the affirmations in the application are erroneous. Upon finding that the criteria of section 39-7407, Idaho Code, have been affirmed by qualified professionals, the department shall certify the site. Any rejection of a site certification application shall be accompanied by findings expressly stating the criteria violated and the evidence relied upon in making such determination. Failure of the department to act within twenty-one (21) days shall constitute site certification. This certification shall be revocable at any time the department determines by substantial evidence that the proposed site violates any of the criteria set forth in section 39-7407, Idaho Code. An applicant shall be provided an opportunity to appeal any denial or revocation of certification.

(f) Site certification is transferable with ownership of the site.

39-7409. STANDARDS FOR DESIGN. (1) Applicability. These standards apply to new MSWLF units and lateral expansions of existing facilities
as provided in 40 CFR 258.40.

(2) Liner designs. All owners or operators of MSWLF units shall use one (1) of the following designs:
   (a) Composite liner. A liner as provided under 40 CFR 258.40(b) and shall include a leachate collection system as provided under 40 CFR 258.40(a)(2); or
   (b) Amended soil liner. The liner shall be constructed of at least three (3) feet thick layer of clay or other material with a permeability of $1 \times 10^{-7}$ cm/sec or less and sloped to no less than two per cent (2%), with side slopes no greater than fifty (50%) per cent. This design shall demonstrate consideration of site specific factors as provided in 40 CFR 258.40(c). This design shall include a leachate collection system as provided under 40 CFR 258.40(a)(2); or
   (c) Equivalent liner design. This design shall use alternative methods, operating practices and locational characteristics which will minimize the migration of solid waste constituents or leachate into the ground or surface water at least as effectively as the liners as set out in paragraphs (a) and (b) of this subsection, as demonstrated by a registered professional engineer. This design shall demonstrate consideration of site specific factors as provided in 40 CFR 258.40(c). This design shall include a leachate collection system as provided under 40 CFR 258.40(a)(2); or
   (d) Arid design. This design will apply to locations having less than twenty-five (25) inches of precipitation annually, net evaporative losses greater than thirty (30) inches annually, and holding capacity in native soils greater than annual absorbance; and
      (i) solid waste is deposited no less than fifty (50) feet above the seasonal high level of ground water in the uppermost aquifer;
      (ii) the geologic formation beneath the site and above the uppermost aquifer must have capillary capacities greater than the projected maximum volume of leachate generated during the active life of the MSWLF unit; and
      (iii) the geologic formation beneath the site and above the uppermost aquifer must have sufficient holding capacity adequate to contain all hazardous constituents generated during the active life, closure and post closure care periods as provided in 40 CFR 258.60.
   (iv) This design shall demonstrate consideration of site specific factors as provided in 40 CFR 258.40(c).

(3) Point of compliance. For each MSWLF unit, the relevant point of compliance shall be set by a qualified professional by criteria contained in 40 CFR 258.40(d)(1) through (d)(8), inclusive. The point of compliance shall be located on land owned by the owner of the MSWLF unit and no more than one hundred fifty (150) meters downgradient from the active area, unless competent scientific evidence supports a closer location.

(4) Leachate discharge shall comply with permitted discharge requirements under the federal clean water act (PL 95-217) and federal storm water discharge regulations (40 CFR part 122).
obtaining site certification, an owner shall produce design plans and specifications which comply with the design standards set forth in section 39-7409, Idaho Code. The responsibility for complying with said standards shall rest solely with the owner of the site.

(2) An owner may notify the department of its intent to initiate a MSWLF site design and meet with the department to discuss standards, schedule, design process to be used and particular concerns of the department.

(3) The owner shall conduct aerial and cadastral surveys, relevant studies, and prepare a hydrogeologic report which will satisfy standards and other provisions in accordance with this chapter and applicable state regulations. Specific climatic data and verification of location restrictions shall be included.

(4) The owner shall submit findings to the department from the proposed design investigation and preliminary design of environmental monitoring systems contained in the hydrogeologic report. The meeting initiates a twenty-eight (28) day period for department review and comment.

(5) As soon as a response is received from the department, but in no event must such development be delayed more that twenty-eight (28) days following submittal of the preliminary reports, the owner may prepare the facility design, plans, specifications, and a facility design report which addresses standards, technical guidance and other provisions in accordance with this chapter and in a manner consistent with sound engineering practices.

(6) The owner shall submit a completed project design, inclusive of environmental monitoring systems, to the department based upon the completed site evaluation and hydrogeologic report. The submission initiates a forty-two (42) day period for department review and comment.

(7) Concurrent with submission to the department, the owner shall release the facility design report, including all supporting reports to the public for the fourteen (14) day review and comment period. All written comments concerning the facility design report shall be submitted, in writing, to the owner and the department prior to the conclusion of the review and comment period.

(8) The owner shall consider all comments submitted by the department and the public, addressing material questions in the final facility design report. Said final facility design report shall be prepared and approved by a qualified professional and shall be submitted to the department upon completion. The owner shall publish notice of completion upon delivery of the final facility design report to the department.

(9) Construction shall not be initiated on a MSWLF unit until the procedures set forth herein have been completed.

(10) Any party desiring to challenge the compliance of the final design with the standards set forth in section 39-7409, Idaho Code, must bring an appeal in the district court within twenty-eight (28) days of the date of publication of the notice of completion as provided in subsection (8) of this section. Action may be initiated only by an affected person as defined in section 67-6521, Idaho Code. A person challenging the final design report must present in his appeal the specific design feature challenged, the design standard violated,
and must present substantial reliable evidence that a violation of the standards of section 39-7409, Idaho Code, would occur if the facility were to be constructed. If requested by the owner, the district court shall schedule a summary disposition hearing concerning such appeal within fourteen (14) days. Said hearing may address only the technical issues presented in the appellant's petition to the court. The court shall maintain appellant's petition only upon an affirmative finding that a preponderance of evidence has been presented that the design proposed poses a substantial threat to the public health or the environment. The court shall rule upon any such request for summary disposition within twenty-one (21) days of the date of the summary disposition hearing. If a finding is made adverse to the owner the appeal shall be heard as an administrative appeal in a manner consistent with the administrative procedure act.

(11) If an owner of a proposed MSWLF unit is not an Idaho public agency, the appellate procedures of subsection (10) of this section shall not apply unless the request for summary disposition is cosigned by the local public entity with responsibility for solid waste disposal pursuant to chapter 44, title 31, Idaho Code. Development of private landfill sites shall be accomplished in accord with regulations promulgated by the department wherein department design approval shall be required.

Legal action may proceed in accordance with procedural rules applicable to appeals brought pursuant to the administrative procedure act.

39-7411. STANDARDS FOR OPERATION. Owners or operators of all MSWLF units shall:

(1) Implement a program for detecting and preventing disposal of regulated hazardous wastes as provided in 40 CFR 258.20;

(2) Provide for daily cover as provided in 40 CFR 258.21. Alternative materials or cover frequency other than daily cover may be used only as specified by the MSWLF plan of operation;

(3) Provide disease vector control as provided in 40 CFR 258.22;

(4) Implement a program of routine methane monitoring and control as provided in 40 CFR 258.23;

(5) Ensure that MSWLF units do not violate any ambient air quality standard or emission standard from any emission of landfill gases, combustion or any other emission associated with a MSWLF unit as defined in 40 CFR 258.24;

(6) Provide access as defined in 40 CFR 258.25;

(7) Design, construct and maintain a run-on/run-off control system as provided in 40 CFR 258.26 to:

(a) Prevent all the run-on of surface waters and other liquids resulting from a maximum flow of a twenty-five (25) year, one (1) hour storm, or snowmelt, whichever is greater, into the active portion of the MSWLF unit;

(b) Control the collection of the run-off of surface waters and other liquids resulting from a twenty-four (24) hour, twenty-five (25) year storm, or snowmelt, whichever is greater, from the active portion and the closed portions of a MSWLF unit; and

(c) Prevent the discharge of pollutants into waters of the United States and the state of Idaho as defined in 40 CFR 258.27;
(8) Prohibit the disposal of noncontainerized liquids or sludges containing free liquids in MSWLF units except as provided in 40 CFR 258.28;

(9) Establish an operating and recordkeeping procedure as provided in 40 CFR 258.29; and

(10) Comply with operating procedures established by the board for implementation by the districts which are intended to assure operations which protect the public health and maintain the integrity of the landfill design.

(11) MSWLF units that dispose of greater than twenty (20) tons per day of municipal solid waste based on an annual average shall:

(a) Monitor daily climatic conditions. Monitoring shall include precipitation including snow, evaporation, evaporative water temperature, air temperature, wind speed and direction; and

(b) Weigh all incoming waste or provide an equivalent method of measuring waste tonnage capable of estimating total annual solid waste tonnage.

39-7412. OPERATIONS PLAN REVIEW. (1) Prior to operation of a MSWLF unit, a proposed operations plan shall be submitted to the health district with jurisdiction. It shall be the responsibility of each owner of a MSWLF unit to certify to the health district that the provisions of section 39-7411, Idaho Code, have been complied with through development of an operating plan. No solid waste disposal facility shall accept waste without a current operating certificate from the health district with jurisdiction.

(2) The health district shall review operational plans in the same manner as the department reviews requests for site certification pursuant to section 39-7408, Idaho Code. An applicant shall provide information in the operations plan in sufficient detail to show compliance with the provisions of section 39-7211, Idaho Code, and required procedures adopted pursuant thereto. The same standards of review shall apply to an operations plan as apply to the site certification process. The health district shall accept certification by a qualified professional that standards of operation have been met upon presentation of the professional's certification of compliance and presentation of a written explanation of operational practices which will be undertaken to meet standards established in section 39-7411, Idaho Code.

39-7413. GROUND WATER MONITORING. (1) Applicability. These requirements apply to MSWLF units except as provided in 40 CFR 258.1(f), as excepted in 40 CFR 258.50 when certified by a qualified professional or as approved by the department. All monitoring programs shall be conducted in a manner consistent with the guidance of relevant portions of 40 CFR 258, appendix F.

(2) Ground water monitoring systems.

(a) A ground water monitoring system must be installed that consists of a sufficient number of wells, installed at appropriate locations and depths, to conform with the requirements of 40 CFR 258.51(a) and (d).

(b) A multiunit ground water monitoring system may be constructed instead of separate ground water monitoring systems for each MSWLF
unit as provided in 40 CFR 258.51(b).

(c) Monitoring wells must be cased in a manner that maintains the integrity of the monitoring well bore hole as provided in 40 CFR 258.51(c). Wells must be constructed in such a manner as to prevent contamination of the samples, the sampled strata, and between aquifers and water bearing strata, and in accordance with Idaho department of water resources, well construction standards and the monitoring well standards of the national ground water association.

(d) The relevant point of compliance for purposes of MSWLF unit design, well location and corrective action shall be:

(i) located within the flow pathway(s) predicted from the results of the hydrogeologic investigation;
(ii) no more than one hundred fifty (150) meters from the waste management unit boundary;
(iii) on contiguous property owned, or otherwise subject to possessory rights by the MSWLF owner;
(iv) shall be identified by the qualified professional on all reports and documents pertaining to analysis of ground water protection measures; and
(v) determined in consideration of factors provided in 40 CFR 258.40(d).

(3) Ground water characterization, sampling and analysis requirements.

(a) The ground water monitoring system must include sampling and analysis procedures consistent with 40 CFR 258.53.

(b) Monitoring wells shall be tested for the constituents listed in 40 CFR 258, appendix I, plus temperature, unless otherwise authorized by the department.

(c) Background values will be based on an independent sample from each well sampled at three (3) month intervals in a one (1) year period.

(4) Detection monitoring program.

(a) Detection monitoring is required at MSWLF units as provided in 40 CFR 258.54 at all ground water monitoring wells as defined in 40 CFR 258.51(a)(1) and (a)(2) for constituents listed in 40 CFR 258, appendix I.

(b) Each well shall be monitored on a semiannual basis during the first two (2) years of system operation after background characterization. For each year of operation thereafter, each well shall be monitored annually. However, alternative constituents and sampling frequency may be approved by the department based upon considerations as defined in 40 CFR 258.54 (a)(2) and (b). Requests for alternative constituents or frequency shall be based on a report certified by a qualified professional.

(c) Each ground water sample event must include a determination of the ground water surface elevation, flow direction and rate.

(5) Assessment monitoring program.

(a) Assessment monitoring is required whenever a contaminate is detected for one (1) or more constituents listed in 40 CFR 258, appendix I or an alternative list approved in accordance with 40 CFR 258.54(a)(2).

(b) Assessment monitoring programs shall be performed in accor-
dance with 40 CFR 258.55.
(6) Assessment of corrective measures shall be performed in accordance with 40 CFR 258.56.
(7) Selection of remedy shall be performed in accordance with 40 CFR 258.57.
(8) Implementation of corrective action program shall be performed in accordance with 40 CFR 258.58.

39-7414. GROUND WATER MONITORING PLAN APPROVAL PROCEDURE. (1) It shall be the responsibility of each owner of a MSWLF unit to obtain ground water monitoring plan approval from the department.
(2) The plan approval procedure is as follows:
(a) Concurrent with the application for design review and comment, the owner shall submit a preliminary ground water monitoring plan to the department. The plan shall address each criterion set forth in section 39-7413, Idaho Code. This submittal initiates a twenty-eight (28) day period for department review and comment.
(b) As soon as a response is received from the department, but in no event must such response be returned more than twenty-eight (28) days following submittal of the preliminary plan, the owner may prepare the final ground water monitoring plan and specifications which address criteria, technical guidance and other provisions in accordance with section 39-7413, Idaho Code, in a manner consistent with sound professional practices.
(c) As soon as the plan is deemed complete by the owner, the final ground water monitoring plan shall be submitted to the department. Such submittal initiates a thirty-five (35) day period for review by the department.
(d) When the completed plan is submitted to the department, the applicant shall publish legal notice of submittal of the plan and shall make the plan available for public inspection and copying. The date of publication of such notice shall begin a fourteen (14) day comment period during which written public comments concerning the ground water monitoring plan may be submitted to the department.
(e) The department shall act upon the plan within twenty-one (21) days of the end of the public comment period set forth above. The department shall review the plan in light of factual information contained in the record compiled concerning the application. Upon finding that the criteria of section 39-7413, Idaho Code, have been affirmed by qualified professionals, and that the conclusions are supported by the preponderance of empirical evidence, the department shall approve the plan. Any rejection or modification of a plan shall be accompanied by findings expressly stating the criteria violated and the substantial evidence relied upon in making such determination. Failure of the department to act within thirty-five (35) days of final ground water monitoring plan submittal shall constitute plan approval. An applicant shall be provided an opportunity to appeal any conditions of approval, denial, or revocation of approval of a ground water monitoring plan through an expedited procedure provided by the department.

39-7415. STANDARDS FOR CLOSURE. (1) Applicability. These stan-
dards apply to all MSWLF units that receive wastes after October 9, 1993. MSWLF units that accept waste after October 9, 1991, but cease to accept waste prior to October 9, 1993, shall at a minimum comply with subsections (2) and (3) of this section in addition to the "sanitary landfill closure guidance" criteria as adopted by the health district.

(2) Cover designs. Owners or operators of MSWLF units shall install one (1) of the following final cover systems:

(a) A cover as provided under 40 CFR 258.60(a); or

(b) The cover material must be fine-grained with intrinsic permeability no greater than \(1 \times 10^{-3}\) cm/sec and a minimum thickness of twenty-four (24) inches; and

(i) have capillary holding capacity greater than the projected maximum accumulated volume of water as determined by utilization of accepted water balance methodology based on local or regional twenty-five (25) year climatic records;

(ii) annual precipitation is less than twenty-five (25) inches with net evaporative losses greater than thirty (30) inches annually;

(iii) the top six (6) inches of the cover shall be capable of sustaining shallow rooted native plant growth; and

(iv) this design shall demonstrate consideration of site specific factors as provided in 40 CFR 258.60(2)(b).

(3) The final grade of slopes shall be greater than two per cent (2%) unless otherwise supported by the post closure plan and uses approved by the health district, and the grade of side slopes not more than thirty-three per cent (33%).

(4) Closure plan preparation, placement in operating record, notice of intent to close, time requirements for commencement and completion of closure activities, certification, deed notation and removal of deed notation shall be conducted as provided in 40 CFR 258.60(c) through (j), inclusive.

39-7416. STANDARDS FOR POST CLOSURE CARE. (1) Applicability. Post closure maintenance standards apply to all MSWLF units that receive wastes after October 9, 1993.

(2) Post closure care shall be conducted as provided under 40 CFR 258.61.

39-7417. FINANCIAL ASSURANCE FOR CLOSURE, POST CLOSURE CARE AND CORRECTIVE ACTION. (1) Applicability. These requirements shall apply to new MSWLF units, existing MSWLF units and lateral expansions except as exempted in 40 CFR 258.1(f)(1) and 258.70(a).

(2) The requirements of this section are effective April 9, 1994, or at such later date upon subsequent amendment of 40 CFR 258.70.

(3) All MSWLF units shall be underwritten by financial assurance provisions as provided by the following:

(a) Closure as defined in 40 CFR 258.71;

(b) Post closure care as defined in 40 CFR 258.72; and

(c) Corrective action as defined in 40 CFR 258.73.

(4) The financial assurance mechanisms provided for MSWLF units shall include any mechanism or a combination of mechanisms meeting the criteria of 40 CFR 258.74.
(5) Counties may use available borrowing capability through registered warrants for a prearranged amount and preapproved by a lending institution as a financial mechanism to assure assessment monitoring and corrective action needs.

(6) Subdivisions of the state may use any method provided by law to meet the requirements of this section.

(7) MSWLF units owned or operated by subdivisions of the state that qualify under 40 CFR 258.74(f) may include any mechanism allowed to them upon adoption and publication.

(8) Financial assurance funds for MSWLF units not located on federal or state lands shall be deposited in a county trust fund in the county in which the MSWLF unit is located. The county shall act as the trustee for the trust funds, and as named coprincipal for surety bonds, letters of credit, and insurance. As trustee, the county may require an independent audit of the adequacy of the financial assurance but shall not become liable for financial assurance except in the case of default as otherwise defined by federal and state law.

39-7418. MODIFICATIONS TO SITES APPROVED UNDER THIS CHAPTER. (1) The following classes of modifications to approved sites shall require that an owner or operator amend the approved design, development, or ground water monitoring plan:

(a) Lateral expansion outside the approved waste management unit boundary design;

(b) Unpredictable change affecting any environmental monitoring system;

(c) Change of liner design; or

(d) A modification of the design or operation due to initiation of corrective action and remediation.

(2) The scope of new investigations and plan amendment shall be defined by the owner, department and health district before any modification to the decision is begun. Only those stages of the applicable approval process affected by the request for modification shall be required.

39-7419. INSPECTIONS. (1) All MSWLF units shall be subject to routine inspection by the county, department and health district in accordance with relevant provisions of the Idaho Code.

(2) At intervals of not less than three (3) years, nor more than five (5) years, the owner, county, department and health district shall jointly conduct a comprehensive review of the MSWLF unit for provisions contained in this chapter, technical guidance, other provisions, and the plan for design and operation, as amended. A record of the review shall be placed in the operating record of the MSWLF unit which shall be maintained by the owner and the health district with jurisdiction. Operating procedures shall be recertified at intervals of no more than three (3) years.

39-7420. VIOLATIONS AND ENFORCEMENT. (1) Failure to comply with the requirements established in this chapter, requirements of rules established pursuant to this chapter, and reasonable conditions of approval granted pursuant to this chapter shall be unlawful. Particularly with respect to siting and operation of a municipal solid waste
landfill to satisfy the requirements of chapter 44, title 31, Idaho
Code, enforcement should focus upon remediation of deficiencies, rather than punishment. Penalties should be imposed where practices show disregard for protection of human health, safety and the environ-
ment.

(2) Each public agency with responsibility for enforcement of
requirements established in this chapter may employ such methods of
enforcement as they may be empowered to use by statute or local ordi-
nance.

(a) The department may apply the provisions of section 39-108,
Idaho Code, to any violation of solid waste statutes, rules or
regulations.
(b) The respective health districts or the several counties may
employ the use of negotiated compliance agreements in addition to
civil legal remedies and misdemeanor criminal penalties otherwise
authorized in order to obtain compliance with requirements estab-
lished herein.
(c) The entity with authority to enforce the requirements estab-
lished herein shall be empowered, to the extent allowed by federal
law to implement use of funds maintained or set aside to monitor
environmental conditions, to remedy environmental impairment, or
to take such other actions as may be necessary to control funds
maintained to protect the environment or remedy material deficien-
cies.

(3) Where more than one (1) public entity undertakes enforcement
efforts to obtain compliance with the provisions of this chapter,
enforcement efforts should be coordinated to the greatest extent possi-
ble to minimize conflict among requirements and costs of compliance.

(4) A private right of action in behalf of any person who has
been injured or damaged by any approval authorized in this chapter or
violation of the terms of any approval or regulation authorized in
this chapter may be maintained in accordance with the provisions of
this chapter and/or the provisions of chapter 52, title 67, Idaho
Code, as applicable.

SECTION 2. That Section 39-105, Idaho Code, be, and the same is
hereby amended to read as follows:

39-105. POWERS AND DUTIES OF THE DIRECTOR. The director shall
have the following powers and duties:
1. All of the powers and duties of the department of public
health, the department of health, the board of health, and the air
pollution control commission, are hereby transferred to the director of
the department of health and welfare, provided, however, that rule
making and hearing functions relating to environmental protection,
public health and licensure and certification standards shall be
vested in the board of health and welfare. The director shall have all
such powers and duties as may have been or could have been exercised
by his predecessors in law, including the authority to adopt, promul-
gate, and enforce rules and regulations in those circumstances when
the authority to adopt, promulgate, and enforce such rules and regula-
tions is not vested in the board of health and welfare, and shall be
the successor in law to all contractual obligations entered into by
his predecessor in law. All rule making proceedings and hearings of the director shall be governed by the provisions of chapter 52, title 67, Idaho Code.

2. The director shall, pursuant and subject to the provisions of the Idaho Code, and the provisions of this act, formulate and recommend to the board, rules, regulations, codes and standards, as may be necessary to deal with problems related to personal health, water pollution, air pollution, visual pollution, noise abatement, solid waste disposal, and licensure and certification requirements pertinent thereto, which shall, upon adoption by the board, have the force of law relating to any purpose which may be necessary and feasible for enforcing the provisions of this act, including, but not limited to the prevention, control or abatement of environmental pollution or degradation and the maintenance and protection of personal health. Any such regulation or standard may be of general application throughout the state or may be limited as to times, places, circumstances or conditions in order to make due allowance for variations therein.

3. The director, under the rules, regulations, codes or standards adopted by the board, shall have the general supervision of the promotion and protection of the life, health, mental health and environment of the people of this state. The powers and duties of the director shall include but not be limited to the following:

a. The issuance of licenses and permits as prescribed by law and by the rules and regulations of the board.

b. The supervision and administration of laboratories and the supervision and administration of standards of tests for environmental pollution, chemical analyses and communicable diseases. The director may require that laboratories operated by any city, county, institution, person, firm or corporation for health or environmental purposes conform to standards set by the board.

c. The supervision and administration of a mental health program, which shall include services for the evaluation, screening, custody and treatment of the mentally ill and those persons suffering from a mental defect, or mental defects.

d. The enforcement of minimum standards of health, safety and sanitation for all public swimming pools within the state.

e. The enforcement of standards, rules and regulations, relating to public water supplies.

f. The supervision and administration of the various schools, hospitals and institutions that were the responsibility of the board of health at the time this act went into effect.

g. The supervision and administration of services dealing with the problems of alcoholism, including but not limited to the care and rehabilitation of persons suffering from alcoholism.

h. The establishment of liaison with other governmental departments, agencies and boards in order to effectively assist other governmental entities with the planning for the control of or abatement of environmental and health problems. All of the rules, regulations and standards adopted by the board shall apply to state institutions.

i. The supervision and administration of an emergency medical service program, including but not limited to assisting other governmental agencies and local governmental units, in providing first aid emergency medical services and for transportation of the sick and
j. The supervision and administration of a system to safeguard air quality and for limiting and controlling the emission of air contaminants.

k. The supervision and administration of a system to safeguard the quality of the waters of this state, including but not limited to the enforcement of standards relating to the discharge of effluent into the waters of this state and the storage, handling and transportation of solids, liquids, and gases which may cause or contribute to water pollution.

l. The supervision and administration of administrative units whose responsibility shall be to assist and encourage counties, cities, other governmental units, and industries in the control of and/or abatement of environmental and health problems.

m. The supervision and administration of a statewide solid waste disposal plan including the enforcement of rules and regulations for minimum sanitary standards for the storage, collection, incineration, composting, grinding, disposing or other processing of solid wastes, and for the construction, operation and maintenance of solid waste control systems; plans, maps, specifications, and a proposed operational procedure report for a proposed public, commercial, industrial, or agricultural solid waste disposal site shall be submitted to the director for his review and approval. The administration of solid waste disposal site and development review in accordance with the provisions of chapter 74, title 39, Idaho Code, and chapter 4, title 39, Idaho Code, and in particular as follows:

i. The issuance of a solid waste disposal site certificate in the manner provided in chapter 74, title 39, Idaho Code.

ii. Provide review and comment regarding the design of solid waste disposal facilities in accordance with the provisions of chapter 74, title 39, Idaho Code.

iii. Approving ground water monitoring methods and implementation associated with development and operation of solid waste disposal sites pursuant to chapter 74, title 39, Idaho Code.

iv. Cooperating and coordinating with operational monitoring of solid waste disposal sites by district health departments pursuant to authority established in chapters 4 and 74, title 39, Idaho Code.

v. The authority granted to the director pursuant to provisions of this subsection shall not be effective unless and until the state of Idaho has obtained approved state status from the United States environmental protection agency (USEPA). Prior to said approval, or in the event of revocation of approved state status, the provisions of the solid waste facilities act shall be null and void.

vi. The authority to develop and propose regulations as necessary to supplement details of compliance with the solid waste facilities act and applicable federal regulations, provided that such regulations shall not conflict with the provisions of this act nor shall such regulations be more strict than the requirements established in federal law or in the solid waste facilities act.

vii. When reviewing the phases of solid waste disposal site development referred to herein the following standards shall apply to
the review process:

A. For site certification the director shall accept applicant representations if accompanied by certification from a licensed professional engineer or licensed geologist, as appropriate, with respect to the particular aspect of compliance certified. Absent substantial evidence of errors in the professional certification submitted by the owner, a site certificate shall be issued.

B. For design review of a solid waste disposal facility the director shall review the design documents submitted by the owner’s licensed professional engineer or licensed geologist, as appropriate, and return comments to the owner within the specified period established in chapter 74, title 39, Idaho Code. The director’s authority shall be limited to review and comment in the design phase of disposal site development, unless the director finds, upon substantial evidence, that construction of the submitted design would imperil public health or the environment. In such circumstance, the director is empowered to issue a fourteen (14) day administrative stay prohibiting construction of the proposed solid waste disposal site and to initiate equitable legal action in the district court in the county wherein the facility is located to prohibit construction until the potential peril is remedied.

C. For review of plans of a ground water quality monitoring system the director shall approve the proposed ground water monitoring system if a preponderance of the evidence supports the conclusion that it will meet the monitoring requirements established by the USEPA and chapter 74, title 39, Idaho Code. Only by the presence of substantial evidence that the ground water quality monitoring system will not function appropriately, which evidence shall be affirmatively identified by the director, shall a ground water quality monitoring system be disapproved. The director shall set forth in any such notice of disapproval the steps an applicant can take to obtain approval.

n. The enforcement of all laws, rules, regulations, codes and standards relating to environmental protection and health.

o. The formulation and adoption of a comprehensive state nutrient management plan for the surface waters of the state of Idaho in consultation with the appropriate state or federal agencies, local units of government, and with public involvement as provided for under the administrative procedures act. The director shall recommend by March 1, 1990, to the board for adoption, rules and regulations setting forth procedures for development of the plan, including mechanisms to keep the public informed and encourage public participation in plan development.

The plan shall be developed on a hydrologic basin unit basis with a lake system emphasis. The panhandle hydrologic basin plan shall be completed no later than July 1, 1992. The remaining basin plans shall be completed no later than January 1, 1995. Each plan shall identify nutrient sources; the dynamics of nutrient removal, use, and dispersal; and preventative or remedial actions where feasible and necessary to protect the surface waters of the state. The director shall
formulate and recommend to the board for adoption rules and regulations as necessary to implement the plan. The plan shall be used by the department and other appropriate agencies including soil conservation districts, public health districts and local units of government in developing programs for nutrient management. State and local units of government shall exercise their police powers in compliance with the comprehensive state nutrient management plan of this act. Local nutrient management programs adopted by any local unit of government prior to the completion of the state comprehensive nutrient management plan or a hydrologic basin plan shall be consistent with the criteria for inclusion in the comprehensive state nutrient management plan as enumerated in this subsection, as evidenced by findings of fact by the local units of government and confirmed by the division of environmental quality and the local health district board. The director shall recommend by March 1, 1990, to the board for adoption, rules and regulations for procedures to determine consistency.

(p). The formulation of a water quality management plan for Priest lake in conjunction with a planning team from the Priest lake area whose membership shall be appointed by the board and consist of a fair representation of the various land managers, and user and interest groups of the lake and its Idaho watershed. The stated goal of the plan shall be to maintain the existing water quality of Priest lake while continuing existing nonpoint source activities in the watershed and providing for project specific best management practices when necessary. The plan shall include comprehensive characterization of lake water quality through completion of a baseline monitoring program to be conducted by the department and shall consider existing economics and nonpoint source activity dependent industries of the Priest lake area. The planning team shall conduct public hearings and encourage public participation in plan development including opportunity for public review and input. Technical assistance to the planning team, with state nonpoint source management programs in forest practices, road construction and maintenance, agriculture and mining shall be provided by the department. Technical assistance to the planning team on area planning, zoning and sanitary regulations shall be provided by the clean lakes council. The plan shall be submitted to the board for its approval at the end of a three (3) year plan development period. Upon review and acceptance by the board, the plan shall be submitted to the legislature for amendment, adoption or rejection. If adopted by the legislature, the plan shall be enacted by passage of a statute at the regular legislative session when it receives the plan and shall have the force and effect of law. Existing forest practices, agricultural and mining nonpoint source management programs are considered to be adequate to protect water quality during the plan development period.

4. The director, when so designated by the governor, shall have the power to apply for, receive on behalf of the state, and utilize any federal aid, grants, gifts, gratuities, or moneys made available through the federal government, including but not limited to the federal water pollution control act, for use in or by the state of Idaho in relation to health and environmental protection.

5. The director shall have the power to enter into and make contracts and agreements with any public agencies or municipal corpora-
tion for facilities, land, and equipment when such use will have a beneficial, recreational, or therapeutic effect or be in the best interest in carrying out the duties imposed upon the department.

The director shall also have the power to enter into contracts for the expenditure of state matching funds for local purposes. This subsection will constitute the authority for public agencies or municipal corporations to enter into such contracts and expend money for the purposes delineated in such contracts.

6. The director is authorized to adopt an official seal to be used on appropriate occasions, in connection with the functions of the department or the board, and such seal shall be judicially noticed. Copies of any books, records, papers and other documents in the department shall be admitted in evidence equally with the originals thereof when authenticated under such seal.

SECTION 3. That Section 39-414, Idaho Code, be, and the same is hereby amended to read as follows:

39-414. POWERS AND DUTIES OF DISTRICT BOARD. The district board of health shall have and may exercise the following powers and duties:

(1) To administer and enforce all state and district health laws, regulations, and standards.

(2) To do all things required for the preservation and protection of the public health and preventive health, and such other things delegated by the director of the state department of health and welfare and this shall be authority for the director to so delegate.

(3) To determine the location of its main office and to determine the location, if any, of branch offices.

(4) To enter into contracts with any other governmental or public agency whereby the district board agrees to render services to or for such agency in exchange for a charge reasonably calculated to cover the cost of rendering such service. This authority is to be limited to services voluntarily rendered and voluntarily received and shall not apply to services required by statute, rule, and regulations, or standards promulgated pursuant to this act or chapter 1, title 39, Idaho Code.

(5) All moneys or payment received or collected by gift, grant, devise, or any other way shall be deposited to the respective division or subaccount of the public health district in the public health district account authorized by section 39-422, Idaho Code.

(6) To establish a fiscal control policy required by the state auditor.

(7) To cooperate with the state board and the department of health and welfare.

(8) To enter into contracts with other governmental agencies, and this act hereby authorizes such other agencies to enter into contracts with the health district, as may be deemed necessary to fulfill the duties imposed upon the district in providing for the health of the citizens within the district.

(9) To purchase, exchange or sell real property and construct, rent, or lease such buildings as may be required for the accomplishment of the duties imposed upon the district and to further obtain such other personal property as may be necessary to its functions.
(10) To accept, receive and utilize any gifts, grants, or funds and personal and real property that may be donated to it for the fulfillment of the purposes outlined in this act.

(11) To establish a charge whereby the board agrees to render services to or for entities other than governmental or public agencies for an amount reasonably calculated to cover the cost of rendering such service.

(12) To enter into a lease of real or personal property as lessor or lessee, or other transaction with the Idaho health facilities authority for a term not to exceed ninety-nine (99) years upon a determination by the district board that the real or personal property to be leased is necessary for the purposes of the district, and to pledge nontax revenues of the district to secure the district's obligations under such leases.

(13) To administer and certify solid waste disposal site operations, closure, and post closure procedures established by statute or regulation in accordance with provisions of chapter 74, title 39, Idaho Code, in a manner equivalent to the site certification process set forth in section 39-105(m)(vi)(A), Idaho Code.

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.

Law without signature.

CHAPTER 332  
(H.B. No. 878, As Amended)  

AN ACT  
RELATING TO THE APPROPRIATIONS FOR PUBLIC SCHOOLS FOR FISCAL YEAR 1993, AND EXPRESSING LEGISLATIVE INTENT WITH REGARD TO EXPENDITURES FROM STATE SOURCES; APPROPRIATING GENERAL ACCOUNT 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 EMPLOYERS' PORTION OF SOCIAL SECURITY TAXES; APPROPRIATING MONEYS FROM THE PUBLIC SCHOOL INCOME FUND; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO EXPENDITURES FOR SCHOOL IMPROVEMENT AND REFORM ACTIVITIES; APPROPRIATING MONEYS FOR THE SCHOOL RESTRUCTURING, RESEARCH AND DEVELOPMENT PROGRAM; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO THE SCHOOLS 2000 COMMITTEE; APPROPRIATING $5,000,000 OF THE UNEXPENDED AND UNENCUMBERED BALANCE IN THE STATE GENERAL ACCOUNT ON JUNE 30, 1993, FOR DEPOSIT IN THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING MONEYS FROM THE PUBLIC SCHOOL INCOME FUND; AND EXPRESSING LEGISLATIVE INTENT FOR THE DISTRIBUTION OF THE MONEYS.

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

SECTION 1. It is legislative intent that the following amount
shall be expended from state sources for public schools for the period
July 1, 1992, through June 30, 1993:

FROM:
General Account $497,000,000
Dedicated Accounts:
<table>
<thead>
<tr>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Endowment Fund Income</td>
<td>$22,400,000</td>
</tr>
<tr>
<td>Department of Lands</td>
<td>5,000,000</td>
</tr>
<tr>
<td>Liquor Account</td>
<td>1,200,000</td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td>5,443,000</td>
</tr>
<tr>
<td><strong>Total Dedicated Accounts</strong></td>
<td><strong>34,043,000</strong></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>531,043,000</strong></td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated from the General Account for public schools the following amount for deposit in the Public School Income Fund for the period July 1, 1992, through June 30, 1993:
FROM: General Account $497,000,000

SECTION 3. There is hereby appropriated from the Public School Income Fund the amount necessary for deposit in the Public Employee Retirement Account to be expended according to Section 59-1332A, Idaho Code, for the period July 1, 1992, through June 30, 1993.

SECTION 4. There is hereby appropriated from the Public School Income Fund the amount necessary for the Unemployment Insurance Program to be expended according to Section 72-1349C, Idaho Code, for the period July 1, 1992, through June 30, 1993.

SECTION 5. There is hereby appropriated from the Public School Income Fund the amount necessary to be expended for the purpose of paying the employers' portion of the social security taxes for public school district employees, according to Section 59-1115, Idaho Code, for the period July 1, 1992, through June 30, 1993.

SECTION 6. There is hereby appropriated from the Public School Income Fund to be expended for the Public School Foundation Program pursuant to law and the provisions of this act, not to exceed $529,043,000 of the moneys which may accrue to such fund for the period July 1, 1992, through June 30, 1993.

SECTION 7. It is legislative intent that $2,000,000 of the moneys appropriated in Section 2 of this act be expended by school districts to the extent possible for school improvement activities to achieve any of the following objectives: class size reduction in grades K-6, drop-out prevention and reduction of counselor-student ratios.

SECTION 8. There is hereby appropriated from the Public School Income Fund the following amount for the School Restructuring, Research and Development Program, to be expended by the Superintendent of Public Instruction, upon the recommendation of the Schools 2000 Committee (Steering and Evaluations Committee) as appointed by the State Board of Education, to continue school restructuring in Idaho and to include the following objectives: conversion to high-technology
schools, shift to performance-based education, development of early childhood "ready-for-school" programs, improving parental involvement, site-based decision-making, leadership training on school reform management, and programs for Hispanic and other minority students.

FROM:
Public School Income Fund $2,000,000

SECTION 9. It is legislative intent that the membership of the Schools 2000 Committee (Steering and Evaluations Committee) appointed by the State Board of Education be expanded to include one member and one alternate member representing the Office of the Governor and one member and one alternate member representing the House of Representatives.

SECTION 10. There is hereby appropriated $5,000,000, or so much of that amount as may be available, from the unexpended and unencumbered balance in the General Account as of June 30, 1993, for deposit in the Public School Income Fund.

SECTION 11. There is hereby appropriated from the Public School Income Fund all moneys deposited pursuant to Section 10 of this act to be expended for one-time purposes in the Public School Foundation Program.

SECTION 12. It is legislative intent that:

1. The moneys appropriated in Section 11 of this act are to be included in the State Department of Education determination of final payments pursuant to Section 33-1009(3), Idaho Code.

2. The amount in Section 11 of this act be distributed 50% through the support program formula; and 50% on a fall enrollment basis.

Law without signature.

CHAPTER 333
(S.B. No. 1395, As Amended in the House)

AN ACT
RELATING TO WATER QUALITY OF OUTSTANDING RESOURCE WATERS; AMENDING SECTION 39-3614, IDAHO CODE, TO PROVIDE ADDITIONAL DEFINITIONS AND TO FURTHER DEFINE TERMS; AMENDING SECTIONS 39-3617, 39-3615 AND 39-3616, IDAHO CODE, TO PROVIDE CONFORMING LANGUAGE, TO PROVIDE EFFECT ON ISSUANCE OF WATER RIGHTS PERMITS OR LICENSES AND REDESIGNATE THE SECTIONS; AMENDING CHAPTER 36, TITLE 39, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 39-3618, 39-3619 AND 39-3620, IDAHO CODE, TO PROVIDE BEST MANAGEMENT PRACTICES FOR NEW NONPOINT SOURCE ACTIVITIES, AND TO PROVIDE FOR MONITORING AND ENFORCEMENT; AND AMENDING SECTION 39-3618, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO CORRECT REFERENCES.
Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 39-3614, Idaho Code, be, and the same is hereby amended to read as follows:

39-3614. DEFINITIONS. As used in sections 39-3614 through 39-3621, Idaho Code:

(1) "Designated agency" means the department of lands for timber harvest activities, for oil and gas exploration and development and for mining activities; the soil conservation commission for grazing activities and for agricultural activities; the transportation department for public road construction, and the department for all other activities.

(2) "Lower water quality" means a measurable change in a chemical, physical, or biological parameter of water relevant to a beneficial use, and which can be expressed numerically. Measurable adverse change is determined by a statistically significant difference between sample means using standard methods for analysis and statistical interpretation appropriate to the parameter. Statistical significance is defined as the ninety-five per cent (95%) confidence limit when significance is not otherwise defined for the parameter in standard methods or practices.

(3) "New nonpoint source activity" means a new nonpoint source activity or a substantially modified existing nonpoint source activity on or affecting an outstanding resource water which includes, but is not limited to, new road construction projects, new timber harvest activities, new mining activities and substantial modifications to an existing mining permit or approved plan, new recreational activities and substantial modifications to existing recreational activities, new grazing activities and substantial modifications to existing grazing activities, except that reissuance of existing grazing permits, or grazing activities and practices authorized under an existing permit, is not considered a new activity. It does not include naturally occurring events such as floods, landslides, and wildfire including prescribed natural fire.

(24) "Nonpoint source activities" include grazing, crop production, silviculture, log storage or rafting, construction, mining, recreation, septic tank disposal, and other activities not subject to regulation under the federal national pollutant discharge elimination system. Nonpoint source activities do not include issuance of water rights permits or licenses, allocation of water rights, operation of diversions, or impoundments.

(35) "Outstanding resource water" means a high quality water, such as water of national and state parks and wildlife refuges and water of exceptional recreational or ecological significance, which has been so designated by the legislature. It constitutes an outstanding national or state resource that requires protection from nonpoint source activities that may lower water quality.

(6) "Person" means any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, state or federal governmental department, agency or instrumentality, or any legal entity, which is recognized by law as the subject of rights and duties.
(7) "Short term or temporary activity" means an activity which is limited in scope and is expected to have only minimal impact on water quality as determined by the designated agency. Short term or temporary activities include, but are not limited to, maintenance of existing structures, limited road and trail reconstruction, soil stabilization measures, and habitat enhancement structures.

SECTION 2. That Section 39-3617, Idaho Code, be, and the same is hereby amended to read as follows:

39-36175. DESIGNATION OF OUTSTANDING RESOURCE WATERS. Any person may request, in writing to the board of health and welfare, that a stream segment may be considered for designation as an outstanding resource water. The board shall recommend to the legislature those stream segments the board proposes for designation as outstanding resource waters. The legislature shall determine by law which such stream segments to designate as outstanding resource waters. Stream segments so designated shall be included in a list of outstanding resource waters to be compiled and updated by the department of health and welfare in its rules and regulations governing water quality standards. A stream segment designated as an outstanding resource water under this section will not be designated as a stream segment of concern pursuant to rules and regulations governing water quality standards. Interim status or special protection shall not be provided to streams recommended by the board prior to legislative designation as an outstanding resource water. No state agency shall delay actions, or deny or delay the processing or approval of any permit for a nonpoint source activity based on nomination of a segment for designation as an outstanding resource water, or while the legislature is considering such designation.

SECTION 3. That Section 39-3615, Idaho Code, be, and the same is hereby amended to read as follows:

39-36156. RESTRICTION OF PROVISIONS FOR NEW NONPOINT SOURCE ACTIVITIES ON OUTSTANDING RESOURCE WATERS. No person shall conduct a new or substantially modify an existing nonpoint source activity that can reasonably be expected to lower the water quality of an outstanding resource water, except for short-term or temporary nonpoint source activities which do not alter the essential character or special uses of a segment, issuance of water rights permits or licenses, allocation of water rights, or operation of water diversions or impoundments.

SECTION 4. That Section 39-3616, Idaho Code, be, and the same is hereby amended to read as follows:

39-36167. CONTINUATION OF PROVISIONS FOR EXISTING NONPOINT SOURCE ACTIVITIES ON OUTSTANDING RESOURCE WATERS. Existing nonpoint source activities may continue and shall be conducted in a manner that maintains and protects the current water quality of an outstanding resource water. The provisions of this section shall not affect short-term or temporary activities that do not alter the essential character or special uses of a segment, allocation of water rights, or opera-
tions of water diversions or impoundments, provided that such activities shall be conducted in conformance with applicable laws and regulations.

SECTION 5. That Chapter 36, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of NEW SECTIONS, to be known and designated as Sections 39-3618, 39-3619 and 39-3620, Idaho Code, and to read as follows:

39-3618. APPROVAL PROVISIONS FOR BEST MANAGEMENT PRACTICES FOR NEW NONPOINT SOURCE ACTIVITIES ON OR AFFECTING OUTSTANDING RESOURCE WATERS. No person may conduct a new nonpoint source activity on or affecting an outstanding resource water, except for a short-term or temporary activity as set forth in section 39-3616, Idaho Code, prior to approval by the designated agency as provided in this section.

(1) Within six (6) months of designation of an outstanding resource water by the legislature, the designated agency shall develop best management practices for reasonably foreseeable nonpoint source activities. In developing best management practices the designated agencies shall:

(a) Solicit technical advice from state and federal agencies, research institutions, and universities and consult with affected landowners, land managers, operators, and the public; and

(b) Shall assure that all public participation processes required by law have been completed, but if no public participation process is required by law, will require public notification and the opportunity to comment;

(c) Recommend proposed best management practices to the board of health and welfare.

(2) The board of health and welfare and designated agencies shall adopt the proposed best management practices that are in compliance with the rules and regulations governing water quality standards, and based on the recommendations of the designated agency and the comments received during the public participation process;

(3) After adoption, these best management practices will be known as the outstanding resource water best management practices and will be published by the designated agency. Outstanding resource water approved best management practices will be reviewed and revised where needed by the designated agency every four (4) years in consultation with the department, landowners, federal managers, operators and the public to determine conformance with objectives of this act;

(4) Following adoption of best management practices, the designated agency shall require implementation of applicable outstanding resource water best management practices which will assure that water quality of an outstanding resource water is not lowered;

(5) Where outstanding resource water best management practices have not been adopted as set forth in subsections (1) through (4) of this section, the designated agency shall:

(a) Assure that all public participation processes required by law have been completed, but if no public participation process is required by law, the designated agency shall provide for public notification of the new activity and the opportunity to comment;

(b) Determine that the site-specific best management practices
selected for a new nonpoint source activity are designed to ensure that water quality of the outstanding resource water is not lowered; and

c) Provide for review by the department that the activity is in compliance with rules and regulations governing water quality standards.

(6) When the applicable outstanding resource water best management practices are applied, the landowner, land manager, or operator applying those practices will be in compliance with the provisions of this act. In the event water quality is lowered, the outstanding resource water best management practices will be revised within a timeframe established by the designated agency to ensure water quality is restored.

39-3619. MONITORING PROVISIONS. The designated agencies, in cooperation with the appropriate land management agency and the department shall ensure best management practices are monitored for their effect on water quality. The monitoring results shall be presented to the department on a schedule agreed to between the designated agency and the department.

39-3620. ENFORCEMENT PROVISIONS. (1) The designated agency shall ensure that the approved outstanding resource water best management practices are implemented for new nonpoint source activities. If a person fails to obtain approval from a designated agency for a new nonpoint source activity as set forth in section 39-3618, Idaho Code, or if a person fails to implement approved best management practices and water quality is lowered, the designated agency may institute a civil action for an immediate injunction to halt the activity or pursue other remedies provided by law.

(2) Nothing in this act shall restrict the enforcement authority of the department or designated agencies as provided by law.

SECTION 6. That Section 39-3618, Idaho Code, be, and the same is hereby amended to read as follows:

39-36218. EFFECT OF RULES AND REGULATIONS. Every rule and regulation promulgated within the authority conferred by this act shall be of temporary effect and shall become permanent only by enactment by statute at the regular session first following adoption of the rule or regulation. Rules and regulations not approved in the above manner shall be rejected, null, void and of no force and effect on July 1, following submission of the rules and regulations to the legislature. The rules and regulations promulgated within the authority conferred by this act and adopted by the board of health and welfare on January 31, 1990, and contained in IDAPA sections 16.01.2003, 301 and 302 and 16.01.25032053,01 through 16.01.25032053,07 are hereby approved by the legislature.

Approved April 10, 1992.
CHAPTER 334
(S.B. No. 1499, As Amended, As Amended in the House)

AN ACT
APPROPRIATING MONEYS TO THE PUBLIC HEALTH TRUST ACCOUNT FOR THE PUBLIC HEALTH DISTRICTS FOR FISCAL YEAR 1993.

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

SECTION 1. There is hereby appropriated $4,313,600 from the General Account to be deposited in the Public Health Trust Account for the period July 1, 1992, through June 30, 1993.

Approved April 10, 1992.

CHAPTER 335
(H.B. No. 639, As Amended in the Senate)

AN ACT
RELATING TO MONEY LAUNDERING; AMENDING TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 82, TITLE 18, IDAHO CODE, TO PROVIDE FELONY CRIMINAL PENALTIES FOR CERTAIN TRANSACTIONS OR ACTIONS INVOLVING MONEYS, FINANCIAL INSTRUMENTS OR THINGS OF VALUE.

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 82, Title 18, Idaho Code, and to read as follows:

CHAPTER 82
MONEY LAUNDERING

18-8201. MONEY LAUNDERING AND ILLEGAL INVESTMENT -- PENALTY. (1) It is unlawful for any person to knowingly or intentionally give, sell, transfer, trade, invest, conceal, transport, or make available anything of value that the person knows is intended to be used to commit or further a pattern of racketeering activity as defined in section 18-7803(d), Idaho Code, or a violation of the provisions of chapter 27, title 37, Idaho Code.

(2) It is unlawful for any person to knowingly or intentionally direct, plan, organize, initiate, finance, manage, supervise, or facilitate the transportation or transfer of proceeds known by that person to be derived from a pattern of racketeering activity as defined in section 18-7803(d), Idaho Code, or a violation of the provisions of chapter 27, title 37, Idaho Code.

(3) It is unlawful for any person to knowingly or intentionally conduct a financial transaction involving proceeds known by that person to be derived from a pattern of racketeering activity as defined
CHAPTER 336
(H.B. No. 718)

AN ACT
RELATING TO TRAFFICKING IN CONTROLLED SUBSTANCES; AMENDING CHAPTER 27, TITLE 37, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 37-2732B, IDAHO CODE, TO PROVIDE MANDATORY MINIMUM SENTENCES FOR TRAFFICKING IN CERTAIN CONTROLLED SUBSTANCES.

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

SECTION 1. That Chapter 27, Title 37, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 37-2732B, Idaho Code, and to read as follows:

37-2732B. TRAFFICKING -- MANDATORY SENTENCES. (a) Except as authorized in this chapter, and notwithstanding the provisions of section 37-2732, Idaho Code:

(1) Any person who knowingly manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, one (1) pound of marijuana or more, or twenty-five (25) marijuana plants or more, as defined in section 37-2701, Idaho Code, is guilty of a felony, which felony shall be known as "trafficking in marijuana." If the quantity of marijuana involved:

(A) is in excess of one (1) pound, but less than five (5) pounds, or consists of twenty-five (25) marijuana plants or more but fewer than fifty (50) marijuana plants, regardless of size or weight of the plants, such person shall be sentenced to a mandatory minimum fixed term of imprisonment of one (1) year and fined not less than five thousand dollars ($5,000);

(B) is five (5) pounds or more, but less than twenty-five (25) pounds, or consists of fifty (50) marijuana plants or more but fewer than one hundred (100) marijuana plants, regardless of size or weight of the plants, such person shall be sentenced to a mandatory minimum fixed term of imprison-
ment of three (3) years and fined not less than ten thousand dollars ($10,000);
(C) is twenty-five (25) pounds or more, or consists of one hundred (100) marijuana plants or more, regardless of size or weight of the plants, such person shall be sentenced to a mandatory minimum fixed term of imprisonment of five (5) years and fined not less than fifteen thousand dollars ($15,000).
(D) The maximum number of years of imprisonment for trafficking in marijuana shall be fifteen (15) years, and the maximum fine shall be fifty thousand dollars ($50,000).
(E) For the purposes of this section, the weight of the marijuana is its weight when seized or as determined as soon as practicable after seizure, unless the provisions of subsection (c) of this section apply.

(2) Any person who knowingly manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, twenty-eight (28) grams or more of cocaine or of any mixture or substance containing a detectable amount of cocaine is guilty of a felony, which felony shall be known as "trafficking in cocaine." If the quantity involved:
(A) is twenty-eight (28) grams or more, but less than (200) grams, such person shall be sentenced to a mandatory minimum fixed term of imprisonment of three (3) years and fined not less than ten thousand dollars ($10,000);
(B) is two hundred (200) grams or more, but less than four hundred (400) grams, such person shall be sentenced to a mandatory minimum fixed term of imprisonment of five (5) years and fined not less than fifteen thousand dollars ($15,000);
(C) is four hundred (400) grams or more, such person shall be sentenced to a mandatory minimum fixed term of imprisonment of ten (10) years and fined not less than twenty-five thousand dollars ($25,000).
(D) The maximum number of years of imprisonment for trafficking in cocaine shall be life, and the maximum fine shall be one hundred thousand dollars ($100,000).

(3) Any person who knowingly manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, twenty-eight (28) grams or more of methamphetamine or of any mixture or substance containing a detectable amount of methamphetamine is guilty of a felony, which felony shall be known as "trafficking in methamphetamine." If the quantity involved:
(A) is twenty-eight (28) grams or more, but less than two hundred (200) grams, such person shall be sentenced to a mandatory minimum fixed term of imprisonment of three (3) years and fined not less than ten thousand dollars ($10,000);
(B) is two hundred (200) grams or more, but less than four hundred (400) grams, such person shall be sentenced to a mandatory minimum fixed term of imprisonment of five (5) years and fined not less than fifteen thousand dollars ($15,000);
(C) is four hundred (400) grams or more, such person shall be sentenced to a mandatory minimum fixed term of imprisonment of ten (10) years and fined not less than twenty-five
thousand dollars ($25,000).
(D) The maximum number of years of imprisonment for traf­
ficking in methamphetamine shall be life, and the maximum
fine shall be one hundred thousand dollars ($100,000).
(4) Any person who knowingly manufactures, delivers, brings into
this state, or who is knowingly in actual or constructive posses­
sion of the below-specified quantities of any of the following
immediate precursors to methamphetamine (namely ephedrine,
methylamine, methyl formamide, phenylacetic acid, phenylacetone,
or pseudoephedrine) as defined in section 37-2707(g)(1), Idaho
Code, or any compound, mixture or preparation which contains a
detectable quantity of these substances, is guilty of a felony
which shall be known as "trafficking in immediate precursors of
methamphetamine." If the quantity:
(A) of ephedrine is five hundred (500) grams or more;
(B) of methylamine is one-half (1/2) pint or more;
(C) of methyl formamide is one-quarter (1/4) pint or more;
(D) of phenylacetic acid is five hundred (500) grams or
more;
(E) of phenylacetone is four hundred (400) grams or more;
(F) of pseudoephedrine is five hundred (500) grams or more;
such person shall be sentenced to a mandatory minimum fixed term
of imprisonment of ten (10) years and fined not less than twenty­
five thousand dollars ($25,000). The maximum number of years of
imprisonment for trafficking in immediate precursors of metham­
phetamine shall be life, and the maximum fine shall be one hundred
thousand dollars ($100,000).
(5) Any person who knowingly manufactures, delivers or brings
into this state, or who is knowingly in actual or constructive
possession of, two (2) grams or more of heroin or any salt,
isomer, or salt of an isomer thereof, or two (2) grams or more of
any mixture or substance containing a detectable amount of any
such substance is guilty of a felony, which felony shall be known
as "trafficking in heroin." If the quantity involved:
(A) is two (2) grams or more, but less than seven (7) grams,
such person shall be sentenced to a mandatory minimum fixed
term of imprisonment of three (3) years and fined not less
than ten thousand dollars ($10,000);
(B) is seven (7) grams or more, but less than twenty-eight
(28) grams, such person shall be sentenced to a mandatory
minimum fixed term of imprisonment of ten (10) years and
fined not less than fifteen thousand dollars ($15,000);
(C) is twenty-eight (28) grams or more, such person shall be
sentenced to a mandatory minimum fixed term of imprisonment
of twenty-five (25) years and fined not less than twenty-five
thousand dollars ($25,000).
(D) The maximum number of years of imprisonment for traf­
ficking in heroin shall be life, and the maximum fine shall
be one hundred thousand dollars ($100,000).
(6) A second conviction for any trafficking offense as defined in
subsection (a) of this section shall result in a mandatory minimum
fixed term that is twice that otherwise required under this sec­
nion.
(7) Notwithstanding any other provision of law, with respect to any person who is found to have violated the provisions of this section, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, nor shall such person be eligible for parole prior to serving the mandatory minimum fixed term of imprisonment prescribed in this section, except as provided in subsection (a)(8) of this section. Further, the court shall not retain jurisdiction.

(8) Upon motion of the prosecuting attorney, the court shall have the authority to impose a sentence below the mandatory minimum level upon any person who is convicted of a violation of the provisions of this section and who provides substantial assistance in the identification, arrest and prosecution of any of his accomplices, accessories, coconspirators, principals, sources of supply, or of any other person involved in dealing in a controlled substance in violation of the provisions of this section or section 37-2732, Idaho Code. The investigating agency shall be given an opportunity to be heard in aggravation or mitigation in reference to any such motion. Upon good cause shown, the state's motion may be filed and heard in camera. The judge hearing the state's motion may reduce or suspend the sentence if he finds that the defendant has rendered substantial assistance. The provisions of this section shall not be construed as creating a right for a person to provide assistance to law enforcement.

(b) Any person who agrees, conspires, combines or confederates with another person or solicits another person to commit any act prohibited in subsection (a) of this section is guilty of a felony and is punishable as if he had actually committed such prohibited act.

(c) For the purposes of subsections (a) and (b) of this section the weight of the controlled substance as represented by the person selling or delivering it is determinative if the weight as represented is greater than the actual weight of the controlled substance.

Approved April 13, 1992.

CHAPTER 337
(H.B. No. 735)

AN ACT
RELATING TO HIGHWAYS; AMENDING SECTION 40-312, IDAHO CODE, TO PROVIDE THAT THE TRANSPORTATION BOARD SHALL PROMULGATE RULES AND REGULATIONS TO ENCOURAGE THE USE OF RECYCLED MATERIALS IN HIGHWAY CONSTRUCTION AND REPAIR PROJECTS; AND AMENDING SECTION 40-701, IDAHO CODE, TO PROVIDE THAT ONE-HALF OF ONE PER CENT OF THE MONEYS IN THE HIGHWAY DISTRIBUTION ACCOUNT MAY BE REMITTED TO THE STATE HIGHWAY ACCOUNT AND UTILIZED TO ENCOURAGE THE USE OF RECYCLED MATERIALS IN HIGHWAY CONSTRUCTION AND MAINTENANCE PROJECTS.

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

SECTION 1. That Section 40-312, Idaho Code, be, and the same is
hereby amended to read as follows:

40-312. POWERS AND DUTIES -- RULES AND REGULATIONS. The board shall:

(1) Prescribe rules and regulations affecting state highways and turnpike projects, and enforce compliance with those rules and regulations.

(2) Establish rules and regulations for the expenditure of all moneys appropriated or allotted by law to the department or the board. The board shall cooperate with the counties and highway districts in the expenditure of funds and shall establish a uniform system of accounting in the expenditure of moneys and a uniform method for allocation of funds, by counties and highway districts as shall be necessary in the construction and maintenance of highways by counties and districts in cooperation with the state and the United States, or either, but the initiatory power of expenditure of any of those moneys shall rest with the county or district in which expenditure of the moneys mentioned is to be made.

(3) Make reasonable regulations for the installation, construction, maintenance, repair, renewal and relocation of facilities of any utility or communication transmitting entity, in, on, along, over, across, through or under any project on the federal-aid primary or secondary systems or on the interstate system, including extensions within urban areas. Whenever the board shall determine, after notice and opportunity for hearing, that it is necessary that any facilities which now are, or hereafter may be, located in, on, along, over, across, through or under any federal-aid primary or secondary system or on the interstate system, including extensions within urban areas, should be relocated, the utility owning or operating the facilities shall relocate them in accordance with the order of the board. In case of any relocation of facilities, the utility owning or operating the facilities, its successors or assigns, may maintain and operate the facilities, with the necessary appurtenances, in the new location or locations.

(4) Prescribe and enforce regulations for the erection and maintenance of advertising structures permitted by sections 40-1909, 40-1913, and 40-1914, Idaho Code, designed to protect the safety of the users of the highway and otherwise to achieve the objectives set forth in section 40-1903, Idaho Code, and consistent with the national policy set forth in section 131, title 23, United States Code, and the national standards promulgated by the secretary of transportation. The board shall not prescribe or enforce rules or regulations that are more restrictive than those authorized under section 131, title 23, United States Code. Proceedings for review of any action taken by the board pursuant to this section shall be instituted under the provisions of chapter 52, title 67, Idaho Code.

(5) Prescribe rules and regulations to implement the provisions of chapter 20, title 40, Idaho Code, and other rules and regulations relating to relocation assistance as may be necessary under existing federal laws and rules and regulations promulgated thereunder. Rules and regulations shall include provisions relating to:

(a) Standards for decent, safe and sanitary dwellings;

(b) Eligibility of displaced persons for relocation assistance
payments, procedural methods whereby persons may make application for and claim payments and the amounts of them; and
(c) Other rules and regulations consistent with the provisions of chapter 20, title 40, Idaho Code, as are considered necessary or appropriate to carry out the provisions of that chapter.
(6) Prescribe rules and regulations to encourage the use of recycled materials in highway construction and repair projects.

SECTION 2. That Section 40-701, Idaho Code, be, and the same is hereby amended to read as follows:

40-701. HIGHWAY DISTRIBUTION ACCOUNT -- APPORTIONMENT. (1) There is established in the dedicated fund of the state treasury an account known as the "Highway Distribution Account," to which shall be credited:
(a) Moneys as provided by sections 63-2412(1)(f)3 and 63-2418(3), Idaho Code;
(b) All moneys collected by the department, their agents and vendors, and county assessors and sheriffs, under the provisions of title 49, Idaho Code, except as otherwise specifically provided for; and
(c) All other moneys as may be provided by law.
(2) Beginning July 1, 1992, one-half of one per cent (.5%) of the moneys in the highway distribution account shall be remitted to the state highway account and shall be utilized to encourage the use of recycled materials including, but not limited to, recycled glass, reclaimed asphalt, asphalt containing recycled plastic, recycled rubber tires and paper in highway construction and maintenance projects. The remainder shall be apportioned thirty-five and seventy-seven hundredths per cent (35.77%) to local units of government and fifty-eight and eighty-three hundredths per cent (58.83%) to the state highway account established in section 40-702, Idaho Code, and five and forty hundredths per cent (5.40%) to the law enforcement account, established in section 67-2904, Idaho Code. The state auditor shall remit the moneys apportioned to local units of government not later than January 25, April 25, July 25 and October 25 of each year, and to the state highway account and the law enforcement account as the moneys become available to the highway distribution account.
(3) Interest earned on the investment of idle moneys in the highway distribution account shall be paid to the highway distribution account.
(4) All idle moneys in the dedicated highway trust or asset accounts or subaccounts established from highway user revenues, reimbursements, fees or permits shall be invested by the state treasurer in the same manner as provided under section 67-1210, Idaho Code, with respect to other surplus or idle moneys in the state treasury. Interest earned on the investments shall be returned to the various highway trust or asset accounts and subaccounts.

Approved April 13, 1992.
CHAPTER 338
(S.B. No. 1378, As Amended in the House)

AN ACT
RELATING TO SUSPENSION OF DRIVING PRIVILEGES FOR DRIVING UNDER THE INFLUENCE; AMENDING SECTION 18-8005, IDAHO CODE, TO PROVIDE FOR A PERIOD OF ABSOLUTE SUSPENSION OF ALL DRIVING PRIVILEGES AND TO THEN PROVIDE FOR RESTRICTED DRIVING PRIVILEGES.

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

SECTION 1. That Section 18-8005, Idaho Code, be, and the same is hereby amended to read as follows:

18-8005. PENALTIES. (1) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004(1)(a), Idaho Code, for the first time is guilty of a misdemeanor; and
   (a) May be sentenced to jail for not to exceed six (6) months;
   (b) May be fined an amount not to exceed one thousand dollars ($1,000);
   (c) Shall be advised by the court in writing at the time of sentencing of the penalties that will be imposed for second or subsequent violations of the provisions of section 18-8004, Idaho Code, which advice shall be signed by the defendant, and a copy retained by the court and another copy retained by the prosecuting attorney; and
   (d) Shall have his driving privileges suspended by the court for a period not-to-exceed-one-hundred-eighty-(180)—days of thirty (30) days which shall not be reduced and during which thirty (30) day period absolutely no driving privileges of any kind may be granted. After the thirty (30) day period of absolute suspension of driving privileges has passed, the defendant shall have driving privileges suspended by the court for an additional period of at least sixty (60) days, not to exceed one hundred fifty (150) days, during which the defendant may request class D restricted driving privileges during-the-period-of-the-suspension which the court may allow, if the defendant shows by a preponderance of the evidence that driving privileges are necessary for his employment or for family health needs.

(2) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004(1)(b), Idaho Code, for the first time is subject to the provisions of section 49-335, Idaho Code.

(3) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004(1)(c), Idaho Code, for the first time, is guilty of a misdemeanor and is subject to:
   (a) The provisions of section 18-8005(1), Idaho Code; and
   (b) The provisions of section 49-335, Idaho Code.

(4) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004, Idaho Code, for the second time within five (5) years, notwithstanding the form of the
judgment(s) or withheld judgment(s), is guilty of a misdemeanor; and
  (a) Shall be sentenced to jail for a mandatory minimum period of not less than ten (10) days the first forty-eight (48) hours of which must be consecutive, and may be sentenced to not more than one (1) year;
  (b) May be fined an amount not to exceed two thousand dollars ($2,000);
  (c) Shall be advised by the court in writing at the time of sentencing, of the penalties that will be imposed for subsequent violations of the provisions of section 18-8004, Idaho Code, which advice shall be signed by the defendant, and a copy retained by the court and another copy retained by the prosecuting attorney;
  (d) Shall surrender his driver's license or permit to the court; and
  (e) Shall have his driving privileges suspended by the court for an additional mandatory minimum period of one (1) year after release from confinement, during which one (1) year period absolutely no driving privileges of any kind may be granted.
(5) Any person who pleads guilty to or is found guilty of three (3) or more violations of the provisions of section 18-8004, Idaho Code, or of one (1) or more violations of section 18-8006, Idaho Code, within five (5) years, notwithstanding the form of the judgment(s) or withheld judgment(s), shall be guilty of a felony; and
  (a) Shall be sentenced to the custody of the state board of correction for not to exceed five (5) years; provided that notwithstanding the provisions of section 19-2601, Idaho Code, should the court impose any sentence other than incarceration in the state penitentiary, the defendant shall be sentenced to the county jail for a mandatory minimum period of not less than thirty (30) days; and further provided that notwithstanding the provisions of section 18-111, Idaho Code, a conviction under this section shall be deemed a felony;
  (b) May be fined an amount not to exceed five thousand dollars ($5,000);
  (c) Shall surrender his driver's license or permit to the court; and
  (d) Shall have his class D driving privileges suspended by the court for a mandatory minimum period of one (1) year after release from imprisonment, and may have his class D driving privileges suspended by the court for not to exceed five (5) years after release from imprisonment, during which time he shall have absolutely no driving privileges of any kind.
(6) For the purposes of subsections (4) and (5) of this section, convictions of violation of the provisions of section 18-8004, Idaho Code, shall be considered by the court to determine if a later conviction is a second or subsequent conviction only if such convictions were of violations committed on or after July 1, 1983.
(7) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004 or 18-8006, Idaho Code, shall undergo, at his own expense, (or at county expense through the procedures set forth in chapters 34 and 35, title 31, Idaho Code,) and prior to the sentencing date, an alcohol evaluation by an alcohol evaluation facility approved by the Idaho department of health and
welfare. In the event the alcohol evaluation indicates the need for alcohol treatment, the evaluation shall contain a recommendation by the evaluator as to the most appropriate treatment program, together with the estimated cost thereof, and recommendations for other suitable alternative treatment programs, together with the estimated costs thereof. The person shall request that a copy of the completed evaluation be forwarded to the court. The court shall take the evaluation into consideration in determining an appropriate sentence. If a copy of the completed evaluation has not been provided to the court, the court may proceed to sentence the defendant; however, in the event, it shall be presumed that alcohol treatment is required unless the defendant makes a showing by a preponderance of evidence that treatment is not required. If the defendant has not made a good faith effort to provide the completed copy of the evaluation to the court, the court may consider the failure of the defendant to provide the report as an aggravating circumstance in determining an appropriate sentence. If treatment is ordered, in no event shall the person or facility doing the evaluation be the person or facility that provides the treatment unless this requirement is waived by the sentencing court, with the exception of federally recognized Indian tribes or federal military installations, where diagnosis and treatment are appropriate and available. Nothing herein contained shall preclude the use of funds authorized pursuant to the provisions of chapter 3, title 39, Idaho Code, for court-ordered alcohol treatment for indigent defendants.

(8) At the time of sentencing, the court shall be provided with the following information:
(a) The results, if administered, of any evidentiary test for alcohol and/or drugs;
(b) A computer or teletype or other acceptable copy of the person's driving record;
(c) Information as to whether the defendant has pled guilty to or been found guilty of violation of the provisions of section 18-8004 or 18-8006, Idaho Code, or a similar offense within the past five (5) years, notwithstanding the form of the judgment(s) or withheld judgment(s); and
(d) The alcohol evaluation required in subsection (5) of this section, if any.

(9) A minor may be prosecuted for a violation of the provisions of section 18-8004, Idaho Code, under title 16, Idaho Code. In addition to any other penalty, if a minor pleads guilty to or is found guilty of a violation of the provisions of section 18-8004, Idaho Code, he shall have his driving privileges suspended or denied for an additional one (1) year following the end of any period of suspension or revocation existing at the time of the violation, or until he reaches the age of eighteen (18) years, whichever period is greater. During the period of additional suspension or denial, absolutely no driving privileges shall be allowed.

(10) In the event that the alcohol evaluation required in subsection (7) of this section recommends alcohol treatment, the court shall order the person to complete a treatment program in addition to any other sentence which may be imposed, unless the court determines that alcohol treatment would be inappropriate or undesirable, in which
event, the court shall enter findings articulating the reasons for such determination on the record. The court shall order the defendant to complete the preferred treatment program set forth in the evaluation, or a comparable alternative, unless it appears that the defendant cannot reasonably obtain adequate financial resources for such treatment. In that event, the court may order the defendant to complete a less costly alternative set forth in the evaluation, or a comparable program. Such treatment shall, to the greatest extent possible, be at the expense of the defendant. In the event that funding is provided for or on behalf of the defendant by an entity of state government, restitution shall be ordered to such governmental entity in accordance with the restitution procedure for crime victims, as specified under chapter 53, title 19, Idaho Code. Nothing contained herein shall be construed as requiring a court to order that a governmental entity shall provide alcohol treatment at government expense unless otherwise required by law.

(11) Any person who is disqualified shall not be granted restricted driving privileges to operate a commercial motor vehicle.

Approved April 13, 1992.

CHAPTER 339
(S.B. No. 1450)

AN ACT
RELATING TO WATER DISTRICTS; REPEALING SECTION 42-601, IDAHO CODE; AMENDING SECTION 42-602, IDAHO CODE, TO REVISE AUTHORITIES OF THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES REGARDING THE SUPERVISION OF WATER DISTRIBUTION; REPEALING SECTION 42-602A, IDAHO CODE; AMENDING SECTION 42-603, IDAHO CODE, TO REVISE THE AUTHORITY OF THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES CONCERNING RULES AND REGULATIONS; AMENDING SECTION 42-604, IDAHO CODE, TO REVISE PROCEDURES FOR THE CREATION OF WATER DISTRICTS; AMENDING SECTION 42-605, IDAHO CODE, TO REVISE PROCEDURES FOR DISTRICT MEETINGS, EMPLOYEES, ELECTIONS, OATHS, BONDS AND ADVISORY COMMITTEES; AMENDING SECTION 42-605A, IDAHO CODE, TO CORRECT A REFERENCE AND TO CORRECT A TYPOGRAPHICAL ERROR; AMENDING SECTION 42-606, IDAHO CODE, TO REVISE REQUIREMENTS FOR REPORTS OF WATERMASTERS; AMENDING SECTION 42-607, IDAHO CODE, TO PROVIDE FOR THE SHUTTING OR FASTENING THE HEADGATES OF FACILITIES FOR DIVERSION OF WATER; AMENDING SECTION 42-608, IDAHO CODE, TO REVISE REQUIREMENTS FOR A WATERMASTER'S TERM OF SERVICE; AMENDING SECTION 42-609, IDAHO CODE, TO PROVIDE FOR APPOINTMENT OF ASSISTANTS TO THE WATERMASTER; AMENDING SECTION 42-610, IDAHO CODE, TO PROVIDE FOR COMPENSATION OF THE WATERMASTER'S ASSISTANTS; AMENDING SECTION 42-612, IDAHO CODE, TO REVISE PROCEDURES FOR ADOPTION OF A BUDGET FOR A WATER DISTRICT; AMENDING SECTION 42-613, IDAHO CODE, TO PROVIDE FOR FILING OF A CERTIFIED COPY OF A DISTRICT'S BUDGET WITH THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES BY THE WATERMASTER; AMENDING SECTION 42-613A, IDAHO CODE, TO REVISE PROCEDURES FOR HANDLING PROCEEDS DERIVED FROM THE LEASE OF STORED WATER; REPEALING SECTION
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 42-601, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Section 42-602, Idaho Code, be, and the same is hereby amended to read as follows:

42-602. DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES TO SUPER­VISE WATER DISTRIBUTION. It shall be the duty of the director of the department of water resources to have immediate direction and control of the distribution of water from all of the streams, rivers, lakes, ground water and other natural water sources in this state to the canals, and ditches, pumps and other facilities diverting therefrom. Distribution of water shall be accomplished either (1) by watermasters appointed as provided in this chapter and supervised by the director; or (2) directly by employees of the department of water resources under authority of the director in those areas of the state not constituted into water districts as provided in this chapter. The department director must execute the laws relative to the distribution of water in accordance with rights of prior appropriation as provided in section 42-106, Idaho Code. The director of the department of water resources shall, in the distribution of water from the streams to-the-canals, rivers, lakes, ground water and other natural water sources, be governed by this title.

SECTION 3. That Section 42-602A, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Section 42-603, Idaho Code, be, and the same is hereby amended to read as follows:

42-603. SUPERVISION OF WATER DISTRIBUTION -- RULES AND REGULA­TIONS. The director of the department of water resources shall provide such rules and regulations in relation to making of proof, of completion of works constructed under the provisions of this title, and of the proof of application of the water as provided for in this title; and shall also devise all needful is authorized to adopt rules and regulations for the distribution of water from the streams, rivers, lakes, ground water and other natural water sources as shall be necessary to carry out the laws in accordance with the priorities of the...
rights of the users thereof. Promulgation of rules and regulations shall be in accordance with the procedures of chapter 52, title 67, Idaho Code.

SECTION 5. That Section 42-604, Idaho Code, be, and the same is hereby amended to read as follows:

42-604. CREATION OF WATER DISTRICTS. The director of the department of water resources shall divide the state into water districts in such manner that each public stream and tributaries, or independent source of water supply, shall constitute a water district: provided, that any stream or water supply, when the distance between the extreme points of diversion thereon is more than forty (40) miles, may be divided into two (2) or more water districts: provided, that any stream tributary to another stream may be constituted into a separate water district when the use of the water therefrom does not affect or conflict with the rights to the use of the water of the main stream: provided, that any stream may be divided into two (2) or more water districts, irrespective of the distance between the extreme points of diversion, where the use of the waters of such stream by appropriators in one district does not affect or conflict with the use of the waters of such stream by appropriators outside such district: provided, that this section shall not apply to streams or water supplies whose priorities of appropriation have not been adjudicated by the courts having jurisdiction thereof.

The director may create, revise the boundaries of, or abolish a water district or combine two (2) or more water districts by entry of an order if such action is required in order to properly administer uses of the water resource. Copies of the order shall be sent by regular mail to all holders of rights to the waters affected by the order. The director's order is subject to judicial review as provided in section 42-1701A, Idaho Code.

Before entering an order creating, modifying, or abolishing a district, the director shall, by regular mail, send notice of the proposed action to each water user in the district or proposed district. The notice shall describe the proposed action to be taken, the reasons therefore, the time and place of a hearing to be held concerning the proposed action, and provide a time period within which written comment on the action will be accepted. The hearing shall not be held sooner than ten (10) days after the mailing of the notice, and the written comment period shall not close sooner than ten (10) days after the hearing. Instead of mailing notice, the director may publish notice describing the proposed action, the time and place for the hearing, and the deadline for receiving written comment. The notice shall be published once a week for two (2) weeks in a newspaper or newspapers having general circulation within the district or proposed district, with the second publication appearing at least ten (10) days before the date set for the hearing. The hearing shall be held within the district or proposed district, or at some nearby location convenient to the affected water users.

Each water district created hereunder shall be considered an instrumentality of the state of Idaho for the purpose of performing the essential governmental function of distribution of water among
appropriators under the laws of the state of Idaho.

SECTION 6. 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 -- ADVISORY COMMITTEE. (1) There shall be held on the first Monday in March in each year, and, except as provided in subsection (2) of this section, 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, or at some nearby location convenient to a majority of those entitled to vote thereat, which place shall be designated by the director of the department of water resources. The director shall, between January first and February first of each year, notify by regular mail all persons, companies or corporations known to the director to own or claim hold rights to 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. Of the time, date, location and purpose of the annual meeting. At any annual meeting the water users may vote to waive the requirement for notice by mail and provide for notice to be given for future meetings by publication of the time, date, location and purpose of the meeting in a newspaper or newspapers in general circulation in the district. Published notice shall be made once per week for two (2) consecutive weeks with the second notice appearing at least thirty (30) and not more than sixty (60) days prior to the meeting. 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 the water users of any water district may, by resolution adopted at an annual meeting or at a special meeting properly called for that purpose, change the time of day when the meeting shall commence or change the date for annual meetings in subsequent years to any weekday except Saturday and Sunday between the second Monday of January and the third Monday in March or change both the time and the date, in which case the director of the department of water resources shall send notice of the change of time or date at least thirty (30) days prior to said meeting date. At an annual meeting the water users may adopt resolutions to assure or improve the distribution of the waters of the district within state law, and may provide that such resolutions shall continue from year to year.

(3) At such the meeting of the water users of a district there shall be elected a watermaster for such water district, and who may be authorized to employ such other regular assistants as the water users shall deem necessary, and who, upon appointment by the director of the department of water resources, shall be responsible
for distribution of water within said water district, and such-meeting
the water users shall, prior to the election of such watermaster and
approval of the employment of assistants, fix the compensation to be
paid them during the time actually engaged in the performance of their
duties.

(4) At-such-meeting Voting shall be by majority vote of the water
users present at the meeting unless one (1) or more water users
requests voting using the procedure which follows in this subsection.
In such case the meeting chairman shall appoint a credentials committee to determine the number of votes each water user present is authorized to cast. If requested, each person present, owning or having the use for the ensuing season of any water right in the stream or water supply comprising such water 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, shall be entitled to a number of votes equal to the average annual dollar amount and any fraction thereof assessed for that person's qualifying water right for the previous five (5) years, or such lesser number of years as the right has been assessed. If a right has not previously been assessed, a person present, owning or having the use of the right for the ensuing season shall be entitled to a number of votes equal to the dollar amount and any fraction thereof which the right would have been assessed had it existed and been reasonably used when water was available under the priority of the right during the previous season.

(5) Such meeting the water users shall choose a meeting chairman and meeting secretary and shall determine the manner and method of electing the watermasters-and-assistants. The water users shall, at the annual meeting, provide for the water district treasurer functions in accordance with section 42-619, Idaho Code. Within five (5) days after such meeting the meeting chairman and meeting secretary shall forward a certified copy of the minutes of such meeting to the department of water resources. The meeting chairman, or the meeting secretary, if the meeting chairman is not present, from the immediately preceding annual meeting shall call the meeting to order and preside over the election of officers for the meeting.

(6) At such meeting the water users may choose an advisory committee to be composed of members selected as may be determined at the meeting, which committee shall serve as advisors to the director and the watermaster in matters pertaining to the distribution of water within the district. The advisory committee may be authorized to carry out policies as set forth in resolutions duly adopted by the water users at the annual meeting or at a special meeting. The advisory committee may also serve as the local committee to facilitate the rental of stored water if appointed by the water resource board for such purpose under the provisions of section 42-1765, Idaho Code.

(67) A corporation or a water delivery organization, including, but not limited to a corporations, a water company, an irrigation districts, an irrigation companies and or a 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. Should said meeting not be held, or should said watermaster not be chosen elected or his the watermaster's compensation not be fixed as above provided, then the director of the department of water resources is authorized to appoint such a watermaster and fix his the watermaster's compensation.

(89) The director of the department of water resources may remove any watermaster whenever such watermaster fails to perform his the watermaster's duty as--watermaster, upon complaint in that respect being made to the department director 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 director, after a hearing with the other water users of said district, which shall be held in the district or at some location convenient to the water users of the district, finds such charge to be true, and the department director may appoint a successor for the unexpired term.

(910) Before entering upon the duties of his the watermaster's 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 the watermaster's office, as provided in section 42-607, Idaho Code, and shall file that oath with the department of water resources. 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.

(11) The director shall call a special meeting of the water users of a district upon receipt of a written request for such meeting from a majority of the members of the advisory committee for a district, a written request from water users representing thirty per cent (30%) or more of the votes cast at the last regular annual meeting, a written request from the watermaster or on the director's own motion if the director determines a meeting is necessary to address matters that cannot be delayed until the next regular annual meeting. Notice of the time, place and purpose of the special meeting shall be given by the director in the manner provided in section 42-605(2), Idaho Code.

(12) The water users may, by resolution, authorize the watermaster to acquire, hold and dispose of such real and personal property, equipment and facilities in the name of the water district as necessary for the proper distribution of water and shall provide that all such real and personal property shall remain in the custody of the watermaster and the watermaster's successor.

SECTION 7. That Section 42-605A, Idaho Code, be, and the same is hereby amended to read as follows:

42-605A. NONCONSUMPTIVE WATER RIGHTS -- ASSESSMENTS -- VOTING. (1) Notwithstanding other provisions of this chapter, the setting of annual water district assessments and the voting of permitted, licensed and decreed water rights administered by the watermaster solely for nonconsumptive purposes shall be determined in accordance with the provisions of this section. For purposes of this chapter, a
water right is nonconsumptive if so designated by provisions of the permit or license issued by the department of water resources, or otherwise so designated by the director, or by decree of the court allowing use of the right to continue when the diversion of earlier priority water rights from the same source has been reduced or stopped by action of the watermaster.

(2) A nonconsumptive water right is subject to the provisions of this section if water is taken into man-made facilities for beneficial use whether or not the water leaves the river or stream channel. Instream flow water rights held in the name of governmental entities or agencies for the protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, transportation and navigation values, and water quality shall be exempt from the payment of assessments and the rights shall not be voted. The procedure for collection and payment of the assessments shall be the same as used for consumptive water rights under this chapter.

(3) In preparing the next year's budget, the watermaster shall determine an assessment for the ensuing year for each water right used solely for nonconsumptive purposes. The assessment shall be sufficient to pay the additional costs and expenses for watermaster services for data collection, water measurement, delivery of water, and record keeping directly attributable to delivery of the water right.

(4) The assessment shall not become final until adopted as part of the water district budget at the annual meeting of water users in accordance with section 42-612, Idaho Code. The assessment shall not exceed an amount necessary to pay for watermaster services associated with the nonconsumptive right. Nothing in this section shall affect the right, under section 42-612, Idaho Code, of the water users at the annual meeting to provide by resolution for a minimum charge for watermaster services, except as to those instream flow rights exempt from the payment of assessments under this section.

(5) The holder of a water right assessed under the provisions of this section who desires to contest the amount of an assessment for a nonconsumptive water right shall file a written petition with the director of the department of water resources stating the grounds for contesting the assessment and requesting a hearing. The petition must be filed with the director within thirty (30) days after the billing is mailed to the holder of the water right as provided in section 42-613 or 42-618, Idaho Code. The hearing before the director and any judicial review thereof shall be in accordance with the provisions of section 42-1701A, Idaho Code. The filing of a petition under this section shall not relieve the holder of a nonconsumptive water right from the obligation to pay the assessment when due and payable. The amount of any excessive or deficient assessment determined by a final order of the director shall be credited or collected in the succeeding year in the manner provided under section 42-6406, Idaho Code.

(6) At water district meetings, each person present holding a water right used solely for nonconsumptive purposes shall be entitled to a number of votes equal to the average dollar amount and any fraction thereof assessed in accordance with subsection (3) of this section for that person's qualifying nonconsumptive water right for the previous five (5) years, or such lesser number of years as the right has been assessed in accordance with subsection (3) of this section.
If a nonconsumptive right has not been assessed in previous years using subsection (3) of this section, a person present owning or having the use of the right for the ensuing season shall be entitled to a number of votes equal to the dollar amount and any fraction thereof which the right is assessed under subsection (3) of this section for the ensuing season.

SECTION 8. That Section 42-606, Idaho Code, be, and the same is hereby amended to read as follows:

42-606. REPORTS OF WATERMASTERS. All watermasters shall make an annual report to the department of water resources as often as may be deemed necessary by said department; said reports shall contain the following information: The amount of water necessary to supply all of the ditches, canals and reservoirs of the district; the amount of water actually coming into the district to supply such ditches, canals or reservoirs; whether such supply is on the increase or decrease; what ditches, canals and reservoirs are at times without their proper supply; and the probability as to what the supply will be during the period before the next report will be required; and such other information as the department may suggest. Said department shall carefully file and preserve such reports and shall from them ascertain what ditches, canals and reservoirs are, and what are not, receiving their proper supply of water, and if it shall appear that in any district of that division, any ditch, canal or reservoir is receiving water whose priority postdates that of the ditch, canal or reservoir in another district as ascertained from its register, it shall at once order such postdate ditch, canal or reservoir shut down, and the water given to the elder ditch, canal or reservoir; its orders being directed at all times to the enforcement of priority of appropriation, according to its tabulated statement of priorities, to the whole division, and without regard to the district within which the ditches, canals or reservoirs may be located prior to the expiration of the watermaster's appointment for the current year. This report shall show the total amount of water delivered by the watermaster during the preceding year, the amount delivered to each water user, the total expense of delivery and the apportionment of expenses among users and all debits and credits to be carried over to the following year. Such report shall also include records of stream flow the watermaster used or made in the process of distributing water supplies. The director may ask for other information deemed necessary in assuring proper distribution of water supplies within the district. The reports of watermasters to the department of water resources shall be filed and kept in the office of the department.

SECTION 9. That Section 42-607, Idaho Code, be, and the same is hereby amended to read as follows:

42-607. DISTRIBUTION OF WATER. It shall be the duty of said watermaster to distribute the waters of the public stream, streams or water supply, comprising his water district, among the several ditches taking water therefrom according to the prior rights of each respectively, in whole or in part, and to shut and fasten, or cause to
be shut or fastened, under the direction of the department of water resources, the headgates of the ditches heading or other facilities for diversion of water from such stream, streams or water supply, when in times of scarcity of water it is necessary so to do in order to supply the prior rights of others in such stream or water supply; provided, that any person or corporation claiming the right to the use of the waters of the stream or water supply comprising a water district, but not owning or having the use of an adjudicated or decreed right therein, or right therein evidenced by permit or license issued by the department of water resources, shall, for the purposes of distribution during the scarcity of water, be held to have a right subsequent to any adjudicated, decreed, permit, or licensed right in such stream or water supply, and the watermaster shall close all headgates of ditches or other diversions having no adjudicated, decreed, permit or licensed right if necessary to supply adjudicated, decreed, permit or licensed right in such stream or water supply. So long as a duly elected watermaster is charged with the administration of the waters within a water district, no water user within such district can adversely possess the right of any other water user.

SECTION 10. That Section 42-608, Idaho Code, be, and the same is hereby amended to read as follows:

42-608. WATERMASTER'S TERM OF SERVICE. (1) Said watermasters shall not begin their work until they have been called upon by three or more owners or managers of ditches or persons controlling ditches or other diversion facilities, in the several districts, by application in writing to the department of water resources, stating that there is a necessity for the use and control of the waters of such district.

(2) In the absence of application or in water districts in which there are five or fewer adjudicated water rights, the watermaster may be called upon to assume his duties at any time the department of water resources finds that there is a necessity for the use and control of the waters of the district.

(3) The watermaster shall not continue performing services after the necessity therefor shall cease, which shall be determined by the department of water resources, and which shall not be after the first of November of each year, unless determined necessary by the director of the department of water resources or is otherwise provided by the rates and regulations of the respective districts; a resolution adopted at the annual water users' meeting for said water district.

(4) At any annual meeting the water users may, by resolution, provide that the watermaster shall serve throughout the year. The department of water resources, upon receipt of a certified copy of the minutes of said meeting containing such resolution and upon the receipt of the oath of said watermaster, as provided for in section 42-605, Idaho Code, shall immediately issue a certificate of appointment ordering said watermaster to assume his duties at once and continue the same throughout the year as provided for in said resolution.

(5) The director of the department of water resources, upon receipt of a petition requesting an extension of the watermaster's
term of service in any year from the holder of a water right authorizing the diversion or storage of water during the time period for which the extension is sought and upon a determination of necessity therefor shall extend the watermaster's term of service for the period of time determined necessary by the director in any year. Payment for watermaster services during the extended term of service ordered by the director shall be the responsibility of the holders of water rights delivered by the watermaster during the extended term of service. For the purpose of determining voting rights at a water district meeting, amounts paid for watermaster services pursuant to this subsection shall be included in the calculation of annual assessment amounts and assessment rates under sections 42-605 and 42-605A, Idaho Code.

SECTION 11. That Section 42-609, Idaho Code, be, and the same is hereby amended to read as follows:

42-609. WATERMASTER'S ASSISTANTS -- EMPLOYMENT IN EMERGENCY -- OATH AND COMPENSATION. Said watermaster shall have power, in case of emergency, with the approval of the director of the department of water resources, to employ suitable assistants in addition to those who may have been approved at the annual meeting of the water users of the district to aid him the watermaster in the discharge of his the watermaster's duties, who shall take the same oath as the watermaster, and shall obey his the watermaster's instructions, and shall be entitled to a salary as set by the water users in their adopted budget and approved by the director of the department of water resources, or if no budget is adopted, then as set by the director of the department of water resources, to be paid in the same manner as provided for the payment of watermasters provided that not more than one (1) assistant shall be appointed to each fifteen-(15)-miles-of-the-stream-whose waters have been allotted.

SECTION 12. That Section 42-610, Idaho Code, be, and the same is hereby amended to read as follows:

42-610. COMPENSATION OF WATERMASTERS -- ALLOTMENT AND CHARGE AGAINST LAND -- CHARGE AGAINST CANAL. Watermasters herein provided for shall make up a sworn statement which shall be approved by the department of water resources, and shall show the number of days said watermaster has devoted to the distribution of such water, and the number of days his the watermaster's assistant or assistants have devoted to the same purpose, and such statement shall also show the volume of water, stated in cubic feet per second, he the watermaster has by virtue of the allotment of said waters delivered to each user each day, and shall describe the lands to which said water was so delivered. The pay for the services of said watermaster and his the watermaster's assistants shall be a charge against the land of the users to which said water was so delivered, the expense for said services being first divided between all classes as to priority of allotment or decree, in the proportion which the number of days such water is received by all users in the same class of priority of allotment or decree bears to the whole number of days said watermaster is engaged
in distributing said water; the amount charged to each user in the same class of priority of allotment or decree bearing the same proportion to the amount charged to all users in the same class of priority of allotment or decree as the volume of water delivered to each user bears to the whole amount delivered to all of like class of priority of allotment or decree, by the said watermaster and his the watermaster's assistants. This statement, which shall show the proper distribution of the said expenses among the various users, shall be filed with the auditor and recorder of the county or counties in which the said water was delivered, unless such county or counties have elected to not provide county services for the collection of assessments and payment of district expenses as provided in section 42-619, Idaho Code: provided, that in counties which have not so elected to decline providing the services, when any portion of the allotted waters is distributed by said watermaster to the canal of any duly organized canal company, the amount of the expense chargeable for such services shall be a charge against such canal and the account of such charge to be paid by the county in the manner herein provided shall be charged as a tax against such canal, which tax shall be collected in the manner provided by law for the collection of other taxes, and no canal in this state shall be exempt from the payment of such tax, whether the water right be decreed or undecreed, or whether the water so distributed to said canal be the natural flow of the stream, or stored water, or whatever may be its source, nature or description.

SECTION 13. That Section 42-612, Idaho Code, be, and the same is hereby amended to read as follows:

42-612. BUDGET OF WATER DISTRICT -- ADOPTION AND CONTENTS -- DEBT OF WATER USER. At any annual meeting the water users must adopt a budget covering the estimated expenses of delivering the water of said district for the ensuing year, and by resolution determine that said budget shall be collected, and the compensation of the watermaster and his the watermaster's assistants and any other expenses of delivering the water of said district to the users thereof, including the costs of the advisory committee in implementing resolutions adopted by the water users of the district for activities other than the payment of the salary and operating expenses of the watermaster and assistants, shall be paid in the manner hereinafter, in this section, provided. To the extent possible, funding for advisory committee expenses associated with implementing resolutions adopted by the water users for other than the payment of the salary and operating expenses of the watermaster and assistants shall come from funds available pursuant to section 42-613A, Idaho Code. Said budget shall show the aggregate amount to be collected from all the water users in said district, and the amount to be paid by each ditch, canal company, irrigation district or other water user, and for the purpose of computing said respective amounts, the water delivered to the various ditches, canal companies, irrigation districts or other users during the past season or seasons, not exceeding five (5) seasons, shall be used as a basis. Upon the adoption of said budget the amount payable by each ditch, canal company, irrigation district or other water user, as shown by said budget, shall become the debt of each respectively and shall
become due and payable as hereinafter provided. Other provisions of chapter 6, title 42, Idaho Code, notwithstanding, water users may at the annual meeting by resolution provide for an annual charge not to exceed twenty dollars ($20.00) per water user for watermaster services. Said minimum charge is applicable whenever the prorated charge against any ditch, canal company, irrigation district or other water user is less than the minimum charge.

SECTION 14. That Section 42-613, Idaho Code, be, and the same is hereby amended to read as follows:

42-613. BUDGET -- COLLECTION -- PAYMENT OF DISTRICT EXPENSES. Said budget when approved shall be filed with the secretary of said meeting and thereupon the watermaster shall immediately prepare and file a certified copy thereof with the director of the department of water resources and a certified copy with the county auditor of such county or counties designated at said water users' meeting. If more than one (1) county is designated then said budget shall show the amount to be collected in each county and the water users from which each county shall make collection. Each auditor of the county or counties so designated, shall immediately make up a roll showing the amount of said budget to be collected by his county and the ditch, canal company, irrigation district or other water user from whom the same shall be collected and the respective amounts from each. When said roll is completed, the county auditor shall deliver the same to the county treasurer for collection. Said county treasurer shall thereafter mail a notice to each ditch, canal company, irrigation district or other water user of the amount payable by each such water user, for the distribution of water and other expenses of said district for the ensuing year, which amount shall be due and payable on the first day of June of said year and if not so paid, shall bear interest at the rate of eight per cent (8%) per annum from said date until paid. It is hereby declared the duty of the respective county auditors and treasurers to perform the services herein required.

The county treasurer, upon receipt of said roll, shall open a special account to be known as "Water District Funds" and shall credit to said account all moneys received from the water users of said district. The compensation of the watermaster and his assistants and any other charges against said water district shall be paid from the funds of said account in the same manner as bills against the county are paid.

SECTION 15. That Section 42-613A, Idaho Code, be, and the same is hereby amended to read as follows:

42-613A. PROCEEDS FROM THE LEASE OF STORED WATER -- DISTRICT RETENTION -- CONTROL AND USE BY ADVISORY COMMITTEE. Each advisory committee of a water district created pursuant to section 42-604, Idaho Code, and chosen pursuant to section 42-605(6), Idaho Code, when appointed by the water resource board to facilitate the rental of stored water in the district pursuant to section 42-1765, Idaho Code, shall be authorized to manage and retain in a special account the proceeds accruing within the district from the rental of storage water
leased under the provisions of section 42-1765, Idaho Code. The account shall not be used to reduce assessments to water users nor shall it be paid to water users in any event. Notwithstanding the supervisory responsibilities of the director of the department of water resources over the activity of watermasters delivering water within water districts, the account shall be under the exclusive control of the advisory committee of the water district when such committee has been appointed by the water resource board to facilitate the rental of stored water in the district within which the leased water is stored.

All proceeds from the lease of stored water which are retained by the advisory committee of any district under this section shall be used in accordance with the resolutions duly adopted by the water users of the district solely for one or more of the following public purposes:

1. Expenses of the district.
2. Improvements to the district's facilities, including a reasonable reserve for future improvements.
3. Educational projects designed to increase public awareness in the area of water distribution, water rights and water conservation.
4. Other public projects designed to assist in the adjudication, conservation or more efficient distribution of water.

All funds retained by an advisory committee pursuant to this section shall be deposited by the water district treasurer pursuant to the public depository law.

SECTION 16. That Section 42-614, Idaho Code, be, and the same is hereby repealed.

SECTION 17. That Section 42-615, Idaho Code, be, and the same is hereby amended to read as follows:

42-615. PROPOSED BUDGET FOR SUCCEEDING YEAR. Said Each watermaster shall, on or before November fifteenth in each year at least thirty (30) days prior to the annual meeting of the water users of the water district, also prepare and file with the secretary of said water meeting department of water resources a proposed budget for the succeeding year, together with a distribution of the amount of said budget to the respective water users, using the actual deliveries for the past irrigation season or seasons, as the basis for said distribution as hereinabove provided, which said proposed budget and distribution shall be submitted to the water users for consideration and approval at the next annual water meeting.

SECTION 18. That Section 42-616, Idaho Code, be, and the same is hereby amended to read as follows:

42-616. BUDGET -- ACTION TO COLLECT CHARGES -- ATTORNEY'S FEES. Said The county treasurer or water district treasurer of a water district shall have the right to collect any charges due and unpaid, by civil action, said action to be brought in any court of competent jurisdiction, in the name of the county treasurer or water district treasurer to whom such charges are payable, and in addition to the
amount found due, together with interest and costs, may also recover such sum as the court may adjudge reasonable as attorney's fees in said action.

SECTION 19. That Section 42-617, Idaho Code, be, and the same is hereby amended to read as follows:

42-617. TIME FOR COLLECTION OF BUDGET -- WATER NOT DELIVERED UNTIL CHARGES PAID -- FILING OF RESOLUTIONS AND COPIES -- COLLECTION AT TIME FIXED. At any annual meeting of the water users at which a budget has been adopted, covering the estimated expenses of said district for the ensuing year, as provided in section 42-612, Idaho Code, said water users may by resolution fix a date different than that fixed by said section 42-613, Idaho Code, upon which the amount payable by each ditch, canal company, irrigation district or other water user shall become due and payable, and said amount shall become due and payable from each such user on the date so fixed by said resolution, and if not paid when due shall bear interest from said date until paid at the rate of eight per cent (8%) per annum. Said water users at said meeting may also by resolution provide that no ditch, canal company, irrigation district or other water user shall have the right to demand and receive or to continue to receive any water and the watermaster shall not deliver water to any such user until the amount due and payable from such user, as shown by the budget adopted at said meeting, has been paid.

All resolutions adopted under the provisions of this section shall be filed with the secretary of said meeting and thereupon he shall immediately prepare and file a certified copy thereof with the commissioner-of-reclamation director of the department of water resources and a certified copy with the county auditor of such county or counties as designated at said water users' meeting.

At the same time the county auditor delivers the roll to the county treasurer for collection, as provided in said section 42-613, Idaho Code, he shall also deliver to said treasurer a copy of any resolutions filed in his office, under the provisions of this section. The county treasurer shall collect said roll in the manner provided in said section 42-613, Idaho Code, or the watermaster may collect the assessment as provided in section 42-618, Idaho Code: provided, that if said water users at their annual meeting have by resolution provided for a time of payment of the amount due from each user, as shown in said budget, other than the time fixed in said section 42-613, Idaho Code, the said county treasurer or said watermaster shall collect the same at the time fixed in said resolution: and, provided further, that if said water users have by resolution provided that no water shall be delivered to any water user until the amount due from such user has been paid, said the notice, to be mailed by said county treasurer or watermaster, shall also state the substance of said resolution.

SECTION 20. That Section 42-618, Idaho Code, be, and the same is hereby amended to read as follows:

42-618. ALTERNATE PLAN OF COLLECTING EXPENSES IN WATER DISTRICTS.
In water districts the water users, instead of following the provisions of sections 42-612, 42-613, 42-614, 42-615, 42-616, and 42-617, Idaho Code, may, at any annual meeting, authorize the watermaster to collect his compensation and that of his assistants, and other expenses of delivering the water of said district to the users thereof, directly from the water users, canal companies, and irrigation districts. When so authorized the watermaster shall collect such compensation and expenses directly from the water users and shall turn the collected funds over to the water district treasurer for deposit and disbursement in accordance with section 42-619, Idaho Code. The water users in such water districts may also, at any annual meeting, authorize the watermaster to withhold water deliveries or suspend water deliveries in the event delivery has commenced, from those users who have not paid their pro rata share of the cost of operating the district as levied until such time as said pro rata share of the cost is paid. Said water district shall have the right to collect any charges due and unpaid, by civil action, said action to be brought in any court of competent jurisdiction, in the name of the watermaster to whom such charges are payable, and in addition to the amount found due, together with interest and costs, may also recover such sum as the court may adjudge reasonable as attorney's fees in said action.

SECTION 21. That Section 42-619, Idaho Code, be, and the same is hereby amended to read as follows:

42-619. ALTERNATE PLAN FOR PAYMENT OF DISTRICT EXPENSES. (1) The county commissioners of any county having determined that providing the service of payment of water district expenses by the county treasurer from water district funds pursuant to section 42-613, Idaho Code, is an undue burden upon the county and shall no longer be provided, shall notify the director of the department of water resources of this action by December 1 in the year preceding the year for which the action shall first be effective by providing to the director a certified copy of the resolution of the commissioners taking such action.

(2) Notice of the action of the county commissioners shall be given to the water users of the district by the department of water resources together with the notice of the annual meeting given pursuant to section 42-605, Idaho Code.

(3) At each annual meeting of a district for which the county commissioners have taken the action provided for in subsection (1) of this section, the water users shall provide for the election or appointment of a water district treasurer. If a water district treasurer is not elected at the annual meeting, and one is found to be necessary, the director of the department of water resources shall appoint a water district treasurer. The water district treasurer shall keep a complete, accurate and permanent record of all moneys received by and disbursed for and on behalf of the district. The water district treasurer shall deposit all moneys of the district in a designated depository approved at the annual meeting, and shall comply with the public depository law as contained in chapter 1, title 57, Idaho Code.

(4) Before undertaking the duties of the office, the water district treasurer shall take and subscribe to an oath before an officer
authorized by the laws of the state to administer oaths, to faithfully perform the duties of the office, and shall file the oath with the director of the department of water resources. Upon issuance by the director of a certificate confirming the election or appointment of a water district treasurer, the actions taken by the water district treasurer in fulfillment of the duties of the office are covered by the state group surety bond as provided in sections 59-801 through 59-804, Idaho Code.

(5) The water district treasurer shall serve until a successor is elected or appointed, and qualified. A water district treasurer may be removed from office by the director for failure to perform the duties of the office in the manner provided for removal of a watermaster.

(6) Compensation for the services of the water district treasurer shall be set at the annual meeting and may be established on a fixed-sum, per diem, or voluntary basis. If a water district treasurer is appointed by the director in the absence of being elected at the annual meeting, the director shall fix the compensation to be paid, if any.

(7) With respect to any district for which the county commissioners have taken the action provided for in subsection (1) of this section, or for which the water users have taken the action provided for in subsection (10) of this section and have notified the county thereof, the county auditor shall in the time and manner provided by section 63-2104, Idaho Code, transmit to the water district treasurer of the water district a settlement of all moneys belonging to such district paid into the county treasury and apportioned to such water district on or after the second Monday of the preceding month; provided, however, that in the months of July and January the money may be transmitted no later than the 25th of the month. The treasurer of the water district shall immediately deposit the funds in the designated depository for the district.

(8) The treasurer of the water district shall only disburse moneys from the water district account upon submission of a written voucher approved by the watermaster for expenses incurred for water district purposes related to the delivery of water or by a voucher approved by the chairman of the advisory committee for activities pursuant to resolutions adopted by the water users from district funds or funds retained pursuant to section 42-613A, Idaho Code.

(9) It shall be the duty of the water district treasurer to prepare a statement of the financial affairs of the district at the end of each fiscal year and to file the statement with the director of the department of water resources. An audit of the financial affairs of the district, by an independent public accounting firm, shall be made at district expense at intervals of not more than three (3) years for districts having an annual expense of more than three thousand dollars ($3,000), and at intervals of not more than five (5) years for districts having an annual expense of three thousand dollars ($3,000) or less. A certified copy of the audit shall be filed with the director of the department of water resources following the audit.

(10) In any water district for which the county commissioners have not taken the action provided for in subsection (1) of this section, the water users may at the annual meeting of the district approve a resolution authorizing the election or appointment of a
water district treasurer who shall exercise all duties and responsibilities of a treasurer provided for in this section.

(11) In water districts with an annual budget of three thousand dollars ($3,000) or less, the water users may by resolution adopted at the annual meeting authorize the watermaster to serve as water district treasurer. Watermasters in water districts with annual budgets in excess of three thousand dollars ($3,000) shall not be authorized to act as water district treasurer.

SECTION 22. That Section 42-1765, Idaho Code, be, and the same is hereby amended to read as follows:

42-1765. LOCAL COMMITTEES -- RENTAL OF STORED WATER -- APPORTIONMENT OF RENTAL PROCEEDS. The water resource board may appoint local committees, including water district advisory committees as provided in section 42-605(6), Idaho Code, to facilitate the rental of stored water. When so appointed, the committee shall have the authority to market stored water between consenting owners and consenting renters under rules and regulations adopted by the board. The director of the department of water resources may approve a general lease which the local rental committee may utilize to meet the approval requirements enumerated in section 42-1763, Idaho Code.

In exercising its authority under this section, the local rental committee, if also the advisory committee of a water district, shall determine, in advance, at the annual meeting of water users of the water district held pursuant to section 42-605, Idaho Code, each year, that portion of the proceeds for the year from the lease of stored water to be paid to consenting contract holders of the storage water rights as reimbursement for their costs and that portion to be retained by the district in which the committee is located. Any proceeds retained by a district shall be used exclusively by the advisory committee of the water district for public purposes as set forth in section 42-613A, Idaho Code, and as provided by resolutions adopted by the water users of the district.

Approved April 14, 1992.

CHAPTER 340
(H.B. No. 892)

AN ACT
RELATING TO INTERIM PROTECTED RIVERS; PROVIDING THAT THE WATER RESOURCE BOARD SHALL DESIGNATE STRETCHES OR REACHES OF STREAMS OR RIVERS IN THE HENRYS FORK BASIN AS AN INTERIM PROTECTED RIVER, TO PROVIDE THAT THE WATER RESOURCE BOARD SHALL DETERMINE THAT CERTAIN ACTIVITIES ARE PROHIBITED AND TO PROVIDE WHEN INTERIM PROTECTED RIVER STATUS SHALL TERMINATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. Notwithstanding any other provision of law to the con-
trary, the Water Resource Board shall designate the following stretches or reaches in the Henrys Fork Basin as an interim protected river pursuant to Section 42-1734D, Idaho Code. The Water Resource Board shall determine which of the activities listed in subsection (5) of Section 42-1734A, Idaho Code, are prohibited. The aforementioned stretches or reaches are summarized as follows:

1. Henrys Fork of the Snake River from its point of origin at Henrys Lake to the point of its confluence with the backwaters of Ashton Reservoir.
2. Warm River: Partridge Creek to Warm River Campground.
3. Falls River: Idaho Border to Kirkham bridge.
4. Bitch Creek: Idaho Border to mouth.
5. Teton River: Trail Creek to the backwaters of Teton Dam.

Interim protected river status provided by this act shall be terminated not later than ten (10) days following the end of the regular legislative session in 1994.

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 14, 1992.

CHAPTER 341
(S.B. No. 1465, As Amended)

AN ACT
RELATING TO ADOPTION AND CHILDREN SERVICES; AMENDING SECTION 16-1506, IDAHO CODE, TO PROVIDE FOR A SOCIAL INVESTIGATION OF PROSPECTIVE ADOPTIVE PARENTS; AMENDING SECTION 16-1513, IDAHO CODE, TO PROVIDE FOR NOTICE TO PUTATIVE FATHERS, AND TO PROVIDE PROPER NOMENCLATURE; AMENDING SECTION 16-2008, IDAHO CODE, TO PROVIDE PROPER NOMENCLATURE; AMENDING SECTION 16-2010, IDAHO CODE, TO REQUIRE THAT A DECREE OF TERMINATION REFLECT NOTICE TO THE PARENT OF THE ADOPTION REGISTRY; AMENDING SECTION 56-204A, IDAHO CODE, TO PROVIDE FOR SERVICES FOR PARENTS; AND PROVIDING EFFECTIVE DATES FOR SECTION 16-1513, IDAHO CODE.

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

SECTION 1. That Section 16-1506, Idaho Code, be, and the same is hereby amended to read as follows:

16-1506. PROCEEDINGS ON ADOPTION. (1) Proceedings to adopt a child shall be commenced by the filing of a petition together with a copy thereof. Said petition shall be initiated by the person or persons proposing to adopt the child and shall be filed with the district court of the county in which said person or persons reside. The petitioners shall have resided and maintained a dwelling within the state of Idaho for at least six (6) consecutive months prior to the filing of a petition. The petition shall set forth the name and address of
the petitioner or petitioners, the name of the child proposed to be adopted and the name by which it shall be known if and when adopted, the degree of relationship of the child, if any, to the petitioner or petitioners and the names of any person or agency whose consent to said adoption is necessary. At the time fixed for hearing such petition the person adopting a child, and the child adopted, and the spouse of petitioner if a natural parent of the child, must appear before the court of the county wherein the petition was filed. Petitioner shall at such time execute an agreement to the effect that the child shall be adopted and treated in all respects as his own lawful child should be treated.

(2) Any person or persons whose consent is required shall execute such consent in writing, in a form consistent with the provisions of subsection (f) of section 16-2005, Idaho Code, which consent being filed in the court where the application is made, shall be deemed a sufficient appearance on the part of such person or persons. If any adoptive parent, or a person not a minor being adopted by a resident adult under the provisions of section 16-1501, Idaho Code, is a member of the armed services and is unable to attend the hearing, his appearance and testimony shall be received by means of deposition, which shall be filed in the court at the time of the hearing.

(3) Prior to the placement for adoption of any child in the home of prospective adoptive parents, it shall be required that a thorough social investigation of the prospective adoptive family and all of its members, consistent with the rules regarding such investigations promulgated by the department of health and welfare, shall be completed and that a positive recommendation for adoptive placement shall have been made. In those instances where the prospective adoptive parent is married to the birth parent of the child to be adopted, such social investigation shall be completed with regard to the prospective adoptive parent upon order of the court. In exigent circumstances where the prospective adoptive parents are determined by the court to have been unable to complete a social investigation of the family with a positive recommendation prior to the time the child is placed in the home, the child shall remain in the home unless the court determines the best interests of the child are served by other placement. If exigent circumstances exist, a social investigation shall be initiated within five (5) days of placement. Once initiated, all studies shall be completed within sixty (60) days. Upon the filing of a petition to adopt a minor child by a person unrelated to the child or unmarried to a natural parent of the child and at the discretion of the court upon the filing of any other petition for adoption, a copy of such petition, together with a statement containing the full names and permanent addresses of the child and the petitioners, shall be served by the court receiving the petition within five (5) days on the director of the department of health and welfare by registered mail or personal service. It shall then be the duty of the said director, through the personnel of the department or through such qualified child-placing children's adoption agency incorporated under chapter 3, title 30, Idaho Code, as the director may designate, to verify the allegations of the petition, and as soon as possible not exceeding thirty (30) days after service of the petition on the director to make a thorough investigation of the matter to include in all cases information as to
the alleged date and place of birth and as to parentage of the child to be adopted as well as the source of all such information and report his findings in writing to the court. The investigative report shall include reasonably known or available medical and genetic information regarding both natural parents and sources of such information as well as reasonably known or available providers of medical care and services to the natural parents. A copy of all medical and genetic information compiled in the investigation shall be made available to the adopting family by the department or other investigating children's adoption agency prior to entry of the final order of adoption. The petition, statement and all other papers, records or files relating to the adoption, including the preplacement investigation and recommendation, shall be returned to the court with the investigative report. The department of health and welfare or other children's adoption agency may require the petitioner to pay all or any part of the costs of the investigation. If the report disapproves of the adoption of the child, motion may be made to the court to dismiss the petition.

(4) Proceedings for termination of parent-child relationship in accordance with chapter 20, title 16, Idaho Code, and proceedings for adoption may be consolidated and determined at one hearing provided that all of the requirements of this chapter as well as chapter 20, title 16, Idaho Code, be fully complied with.

SECTION 2. That Section 16-1513, Idaho Code, be, and the same is hereby amended to read as follows:

16-1513. CLAIM OF PATERNITY. (1) A person who is the father or claims to be the father of a child born out-of-wedlock may claim rights pertaining to his paternity of the child by registering with the vital statistics unit of the department of health and welfare, a notice of his claim of paternity to the child born out-of-wedlock and his willingness and intent to support the child to the best of his ability. The vital statistics unit of the department of health and welfare shall provide forms for the purpose of registering the notice, and the forms shall be made available through the vital statistics unit of the Idaho department of health and welfare and in the office of the county clerk in every county of this state. When making a claim of paternity, a person who is the father or claims to be the father of a child born out-of-wedlock, shall mail to the vital statistics unit of the department of health and welfare, the completed form prescribed by the vital statistics unit of the department of health and welfare. Said form will be filled out completely, signed by the person claiming paternity, and witnessed before a notary public.

(2) The claim of paternity may be registered prior to the birth of the child, but must be registered prior to the date of any termination proceeding, or proceeding wherein the child is placed with an agency licensed to provide adoption services. The claim of paternity shall be signed by the registrant and shall include his name and address, the name and last address of the mother, and either the birthdate of the child or the probable month and year of the expected birth of the child. The vital statistics unit of the department of health and welfare shall maintain a confidential registry for this purpose.
(3) Any father of such child who fails to file and register his notice of claim to paternity and to assume responsibility for the child shall be barred from thereafter bringing or maintaining any action to establish his paternity of the child. Failure of such filing or registration shall constitute an abandonment of said child and shall be prima facie evidence of sufficient grounds to support termination of such father's parental rights in accordance with section 16-2005, Idaho Code.

(4) The department of health and welfare, division of social family and children's services, private adoption agencies or attorneys and/or their representatives involved in adoptions shall notify all putative fathers by personal service at least ten (10) days prior to the date of any termination proceeding or proceeding wherein the child is placed with an agency licensed to provide adoption services, of their need to register their intent to support and exercise their rights and responsibilities toward the child born out-of-wedlock, whether born or unborn.

(5) If personal service cannot be obtained, then service by publication, notifying the father of the requirement to register his claim of paternity with the vital statistics unit of the department of health and welfare prior to the date of any termination proceeding or proceeding wherein the child is placed with an agency licensed to provide adoption services, shall be sufficient. Service by publication shall include sending of notice by registered or certified mail to the last known address of the person to be notified and publication of the notice once a week for three (3) successive weeks in a newspaper of general circulation within the county where the court is located. Notification by publication must be completed at least ten (10) days prior to any termination proceeding, or proceeding wherein the child is placed with an agency licensed to provide adoption services.

(6) Notice of the requirement to register, as provided in this section, may be combined with a notice of termination of parental rights, as provided in chapter 20, title 16, Idaho Code.

(7) In any termination proceeding pertaining to a child born out-of-wedlock, if there is no showing that the putative father has consented to termination prior to the granting of a decree allowing the termination, a certificate shall be obtained from the vital statistics unit of the department of health and welfare, signed by the state registrar of vital statistics, which certificate shall state that a diligent search has been made of the registry of notices from putative fathers, of a child born out-of-wedlock, and that the putative father involved is not registered.

(8) Identities of putative fathers can only be released, whether in or out of state, to the department of health and welfare, organizational units for social family and children's services and child support enforcement, licensed private adoption agencies, or attorneys involved in adoptions of the children related to the registrant.

(9) To cover the cost of implementing and maintaining said registry, the vital statistics unit of the department of health and welfare shall charge a registration fee of ten dollars ($10.00) at the time the putative father registers his intent to exercise his parental rights. It is the intent of the legislature that the fee shall cover all direct and indirect costs incurred pursuant to this section. The
board of health and welfare shall annually review the fees and expenses incurred pursuant to administering the provisions of this section.

(10) Consistent with its authority denoted in the vital statistics act, section 39-242(c), Idaho Code, the board of health and welfare shall adopt, amend and repeal regulations for the purpose of carrying out the provisions of this section.

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. a. 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 children's 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, bureau of child support enforcement 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.

b. 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 the department of health and welfare, division of family and children's services, or a licensed children's adoption agency, and that a report in writing of such study be submitted to the court prior to the hearing, except that where an authorized the department of health and welfare or a licensed children's adoption 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 department of health and welfare or the licensed children's adoption 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 16-2010, Idaho Code, be, and the same is hereby amended to read as follows:
16-2010. DECREE. Every order of the court terminating the parent and child relationship or transferring legal custody or guardianship of the person of the child, or providing for protective supervision of the child, shall be in writing and shall recite the findings upon which such order is based, including findings pertaining to the court's jurisdiction.

a. If the court finds sufficient grounds exist for the termination of the parent and child relationship, it shall so decree and:
   (1) Appoint an individual as guardian of the child's person, or
   (2) Appoint an individual as guardian of the child's person and vest legal custody in another individual or in an authorized agency, or
   (3) Appoint an authorized agency as guardian of the child's person and vest legal custody in such agency.
   (4) The decree shall also reflect that the parent has been notified of the existence of the voluntary adoption registry, established in section 39-259A, Idaho Code.

b. Where the court does not order termination of the parent and child relationship, it shall dismiss the petition; provided, however, that where the court finds that the best interest of the child requires substitution or supplementation of parental care and supervision, it shall make an order placing the child under protective supervision, or vesting temporary legal custody in an authorized agency, fixing responsibility for temporary child support, and designating the period of time during which the order shall remain in effect.

c. If termination of parental rights is granted and the child is placed in the guardianship or legal custody of the department of health and welfare the court, upon petition, shall conduct a hearing as to the future status of the child within eighteen (18) months of the order of termination of parental rights, and every eighteen (18) months subsequently until the child is adopted or is in a placement sanctioned by the court.

SECTION 5. That Section 56-204A, Idaho Code, be, and the same is hereby amended to read as follows:

56-204A. SERVICES FOR CHILDREN. The state department is hereby authorized and directed to maintain, by the adoption of appropriate rules and regulations, activities which, through social casework and the use of other appropriate and available resources, shall embrace:
   (a) Protective services on behalf of children whose opportunities for normal physical, social and emotional growth and development are endangered for any reason;
   (b) Services for unmarried mothers parents, which may be necessary to assure or provide adequate confinement care, and to safeguard the rights and promote the well-being of such mothers parents and their infants;
   (c) Services on behalf of children in their own homes to help overcome problems that may result in dependency, neglect or delin-
quency, and to strengthen parental care and supervision; and
(d) Undertaking care of, and planning for children including those committed to the state department by the courts.

Such rules and regulations shall provide for:
(1) Receiving from any source and investigating all reasonable reports or complaints of neglect, abuse, exploitation or cruel treatment of children;
(2) Initiation of appropriate services and action where indicated with parents or other persons for the protection of children exposed to neglect, abuse, exploitation or cruel treatment;
(3) Filing pleadings with appropriate courts in cases requiring court action;
(4) Arrangements for prenatal and confinement care of unmarried expectant mothers and payment for such care when necessary for the well-being of the mother parents and infant;
(5) Counseling with unmarried mothers parents in relation to their plans for their children, including assisting mothers parents to reach a decision concerning relinquishment through an understanding of what would be best for her the child and herself themselves;
(6) Services and assistance toward rehabilitation for minor unmarried mothers parents;
(7) Services on behalf of children in their own homes to strengthen parental care and supervision;
(8) Specifying the conditions under which payment shall be made for the purchase of services and care for children, such as medical, psychiatric or psychological services and foster family or institutional care, group care, homemaker service, or day care;
(9) Procedures to be observed in planning and caring for or placing for adoption a child committed to the state department following the termination of his parent-child relationship;
(10) The establishment of appropriate administrative procedures for the conduct of administrative reviews and hearings as required by federal statute for all children committed to the department and placed in out of home care.

SECTION 6. The amendments to Section 16-1513, Idaho Code, made by this act shall be in full force and effect on and after July 1, 1992, and shall be in addition to and shall not negate the amendments to Section 16-1513, Idaho Code, made by Section 9, Chapter 213, Laws of 1990, which shall be in full force and effect on and after July 1, 1993.

Approved April 15, 1992.

CHAPTER 342
(S.B. No. 1477, As Amended in the House)

AN ACT
RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1302, IDAHO CODE, TO PROVIDE THAT THE BASE PERIOD IS REDUCED
OVER A FOUR YEAR PERIOD FROM SIXTY MONTHS TO THIRTY-SIX MONTHS, THAT ENTITLEMENT TO A BASE PERIOD DOES NOT VEST UNTIL THE EFFECTIVE DATE OF THAT BASE PERIOD, AND THAT RETIREMENT BENEFITS SHALL BE CALCULATED ON THE DATE OF THE AMOUNTS, TERMS AND CONDITIONS IN EFFECT AT THE DATE OF THE FINAL CONTRIBUTION BY THE MEMBER; AMENDING SECTION 59-1342, IDAHO CODE, TO PROVIDE THAT PERCENTAGE FACTORS TO COMPUTE SERVICE RETIREMENT ALLOWANCES BE INCREASED OVER A FOUR YEAR PERIOD, AND TO CORRECT A CODE REFERENCE; AMENDING SECTION 59-1346, IDAHO CODE, TO REDUCE THE PERCENTAGE FACTOR FOR COMPUTING EARLY RETIREMENT ALLOWANCES; AMENDING SECTION 59-1351, IDAHO CODE, TO PROVIDE FOR A REGULAR RETIREMENT ALLOWANCE IF THE CONTINGENT ANNUITANT OF A RETIRED MEMBER PREDECEASES THAT MEMBER; AMENDING SECTION 59-1322, IDAHO CODE, TO CLARIFY THE METHOD USED TO CALCULATE THE UNFUNDED ACTUARIAL LIABILITY; AND AMENDING CHAPTER 13, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-1309, IDAHO CODE, TO PROVIDE FOR LEGISLATIVE APPROVAL BEFORE CERTAIN ADJUSTMENTS CAN BE IMPLEMENTED.

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 chapter, 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 or federal statutes other than military service or social security 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) the monthly average of a member's salary during any base period in which his the member's salary is greater than or equal to his the member's salary in any other base period.

(5B) "Base period" means any period of sixty (60) consecutive months during which such member makes a like number of contributions pursuant to sections 59-1331--through 59-1334, Idaho Code. Effective October 1, 1992, the base period shall be fifty-four (54) months. Effective October 1, 1993, the base period shall be forty-eight (48)
months. Effective October 1, 1994, the base period shall be forty-two (42) months. Effective October 1, 1995, the base period shall be thirty-six (36) months. Entitlement to a base period shall not vest until the effective date of that base period. The retirement benefits shall be calculated on the amounts, terms and conditions in effect at the date of the final contribution by the member. If no base period exists for a member, his or her 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 or her 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 chapter 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 twenty (20) hours or more per week for an employer or a school teacher who works half-time or more 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) 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 chapter.

(15A) "Final contribution" means the final contribution made by a member pursuant to sections 59-1331-- through 59-1334, Idaho Code.

(16) "Firefighter" 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 chapter.

(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, any thrift institu-
tion or credit union or any investment management firm or individual investment manager selected by the board to hold and/or invest the employers' and members' contributions and pay certain benefits granted under this chapter.

(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 59-1331 through 59-1334 and 59-1327, 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 chapter, 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 59-1303, 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 the member's 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 chapter upon termination of employment.

(29) "Retirement board" or "board" means the board provided for in sections 59-1304 and 59-1305, Idaho Code, to administer the retirement system.

(30) "Retirement system" or "system" means the public employee retirement system of Idaho.

(31) "Salary" means the total salary or wages payable by all employers to an active member for personal services currently performed, including the cash value of all remuneration in any medium other than cash in the amount reported by all employers for income tax
purposes and also including the amount of any voluntary reduction in salary agreed to by the member and employer where the reduction is used as an alternative form of remuneration to the member.

(32) "Separation benefit" means the amount, if any, payable upon or subsequent to separation from service.

(33) "Service" means personal service rendered to an employer for a salary. Service of fifteen (15) days or more during any calendar month shall be credited as one (1) month of service. Service of fourteen (14) days or less during any calendar month shall not be credited. No more than one (1) month of service shall be credited for all service in any month.

(34) "Service retirement allowance" means the periodic payment becoming payable upon an active member's ceasing to be an employee while eligible for service retirement.

(35) "State" means the state of Idaho.

(36) "Vested retirement allowance" means the periodic payment becoming payable upon an inactive member's becoming eligible for vested retirement.

(37) The masculine pronoun, wherever used, shall include the feminine pronoun.

SECTION 2. That Section 59-1342, Idaho Code, be, and the same is hereby amended to read as follows:

59-1342. COMPUTATION OF SERVICE RETIREMENT ALLOWANCES -- MINIMUM BENEFITS. (1) The annual amount of accrued retirement allowance for each month of credited service for which a member was not classified as a police officer member or firefighter shall equal one and two-thirds per cent (1 2/3%) of the member's average monthly salary. Effective October 1, 1992, the annual amount of accrued retirement allowance for all service for which a member was not classified as a police officer or firefighter shall equal one and seventy-five hundredths per cent (1.75%) of the member's average monthly salary; effective October 1, 1993, the annual amount of accrued retirement allowance shall equal one and eight hundred thirty-three thousandths per cent (1.833%) of the member’s average monthly salary; effective October 1, 1994, the annual amount of accrued retirement allowance shall equal one and nine hundred seventeen thousandths per cent (1.917%) of the member’s average monthly salary; and effective October 1, 1995, the annual amount of accrued retirement allowance shall equal two per cent (2%) of the member's average monthly salary. Entitlement to an annual amount of accrued retirement allowance shall not vest until the effective date of that annual amount of accrued retirement allowance. The retirement benefits shall be calculated on the amounts, terms and conditions in effect on the date of the final contribution by the member. The annual amount of initial service retirement allowance of such a member shall equal (a) or (b), whichever is greater:

(a) the member's accrued retirement allowance; or
(b) five dollars ($5.00) multiplied by the number of months of credited service and by the bridging factor, as provided in section 59-1355, Idaho Code, between July 1, 1974 and the first of the month following the member's final contribution.
(2) The annual amount of accrued retirement allowance for each month of credited service for which a member was classified as a police officer member or firefighter shall equal two per cent (2%) of the member's average monthly salary. Effective October 1, 1992, the annual amount of accrued retirement allowance for all service for which a member was classified as a police member or firefighter shall equal two and seventy-five thousandths per cent (2.075%) of the member's average monthly salary; effective October 1, 1993, the annual amount of accrued retirement allowance shall equal two and one hundred fifty hundredths per cent (2.150%) of the member's average monthly salary; effective October 1, 1994, the annual amount of accrued retirement allowance shall equal two and two hundred twenty-five thousandths per cent (2.225%) of the member's average monthly salary; and effective October 1, 1995, the annual amount of accrued retirement allowance shall equal two and three-tenths per cent (2.300%) of the member's average monthly salary. Entitlement to an annual amount of accrued retirement allowance shall not vest until the effective date of that annual amount of accrued retirement allowance. The retirement benefits shall be calculated on the amounts, terms and conditions in effect on the date of the final contribution by the member. The annual amount of initial service retirement allowance of such a member shall equal (a) or (b), whichever is greater:

(a) his the member's accrued retirement allowance; or
(b) six dollars ($6.00) multiplied by the number of months of credited service and by the bridging factor, as provided in section 59-1355, Idaho Code, between July 1, 1974 and the first of the month following the member's final contribution.

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

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

(5) If the majority of a member's credited service is as an elected official or as an appointed official, except as a member of the Idaho legislature, and that official was normally in the administrative offices of the employer less than twenty (20) hours per week during the term of office, or was normally not required to be present at any particular work station for the employer in excess of twenty (20) hours per week during the term of office, and that member's initial service retirement allowance for service credited only during that period would be computed under subsection (1)(b) and/or (2)(b) of this section, without consideration of any other credited service, then it will be so computed for that period of service. The initial service retirement allowance of members of the Idaho legislature will
be computed under subsection (1) and/or (2) of this section, on the basis of their total months of credited service.

If that member has credited service from any other employment, the accrued service retirement allowance for the credited service from such other employment shall be computed from an average monthly salary for salary received during the period of such other employment.

(6) In no case, however, will a member's regular retirement benefit be equal to more than the member's accrued benefit as of May 1, 1990, or one hundred per cent (100%) of the member's average compensation for the three (3) consecutive years of employment which produce the greatest aggregate compensation, whichever is greater. If the benefit is calculated to exceed one hundred per cent (100%) of the member's average compensation, the member shall be eligible for and may choose either:

(a) an annual service retirement allowance equal to the member's average annual compensation for the three (3) consecutive years of employment which produced the greatest aggregate compensation; or

(b) a separation benefit.

(7) The annual amount of retirement allowance of a member who is over age seventy (70) on the effective date of the member's retirement shall be a percentage of the member's accrued retirement allowance. Such percentage shall be one hundred per cent (100%) increased as determined by the board to compensate for each month that the member's retirement is deferred beyond age seventy (70).

SECTION 3. That Section 59-1346, Idaho Code, be, and the same is hereby amended to read as follows:

59-1346. COMPUTATION OF EARLY RETIREMENT ALLOWANCES. (1) The annual amount of initial early retirement allowance of a member shall be a percentage of his the member's accrued retirement allowance. Such percentage shall be one hundred percent (100%) if the sum of the number of years and months of credited service and the age in years and months is equal to or greater than the sum indicated below. Otherwise, such percentage shall be one hundred percent (100%) reduced by one-fourth of one percent (.25%) for each month up to sixty (60) months that the member's retirement precedes the date he the member would be eligible to receive his full accrued benefit without additional credited service, and further reduced by two-thirds of one percent (.6667%) for each additional month. Effective October 1, 1992, the further reduction for each additional month shall equal six thousand and forty-two ten-thousandths of one percent (.6042%) of the member's average monthly salary; effective October 1, 1993, the further reduction for each additional month shall equal five thousand four hundred and seventeen ten-thousandths of one percent (.5417%) of the member's average monthly salary; effective October 1, 1994, the further reduction for each additional month shall equal four thousand seven hundred and ninety-two ten-thousandths of one percent (.4792%) of the member's average monthly salary; and effective October 1, 1995, the further reduction for each additional month shall equal four thousand one hundred and sixty-seven ten-thousandths of one percent (.4167%) of the member's average monthly salary. Entitlement to an annual amount of accrued retirement allowance shall not vest until the effective date
of that annual amount of accrued retirement allowance. The retirement benefits shall be calculated on the amounts, terms and conditions in effect at the date of the final contribution by the member.

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<th>Retirement ratio as defined by section 59-13410, Idaho Code, is:</th>
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<td>81</td>
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<tr>
<td>0.951 to 1.000</td>
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(2) If the majority of a member's credited service is as an elected official or as an appointed official, except as a member of the Idaho legislature, and that official was normally in the administrative offices of the employer less than twenty (20) hours per week during the term of office, or was normally not required to be present at any particular work station for the employer in excess of twenty (20) hours per week during the term of office, that member's accrued retirement allowance for service credited only during that period shall be computed from an average monthly salary for salary received during that period of such employment only. The initial service retirement allowance of members of the Idaho legislature will be computed under subsection (1) and/or (2) of this section, on the basis of their total months of credited service.

If that member has credited service from any other employment, the accrued retirement allowance for the credited service from such other employment shall be computed from an average monthly salary for salary received during the period of such other employment.

SECTION 4. That Section 59-1351, Idaho Code, be, and the same is hereby amended to read as follows:

59-1351. CONVERSION OF SERVICE RETIREMENT OR EARLY RETIREMENT OR VESTED RETIREMENT ALLOWANCES INTO OPTIONAL RETIREMENT ALLOWANCES — FORM OF OPTIONAL RETIREMENT. (1) The service retirement allowance, the early retirement allowance or the vested retirement allowance of a member who, at time of retirement, so elects shall be converted into an optional retirement allowance which is the actuarial equivalent of such other allowance. The optional retirement allowance may take one of the forms listed below and shall be in lieu of all other benefits under this chapter except that the provisions of section 59-1361(1), Idaho Code, shall be applicable:

(a) Option 1 provides a reduced retirement allowance payable during the lifetime of the retired member, and a continuation thereafter of such reduced retirement allowance during the lifetime of the member's named contingent annuitant.

(b) Option 2 provides a reduced retirement allowance payable dur-
ing the lifetime of the retired member, and a continuation thereafter of one-half (1/2) of such reduced retirement allowance during the lifetime of his the member's named contingent annuitant.

c. Option 3, which is available only if the member retires before the date of the social security normal retirement age for that member, provides an increased retirement allowance until such date and a reduced retirement allowance thereafter, the difference between the two (2) amounts approximately equaling the governmental old-age benefit becoming payable at such date as estimated by the board.

d. Option 4, which is available only if the member retires before the date of the social security normal retirement age for that member, provides an adjusted retirement allowance until such date and a reduced retirement allowance thereafter, the difference between the two (2) amounts approximately equaling the governmental old-age benefit becoming payable at such date as estimated by the board. The retirement allowance shall be paid to the retired member during his the member's lifetime and to his the member's named contingent annuitant for life thereafter.

(2) Should the named contingent annuitant under option 1 or option 2 predecease a member retiring on or after October 1, 1992, upon notification to the board the member's benefit on the first day of the month following the death of the contingent annuitant will thereafter become an allowance calculated pursuant to section 59-1342 or 59-1346, Idaho Code, whichever was applicable on the date of retirement, in addition to any post retirement allowance adjustments which may have accrued from that time. Should the named contingent annuitant predecease the member under option 4, upon notification to the board, the member's benefit on the first day of the month following the contingent annuitant's death will thereafter become the option 3 allowance to which the member would have been entitled as of the date of the annuitant's death. The benefit changes under this subsection shall be available only to members whose last contribution was made after the effective date of this act.

(3) Option 1 or 2 may not be chosen if initial payments of less than ten dollars ($10.00) per month would result.

(34) Application for any optional retirement allowance shall be in writing, duly executed and filed with the board. Such application shall contain all information required by the board, including such proofs of age as are deemed necessary by the board.

(45) A retirement option elected at the time of retirement as provided for in this section 59-1351, Idaho Code, may not be changed except by written notice to the retirement board no later than five (5) business days after the receipt of the first retirement allowance.

(56) Not later than one (1) year after the marriage of a retired member, he the member may elect option 1, 2 or 4 to become effective one (1) year after the date of such election, provided the member's spouse is named as a contingent annuitant, and either:

(a) The member was not married at the time of his the member's retirement; or

(b) The member earlier elected option 1, 2 or 4, having named his the member's spouse as contingent annuitant, and said spouse has died. The retirement allowance to be converted in such a case is
that currently being paid under-said-election.

SECTION 5. That Section 59-1322, Idaho Code, be, and the same is hereby amended to read as follows:

59-1322. EMPLOYER CONTRIBUTIONS -- AMOUNTS -- RATES -- AMORTIZATION. (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 become effective no later than January 1 of the second year following the year of the most recent actuarial valuation, and 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 rate shall not be less than the minimum amortization rate computed pursuant to subsection (45) of this section, unless a one (1) year grace period has been made effective by the board. During a grace period, the amortization rate shall be no less than the rate in effect during the immediately preceding year. A grace period may not be made effective if more than one (1) other grace period has been effective in the immediately preceding four (4) year period.


Each of the following terms used in this subsection and in subsection (5) of this section shall have the following meanings:

(a) "Valuation" means the most recent actuarial valuation.

(b) "Valuation date" means the date of such valuation.

(c) "Effective date" means the date the rates of contributions based on the valuation become effective pursuant to subsection (1) of this section.

(d) "End date" means the date thirty (30) years after the valuation date until July 1, 1993. On and after July 1, 1993, "end date" means twenty-five (25) years after the valuation date.

(e) "Unfunded actuarial liability" means the excess of the actuarial present value of (1) over the sum of the actuarial present values of (ii), (iii), and (iv) as follows, all determined by the valuation as of the valuation date:

(a) all future benefits payable to all members and contingent annuitants;
(bii) the assets then held by the funding agent for the payment of benefits under this chapter;
(eiii) the future normal costs payable in respect of all then active members;
(div) the future contributions payable under sections 59-1331 through 59-1334, Idaho Code, by all current active members;

(e) "Projected salaries" mean the sum of the annual salaries of all members in the system and of all participants in the optional retirement program as defined in section 33-107A, Idaho Code.

(f) "Scheduled amortization amount" means the actuarial present value of future contributions payable as amortization payment from the valuation date until the effective date.

(5) The minimum amortization payment rate shall be that percentage, calculated as of the valuation date, of the then actuarial present value of the projected salaries from the effective date to the end date which is equivalent to the excess of the unfunded actuarial liability over the scheduled amortization amount.

SECTION 6. That Chapter 13, Title 59, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 59-1309, Idaho Code, and to read as follows:

59-1309. LEGISLATIVE ACTION NECESSARY TO TRIGGER ADJUSTMENT.
(1) Because of the fiscal impact that may be experienced by the units contributing to the retirement system by allowing certain adjustments to the benefits included in sections 59-1302(5B), 59-1342(1) and (2), and 59-1346(1), Idaho Code, beginning October 1, 1993, it is necessary that such adjustments be reviewed and approved by the legislature before they can be implemented.

(2) In order for the adjustments to be effective on the date stated, the legislature must adopt a concurrent resolution approving the adjustment during the legislative session immediately preceding the effective date of the adjustment.

Approved April 15, 1992.
A JOINT MEMORIAL
TO THE PRESIDENT OF THE UNITED STATES, GEORGE BUSH, TO THE SENATE AND 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 Second Regular Session of the Fifty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the purpose of the Land and Water Conservation Fund (L&WCF) Act of 1965 (Public Law 88-578, 78 Stat. 897) was enacted "... to assist in preserving, developing and assuring accessibility to all citizens of the United States of America of present and future generations ... such quality and quantity of outdoor recreation resources as may be available and are necessary and desirable for individual active participation in such recreation and to strengthen the health and vitality of the citizens of the United States ..."; and

WHEREAS, the primary source of revenue for this fund is derived from the receipts of the gas and oil leases of the outer continental shelf lands; and

WHEREAS, it has been determined that the revenues from this natural resource - in this instance a depleting resource - which belongs to all the people in the United States, are a stable funding base and should be reinvested in outdoor recreation areas and development which becomes a permanent part of this country for the use, benefit and enjoyment of all citizens of this and future generations; and

WHEREAS, there is a significant disparity between the allocation of these funds to the federal side of the program and diminishing allocation of the funds to the states and territories for important local outdoor recreation needs; and

WHEREAS, the state of Idaho's allocation of these funds has diminished from $1,900,000 in 1981 to under $280,000 in 1991; and

WHEREAS, the state of Idaho has granted over $30,000,000 of fifty per cent matching L&WCF (370 projects) allocations to rural and urban areas of Idaho which includes cities, counties, school districts, recreation districts and state agencies and has resulted in over $60,000,000 in outdoor recreation investment; and

WHEREAS, these L&WCF funds have provided significant enhancement of outdoor recreation opportunities across the state through greenbelts, bicycle/hiking/exercise trails, neighborhood parks, swimming facilities, wildlife areas, multipurpose sports fields, boating
facilities, golf courses, camping areas, equestrian arenas, fishing access, zoo facilities, amphitheatres and scenic areas; and

WHEREAS, the state portion of the program strengthens local economies through construction jobs and the creation of outdoor recreation tourism attractions; and

WHEREAS, the state of Idaho has thirty-nine L&WCF project proposals for 1992 requesting in excess of $8,500,000 of L&WCF fifty per cent matching grant moneys for outdoor recreation projects while the projected L&WCF allocation for the state is $180,000; and

WHEREAS, this significant demand for L&WCF moneys is in part due to the lack of adequate state appropriations in recent years; and

WHEREAS, the outdoor recreation infrastructure is deteriorating at an alarming rate due to the lack of funding at all levels.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that we request the Congress of the United States to balance the allocation between the federal acquisitions and the local projects under the Land and Water Conservation Fund due to the significant backlog of local needs and to begin this process by appropriating at least $100,000,000 for expenditure by the states and territories in federal fiscal year 1993.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, George Bush, 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 Senate January 28, 1992.

(S.J.M. No. 109)

A JOINT MEMORIAL
TO THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES, TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Fifty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, every twelve minutes a woman dies of breast cancer in the United States; and

WHEREAS, breast cancer incidence rates have increased approximately 3% a year since 1980; and

WHEREAS, breast cancer strikes one in nine women in America today and will take the lives of 44,500 in 1992 alone; and

WHEREAS, in Idaho, one in ten women will contract breast cancer in their lifetime and 125 will die this year; and
WHEREAS, breast cancer has become the number one cancer in the state of Idaho; and

WHEREAS, despite over twenty years of fighting the war on cancer in the United States, the incidence of breast cancer is increasing at a rapid rate so that, if left unchecked, it will result in one in seven women contracting the disease by the end of the decade; and

WHEREAS, despite advancements in detection and treatment methods, the mortality rate from breast cancer is on the rise; and

WHEREAS, the incidence of breast cancer is increasingly being diagnosed at higher rates among younger women; and

WHEREAS, despite twenty years of research, experts still do not understand the cause of breast cancer, nor do they know how to prevent breast cancer; and

WHEREAS, according to the National Cancer Institute, the United States lost ground during the 1980s in federal cancer research funding, experiencing an overall reduction of 6% in constant dollars, with cuts as high as 34% in some cancer research programs; and

WHEREAS, the survival rate in the first five years for women diagnosed in the earliest stages of breast cancer is over 90%, the rate of survival drops sharply every five years thereafter; and

WHEREAS, while mammography screening plays a vital role in early diagnosis, it by no means displaces or in any way mitigates the vital need for research into the prevention and cure of breast cancer; and

WHEREAS, without adequate health care, the 80,000 uninsured women in Idaho face the harsh risk of discovering breast cancer only in the more advanced and deadly stages of development; and

WHEREAS, in 1990, only 5% of all federal cancer research dollars were earmarked for breast cancer research; and

WHEREAS, increased federal and state commitments to breast cancer prevention and cure will in the long run not only save millions of women's lives but also reduce the economic costs associated with the disease; and

WHEREAS, the recent tide of public activism focusing attention on breast cancer and the need to accelerate the investigation into the cause, cure and prevention of the disease must be matched by state and federal commitments to these ends.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that in order to give breast cancer prevention and cure research priority, priority that will save millions of lives and reduce health care costs, we declare breast cancer a disease of epidemic proportions in both Idaho and the United States and urge that state and federal governments recognize it as a public health emergency.

BE IT FURTHER RESOLVED that the Legislature of the state of Idaho encourages third party payment for mammography screening as a preventative measure as well as for diagnostic purposes and encourages the industry to do so without the need for legislation.

BE IT FURTHER RESOLVED that the Legislature of the state of Idaho strongly urges the United States Congress to enact legislation asking that the Secretary of Health and Human Services declare breast cancer a public health emergency for the purpose of accelerating investigation into the cause, treatment and prevention of the cause of the
emergency, and urges the President of the United States to sign the legislation into law.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President and Vice President of the United States, 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 Senate February 7, 1992.
Adopted by the House February 19, 1992.

(S.J.M. No. 110)

A JOINT MEMORIAL
TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Fifty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the influx of federal mandates to state governments has created budget problems in Idaho as well as the other states of the nation in recent years; and

WHEREAS, the federal budget agreement of 1990 established new rules in an effort to cut the national deficit and a "pay-as-you-go" requirement forces members of Congress to come up with a specific source of money to pay for any new program thus making the temptations for federal lawmakers to pass on the expense to state and local governments stronger than ever; and

WHEREAS, as of September, 1991, 115 bills had been introduced in the United States Congress that, if enacted into law, would make the states pay for programs designed at the federal level; and

WHEREAS, Idaho as well as other states are having difficult times managing their fiscal affairs without having added unfunded mandates placed upon them by the United States Congress and the federal government.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that we respectfully request that when the Congress of the United States enacts legislation that provides mandates to state and local units of government, that they be included in the "pay-as-you-go" provision of federal law and thus have the effect that any proposed mandates by Congress would include provisions for paying for the mandate and would not allow the cost to simply be shifted to state and local units of government.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of
representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the Senate February 10, 1992.
Adopted by the House March 26, 1992.

(S.J.M. No. 111)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Fifty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, federal demands on the states are increasing in both costs and numbers; and
WHEREAS, the explosion of federal mandates started in the second half of the 1980's when many states were enjoying strong revenue growth and expanding services, and were enacting innovative new programs; and
WHEREAS, the mood in Washington, D.C. among both Congress and federal agencies in the late 1980's was that the states could afford new mandates; and
WHEREAS, the fiscal situations of most states are such that they cannot afford to fund such mandates and continue to fund ongoing state programs; and
WHEREAS, some mandates are being placed on the states administratively by federal executive agencies without specific statutory authorization.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that we hereby respectfully request the Congress of the United States enact and the President of the United States allow to become law, legislation which would impose a requirement on federal agencies that no regulations could be adopted which impose mandates on states or local units of government without a specific statutory authorization for the imposition of such a mandate.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, 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 Senate February 10, 1992.
Adopted by the House March 26, 1992.
A JOINT MEMORIAL

TO THE ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRA- TION; TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Fifty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, it should be the goal of our teachers to increase the awareness in the educational community of the impact of technology and science on this country's future, and to use space as a catalyst to enhance all subject areas and grade levels in our schools; and

WHEREAS, the Teacher in Space Program helps teachers realize the goal of bringing science into the classroom and provides educators with first-hand experience that they may impart to their students; and

WHEREAS, the National Aeronautics and Space Administration (NASA) Teacher in Space Program has generated considerable interest in science education; and

WHEREAS, educators and NASA have collaborated on many successful space education programs maintaining a high level of activity supporting teacher and student involvement in education; and

WHEREAS, Barbara Morgan, an elementary school teacher from McCall, Idaho has been trained and prepared for flight and has served as an advocate and role model for excellence in teaching and the reactivation of the Citizen in Space Program; and

WHEREAS, the Space Shuttle Program has resumed an active and successful flight schedule.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that the administrator of the National Aeronautics and Space Administration and our congressional delegation do everything possible to provide support and financing for the reactivation of the Teacher in Space Program.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the Administrator of the National Aeronautics and Space Administration, 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 Senate February 11, 1992.
Adopted by the House February 26, 1992.
A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES, AND TO THE GOVERNOR OF IDAHO.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Fifty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, a large majority of Idaho citizens, including loggers, timber industry workers, city councils, county commissioners, school boards and others are concerned about the possibility of a future timber shortage; and

WHEREAS, the University of Idaho finished a study of the timber supply in Idaho in 1989, which concluded that the west central highlands could face a 43% reduction of timber by the turn of the century; and

WHEREAS, the communities of Emmett, Horseshoe Bend, Idaho City, Garden Valley, Donnelly, Cascade, McCall, New Meadows, Council, Cambridge, Midvale and Weiser are very dependent upon the timber industry for jobs, taxes and the economic well-being of their respective communities; and

WHEREAS, the school districts of Gem, Boise, Valley, Adams and Washington Counties of the west central highlands of Idaho received payment in lieu of taxes (PILT) payments and federal forest reserve funds totaling $3,157,344.59; and

WHEREAS, the University of Idaho study indicates that mill output in the central highlands area contributes 33% of all jobs and 44% of all income.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that our congressional delegation and our governor of Idaho do everything possible to ensure an adequate timber supply from our federal and state lands to retain existing jobs and to maintain economic stability in our communities.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, to the congressional delegation representing the State of Idaho in the Congress of the United States and to the Governor of the State of Idaho.

Adopted by the Senate February 12, 1992.
Adopted by the House March 24, 1992.
A JOINT MEMORIAL
TO THE PRESIDENT OF THE UNITED STATES, GEORGE BUSH, TO THE SECRETARY
OF VETERANS AFFAIRS, EDWARD DORWINSKI, TO THE SENATE AND 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 Second Regular Session of the
Fifty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the United States Veterans Administration (VA) in
collaboration with the Department of Health and Human Services has
developed a program whereby certain nonveterans as well as their fami­
lies will be provided treatment in VA hospitals; and

WHEREAS, this nonveteran group would also be allowed to bring
their families for care at a time when veterans already are being
denied treatment because of a lack of funds; and

WHEREAS, the VA medical system is sacred to veterans and to the
volunteers who devote thousands of hours of service to our veterans;
and

WHEREAS, medical care in a VA hospital is an earned benefit for
veterans by virtue of their honorable service in America's armed
forces and should not be denied or diluted for our deserving veterans.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regu­
lar Session of the Fifty-first Idaho Legislature, the Senate and the
House of Representatives concurring therein, that, inasmuch as the
leadership of the United States Veterans Administration apparently has
lost sight of its mission to serve veterans, we hereby call upon the
United States Senate and House of Representatives and the Idaho Con­
gressional delegation to exhibit their opposition and firm resistance
to any plan that would admit nonveterans to any medical facility oper­
ated by the United States Veterans Administration.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and
she is hereby authorized and directed to forward a copy of this Memo­
rial to the President of the United States, George Bush, the Secretary
of Veterans Affairs, Edward Dorwinski, the President of the Senate and
the Speaker of the House of Representatives of Congress, and the con­
gressional delegation representing the State of Idaho in the Congress
of the United States.

Adopted by the Senate February 13, 1992.
Adopted by the House March 4, 1992.

A JOINT MEMORIAL
TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN
IDAHO SESSION LAWS

CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Fifty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, election to Congress should be viewed as an opportunity for public service; and
WHEREAS, the power and advantages of incumbency have grown so great that competition for office has been greatly reduced and challengers have little chance in any normal election; and
WHEREAS, the voters' choice among viable candidates for Congress has been greatly reduced; and
WHEREAS, placing limits on terms of office would stimulate and intensify competition; and
WHEREAS, turnover rates in Congress have been steadily dropping over the past fifty years creating complacency and entrenchment; and
WHEREAS, under Article V of the Constitution of the United States, an amendment to the Constitution may be proposed by Congress and submitted to the states for their ratification.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Congress of the United States is hereby petitioned to propose an amendment to the Constitution of the United States, for submission to the states for ratification, to limit the number of terms a person may serve in the United States House of Representatives to no more than six, to limit the number of terms a person may serve in the United States Senate to no more than two.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the Senate March 6, 1992.
Adopted by the House March 27, 1992.

(S.J.M. No. 117)

A JOINT MEMORIAL


We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Fifty-first Idaho Legislature, do hereby respectfully represent that:
WHEREAS, Medicare is a federally-funded program designed to reimburse physicians and hospitals for medical expenses incurred by Idaho senior citizens and other eligible citizens; and
WHEREAS, Medicare reimbursement rates for Idaho physicians have, over the last decade, been among the lowest in the nation; and
WHEREAS, the low reimbursement rates in Idaho have been a substantial handicap in recruiting physicians to Idaho and constitutes one of the prime reasons why Idaho is fiftieth in the nation in physicians per capita; and
WHEREAS, in 1989 Congress initiated physician payment reform intending to create equity in reimbursement for medical services and reduce disparity of reimbursement rates from one geographical area to another thereby improving access to medical services for Medicare recipients; and
WHEREAS, although implementation of physician payment reform has started, reimbursement rates for medical services provided in Idaho remain lower than reimbursement rates in neighboring states and the nation as a whole; and
WHEREAS, the physician's time, skill and knowledge required to provide medical services in Idaho is no different than such requirements in surrounding states or on a national basis; and
WHEREAS, the inability to recruit physicians to Idaho and low Medicare reimbursement rates reduce the Medicare recipient's access to care.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that we request the Department of Health and Human Services to implement the provision of physician payment reform in an equitable manner such that the low Medicare reimbursement penalty for practicing medicine in Idaho is resolved and that Idaho physicians are reimbursed at appropriate levels commensurate with reimbursement levels in surrounding states.

BE IT FURTHER RESOLVED that Congress, and particularly the Idaho congressional delegation, take all necessary actions to assure that the United States Department of Health and Human Services follows congressional intent regarding physician payment reform.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretary of the United States Department of Health and Human Services, 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 Senate March 23, 1992.
Adopted by the House March 31, 1992.
A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, GEORGE BUSH, TO THE SECRETARY OF VETERANS AFFAIRS, EDWARD DORWINSKI, TO THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Fifty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, persons qualified for Medicare can have medical fees paid through Social Security, due to their payments into the Social Security system for said benefits, to health care institutions and treating physicians; and

WHEREAS, veterans who receive medical care and attention through the Veterans Administration cannot have Medicare payments made for said medical care and attention paid to the Veterans Administration; and

WHEREAS, veterans having contributed to the Social Security System should be allowed to have Medicare payments made to the Veterans Administration for medical care and attention received from the Veterans Administration; and

WHEREAS, under current medical care eligibility criteria, certain nonservice connected veterans are unable to receive medical care and attention from the Veterans Administration due to general resource constraints at individual Veterans Administration Medical Centers (VAMCs); and

WHEREAS, in order to help alleviate the underfunded conditions throughout the Veterans Administration, and so that additional resources become available to provide care and attention to veterans now being denied care by the Veterans Administration, it would be more effective use of federal funds to provide care and attention to veterans through the transfer of Medicare funds payable for that care, to the Veterans Administration, under specific authority in Section 5053(d) of Title 38, United States Code; and

WHEREAS, by being approved to provide medical care and attention to nonservice connected veterans by using Social Security Medicare funding, the Veterans Administration would be able to provide necessary medical treatment to thousands of veterans who are being denied such care; and

WHEREAS, in order to improve access to care for nonservice disabled veterans and to control cost escalation in the federal Medicare program, a waiver of the deductible copayment feature to veterans is
NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that veterans receiving medical care and attention through the Veterans Administration, be permitted to have Social Security Medicare payments made directly to the Veterans Administration for medical care and attention; and

BE IT FURTHER RESOLVED that said payments shall be made exclusively for the care of veterans and accrue directly to the operation of the local Veterans Administration Medical Center rendering the care and shall not in any manner diminish the allocation of funds made by the Congress of the United States for the operation of the Veterans Administration.

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 the President of the United States, George Bush, to the Secretary of Veterans Affairs, Edward Dorwinski, 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 February 26, 1992.
Adopted by the Senate March 4, 1992.

(H.J.M. No. 13)

A JOINT MEMORIAL


We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Fifty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, since 1976, the federal Payment in Lieu of Taxes (PILT) Program has provided payments to Idaho's counties as partial compensation for the presence of federal lands within their boundaries; and

WHEREAS, since enactment, PILT payments have not been increased to reflect the cost of inflation; and

WHEREAS, under the current formula Idaho's counties receive more than $7,000,000 in PILT payments annually; and

WHEREAS, these payments are essential to the economic stability and viability of these counties and only partially offset the services provided to federal lands within the counties; and

WHEREAS, legislation is pending before Congress which would more than double the amount of payments to Idaho's counties and would index future payments to inflation.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Congress of the
United States adopt the legislation currently pending before it which
would double the amount of PILT payments to Idaho's counties, index
future payments to inflation and should add allotments and other fed­
eral lands to the formula for determination of payments.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Repre­
sentatives be, and she is hereby authorized and directed to forward a
copy of this memorial to the President of the United States, to the
Secretary of the Interior, to the President of the Senate and the
Speaker of the House of Representatives of Congress, and to the con­
gressional delegation representing the State of Idaho in the Congress
of the United States.

Adopted by the House March 4, 1992.
Adopted by the Senate March 13, 1992.

(H.J.M. No. 14)

A JOINT MEMORIAL
TO THE PRESIDENT OF THE UNITED STATES, GEORGE BUSH, TO THE SECRETARY
OF THE UNITED STATES DEPARTMENT OF THE INTERIOR, MANUEL LUJAN, TO
THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN
CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENT­
ing THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate
of the State of Idaho assembled in the Second Regular Session of the
Fifty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Endangered Species Act is before Congress for
reauthorization in 1992; and
WHEREAS, this act has proved to be necessary and beneficial to the
protection and recovery of threatened species such as the bald eagle
and the American alligator; and
WHEREAS, recent conflicts concerning the northern spotted owl and
the native salmon have demonstrated that wildlife recovery plans man­
dated under the provisions of the Act fail to consider the adverse
social and economic impact such plans will have on our citizenry; and
WHEREAS, the integrity and purpose of authorizing the Act can be
maintained and indeed strengthened through amendments which take
greater account of the human, social and economic consequences of pro­
tecting threatened species.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regu­
lar Session of the Fifty-first Idaho Legislature, the House of Repre­
sentatives and the Senate concurring therein, that we urge Idaho's
congressional delegation to amend, or support the amendment of, the
Endangered Species Act to require that extensive, in-depth human,
social and economic impact analyses be conducted early in the proposed
listing process and that such analyses inform any final decisions in
such a manner as to assure that while threatened species are pro­
tected, economic dislocation and job losses will be minimized.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Repre­
sentatives be, and she is hereby authorized and directed to forward a
copy of this Memorial to the President of the United States, George Bush, to the Secretary of the United States Department of the Interior, Manuel Lujan, 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, 1992.
Adopted by the Senate March 24, 1992.

(H.J.M. No. 17)

A JOINT MEMORIAL

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Fifty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Northwest Power Planning Council has adopted "Amendments to the Columbia River Basin Fish and Wildlife Program Phase Two"; and
WHEREAS, included among the provisions of the Council's program are numerous measures intended to protect and enhance the survival of anadromous salmon and steelhead, particularly several species native to the state of Idaho; and
WHEREAS, such interim measures include proposed utilization during 1992 or in future years of as much as 2,637,000 acre feet of water presently used or stored partly or entirely within the state of Idaho to augment flows of the lower Snake and Columbia Rivers, to overcome the streamflow velocity reduction effects of reservoirs created by federal dams downstream from Lewiston, Idaho; and
WHEREAS, the Council's plan further calls for studies to be conducted of the potential for new Snake River Basin storage to provide additional water for lower Snake River flow augmentation to aid migrating salmon and steelhead; and
WHEREAS, the Council has endorsed the concept of drawdown of the mainstem dams to provide in-river juvenile migration conditions that will promote rebuilding of imperiled Snake River anadromous fish stocks; and
WHEREAS, implementation of the drawdowns will occur unless found not to be structurally and economically feasible, biologically prudent or consistent with the Northwest Power Act;
WHEREAS, interim measures, including flow augmentation, must be implemented while such studies are being conducted to provide whatever benefit that makes possible for migrating fish.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that we support imple-
mentation of the drawdown strategy of the mainstem federal reservoirs downstream from Lewiston, Idaho including reauthorization of the lower Snake River dams and that these dams be modified and reconstructed to permit drawdown.

BE IT FURTHER RESOLVED that we support studies of the potential for construction of new storage facilities from which water may be acquired for appropriate flow augmentation purposes including consideration of construction of the Galloway Dam on the Weiser River and reconstruction of the Teton Dam on the Teton River and prefer water from such new construction to water from existing reservoirs which were previously constructed for other purposes.

BE IT FURTHER RESOLVED that the entities to which this Memorial is directed are notified that in a spirit of regional cooperation we concur that water for flow augmentation may be needed on an interim basis on a willing seller-willing buyer basis. However, our willingness to provide water from Idaho water storage facilities on an interim basis for flow augmentation is specifically conditioned upon there being a comprehensive effort to implement the drawdown strategy and that we propose to monitor the study efforts. Future approvals for use of water will be based upon whether such studies are meaningful and legitimate attempts to implement the drawdown strategy.

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 the Northwest Power Planning Council, the Bonneville Power Administration, the U. S. Bureau of Reclamation, the U. S. Army Corps of Engineers, and the Governors of the States of Montana, Oregon and Washington.

Adopted by the House March 17, 1992.
Adopted by the Senate March 20, 1992.

(H.J.M. No. 18)

A JOINT MEMORIAL

TO THE NATIONAL LANDMARKS REVIEW BOARD AND THE NATIONAL PARK SERVICE.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Fifty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Federal Government recognized the need for expanded education in territorial Idaho; and
WHEREAS, the Federal Government provided 100,000 acres for the purpose of establishing normal school education at the time of Idaho statehood; and
WHEREAS, the Albion State Normal School was established in 1894 to meet original objectives of the Federal Government; and
WHEREAS, early federal funding programs to increase education standards of low-income students elevated such students attending Albion State Normal School to positions of prominence in both state and national education; and
WHEREAS, Albion State Normal School graduated Anna Hansen Hayes,
who had a major impact on the American education system, and after
World War II the Japanese education system; and
WHEREAS, the former Albion State Normal School was listed in the
National Register on November 28, 1980; and
WHEREAS, the former Albion State Normal School retains the most
historical and architectural integrity of any normal school campus in
the nation; and
WHEREAS, the National Park Service has not yet recognized the nor­
mal school movement in the National Landmark Program; and
WHEREAS, the historic significance of the Albion State Normal
School has been reviewed by the Idaho State Historical Society.
NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regu­
lar Session of the Fifty-first Idaho Legislature, the House of Repre­
sentatives and the Senate concurring therein, that we recommend that
the National Landmarks Review Board and the National Park Service des­
ignate the Albion State Normal School campus as a National Historic
Landmark.
BE IT FURTHER RESOLVED that the Idaho State Historical Society is
authorized and encouraged to utilize this Memorial in its efforts to
achieve landmark designation for the Albion campus.

Adopted by the House March 5, 1992.
Adopted by the Senate March 24, 1992.

(H.J.M. No. 19)

A JOINT MEMORIAL
TO THE PRESIDENT OF THE UNITED STATES, THE SENATE AND HOUSE OF REPRE­
SENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE
CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE
CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate
of the State of Idaho assembled in the Second Regular Session of the
Fifty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, United States Senator Steve Symms has served Idaho in the
United States Senate for twelve years with an intense emphasis on
highway transportation; and
WHEREAS, Senator Symms played a leading role in the formulation of
the 1987 Surface Transportation Act, a five year bill, and the
Intermodal Surface Transportation Efficiency Act of 1991, a six year
bill; and
WHEREAS, the 1991 Surface Transportation Act provides federal
funding for the post-interstate era with a major increase in funding
for Idaho; and
WHEREAS, during his tenure in the United States Senate, Senator
Symms also secured over $200 million dollars in discretionary and
demonstration funding for additional highway and bridge projects in
Idaho; and
WHEREAS, Senator Symms secured transportation funds, projects and
programs as a bipartisan benefit to Idaho and has consistently
responded to Idaho transportation needs.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that we recognize Senator Steve Symms for his outstanding contribution in response to Idaho transportation needs and that on behalf of all Idaho citizens we extend our gratitude to Senator Symms for his work on transportation for Idaho and his many years of service to our state.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

BE IT FURTHER RESOLVED, that we respectfully request that this Memorial be spread across the pages of the Congressional Record.

Adopted by the House March 10, 1992.
Adopted by the Senate March 18, 1992.

(H.J.M. No. 20)

A JOINT MEMORIAL
TO THE PRESIDENT OF THE UNITED STATES, THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Fifty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, there are at least 2,273 American servicemen and civilians who have yet to be accounted for in southeast Asia as a result of the aftermath of the war in Vietnam and southeast Asia; and

WHEREAS, twelve of those unaccounted for in southeast Asia are Idahoans whose names, hometowns, branch of service and date of capture or loss follow:

<table>
<thead>
<tr>
<th>NAME</th>
<th>HOMETOWN</th>
<th>BRANCH OF SERVICE</th>
<th>DATE OF LOSS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jon K. Bodahl</td>
<td>Boise</td>
<td>Air Force</td>
<td>November 12, 1969</td>
</tr>
<tr>
<td>Curtis R. Bohlscheid</td>
<td>Pocatello</td>
<td>Marine Corps</td>
<td>June 11, 1967</td>
</tr>
<tr>
<td>William Cook</td>
<td>Mountain Home</td>
<td>Air Force</td>
<td>April 28, 1968</td>
</tr>
<tr>
<td>Hal T. Hollingsworth</td>
<td>Grace</td>
<td>Navy</td>
<td>January 16, 1966</td>
</tr>
<tr>
<td>William B. Hunt</td>
<td>Sandpoint</td>
<td>Army</td>
<td>November 4, 1966</td>
</tr>
<tr>
<td>William H. Lemmons</td>
<td>Pocatello</td>
<td>Army</td>
<td>June 18, 1967</td>
</tr>
<tr>
<td>Roderick L. Mayer</td>
<td>Lewiston</td>
<td>Navy</td>
<td>October 17, 1965</td>
</tr>
<tr>
<td>Jesse D. Phelps</td>
<td>Boise</td>
<td>Army</td>
<td>December 28, 1965</td>
</tr>
<tr>
<td>John L. Powers</td>
<td>Mackay</td>
<td>Army</td>
<td>February 15, 1971</td>
</tr>
<tr>
<td>Jon M. Sparks</td>
<td>Carey</td>
<td>Army</td>
<td>March 19, 1971</td>
</tr>
<tr>
<td>Larry Thornton</td>
<td>Idaho Falls</td>
<td>Air Force</td>
<td>December 24, 1965</td>
</tr>
<tr>
<td>Gregg N. Hollinger</td>
<td>Paul</td>
<td>Army</td>
<td>December 14, 1971</td>
</tr>
</tbody>
</table>
WHEREAS, there is a body of credible evidence suggesting that live Americans or identifiable remains of Americans remain in southeast Asia; and

WHEREAS, the executive branch of the United States government and the Congress of the United States have declared that resolution of this issue is of the "highest national priority"; and

WHEREAS, the agencies of the United States government, including the Department of Defense and the Defense Intelligence Agency have had since the official termination of hostilities in May of 1975 to resolve these issues; and

WHEREAS, the Department of Defense has created and maintained an unnecessary veil of secrecy and ignorance by classifying most of the available information concerning live sightings, status reports, and other data relating to those who are still missing, the declassification of which would not compromise resources, means, methods and identities of intelligence operatives; and

WHEREAS, it would appear that by promulgating a classified plan referred to as a "road map for normalization of relations" between the United States, Laos, Cambodia and Vietnam, the government of the United States appears to be poised to "normalize" relations with those governments in spite of the unresolved issues concerning prisoners of war, those missing in action, and the repatriation of the remains of those Americans who made the ultimate sacrifice.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge the President of the United States, by executive order, to declassify information, data and intelligence pertaining to all matters relative to these issues, except for that data or information which would reveal the means, methods and identities of intelligence operatives, that we further urge that the respective branches of the armed services be assigned to resolve these issues, that any and all future remains returned from southeast Asia be placed, for purposes of identification, with the Smithsonian Institution, Washington, D.C., and that normalization of relations with those countries of southeast Asia be deferred until such time as the issues identified herein are satisfactorily and adequately addressed.

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 the President of the United States, to the President of the Senate, to the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House March 17, 1992.
Adopted by the Senate March 24, 1992.
SENATE CONCURRENT RESOLUTIONS

(S.C.R. No. 115)

A CONCURRENT RESOLUTION

PROVIDING THAT JANUARY 31, 1992, SHALL BE THE FINAL DAY FOR THE LEGISLATURE TO PASS REDISTRICTING AND REAPPORTIONMENT PLANS.

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

WHEREAS, the Constitution of the State of Idaho requires that the Idaho Legislature be reapportioned following the census of 1990; and

WHEREAS, federal case law requires that Idaho's congressional districts be redistricted after the 1990 census; and

WHEREAS, an interim legislative committee met during the year of 1991 to attempt to resolve the issues of legislative reapportionment and congressional redistricting; and

WHEREAS, legislative leadership has agreed to move the reapportionment and redistricting process along as expeditiously as possible during the early days of the legislative session.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislature shall have until January 31, 1992, to pass congressional redistricting plans and legislative reapportionment plans and that after that date, no legislation concerning congressional redistricting or legislative reapportionment may be introduced or voted on for passage by the Legislature.

Adopted by the Senate January 14, 1992.

(S.C.R. No. 117)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND DESIGNATING THAT PORTION OF INTERSTATE 90 PASSING THROUGH IDAHO BETWEEN THE BORDERS OF MONTANA AND WASHINGTON AS THE CAPTAIN JOHN MULLAN HIGHWAY.

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

WHEREAS, Captain John Mullan was an engineer of exceptional talent, ability, wisdom and vision; and

WHEREAS, Captain Mullan was responsible for building the first
engineered highway in the northwest; and
WHEREAS, that portion of Interstate 90 passing through Idaho between the borders of Montana and Washington precisely follows the highway engineered and built by Captain Mullan; and
WHEREAS, that portion of Interstate 90 completed the United States interstate highway system begun in 1954 by President Dwight D. Eisenhower; and
WHEREAS, designating that portion of Interstate 90 as the Captain John Mullan Highway would be an appropriate and fitting testimonial to the engineering capabilities, wisdom and vision of this extraordinary citizen.
NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that the portion of Interstate 90 passing through Idaho between the borders of Montana and Washington be officially designated as the Captain John Mullan Highway.
BE IT FURTHER RESOLVED that the Idaho Transportation Department shall undertake the preparation and erection of appropriate signs identifying the Captain John Mullan Highway.

Adopted by the Senate January 28, 1992.
Adopted by the House February 7, 1992.

(S.C.R. No. 118)

A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND RECOMMENDING A COST ALLOCATION STUDY TO BE CONDUCTED BY THE IDAHO TRANSPORTATION BOARD TO EXAMINE THE EQUITY OF FEES AND TAXES PAID FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC ROADS, AND TO REPORT FINDINGS AND RECOMMENDATIONS TO THE LEGISLATURE.

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

WHEREAS, the highway systems in Idaho are vital to the economy and safety of the state; and
WHEREAS, the highway systems in Idaho are in need of immediate attention to prevent system failures; and
WHEREAS, it is in the best interest of the people of the state to have a safe and efficient highway system; and
WHEREAS, the users of the highway systems of the state must pay the cost of the construction and maintenance of the highway systems; and
WHEREAS, the Idaho Transportation Board is responsible for the overall statewide highway systems; and
WHEREAS, funding for this study should be the responsibility of all highway agencies; and
WHEREAS, plans must be made for future costs to maintain vital highway systems in Idaho; and
WHEREAS, immediate attention is needed to address these needs.
NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that we recommend the Idaho Transportation Board undertake a motor vehicle cost allocation study to identify the equity of the fees and taxes paid for the construction and maintenance of public roads in Idaho.

BE IT FURTHER RESOLVED that as a part of this study the Idaho Transportation Board will establish a cost allocation task force which will include a representative from each of the following: the Senate Transportation Committee, the House Transportation and Defense Committee, the Idaho Transportation Department, counties, highway districts, cities, highway user groups and other transportation modes.

BE IT FURTHER RESOLVED that the Idaho Transportation Board will appoint a chair for the cost allocation task force.

BE IT FURTHER RESOLVED that funds for this study will be taken from the Highway Distribution Account not to exceed two hundred thousand dollars.

BE IT FURTHER RESOLVED that upon completion of the motor vehicle cost allocation study, the Idaho Transportation Board will provide recommendations to the Legislature on fees and taxes that will improve highway user tax equity.

Adopted by the Senate February 11, 1992.

(S.C.R. No. 132)

A CONCURRENT RESOLUTION
STATING LEGISLATIVE INTENT 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 pay policies, together with estimated costs thereof; and

WHEREAS, the Legislature has received and reviewed the report of the Governor dated January 13, 1992, and the report of the Idaho Personnel Commission dated October 1, 1991; 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; and

WHEREAS, the Legislature intends that state employee total compensation shall be based on market costs of labor.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that:

1. Recommendation No. 1 of the Idaho Personnel Commission and concurred in by the Chief Executive is hereby adopted.
2. Recommendation No. 2 of the Idaho Personnel Commission and concurred in by the Chief Executive is adopted. This 2 1/2% structure adjustment to the payline is granted as expressed by the following mathematical formula to adjust the payline:

- Positions with 0 to 320 job evaluation points:
  \[ \text{Hourly rate} = \$0.03562 \text{ per point} + \$2.2694 \]
- Positions with 321 points or more:
  \[ \text{Hourly rate} = \$0.01481 \text{ per point} + \$8.9554 \]

3. Recommendation No. 3 of the Idaho Personnel Commission and concurred in part by the Chief Executive is rejected.

4. Recommendation No. 4 of the Personnel Commission rejected by the Chief Executive is hereby adopted to implement the four-year phase-in of the Retirement System enhancements presented by the Public Employees Retirement System (PERSI) on an employer/employee cost share basis.

5. Recommendation of the Chief Executive to include an additional $751,000 General Account ($1,166,400 in total funds) in selected agency budgets to assist movement of employees to mid-point is rejected.

6. Recommendation of the Chief Executive to include funding for first year cost of continued payment of the monthly state contributions for medical/dental coverage for disabled employees is hereby adopted.

7. The Joint Finance-Appropriations Committee is directed to appropriate an amount not to exceed $3,639,620 from the General Account to fund these recommendations for state agencies less colleges and universities.

8. For those agencies funded in total or in part from non-General Account money, the Joint Finance-Appropriations Committee is directed to appropriate in as nearly as possible the same manner as for General Account funded agencies.

9. The effective date of implementation of these salary adjustments shall be June 7, 1992, with Recommendation No. 4 effective September 13, 1992, for state government and October 1, 1992, for all other PERSI members.

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 Senate March 4, 1992.
Adopted by the House March 12, 1992.
A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND CLARIFYING CERTAIN RULES OF THE BOARD
OF HEALTH AND WELFARE RELATING TO STREAM SEGMENT BOUNDARIES OF
WATER IN THE PANHANDLE BASIN.

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

WHEREAS, the Legislature is vested with authority to modify, reject or amend executive agency rules and regulations under the provisions of Section 67-5218, Idaho Code, and those provisions require that the Legislature make a finding that executive agency rules are not consistent with legislative intent; and

WHEREAS, it is legislative intent that certain rules of the Board of Health and Welfare, effective January 30, 1980, relating to designated uses of waters in the Panhandle Basin are not consistent with such intent for those waters below the mining impact area; and

WHEREAS, the designated use for that stream numbered PB-130S, being a part of the South Fork of the Coeur d'Alene River, is protected for general use only; and

WHEREAS, it is legislative intent that stream numbered PB-130S be protected for all general uses from the headwaters to above the mining impact area, and that the mining impact area is identified as the waters of the South Fork of the Coeur d'Alene River below Daisy Gulch; and

WHEREAS, it is legislative intent that the boundaries of stream segments PB-130S and PB-140S be clarified as follows: PB-130S shall consist of that segment of the South Fork of the Coeur d'Alene River from the headwaters to Daisy Gulch; and PB-140S shall consist of that segment of the South Fork of the Coeur d'Alene River from Daisy Gulch to the mouth of the South Fork of the Coeur d'Alene River.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Department of Health and Welfare is hereby authorized and directed to republish Rules 16.01.2110,01.u. and 16.01.2110,01.v. to incorporate legislative intent as stated in this resolution.

Adopted by the Senate March 17, 1992.
Adopted by the House March 27, 1992.
A CONCURRENT RESOLUTION
PROVIDING FOR A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE
SENATE OF THE SECOND REGULAR SESSION OF THE FIFTY-FIRST IDAHO LEG­
ISLATURE FOR THE PURPOSE OF HEARING A MESSAGE FROM THE GOVERNOR.

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

WHEREAS, the Governor has informed the House of Representatives and the Senate that he desires to deliver a message to a Joint Session of the House of Representatives and the Senate of the Second Regular Session of the Fifty-first Idaho Legislature in the Chamber of the House of Representatives at 1 p.m. on Monday, January 6, 1992.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the House of Representatives and the Senate meet in Joint Session on Monday, January 6, 1992, at 1 p.m. for the purpose of hearing the message from the Governor.

Adopted by the House January 6, 1992.
Adopted by the Senate January 6, 1992.
A CONCURRENT RESOLUTION

DECLARING 1992 TO BE THE IDAHO YEAR OF EXPLORING NEW WORLDS THROUGH READING, AND THE WEEK OF APRIL 27, 1992, TO BE IDAHO LITERACY WEEK.

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

WHEREAS, expansion of adult basic education capacity in Idaho is critical in order to ensure that every adult is literate and possesses the skills necessary for success in society and employment in today's increasingly sophisticated workplace; and

WHEREAS, intergenerational literacy is critical in order to raise the literacy level of Idaho parents so that children's literacy level and success in school is improved and the intergenerational cycle of illiteracy broken; and

WHEREAS, training and retraining of adults is critical in order to prepare adult learners for programs necessary to maintain competitive skills and employment in today's increasingly sophisticated workplace; and

WHEREAS, literacy for non-English speaking adults is critical in order to ensure that non-English speaking adults learn English for their own mainstream success in society, work, and language development at home for their children to be successful; and

WHEREAS, community education and awareness is critical in order to educate key decision makers and community leaders about the broad cross section of individuals in Idaho who need and can benefit from literacy services and the cost-effectiveness of investing in services that help adults and their children to be successful; and

WHEREAS, training and resource support is critical in order to provide high quality training, information, resource materials and technology to staff and volunteers in Idaho's literacy programs.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the year of 1992 be declared "The Idaho Year of Exploring New Worlds Through Reading" and the week of April 27, 1992, be declared "Idaho Literacy Week."

Adopted by the Senate February 25, 1992.
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 1991-1992 fiscal year, and to consult with experts in all fields in order to present the most complete information available; and

WHEREAS, it is the desire of the Legislature to adopt the findings of this committee as to the total revenue available.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-first Idaho Legislature, the House of Representatives and the Senate concurring, that we find the total revenue available as of June 30, 1992 to be: $954,898,000.

Adopted by the House January 22, 1992.
Adopted by the Senate February 3, 1992.

A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND AMENDING A RULE OF THE DEPARTMENT OF AGRICULTURE RELATING TO DESIGNATION OF NOXIOUS WEEDS.

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

WHEREAS, the Legislature is vested with authority to modify, reject or amend executive agency rules and regulations under the provisions of Section 67-5218, Idaho Code, and those provisions require that the Legislature make a finding that executive agency rules are not consistent with legislative intent; and

WHEREAS, it is legislative intent that a certain rule of the Department of Agriculture relating to noxious weeds is contrary to legislative intent in that a weed that can be extremely destructive is deleted from the list of weeds that are designated as noxious weeds.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that rules and regulations of the Department of Agriculture I. Designation of Noxious Weeds contained on page 268 of the Department's rules, IDAPA 2, on file in the state law library, be, and the same is hereby amended to read as follows:

I. Designation of Noxious Weeds
The following weeds are hereby officially designated and published as noxious:
A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REPEALING A RULE OF THE STATE BOARD OF EDUCATION RELATING TO NINETY PERCENT ATTENDANCE.

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

WHEREAS, there exists a need to update the educational system of the state of Idaho to better address the education of our children;
WHEREAS, educational change across the United States is moving toward performance based evaluation for advancement; and

WHEREAS, it is legislative intent that students should be encouraged to stay in the Idaho public school system and graduate based on the knowledge attained; and

WHEREAS, the Legislature is vested with authority to modify, reject or amend executive agency rules and regulations under the provisions of Section 67-5218, Idaho Code; and

WHEREAS, it is the finding of the Legislature that the rule of the State Board of Education requiring ninety percent attendance for credit in any course exceeds any statutory requirement and is beyond the legislative intent of attendance requirements.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the ninety percent attendance rules of the State Board of Education, IDAPA 08.02.A.5, and 08.02.E.12,2.e.iii. be, and the same are hereby repealed.

Adopted by the House March 2, 1992.
Adopted by the Senate March 18, 1992.

(H.C.R. No. 49)

A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND DIRECTING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO STUDY AFFORDABLE HOUSING ISSUES.

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

WHEREAS, housing is important to the people of Idaho, with affordable housing being a vital component of the state's economy and quality of life; and

WHEREAS, laws and programs designed to protect, stimulate, promote and encourage the availability of affordable housing which is vital to the people of Idaho are part of the responsibility of the Legislature; and

WHEREAS, the continuing population growth within the State of Idaho, and particularly within the urban areas of the state, are threatening the availability of affordable housing; and

WHEREAS, manufactured housing and mobile home parks are vital segments of the affordable housing market; and

WHEREAS, proposals impacting the development and the continued availability of affordable housing, as well as landlord-tenant relations, raise questions about the need for and effectiveness of such programs which are increasingly complex and controversial; and

WHEREAS, resolution of these issues will require knowledge and experience, including technical knowledge which reflects the complexity of land use planning, growth and the development of affordable housing.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regu-
lar Session of the Fifty-first Idaho Legislature, the House of Representa­
tives and the Senate concurring therein, that the Legislative Council is authorized and directed to undertake and complete a study to evaluate various affordable housing issues including the impact of changes in land use; appropriate zoning to accommodate affordable housing; the nature of the landlord-tenant relationship in mobile home parks; relocation of tenants upon park closure; the need for additional mobile home parks; and future efforts which might be effective in increasing the availability of affordable housing.

BE IT FURTHER RESOLVED, that in carrying out this study, the com­mittee shall utilize the expertise and knowledge of representatives of the manufactured housing industry, mobile home park owners and resi­dents, and local public officials involved in land use planning.

BE IT FURTHER RESOLVED, that the committee shall submit its find­ings, recommendations and, if appropriate, recommend legislation to the First Regular Session of the Fifty-second Idaho Legislature.

Adopted by the House February 21, 1992.
Adopted by the Senate March 11, 1992.

(H.C.R. No. 56)

A CONCURRENT RESOLUTION
AMENDING RULES OF THE STATE DEPARTMENT OF HEALTH AND WELFARE RELATING TO RESIDENTIAL CARE FACILITIES.

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

WHEREAS, the Legislature is vested with authority to modify, reject or amend executive agency rules and regulations under the pro­visions of Section 67-5218, Idaho Code; and

WHEREAS, it is the finding of the Legislature that the rules of the State Department of Health and Welfare, Title 3, Chapter 21, "Rules and Regulations for Residential Care Facilities in Idaho" should be amended as provided herein.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regu­lar Session of the Fifty-first Idaho Legislature, the House of Repre­sentatives and the Senate concurring therein, that IDAPA 16.03.21004,02., 03., 04., and 05., rules and regulations of the State Department of Health and Welfare be, and the same are hereby amended to read as follows:

02. **One-Year Temporary Waivers.** Waivers-and/or-variances A tempo­rary waiver may be granted for up to one (1) year unless--the Department-indicates-otherwise. (7-1-92)

03. **Continuing the Temporary Waivers.** The appropriateness of con­tinuing the waiver or variance shall be reviewed by the Department during the annual survey. If the facility operator wishes to continue the variance or waiver, an annual request (unless specified otherwise) must be submitted to the licens-
ing agency in writing.

04. **Permanent Waiver or Variance.** A permanent waiver or variance may be granted provided the provisions of subsections 03.2104.01.a., b. and c. of this chapter are met. (7-1-91)

05. Decision to Grant a Variance. The decision to grant a variance or waiver shall not be considered as precedent or be given any force of effect in any other proceeding. (7-1-91)

BE IT FURTHER RESOLVED by the members of the Second Regular Session of the Fifty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 16.03.21202,02.a.iii, rules and regulations of the State Department of Health and Welfare be, and the same is hereby amended to read as follows:

iii. One (1) person must be immediately available at the facility during residents' sleeping hours. A second employee person must be on call within five (5) minutes' response time to assist in caring for residents in an emergency. A written, signed agreement with the person(s) shall be available if the person is not an employee; (7-1-91)

BE IT FURTHER RESOLVED by the members of the Second Regular Session of the Fifty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 16.03.21202,02.b.iii, rules and regulations of the State Department of Health and Welfare be, and the same is hereby amended to read as follows:

iii. One (1) staff person must be up and awake during the residents' sleeping hours when the facility reaches thirty (30) residents and a second person shall be on call within five (5) minutes' response time to assist in caring for residents in an emergency. A written, signed agreement with the person(s) shall be available if the person is not an employee; (7-1-91)

BE IT FURTHER RESOLVED by the members of the Second Regular Session of the Fifty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 16.03.21202,02.c.iii, rules and regulations of the State Department of Health and Welfare be, and the same is hereby amended to read as follows:

iii. There shall be a minimum of one (1) staff person up and awake during the residents' sleeping hours, in the same building, with one (1) staff person on call within five (5) minutes' response time to
assist in caring for residents in an emergency. A written, signed agreement with the person(s) shall be available if the person is not an employee; \(7-1-91\)

BE IT FURTHER RESOLVED by the members of the Second Regular Session of the Fifty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 16.03.21301,01.t. and u., rules and regulations of the State Department of Health and Welfare be, and the same are hereby amended to read as follows:

01. **Residents' Rights Policy.** Each residential care facility shall develop and implement a written residents' rights policy which shall protect and promote the rights of each resident including, but not limited to, the following:

\(7-1-91\)

t. **Routine Care:** Residents shall have a right not to be required to receive routine care of a personal nature from a member of the opposite sex.

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iii. Assess and document the health status of each resident by conducting a physical assessment including, but not limited to, the identification of identifying symptoms of illness and/or changes in mental/physical health status; (7-1-91)

BE IT FURTHER RESOLVED by the members of the Second Regular Session of the Fifty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 16.03.21400,11.c.iv., rules and regulations of the State Department of Health and Welfare be, and the same is hereby amended to read as follows:

iv. Verification that medications taken by residents are current with the physicians' orders the medication listed by the pharmacist on the mediset, blister pak, or medication container is current with physician orders; (7-1-91)

BE IT FURTHER RESOLVED by the members of the Second Regular Session of the Fifty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 16.03.21450,03., 04., 05., 06. and 07., rules and regulations of the State Department of Health and Welfare be, and the same are hereby amended to read as follows:

03. Food Service Personnel. There shall be sufficient numbers of food service personnel employed, and their hours shall be scheduled to meet the dietary needs of the residents. (7-1-91)

04. Food-Service Cook. The cook shall not be engaged in other duties or responsibilities outside of the food service area during meal preparation. (7-1-91)

05. Additional Food-Service Cooks. Facilities with sixteen (16) or more residents shall provide a minimum of eight (8) hours cooking time by a cook or combination of two (2) or more cooks, seven (7) days per week. The cook(s) on duty shall not be assigned duties or responsibilities outside of the food service areas. (7-1-91)

06. Kitchen Helpers. Additional kitchen helpers shall be employed as the size and capacity of the food service requires. (7-1-91)

07. Policies of Nutritional Care. Residential care facilities with a licensed bed capacity of sixteen (16) or more residents shall have written policies and procedures for providing proper nutritional care of its residents whether provided by the facility or a third party. Policies shall include at least the following: (7-1-91)
BE IT FURTHER RESOLVED by the members of the Second Regular Session of the Fifty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 16.03.21600.02., rules and regulations of the State Department of Health and Welfare be, and the same is hereby repealed:

02. **Life-Safety Code—Requirements: Residential Care Facilities**

shall meet the provisions of the Life-Safety Code of the National Fire Protection Association—(1988 Edition)—which are applicable to residential care facilities as specified below and outlined in Idaho Department of Health and Welfare Rules and Regulations—Section 03.2108; (REPEALED) 03.2110

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a. ---Buildings housing ten—(10)—or-more residents or any building housing residents on stories—other—than—the first—story—shall—comply with the Residential Custodial Care Section of the Life-Safety Code—1988 Edition—or 1988 Edition. However, facilities licensed prior to the effective date of these regulations may continue to comply with the Residential Custodial Care Section of the Life-Safety Code—1981 Edition—as outlined in Idaho Department of Health and Welfare Rules and Regulations—Section 03.2108; (7-1-91)

b. ---Buildings housing nine—(9)—or—less residents, restrict steeping to the first story only— and—who accept/house only—Level I residents shall comply with the Residential Board and Care Section (i.e., Chapter twenty—one—(21)) of the Life-Safety Code, 1988 Edition for prompt evacuation capability except that the requirement for door closures on steeping rooms door shall not apply. Facilities licensed prior to the effective date of these regulations shall be given thirty-six—(36)—months from the effective date of these regulations to bring the building into compliance as outlined in Idaho Department of Health and—Welfare—Rules and—Regulations—Section 03.2108; (7-1-91)

c. ---Buildings housing nine—(9)—or—less residents, restrict steeping—rooms—to—the—first—story—only—and—who accept/house—any—Level II and/or—Level III residents shall comply with the residential board and care section of the Life-Safety Code—1988 Edition for—impractical evacuation capability. Facilities may erect to comply with the fire—safety—evaluation system for residential board and care facilities, impractical evacuation capability as outlined in Chapter six—(6)—of—NFPA—Manual 101M, 1988 Edition—which is incorporated by reference and outlined in Idaho Department of Health and Welfare Rules and—Regulations—Section 03.2108; Facilities licensed prior to the effective date of these regulations shall be given thirty-six—(36)—months from the
BE IT FURTHER RESOLVED by the members of the Second Regular Session of the Fifty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 16.03.21700,01.a. and b., rules and regulations of the State Department of Health and Welfare be, and the same is hereby amended to read as follows:

a. All buildings utilized as residential care facilities shall be of such character as to be suitable for such use. Residential care facilities shall not be housed in buildings intended for other than residential living purposes; as this detracts from being of such character as to enhance normalization and integration of residents into the community; 

b. In order to achieve general acceptance of residential care facilities into the community, promote the basic principles of normalization and achieve general acceptance of single family dwellings, licensed as residential care facilities, into community residentially-zoned neighborhoods, subdivisions, etc., the location of all a residential care facility shall be physically separate from any other residential care facility including—but not limited to—nursing facilities—and intermediate care facilities for the mentally retarded, by not less than one thousand five hundred (1,500) feet measured in a straight line, to preclude the adjacent or nearby location of two (2) or more facilities. Allowance of such arrangements would be counter to basic principles of normalization. Exception: This one thousand five hundred (1,500) foot distance restriction does not apply to commercially-zoned areas; i.e., "continuum of care" complexes, "life care" centers, etc. or existing licensed facilities if change of ownership should occur; 

BE IT FURTHER RESOLVED by the members of the Second Regular Session of the Fifty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 16.03.21700,03.b., rules and regulations of the State Department of Health and Welfare be, and the same is hereby amended to read as follows:

b. For facilities licensed prior to after the effective date of these regulations, where residents are required to leave their rooms to go to dining or recreation, covered cement walks are required. Facilities shall be given thirty-six (36) months from the effective date of these regulations to bring facilities into compliance;
sion of the Fifty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 16.03.21700,05.g., rules and regulations of the State Department of Health and Welfare be, and the same is hereby amended to read as follows:

> g. A two-way intercom shall be provided when the duty personnel do not reside in the same building as the residents. The licensing agency may approve alternate systems when the size or design of the building or needs of the residents permit. The intercom shall not be a substitute for supervision and shall not be utilized in facilities housing levels of residents. (7-1-91)

BE IT FURTHER RESOLVED by the members of the Second Regular Session of the Fifty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 16.03.21700,12.b., rules and regulations of the State Department of Health and Welfare be, and the same is hereby repealed:

> b. Not more than two (2) residents can be housed in any multi-bed sleeping room. Facilities utilizing multi-bed wards shall be allowed three (3) years from the implementation of these regulations to either remodel existing rooms or to phase multi-bed wards down to no more than two (2) residents per room. (REPEALED) (7-1-91)

Adopted by the House March 6, 1992.
Adopted by the Senate March 16, 1992.

(H.C.R. No. 59)

A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND PROVIDING FOR THE APPOINTMENT OF A COMMITTEE TO DRAFT LEGISLATION PROVIDING FOR A TAXPAYER'S BILL OF RIGHTS.

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

WHEREAS, taxpayers make state government work; and

WHEREAS, courteous and efficient collection of taxes is desired; and

WHEREAS, federal law and many states provide for certain rights of taxpayers commonly known and referred to as "taxpayer's bill of rights."

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the State Tax Commission is directed to form a committee of seven persons as follows: two members shall be appointed by the State Tax Commission, one member
shall be appointed by the Chair of the Senate Local Government and Taxation Committee and shall be a tax or accounting professional, one member shall be appointed by the Chair of the House Revenue and Taxation Committee and shall be a tax or accounting professional, one member shall be appointed by the Chairman of the Idaho State Bar Section of Taxation, Probate and Trust Law, one member shall be appointed by the Idaho Society of Certified Public Accountants and one member shall be appointed by the Associated Taxpayers of Idaho. The Committee shall oversee the drafting of a taxpayer's bill of rights in statute form with the administrative and technical assistance of the State Tax Commission. The legislation should address, but not be limited to, the following issues and concerns:

1. The right to confidentiality of taxpayer information.
2. The right not to have quotas or evaluation of Tax Commission Employees based on collections.
3. The right of taxpayers to record interviews and appeals with Tax Commission personnel.
4. The right to installment plans for payment of delinquent taxes.
5. The right to receive prompt written advice from the Tax Commission.
6. The right to be represented at meetings with the Tax Commission.
7. The right to a prepayment judicial determination of liability before assessment of deficiencies.
8. The right to receive attorney fees should a taxpayer prevail at the administrative or judicial level.
9. The rights of taxpayers to be fully notified of their appeal and procedural rights and responsibilities.
10. The rights of taxpayers to be fully apprised of specific reasons for the imposition of penalties and/or the determination of a deficiency.
11. The rights of taxpayers to immediate release of illegal, improper or unenforceable liens.
12. The right to administrative appeals of proposed levies.
13. The rights of taxpayers to not be subject to harassing or illegal collection methods.
14. The right of taxpayers to be represented by a representative who has sole authority to communicate with the Tax Commission.
15. The right to an administrative appeal in conformity with the provisions of the Idaho Administrative Procedure Act.
16. The right to access by taxpayer representatives and the public to decisions of the Tax Commission after the Tax Commission has excised names, addresses, identification numbers and other identifying information.
17. The right to cessation of interest accrual on deficiencies if the Tax Commission does not promptly render a decision on appeal.
18. The right of taxpayers to fair and equitable treatment in the resolution of controversies with the Tax Commission and the State of Idaho.

In undertaking the draft legislation, the Committee with the
assistance of the Tax Commission shall review the fair debt collection practices act, the federal taxpayer's bill of rights and the Idaho Consumer Protection Act and shall incorporate pertinent provisions and determine which provisions, if any, are not appropriate for inclusion in a taxpayer's bill of rights. The draft legislation shall include provision for remedies or sanctions for any violation of the provisions of the proposed legislation.

BE IT FURTHER RESOLVED that the Committee shall review the draft legislation and then present its findings, recommendations and proposed legislation to the First Regular Session of the Fifty-second Idaho Legislature.

BE IT FURTHER RESOLVED that members of the Committee shall serve without compensation.

Adopted by the House March 24, 1992.
Adopted by the Senate April 1, 1992.
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 Fifty-first Legislature of the State of Idaho, Second Regular Session thereof, which convened January 6, 1992, and which adjourned April 3, 1992, 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 24th day of April, 1992.

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
WHEREAS, the Oregon Trail has great historical and economic significance to the State of Idaho; and
WHEREAS, it is important that Idaho have an official organization to coordinate with other Oregon Trail states;
NOW, THEREFORE, I, CECIL D. ANDRUS, Governor of the State of Idaho, do hereby establish the Idaho Oregon Trail Committee as an advisory body to state, local, and federal governments on the Oregon Trail development and management.

The Committee shall:
1. Promote public awareness of the historical significance of the Oregon Trail and encourage the development and protection of historical sites and outdoor recreational resources along the Oregon Trail;
2. Act in an advisory capacity to other Idaho commissions, bureaus, agencies, and committees by making recommendations regarding their activities and policies that relate to the history and importance of the Oregon Trail; and
3. Serve as the official liaison with other Oregon Trail states, federal departments, bureaus, and committees concerned with the Oregon Trail in coordinating and planning activities to foster state and national recognition of the significance of the Oregon Trail.

The Committee shall consist of no more than 10 persons who are appointed by the Governor and serve at his pleasure. The membership of the Committee shall include a representative of the Idaho Heritage Trust, a representative of the Idaho Historical Society, a representative of the Idaho Department of Parks and Recreation, and the Governor or his designee.

The Committee shall have regular meetings as determined by the majority of the Committee and shall meet on special occasions upon the call of the chairperson.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the 26th day of April, in the year of our Lord nineteen hundred ninety-one, and of the Independence of the United States of America the two hundred fifteenth, and of the Statehood of Idaho the one hundred first.

/s/ Cecil D. Andrus
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE
EXECUTIVE ORDER NO. 91-3

ESTABLISHING THE IDAHO RURAL DEVELOPMENT COUNCIL

WHEREAS, Idaho is among the most rural states in the nation; and
WHEREAS, Idaho's tremendous geography and sparse population create problems of distance and isolation; and
WHEREAS, the most rural counties in Idaho consistently have lower per capita incomes, higher unemployment rates, lower rates of in-migration, higher poverty levels, and less new construction and job growth; and
WHEREAS, the most rural residents of Idaho have less access to health care services, employment training, business assistance, library service, and diverse educational and cultural opportunities; and
WHEREAS, the most rural communities have disproportionately large infrastructure needs for transportation, utility services, and education; and
WHEREAS, two state goals are to provide universal access to basic services and to create economic opportunities so that citizens can live in rural Idaho if they so choose;

NOW, THEREFORE, I, CECIL D. ANDRUS, Governor of the State of Idaho, by the authority vested in me by law, do hereby establish the Idaho Rural Development Council.

The Rural Development Council's responsibilities will be:
1. To identify organizations, authorities, and resources to address various aspects of rural development;
2. To serve as a clearinghouse of information on rural problems, programs, and policies, and to promote broader understanding of these issues at the local level;
3. To assess conditions in rural Idaho and to set overarching goals and specific objectives for improving the quality of life in rural Idaho;
4. To identify alternative approaches toward meeting those goals and to design a state strategy for applying available resources to achieve long-term rural economic development;
5. To implement (in cooperation with the federal government, local government, and the private sector) the state rural economic development strategy and make progress reports;
6. To develop better intergovernmental coordination and to seek out opportunities for new partnerships to achieve rural development goals within the existing structure; and
7. To decide the most appropriate response from the public sector in cases of requests to multiple agencies or levels of government.

The Idaho Rural Development Council is a joint effort between federal, state, and local government. Because its primary mission is to determine how state and federal government can best help the people, communities, and economies of rural Idaho, most Council members will represent state or federal agencies. However, all action to improve rural areas must ultimately occur at the local level; state and federal government can only facilitate positive change.

Membership shall include representation from the following state
entities:

1. Executive Office of the Governor
2. Idaho Legislature (4)
3. Department of Commerce
4. Department of Agriculture
5. Department of Employment
6. Department of Health and Welfare
7. Department of Parks and Recreation
8. Idaho Transportation Department
9. Department of Lands
10. Department of Water Resources
11. Division of Vocational Education
12. Commission on the Arts
13. Small Business Development Centers
14. State Library
15. Public Utilities Commission

A representative from each of the following local government organizations shall be invited to participate:

1. Association of Idaho Cities
2. Idaho Association of Counties
3. Regional planning districts
4. Idaho Cooperative Utility Association (REAs)
5. Health districts
6. Tribal government
7. Resource Conservation and Development areas (RC&Ds)
8. Idaho Rural Health Education Center

These state and local representatives shall join on the Council with representatives of the following federal entities:

1. Senators (2)
2. Congressmen (2)
3. Farmers Home Administration
4. Soil Conservation Service
5. Forest Service
6. Cooperative Extension Service
7. Agricultural Stabilization and Conservation Service
8. Small Business Administration
9. Economic Development Administration
10. Department of Housing and Urban Development
11. Bureau of Reclamation
12. Bureau of Land Management
13. Department of Energy

Additional members may be added by consensus of the Council. The Council shall meet no less than quarterly for a period of two years. The Council will be co-chaired by the representative from the Executive Office of the Governor and a designated federal representative. The Council may establish an executive committee and subcommittees at its discretion.
EXECUTIVE ORDER NO. 91-4

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. 87-4

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. 87-4 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 signature official for all grants and official documents required under the Wagner-Peyser Act, as amended;

2. The designation of the Department of Employment as the recipient of all funds to be allocated to or negotiated with Idaho in support of the state plans as required under Sections 7(a), 7(b), and 7(c) of the Act and as may be approved by the Employment and Training Administration;

3. Designation of the Department of Employment to enter into reimbursable agreements when appropriate for non-Wagner-Peyser authorized activities such as labor certification, migrant housing inspections, national labor market information, Disabled Veterans Outreach, and Local Veterans Employment Representatives; and

4. Further, as prescribed by the Act, Section 8(b), Employment
Service component plans applying to each Service Delivery Area (SDA) will be developed jointly with the appropriate SDA officials and will be in accordance with the Governor's Coordination and Special Service Plan and the approved formula for distribution of resources.

This Executive Order repeals and replaces Executive Order No. 87-4.

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 9th day of April, in the year of our Lord nineteen hundred ninety-one, and of the Independence of the United States of America the two hundred fifteenth, and of the Statehood of Idaho the one hundred first.

/s/ Cecil D. Andrus
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 91-5

CONTINUING THE POLICY OF THE "IDAHO IS TOO GREAT TO LITTER" BUMPER STICKER AND LITTER BAG AS IT PERTAINS TO USE ON STATE VEHICLES, REPEALING AND REPLACING EXECUTIVE ORDER NO. 87-6

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 offer unique 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 continue to be the forerunner in denouncing littering.

TO ACCOMPLISH 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.

This Executive Order repeals and replaces Executive Order No. 87-6.
EXECUTIVE ORDER NO. 91-6

ESTABLISHING THE IDAHO OFFICE FOR CHILDREN AND EARLY CHILDHOOD EDUCATION

WHEREAS, quality early childhood education is vitally important to the intellectual, social and personal development and emotional health of children so they can become responsible citizens and contributing members of society, and enjoy a satisfying productive life; and

WHEREAS, more than 100,000 Idaho children require child care but far fewer licensed child care placements are currently available to them and their families; and

WHEREAS, the direct relationship between quality early childhood education and later school performance has been clearly established; and

WHEREAS, there is a need for the coordination of all state and private services including early childhood education to develop sufficient quality child care placements to meet the growing demand; and

WHEREAS, there is a need to coordinate early childhood education programs with the programs offered by public and private schools, higher education, and other training opportunities; and

WHEREAS, there is a need for a central office which will not duplicate other state efforts but which will coordinate programs for early childhood education and result in a statewide, uniform system for these programs; and

WHEREAS, there is a need to provide more information to Idaho citizens on the need for, and development of, quality early childhood education programs throughout the state;

NOW, THEREFORE, I, CECIL D. ANDRUS, Governor of the State of Idaho, by the authority vested in me by law, do hereby create the Idaho Office for Children and Early Childhood Education within the Office of the Governor.

The responsibilities of the office will be:

1. To develop a state plan to improve affordability, quality and availability of child care services.

2. To coordinate common policies and practices in all programs and develop mechanisms for interagency collaboration to create a coordi-
nated state child care and early childhood delivery system.

3. To establish a broad-based state advisory group that enables advocates, parents, providers and others concerned with child care and early childhood development to review and comment on the plan.

4. To advocate for a positive role for early childhood education within the entire educational system.

5. To coordinate the efforts of public, private and higher education, the Department of Health and Welfare, the Department of Education, the Department of Commerce and other appropriate state agencies to provide more quality early childhood education programs throughout the state.

FURTHER, The Idaho Office for Children and Early Childhood Education shall present annually to the Governor a report on the Office's achievements and impact on the child care and early childhood delivery system within the State of Idaho.

A plan for the office will be reviewed by a special advisory committee appointed by the Governor. This committee will include representatives from the public, early childhood education providers and appropriate governmental agencies.

The Departments of Education and Health and Welfare will be consulted, and at least one public hearing will be held on the plan.

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 30th day of May, in the year of our Lord nineteen hundred ninety-one, and of the Independence of the United States of America the two hundred fifteenth, and of the Statehood of Idaho the one hundred first.

/s/ Cecil D. Andrus
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 91-7

IDAHO CODE OF FAIR EMPLOYMENT PRACTICES,
REPEALING AND REPLACING EXECUTIVE ORDER NO. 87-8

WHEREAS, the United States through its Constitution, laws, executive orders, and regulations has declared that all persons are to be treated fairly and equally; and the State of Idaho is committed to fulfilling that federal mandate; and

WHEREAS, the Legislature of the State of Idaho by Title 44, Chapter 17, and Title 67, Chapter 59, of the Idaho Code has declared that employment discrimination based upon race, color, national origin, religion, handicap, sex, or age is illegal; by Title 56, Chapter 7, that the handicapped shall be free from employment discrimination in
public service; and by Title 65, Chapter 5, that veterans are to be given preference by public employers; and

WHEREAS, every Idahoan should be provided the opportunity to fully develop and use his/her talents. When we allow race, color, religion, national origin, sex, age, and/or handicap to prevent anyone from reaching full potential, we fail that person, our state, and our country. In accordance with the principles of fair employment practices, we must strive to recognize and advance the abilities and talents of all people, while denying no individual his/her rightful opportunities; and

WHEREAS, we must assume our citizen-granted role of leadership in the protection of freedom for all citizens and serve in that leadership role as a model for government, business, industry, labor and education in this regard;

NOW, THEREFORE, I, CECIL D. ANDRUS, Governor of the State of Idaho, in that spirit and to that purpose, do hereby proclaim the following Idaho Code of Fair Employment Practices to be the governing policy throughout every department of the Executive Branch of Government of the State of Idaho.

ARTICLE I--Employment Policies of State Agencies

State employees shall be recruited, appointed, assigned, and promoted upon the basis of individual merit, in accordance with the principles of fair treatment and non-discrimination on the basis of race, color, sex, religion, national origin, age, or handicap. Appropriate consideration shall be given to veterans in accordance with applicable state and federal laws and regulations.

All state departments, commissions, and boards are directed to review present personnel recruitment, appointment, promotion, demotion, transfer, retention, discipline, separation, training, compensation policies, and other employment practices to assure compliance with this Executive Order. They shall regularly review present state and federal laws and regulations and seek to redress underutilization, if any, of minority, women, or handicapped persons within the state workforce.

The State Personnel Commission shall take positive steps to insure that the entire examination process, oral, written, and ratings shall be free from either conscious or inadvertent bias. State agencies shall give wide distribution of notice of employment opportunities so that all citizens may be fully advised of career opportunities in state government. Employment announcements issued by state agencies shall include a statement indicating "Hiring is done without regard to race, color, religion, national origin, sex, age, or handicap. Appropriate consideration shall be given to veterans in accordance with applicable state and federal laws and regulations."

ARTICLE III--State Financial Assistance

All services of every state agency shall be performed without discrimination based on race, color, religion, national origin, sex, or handicap. No state facility shall be used in furtherance of any discriminatory practice, nor shall any state agency become a party to any agreement, arrangement, plan, contract, or subcontract which has the effect of sanctioning such practices.

ARTICLE IV--State Employment Services

All state agencies, including educational institutions, which pro-
vide employment referral or placement services to public or private employers, shall accept job orders and/or applications on a non-discriminatory basis. They shall refuse to fill any job order designed, either consciously or inadvertently, to exclude any person from employment because of race, color, religion, national origin, sex, age, or handicap.

ARTICLE V--State Education, Counseling, and Training Program
All educational counseling and vocational guidance programs, employment and training programs, policy declarations and staff services of state agencies, or those in which state agencies participate, shall be open to all qualified persons, without regard to race, color, religion, national origin, sex, age, or handicap.

ARTICLE VI--Cooperation with Human Rights Commission
All state departments shall cooperate fully with the Idaho Human Rights Commission if state employees or applicants for state employment file complaints with the Commission. They shall also utilize the services of the Commission when needing technical advice regarding compliance with equal employment opportunity as described by Title 67, Chapter 59, Idaho Code. The Commission shall act as a referral agency for information or complaints concerning discrimination in certain protected classes not covered by Title 67, Chapter 59, Idaho Code.

ARTICLE VII--Enforcement by Appointing Authorities
The executive head of each state executive department shall be responsible for carrying out the policies of this Idaho Code of Fair Employment Practices and shall inform and educate all supervisory personnel regarding its intent and spirit. They shall promulgate clearly written directions to carry out this policy. Upon a showing of substantial evidence to the appropriate appointing authority that any officer or employee of the state has knowingly violated any of the provisions of this Executive Order or any applicable state or federal law or regulation, the appointing authority shall take appropriate disciplinary action.

Because of its sensitive nature, sexual harassment often cannot be effectively addressed through normal grievance procedures. Therefore, every appointing authority shall be responsible for the development of a grievance procedure to be used by employees and/or recipients of state services who believe they have been subjected to sexual harassment. This policy shall include at least the following: (1) a statement defining and forbidding sexual harassment; (2) an investigative procedure designed to protect the confidentiality of participants and to effect an immediate and fair resolution of the allegation; and (3) a statement advising employees and service recipients of their rights to raise this issue with appropriate governmental agencies and/or the courts. Pursuant to Article IV of this Executive Order, the Human Rights Commission and the Personnel Commission shall assist in the development of these policies.

ARTICLE VIII--Affirmative Action Plans
Each executive agency shall, on September 1 of each year, submit a written affirmative action plan to the Governor setting forth all activities undertaken in the past year to effect this Idaho Code of Fair Employment Practices. The report shall be submitted in a form prescribed by the Governor's Office and in sufficient detail to indicate whether goals established by this Code are being met.
The Governor will appoint an interagency committee to review and evaluate the plans and to consult with each appointing authority as to the progress each is making. The committee will report to the Governor the results of this review and consultation and make periodic recommendations for further improvements in the State's EEO/AA effort.

This Executive Order repeals and replaces Executive Order No. 87-8.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the 22nd day of May, in the year of our Lord nineteen hundred ninety-one, and of the Independence of the United States of America the two hundred fifteenth, and of the Statehood of Idaho the one hundred first.

BY THE GOVERNOR:

/s/ Cecil D. Andrus
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 91-8

CONTINUATION OF COORDINATION OF STATE GOVERNMENT ACTIVITIES RELATED TO THE SNAKE RIVER RESERVED WATER RIGHTS NEGOTIATIONS, REPEALING AND REPLACING EXECUTIVE ORDER NO. 87-9

WHEREAS, the Snake River Basin Adjudication of water rights was commenced by order of the District Court of the Fifth Judicial District of the State of Idaho in and for Twin Falls County on November 19, 1987, pursuant to Section 42-1406A, Idaho Code; and

WHEREAS, H.C.R. No. 16, 48th Idaho Legislature, First Session (1985), provided that the state should attempt to negotiate with Indian tribes to resolve as many issues as possible regarding the extent of their water rights in the Snake River Basin; and

WHEREAS, Chapter 220, Section 28, of the 1986 Idaho Session Laws directs the state to continue attempts to resolve issues related to unidentified and unquantified reserved water rights by negotiations; and

WHEREAS, negotiations carried out under the direction of Executive Order No. 87-9 have resulted in agreements identifying some of the reserved water rights in the Snake River Basin; and

WHEREAS, in order to effectively manage the water resources of the Snake River Basin, it will be necessary to identify and quantify all federal and Indian reserved water rights; and

WHEREAS, it is in the interests of the State of Idaho, the United States, and the Indian tribes to quantify all reserved water rights through a process of negotiations with all reserved water rights claimants; and
WHEREAS, the reserved water rights negotiations may have profound effects upon the state's water resource policy expressed in the State Water Plan and the Idaho Code; and

WHEREAS, the Idaho Water Resource Board and the Idaho Legislature have joint constitutional authority and responsibility to formulate state water resource policy;

NOW, THEREFORE, I, CECIL D. ANDRUS, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho, do hereby order as follows:

1. The Idaho Water Resource Board is hereby designated as lead agency to coordinate state activities related to the negotiation of reserved water rights with the United States and the Indian tribes.

   In carrying out this responsibility, the Board will:
   a. Identify the tasks which need to be accomplished to carry out the negotiations;
   b. Seek assistance from the director of the Department of Water Resources and the Attorney General, as necessary, to plan and conduct the reserved water rights negotiations;
   c. Identify other agencies or entities of state government who have responsibilities for tasks identified in the negotiation plan;
   d. Coordinate the activities and functions of various state agencies with respect to the reserved water rights negotiations so as to eliminate duplication of effort and maximize available state resources;
   e. Identify potential reserved water rights claimants and enter into preliminary discussions with them concerning the nature and extent of their rights and the process for resolving issues related to their claims;
   f. Represent the state in reserved water rights negotiations pursuant to Section 42-1734(d), Idaho Code, and, from time to time, authorize other parties to participate in the negotiations on behalf of other public or private interests;
   g. Consult with the Governor and members of the Idaho Legislature regarding policy issues; and
   h. Provide for the effective involvement in the negotiation process of interested water users and other members of the public.

2. The Attorney General will coordinate legal representation for the state and its agencies and institutions that may have legal interests in the reserved water rights negotiations and the adjudication. In this regard, every effort should be made to harmonize the legal positions of the various state agencies and institutions.

3. Nothing herein shall be construed as affecting or limiting the independent authority of the director of the Department of Water Resources with respect to his statutory duties in a general water rights adjudication.

4. All state offices, agencies, and institutions shall cooperate with and provide assistance to the Water Resource Board in
carrying out its responsibilities under this order.

This Executive Order repeals and replaces Executive Order No. 87-9.

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 22nd day of May, in the year of our Lord nineteen hundred ninety-one, and of the Independence of the United States of America the two hundred fifteenth, and of the Statehood of Idaho the one hundred first.

BY THE GOVERNOR:

/s/ Cecil D. Andrus
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 91-9
CONTINUATION OF DELEGATION OF RULE-MAKING APPROVAL UNDER SECTION 72-1333(b), IDAHO CODE, REPEALING AND REPLACING EXECUTIVE ORDER NO. 87-10

WHEREAS, Section 72-1333(b) of the Idaho Code, authorizes the Director of the Idaho Department of Employment to adopt, amend, or rescind such rules and regulations as may be necessary for the proper administration of the Employment Security Law of Idaho, subject to the prior approval of the Governor; and

WHEREAS, it is my belief that the Director of the Department of Employment is in a position to make a more fully informed and expeditious determination as to the need for proposed rules and regulations because of the direct involvement in the administration of the Employment Security Law and ready access to critical information and technical advice concerning the administration of the law; and

WHEREAS, it is in the best interest of the state to encourage the prompt resolution of any problems in the administration of the Employment Security Law; and

WHEREAS, the procedures required by the Administrative Procedure Act, Section 67-5201, et seq., Idaho Code, provide more than adequate opportunities for the public to examine and comment on proposed rules and regulations;

NOW, THEREFORE, I, CECIL D. ANDRUS, Governor of the State of Idaho, do hereby continue to delegate my right of prior approval under Section 72-1333(b) of the Idaho Code to the Director of the Idaho Department of Employment.

This Executive Order repeals and replaces Executive Order No. 87-10.
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-fifth day of June, in the year of our Lord nineteen hundred ninety-one, and of the Independence of the United States of America the two hundred fifteenth, and of the Statehood of Idaho the one hundred first.

/s/ Cecil D. Andrus
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 91-10

REDUCTION OF GENERAL ACCOUNT ALLOTMENTS

WHEREAS, Article 7, Section 11, of the Idaho Constitution provides that state government expenditures shall not exceed state government revenue; and

WHEREAS, I have determined that expenditures from the General Account authorized by the Legislature for the current fiscal year will exceed anticipated monies available to meet those expenditures; and

WHEREAS, I have determined that the reduction of allotments provided herein for the elective officers in the Executive Department will not prohibit the discharge of the constitutional duties of such elective offices;

NOW, THEREFORE, I, CECIL D. ANDRUS, Governor of the State of Idaho, by the authority vested in me pursuant to Section 67-3512A, Idaho Code, do hereby order:

1. That the General Account appropriations on file in the Office of the State Auditor be reduced in the amounts indicated for each of the following agencies:

   Governor's Office       $ 18,800
   Emergency Fund          100
   Division of Financial Management 16,100
   Endowment Fund Investment Board 3,500
   Office on Aging          24,700
   Human Rights Commission  4,500
   Blind Commission         14,100
   Women's Commission       300
   Military Division         29,200
   Department of Commerce   37,200
   Department of Administration 36,500
   Department of Revenue and Taxation 209,700
   Department of Labor      5,700
   Department of Agriculture 41,000
### 2. Agencies should submit appropriation reductions and statements which explain the impact of making these reductions permanent to the Division of Financial Management by September 13, 1991. Whenever possible, the spending reductions should be made from one-time appropriations.

### 3. Officers of the Legislative and Judicial branches of government are requested to reduce General Account expenditures for FY 1992 to the extent possible without impairing the discharge of their constitutional duties.

This order shall take effect immediately upon its execution and shall continue in effect until January 31, 1992, unless improving fiscal conditions allow it to be revoked or modified at an earlier date.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the 13th day of August, in the year of our Lord nineteen hundred ninety-one, and of the Independence of the United States of America the two hundred sixteenth, and of the Statehood of Idaho the one hundred second.

BY THE GOVERNOR:

/s/ Cecil D. Andrus
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE
WHEREAS, regional cooperation on waste management is essential to protecting the environment of Idaho and the entire western region; and
WHEREAS, the policies and procedures for waste management in neighboring states may affect Idaho and vice-versa; and
WHEREAS, it is advantageous for Idaho to receive early notification and the opportunity to comment on our neighboring states' decisions regarding waste management that may impact Idaho; and
WHEREAS, it is also incumbent upon the State of Idaho to provide our neighbors who may be impacted by our decisions regarding waste management with the opportunity to provide us with their comments on impending state decisions; and
WHEREAS, federal cleanup wastes are often shipped from the cleanup site to another state for disposal without the receiving state's knowledge or approval; and
WHEREAS, the sharing of this information will serve to protect the environment of Idaho and the western region;
NOW, THEREFORE, I, CECIL D. ANDRUS, Governor of the State of Idaho, under the authority vested in me by the laws and the Constitution of Idaho, DO HEREBY ORDER THAT:

Agencies in the State that are responsible for waste management shall cooperate with the Western Governors' Association and its member states on regional cooperation on waste management. Idaho's cooperation will be achieved by the following actions:


2. This individual's name will be forwarded to the Western Governors' Association along with a copy of this Executive Order.

3. The attached Regional Waste Protocol, which has been signed by my hand, will be distributed to staff of Idaho's agencies handling waste management issues.

4. State agencies and personnel regularly will review pending state decisions on new waste facilities, waste management taxes or fees, new regulations or legislation dealing with waste management, and federal wastes for potential impact on other states in the region as outlined in Principle 2 of the Regional Waste Protocol. When potential impacts on other states in the region are identified, agency staff will contact the State's Single Point of Contact named above.

5. It will be the Single Point of Contact's responsibility to inform the Western Governors' Association of the potential impacts. It will also be incumbent upon the Single Point of Contact to ensure that all the relevant state agencies are notified when he is informed of other states' waste actions which might impact the state.
"WESTERN STATES REGIONAL WASTE MANAGEMENT PROTOCOL
Western Governors' Association, July 21, 1991

Findings

Managing the wastes our society produces is no longer merely a local management issue. The complexity of waste characteristics and costs of safely treating and disposing of wastes has made waste management a state and regional issue guided by federal regulations.

Few states have the capacity to treat and dispose of all types of wastes generated within their borders. Western states are interdependent on one another for the management of solid, biomedical, hazardous, and low level radioactive waste.

The federal government, primarily through the Department of Energy and the Department of Defense, has created significant waste sites in the West. In many western states, the magnitude of the problems at these sites dwarfs other waste management problems.

Wastesheds, like watersheds, do not follow the political boundaries on a map. Likewise the policies we adopt to manage waste in one state will impact waste management in another state. In addition, federal decisions on site cleanup can cause wastes to move between states in the West for treatment and disposal.

The West is leading the nation in working cooperatively on waste management concerns exemplified by its hazardous waste regional dialogue and capacity assurance.

We must continue to work cooperatively with our local leaders, tribal leaders, business and environmental interests, and with each other to ensure that wastes are managed safely and economically.

Because of the region's geology, rainfall, and settlement patterns, the West has been asked to shoulder a large part of the national waste management responsibility. These same attributes have led private
interests (and the federal government) to approach our communities to host waste management treatment and storage facilities for wastes generated in other regions.

The West's environment and natural resources have always been the lifeblood of the region. In addition, the West is perceived nationally and internationally as having pristine air and a clean and safe environment. It is in our best interests to work together to steward our environment and natural resources to ensure that people want to continue to move to or visit the West.

Purpose

The purposes of this protocol are to enhance the communication among western state governors on waste management issues, to formalize the process of notification of affected neighboring states on waste facility siting decisions, and to establish regional principles on waste management.

Principles

We, the undersigned Governors, pledge to each other the following:

1. We will encourage the minimization of waste in private production processes and we will do everything economically and environmentally practical to ensure that wastes generated in our states are treated and disposed of in our own state before resorting to export.

2. We will notify and consult with each other over state decisions regarding waste management that may impact other western states. Issues which will trigger notification and opportunity for comment include:

   Facility siting: Proposed waste management facilities within sixty miles of another state's border and large regional facilities designed to draw wastes from other states and regions. Notification will be triggered by a state receiving a formal application for a facility;

   Fee levels: Increases in state waste management fees in excess of 30% per annum if over $10 per ton. Fees will include tipping, license, application and other state imposed waste management fees;

   Changes in statutes or regulations: Proposed changes in states' waste treatment, storage, or disposal regulations or statutes which could result in wastes being exported to other states or restricted from other states;

   Cleanup wastes: Planned waste shipments from federal or state cleanup actions which will leave the state of origin for treatment and/or disposal, to the extent that such information is readily
available;

Transportation impacts: Planned waste shipments which would significantly increase transportation of waste through another state on its way toward treatment or disposal, to the extent that such information is readily available.

3. We will share information on state-federal agreements for federal site cleanup to ensure that each state in the region has the best agreement possible. This information sharing will occur at least annually.

4. We will also share information on successful state waste management strategies.

5. We will cooperate to the degree possible to develop regional markets for recycled products. This cooperation will include, but not be limited to, working toward common standards and definitions for recycled materials and ensuring that state policies do not discourage the interstate flow of materials for legitimate recycling.

6. We will continue to work cooperatively to ensure that the West is treated fairly in national waste management policy decisions. This will include, but not be limited to, supporting Congressional action to give states more control of out-of-state solid waste, including differential fees and regional agreements or compacts.

Implementation of Principles

To implement these principles we will

* appoint a single point of contact within each state responsible for, and responsive to, notification of other states. The names of these contacts will be forwarded to the Western Governors' Association within sixty days of the signing of this protocol;

* give copies of this protocol to our environmental agencies with instructions to incorporate the principles into their planning and siting processes; and

* sign executive orders or take other administrative action within 120 days of the signing of this protocol making these principles a matter of state policy.

Progress Toward Implementation

We will meet on an annual basis to review compliance with the aforementioned principles. The Western Governors' Association will produce for our review a waste management in the West profile that highlights regional waste problems, opportunities, and policy options.
EXECUTIVE ORDER NO. 91-12

RENAMING THE DISABILITY DETERMINATIONS UNIT TO DISABILITY DETERMINATIONS SERVICE AND CONTINUING ITS FUNCTIONS IN THE EXECUTIVE OFFICE OF THE GOVERNOR,
REPEALING AND REPLACING EXECUTIVE ORDER NO. 87-15

WHEREAS, the Disability Determinations Unit was established as a unit of state government within the Executive Office of the Governor on April 12, 1979; and

WHEREAS, there continues to be a need for the important services provided by the Disability Determinations Unit; and

WHEREAS, to be in compliance with the federal government's nomenclature, it is deemed appropriate to rename this office to be the Disability Determinations Service;

NOW, THEREFORE, I, CECIL D. ANDRUS, Governor of the State of Idaho, do hereby order and issue this Executive Order:

1. Renaming the Disability Determinations Unit to the Disability Determinations Service.

DONE at the State Capitol at Boise, Idaho, this 21st day of July, 1991.

CECEL D. ANDRUS
Governor

[Signature]

[Seal]
Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho, do hereby order that the Disability Determinations Unit be renamed to be the Disability Determinations Service and that it continue to function in the Executive Office of the Governor.

This Executive Order repeals and replaces Executive Order No. 87-15.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the tenth day of September, in the year of our Lord nineteen hundred ninety-one, and of the Independence of the United States of America the two hundred sixteenth, and of the Statehood of Idaho the one hundred second.

BY THE GOVERNOR:

/s/ Cecil D. Andrus
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 91-13

EMPLOYEE ORGANIZATIONS AND THE STATE SERVICE,
REPEALING AND REPLACING EXECUTIVE ORDER NO. 87-14

WHEREAS, the public interest requires high standards of performance and morale among employees of the State of Idaho; and
WHEREAS, the well-being of employees and efficient administration of government are benefitted by providing employees an opportunity to participate in employee organizations which advance their interest; and
WHEREAS, the right of employees to associate in employee organizations of their choice is a fundamental human and constitutional right;
NOW, THEREFORE, I, CECIL D. ANDRUS, Governor of the State of Idaho, do hereby, by the virtue of the authority vested in me by the Constitution and Statutes of the State of Idaho, direct that the following policies shall govern officers and employees of the State of Idaho in dealings with employee organizations.

Section 1. Each employee of the State of Idaho has the right, freely and without fear of penalty or reprisal, to form, join, and assist an employee organization or to refrain from any such activity; and each employee shall be protected in the exercise of this right. The head of each agency shall take the action required to assure that employees in that agency are apprised of their rights under this section and that no interference, restraint, coercion, or discrimination is practiced within the agency to encourage or discourage membership in an employee organization.

Section 2. Employee organizations have the right of reasonable access to places where state employees work, including the use of bul-
letin boards and meeting spaces, as long as such access does not interfere with the efficient administration of government or with the performance of the employees' duties during normal working hours.

This Executive Order repeals and replaces Executive Order No. 87-14.

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 tenth day of September, in the year of our Lord nineteen hundred ninety-one, and of the Independence of the United States of America the two hundred sixteenth, and of the Statehood of Idaho the one hundred second.

BY THE GOVERNOR:

/s/ Cecil D. Andrus
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 91-14

CONTINUATION OF THE INCARCERATION WORK GROUP
REPEALING AND REPLACING EXECUTIVE ORDER NO. 90-4

WHEREAS, the correctional systems in the nation and in the State of Idaho continue to experience severe overcrowding; and

WHEREAS, the problems associated with all facets of incarceration and rehabilitation of felony criminal offenders continue to require the immediate attention of state and local government to reduce the pressure on state and local revenues; and

WHEREAS, in order for state and local government to plan adequately for current and future correctional facilities, it is necessary to continue efforts to understand the makeup of the incarcerated population, to project and forecast offender populations, and to consider a comprehensive range of sentencing alternatives for criminal offenders; and

WHEREAS, it is necessary to continue to bring numerous resources to bear on the management of correctional issues, since no single state agency or local governmental entity can address the totality of those issues facing the state; and

WHEREAS, an Incarceration Work Group which was established March 13, 1990, to study and make recommendations regarding the Idaho incarceration and correctional structure has faithfully and professionally executed its established duty and has submitted a timely and in-depth report of its findings and is to be commended for its dedicated service;

NOW, THEREFORE, I, CECIL D. ANDRUS, Governor of the State of Idaho, after reviewing the report, have determined there are additional areas of concern which need to be addressed in order to resolve
the challenges facing our correctional system; and, therefore, I hereby direct that the Incarceration Work Group shall continue to remain organized and shall extend its functions to:

1. Study and make recommendations on factors influencing the growth rate of the correction population, including sentencing and parole practices.

2. Study and make recommendations on state and county institutional changes that could be implemented to reduce recidivism, incarceration rates, and bed space needs.

3. Study and make recommendations on the establishment of regional facilities for male and female offenders, to serve both the state correctional system and the needs of local government.

4. Study and make recommendations on community-based correctional programs directed toward select non-violent offenders.

5. Study and make recommendations on any incarceration issue facing the State of Idaho.

6. Submit periodic reports to the Governor of the Incarceration Work Group's findings and recommendations.

The Incarceration Work Group shall continue to consist of the individuals listed below and their designees and such additional members as may be appointed by the Governor. The Governor shall designate a member of the Work Group to serve as chairman. All members shall serve without compensation, except members shall be reimbursed for their reasonable expenses for serving on the Work Group.

Director, Department of Correction
Director, Division of Financial Management
Director, Department of Health and Welfare
A Justice of the Idaho Supreme Court
Two District Court Judges of the Idaho Judicial System
Two representatives of the Idaho Sheriffs Association
A representative of the Idaho Association of Prosecuting Attorneys
A representative of the criminal defense bar
A representative of the Idaho Association of Commissioners and Clerks
A representative of the Commission for Pardons and Parole
A representative of the Democratic Party from the Joint Finance and Appropriations Committee
A representative of the Republican Party from the Senate Judiciary and Rules Committee
A representative of the Idaho Attorney General's Office
A representative of the Office of the Governor
A representative of the Commission on Children and Youth
A representative of the Idaho Legal Aid Services, Inc.

The Incarceration Work Group may also request support from other individuals or groups as it deems appropriate.

This Executive Order repeals and replaces Executive Order No. 90-4.
EXECUTIVE ORDER NO. 91-15
CONTINUATION OF THE OREGON TRAIL COMMITTEE,
REPEALING AND REPLACING EXECUTIVE ORDER NO. 91-2

WHEREAS, the Oregon Trail has great historical and economic significance to the State of Idaho; and
WHEREAS, it is important that Idaho have an official organization to coordinate with other Oregon Trail states;
NOW, THEREFORE, I, CECIL D. ANDRUS, Governor of the State of Idaho, do hereby continue the Idaho Oregon Trail Committee as an advisory body to state, local, and federal governments on the Oregon Trail development and management.

The Committee shall:
1. Promote public awareness of the historical significance of the Oregon Trail and encourage the development and protection of historical sites and outdoor recreational resources along the Oregon Trail;
2. Act in an advisory capacity to other Idaho commissions, bureaus, agencies, and committees by making recommendations regarding the activities and policies that relate to the history and importance of the Oregon Trail; and
3. Serve as the official liaison with other Oregon Trail states, federal departments, bureaus, and committees concerned with the Oregon Trail in coordinating and planning activities to foster state and national recognition of the significance of the Oregon Trail.

Committee members shall be appointed by the Governor and serve at his pleasure. The membership of the Committee shall include a representative of the Idaho Heritage Trust, a representative of the Idaho Historical Society, a representative of the Idaho Department of Parks and Recreation, and the Governor or his designee, and such other members as appointed by the Governor.

The committee shall have regular meetings as determined by the majority of the committee and shall meet on special occasions upon the call of the chairperson.
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 1st day of November, in the year of our Lord nineteen hundred ninety-one, and of the Independence of the United States of America the two hundred sixteenth, and of the Statehood of Idaho the one hundred second.

/s/ Cecil D. Andrus
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 91-16
CONTINUATION OF THE IDAHO LEWIS AND CLARK TRAIL COMMITTEE
REPEALING AND REPLACING EXECUTIVE ORDER NO. 87-19

WHEREAS, the Lewis and Clark Trail has great historical significance to the State of Idaho; and
WHEREAS, it is important that Idaho have an official group to coordinate with other Lewis and Clark Trail states;
NOW, THEREFORE, I, CECIL D. ANDRUS, Governor of the State of Idaho, do hereby continue the Idaho Lewis and Clark Trail Committee as an advisory body to state, local and federal governments on the Lewis and Clark Trail development and management.
The Committee shall:
1. Promote public awareness of the historical significance of the Lewis and Clark Expedition and encourage the development and protection of historical sites and outdoor recreational resources along the Lewis and Clark Trail;
2. Act in an advisory capacity to other Idaho commissions, bureaus, agencies and committees by making recommendations regarding their activities and policies that relate to the history and trail of the Lewis and Clark Expedition; and
3. Serve as the official liaison with other Lewis and Clark Trail states; the national Lewis and Clark Trail Heritage Foundation, Inc.; and federal departments, bureaus, and committees concerned with the Lewis and Clark Trail in coordinating and planning activities to foster state and national recognition of the significance of the Lewis and Clark Expedition, including promotion of the aims and recommendations of the federal Lewis and Clark Trail Commission, which existed from 1964 to 1969.
The Committee shall consist of no more than 10 persons who are appointed by the Governor and serve at his pleasure. The membership of the Committee shall include the President of the Lewis and Clark Trail Heritage Foundation, a representative of the Idaho Historical Society, a representative of the Idaho Department of Parks and Recreation and
The Governor or his designee.
The Committee shall have regular meetings as determined by the majority of the Committee and shall meet on special occasions upon the call of the Chairperson.
This Executive Order repeals and replaces Executive Order No. 87-19.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the tenth day of December, in the year of our Lord nineteen hundred ninety-one, and of the Independence of the United States of America the two hundred sixteenth, and of the Statehood of Idaho the one hundred second.

/s/ Cecil D. Andrus
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 91-17

CONTINUATION OF THE MARTIN LUTHER KING, JR. TASK FORCE, REPEALING AND REPLACING EXECUTIVE ORDER NO. 87-20

WHEREAS, in 1983 Congress enacted legislation which established the third Monday of each January as a legal federal holiday in commemoration of Dr. Martin Luther King, Jr. and Idaho joined other states by establishing the third Monday in January as Martin Luther King, Jr.-Idaho Human Rights Day; and

WHEREAS, Congress, in conjunction with this Act, has created the Martin Luther King, Jr. Federal Holiday Commission to promote appropriate observances including those at the state level; and

WHEREAS, Idaho wishes to ensure that all persons have an opportunity to participate fully in honoring Dr. King on the third Monday in January; and

WHEREAS, the celebration of Dr. King's birthday is intended as a time for all Americans to reaffirm their commitment to the basic principles that underlie our Constitution—equality and justice for all;

NOW, THEREFORE, I, CECIL D. ANDRUS, Governor of the State of Idaho, by the authority vested in me pursuant to Section 67-802, Idaho Code, do hereby order the continuation of the Governor's Task Force to plan Idaho's observance of the Martin Luther King, Jr.-Idaho Human Rights Day activities. The Task Force shall consist of a Chairperson and such persons as may be appointed by the Governor and who will serve at his pleasure.

The Task Force shall:
1. Review material supplied to the state by the Martin Luther
King, Jr. Federal Holiday Commission; solicit ideas from Idahoans concerning appropriate activities; and make recommendations to the Governor for the state observances;

2. Present the Governor with a report on activities of the past year and recommendations on the upcoming celebration. Such reports are due on November 15 of each year;

3. Encourage participation in activities recommended by the Task Force and the Governor as part of Idaho's commemoration of Dr. King's birthday; and

4. Work with citizen and community groups from throughout the state in coordinating and assisting them to plan activities honoring Dr. King.

Members shall serve without compensation. The Task Force will be staffed by the Idaho Human Rights Commission.

This Executive Order repeals and replaces Executive Order 87-20.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the tenth day of December, in the year of our Lord nineteen hundred ninety-one, and of the Independence of the United States of America the two hundred sixteenth, and of the Statehood of Idaho the one hundred second.

/s/ Cecil D. Andrus
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 91-18

DEFERRED COMPENSATION PROGRAM FOR EMPLOYEES OF THE STATE OF IDAHO, REPEALING AND REPLACING EXECUTIVE ORDER NO. 87-21

WHEREAS, there is a continuing interest on the part of employees of the State of Idaho in a plan whereby employees may defer the receipt of portions of their earnings until retirement; and

WHEREAS, the Idaho Legislature by and through the implementation of Idaho Code 59-513 has provided for the establishment of a Deferred Compensation Plan; and

WHEREAS, in response to this interest, the Board of Examiners of the State of Idaho has appointed a Deferred Compensation Committee to study implementation of such a plan; and

WHEREAS, a Deferred Compensation Plan has been presented to and approved by the Board of Examiners of the State of Idaho by the Deferred Compensation Committee; and

WHEREAS, administrative entities on the state level are necessary for proper implementation of the plan;
NOW, THEREFORE, I, CECIL D. ANDRUS, Governor of the State of Idaho, do hereby, by virtue of the authority vested in me by law, order the following:

1. The Deferred Compensation Committee comprised of a representative appointed by the Governor, a representative from the Office of the Attorney General, and a representative from the Office of the Secretary of State is hereby named as the policymaking board for the Deferred Compensation Program subject to the authority vested in the Board of Examiners of the State of Idaho by law.

2. The Deferred Compensation Committee shall make the following decisions concerning the implementation and maintenance of a Deferred Compensation Program subject to the approval of the Board of Examiners.
   a. Selection of a third-party administrator.
   b. Selection of product companies which sell or offer securities or other assets to the State of Idaho in accordance with the Deferred Compensation Plan.
   c. Approval and monitoring of the marketing program to introduce the Deferred Compensation Program to state employees.
   d. Review all summary reports produced by the Office of the State Auditor and the third-party administrator to insure proper accounting for all funds.
   e. Review on a yearly basis the viability of all product companies associated with the Deferred Compensation Program and to determine if rebidding is necessary.
   f. Review all financial hardship cases and other unusual circumstances developing with employees enrolled in the Deferred Compensation Program.
   g. Review and approve all plan documents, contracts, bylaws, and rules and regulations.
   h. Review the performance of the third-party administrator.
   i. Review all audits of the Deferred Compensation Program.

3. A representative of the Department of Administration in accordance with the request of the Board of Examiners of the State of Idaho shall be responsible for all daily paperwork and contact with the third-party administrator and employees concerning routine matters. The Department of Administration is hereby required to provide the following routine administrative services:
   a. Insure remittance to the product companies of deferred moneys is made for the periodic payroll.
   b. Review and sign all enrollments, change and claim requests.
   c. Keep or arrange to keep any necessary files concerning the Deferred Compensation Program.
   d. Communicate with state employees and the third-party administrator concerning routine matters.
   e. Provide or arrange to provide completion of any other routine matters as requested by the Deferred Compensation Committee.

This Executive Order repeals and replaces Executive Order No. 87-21.
EXECUTIVE ORDER NO. 91-19

ASSIGNMENT OF DISASTER/EMERGENCY MITIGATION, PREPAREDNESS, RESPONSE AND RECOVERY FUNCTIONS TO STATE AGENCIES FOR NATURAL, MAN-MADE, AND ENEMY ATTACK DISASTERS,

REPEALING AND REPLACING EXECUTIVE ORDER NO. 87-22

WHEREAS, widespread disaster resulting from floods, fires, storms, earthquakes, hazardous materials, tornadoes, landslides, mudslides, drought, explosion, riot, hostile military actions, or other catastrophe is an ever present possibility in this State; and

WHEREAS, Chapter 10, Title 46 of the Idaho Code requires the protection of lives and property of the residents of the State in any type of natural or man-made disaster, enemy attack, sabotage or other emergency that might conceivably confront the State; and

WHEREAS, it is the duty of all state officials to assume active leadership in disaster mitigation, preparedness, response, and recovery operations; and

WHEREAS, the Legislature has directed the development of such state disaster mitigation, preparedness, response, and recovery plans; and

WHEREAS, effective state mitigation, preparedness, response, and recovery planning requires the identification of functions that would have to be performed during such emergencies, the assignment of responsibility for performance of these functions, and the assignment of responsibility for developing the capability to implement these plans;

NOW, THEREFORE, I, CECIL D. ANDRUS, Governor of the State of Idaho, by virtue of the powers and authority vested in me by the Constitution and laws of this State, and in accordance with the provisions of Section 46-601 of the Idaho Code, do hereby assign emergency mitigation, preparedness, response, and recovery functions to the various agencies. Each department and agency with essential functions, whether expressly identified in this Order or not, shall:

I. GENERAL ASSIGNMENTS/COORDINATING INSTRUCTION
   A. Develop and maintain disaster/emergency operations plans
To carry out effectively the agency's disaster/emergency functions, including assignment of disaster/emergency duties to all subdivisions and personnel. Plans shall be kept current and a copy placed on file in the office of the Bureau of Disaster Services.

B. Appoint a disaster coordinator and furnish that name to the Bureau of Disaster Services.

C. When a major disaster or an emergency requires the activation of the State Emergency Operations Center, the agency head or representative will be directed to report to that facility to serve as a member of the Governor's staff. The representative will provide continuing liaison with the Governor and other agencies and establish immediate contact with the Bureau of Disaster Services.

D. Make resources and facilities available for essential emergency use.

E. Provide coordination and support during disaster or emergency operations as required by the State of Idaho Emergency Plan.

F. Grant and/or use waivers in accordance with the applicable provisions of the Idaho Code for necessary response to and recovery operations from a disaster/emergency.

G. Provide for training of personnel in appropriate disaster mitigation, preparedness, response, and recovery functions.

H. Provide full cooperation and necessary support to those agencies that are assigned specific lead roles in disaster mitigation, preparedness, response and/or recovery activities.

I. Provide a hazard mitigation coordinator and/or hazard mitigation team members as required in the FEMA-State agreement resulting from a Presidential Declaration.

J. Record and report expenditures of response and recovery activities in an emergency/disaster. Expenditures will include costs for staff time, travel, major supplies or equipment and any other costs which are a direct result of emergency activities.

K. Provide supporting data for federal assistance applications when required by the Bureau of Disaster Services.

II. SPECIFIC ASSIGNMENTS

A. OFFICE OF THE ATTORNEY GENERAL

1. Provide legal advice and assistance to all executive officers of state government and to all offices or agencies of the State upon any question of law relating to their respective functions.

2. Provide consumer protection advice and assistance in response and recovery phases of a disaster.

3. Provide staff assistance, if available, to the highway district engineer at district level when the emergency operations center is activated during an impending or actual nuclear attack.

B. MILITARY DIVISION (Office of the Adjutant General)

1. Provide executive supervision and policy guidance to the Bureau of Disaster Services.

2. Coordinate the activities of all state agencies on behalf of the Governor. (Section 46-1006, Idaho Code).

3. Provide military support and advise and make recommendations to civil authorities on the employment of military forces during a disaster/emergency in accordance with federal and state laws and regulations.

4. Provide specific guidance as required for emergency
preparedness planning and programming for state military forces.

5. Order into active service of the State, the National Guard or any part thereof as directed by the Governor in the event a state of extreme emergency has been declared. (Section 46-601, Idaho Code).

6. Establish a statewide military emergency communications system. During emergencies, maintain communications between the State Emergency Operations Center and state military headquarters. Develop a capability for utilization of radio communications between the state military forces, state highway districts, and civil law enforcement agencies. Provide a mobile communications center for joint military/civil use as required at the scene of operations during emergencies.

7. Through the Coordinator, Bureau of Disaster Services:

a. Coordinate and integrate all state hazard mitigation, preparedness, response and recovery planning efforts for natural, man-made, and enemy-caused disasters.

b. Coordinate response, recovery and mitigation operations of all state agencies during a natural, man-made, or enemy-caused disaster.

c. Establish and maintain an Emergency Operations Center for controlling and directing emergency operations.

d. Assist local officials in the development of plans for the search, rescue, and care and treatment of injured persons who are lost, entrapped, victimized or threatened by a disaster.

e. Develop and coordinate the preparation and implementation of plans and programs for emergency mitigation, preparedness, response and recovery which are consistent with national plans and programs.

f. Provide for mutual support between the state government and federal agencies.

g. Assist local governments in the development of their emergency/disaster preparedness planning.

h. Coordinate all requests from local governments for disaster assistance.

i. Administer federal programs of disaster planning and assistance pertinent to state and local governments.

j. Coordinate use of communications and warning systems in the State Emergency Communications Center.

k. Provide for annual testing of the State Emergency Plan and training of state agency personnel for damage assessment, damage survey and radiological monitoring.

C. DEPARTMENT OF ADMINISTRATION

1. Maintain liaison with the communications media, i.e., radio, television and state agencies for improving and maintaining warning and emergency communications systems.

2. Assist in the development of plans for use of all non-military communications and warning systems within the state during an emergency.

3. Assist other state and local agencies in procuring communications and warning equipment required to fulfill emergency responsibilities and maintain an inventory of and coordinate the
availability of mobile and portable radios between state agencies.
4. Prepare communication and warning studies to improve emergency communications.
5. Promote and develop seismic safety in buildings and structures (structural and nonstructural), in association with the Departments of Education and Labor and Industrial Services.
6. Provide personnel for damage assessment and damage survey teams.
7. Provide assistance to state and local health authorities for emergency sanitation problems.
8. Assist in planning for emergency use of public lands, institutions and other buildings.
9. Supervise and coordinate the obtaining of construction equipment and personnel as pertains to essential facilities and housing, in conjunction with Idaho Transportation Department.
10. Provide administrative and logistical support services.
11. Provide contractual assistance and guidance to local governments.
12. Provide for the administrative support and security of the Capitol Mall Complex, State Emergency Operations Center and the Alternate State Emergency Operations Center.

D. DEPARTMENT OF AGRICULTURE
1. Act as the responsible agency for mitigation, preparedness, response and recovery efforts in agricultural losses.
2. Act as responsible agency for securing information concerning crop losses during disaster/emergencies.
3. Coordinate with local officials for the evacuation of domestic livestock, other animals and pets, and the establishment of an evacuation reception area for appropriate animal care.
4. Coordinate feeding requirements and care arrangements for livestock and other animals.
5. Coordinate dead animal removal.
6. Provide personnel as requested to assist in radiological monitoring.
7. Coordinate with the Department of Health and Welfare in pesticide incidents.
8. Provide technical assistance concerning livestock health, disease control and preventive medicine.
9. Coordinate with appropriate agencies in the distribution of medical supplies for livestock, other animals and pets.
10. Provide for emergency management and operation of the food resource control group.
11. Provide staff assistance to the highway district engineer at district level when the emergency operations center is activated during an impending or actual nuclear attack.
12. Assist with the mitigation, preparedness and response of toxic/hazardous substances used in agriculture in association with the Public Utilities Commission and the Departments of Insurance, Health and Welfare, Law Enforcement, Transportation and Water Resources.
13. Inspect all livestock feed to ensure its safety for livestock consumption.
14. Provide toxicological and other technical data on pesticides, fertilizers, plant and soil amendments and other chemicals to the response personnel and the public.

15. Assist with the disposal of unusable pesticides, fertilizers and plant or soil amendments and help coordinate the transportation of these materials.

E. STATE AUDITOR

1. Perform the required audits following natural or man-made disasters and emergencies.

2. Provide inventory of state employees to the Bureau of Disaster Services when the State Emergency Operations Center is activated during an impending or actual nuclear attack.

3. Initiate the warrant payment process in order to fulfill fiscal obligations resulting from goods and services supplied state agencies during the execution of emergency actions.

4. Fulfill its fiscal obligations to the extent possible that monies exist in the state treasury.

F. DEPARTMENT OF COMMERCE

1. Act as the responsible agency for mitigation, preparedness, response and recovery efforts in economic injury/loss.

2. Be prepared to develop a current inventory of Idaho industries at the onset of a disaster/emergency in coordination with the State Occupation Coordination Committee.

3. Provide public information assistance.

4. Provide an economic impact analysis of the effects of disasters or emergencies with the support of the Public Utilities Commission, the Division of Financial Management and the Departments of Agriculture, Employment, Health and Welfare, Labor and Industrial Services, Revenue and Taxation and Transportation.

5. Provide assistance to local units of government to restore local governmental functions.

6. Provide assistance and coordination to local units of government in obtaining assistance from other governmental entities.

G. DEPARTMENT OF CORRECTION

Provide staff personnel for medical, law enforcement, search and rescue and wildland fire fighting assistance, when available.

H. STATE BOARD OF EDUCATION

1. State Department of Education
   a. Act as the responsible agency for providing a model plan for the following (to be coordinated and promoted via County Disaster Coordinators):
      (1) Develop an emergency disaster plan for all local school district buildings; ensuring the safety of the school population in time of emergency.
      (2) Encourage and assist local school districts and other qualifying agencies to provide a responsive policy for use of buses for emergency transport.
   b. Investigate further development of a seismic safety program for the purpose of reducing the risk from structural and nonstructural hazards in school facilities within available resources and with the support of the Departments of Administration
and Labor and Industrial Services.

c. Provide personnel to assist in the damage assessment of public school facilities.

2. The Office of the State Board of Education
   a. Assist in coordinating activities for damage assessments and damage surveys for higher educational and area vocational-technical facilities.
   b. Assist in coordinating the utilization of higher educational facilities for reception, shelter, mass feeding and disaster application centers during natural or man-made disasters, if required.

I. DEPARTMENT OF EMPLOYMENT
   1. Survey manpower resources and requirements.
   2. Provide recruitment and utilization of the labor force.
   3. Identify areas and occupations of labor shortages and supply.
   4. Provide unemployment insurance claims service for disaster victims in the disaster application centers.
   5. Provide reemployment assistance to individuals unemployed as a result of a natural or man-made disaster.

J. DEPARTMENT OF FINANCE
   Provide for operation of the economic stabilization control group, which includes money, credit and banking, price and rent controls and consumer rationing.

K. DEPARTMENT OF FISH AND GAME
   1. Provide personnel to be used as auxiliary police during emergencies.
   2. Assist in search and rescue operations.
   3. Assist the Department of Health and Welfare in determining environmental impact of proposed emergency operations and suggest alternative methods or actions to keep resulting environmental damage to a minimum.
   4. Provide personnel for damage assessment, damage survey teams, and radiological monitoring.
   5. Provide emergency communications assistance.
   6. Assist the Department of Lands in wildfire suppression by providing specialized vehicular equipment with operators.

L. DEPARTMENT OF HEALTH AND WELFARE
   1. Develop a mitigation, preparedness and response system/program for toxic/hazardous substances released within available resources.
   2. Coordinate emergency welfare, medical, and health services throughout the State. Such responsibility includes the developing of general plans for public health and sanitation, emergency medical assistance, identification and mortuary services, mass care and feeding management, food stamp distribution, crisis counseling, emergency social services, evacuation of sick and injured, use of hospitals and other medical facilities, protection for radiological, chemical, biological, and other hazardous materials, and public health and sanitation.
   3. Responsible for assessing adequate supplies of potable water and coordinating with other appropriate state agencies for
assistance.

4. Assist in coordinating the response to incidents involving radioactive material and provide personnel for radiological monitoring.

5. Develop, implement and administer the State's Individual Family Grant program during a presidentially-declared disaster that requires individual assistance.

6. Provide damage assessment and survey team personnel for health and welfare related functional activities, systems and structures.

7. Responsible for the environmental impact analysis of proposed emergency operations and for the suggesting of alternative methods of actions to keep resulting environmental damage to a minimum.

8. Provide statewide emergency communications and coordination assistance for rescue, hazardous materials, public health and other emergency activities.

9. Provide food stamp and disaster welfare services and personnel for receptionists, registrars, and exit interviewers in the disaster application centers.

10. Develop an emergency organization for the coordination of disaster operations at the regional level.

11. Provide assistance to the highway district engineer at district level when the emergency operations center is activated during an impending or actual nuclear attack.

12. Provide public information assistance.

M. DEPARTMENT OF INSURANCE

1. Develop mitigation, preparedness and response systems/programs for explosions and conflagrations within available resources.

2. Provide insurance counseling services for the disaster victims in the disaster application centers.

3. Prepare the insurance certifications that are required prior to receiving federal disaster assistance.

4. Conduct an investigation as to the cause of a disaster when it pertains to fire or explosion.

5. Prepare preventative measures as a result of an investigation in the case of fire or explosion.

6. Help prepare a criminal case if a disaster is deliberately caused in the case of fire or explosion.


N. DEPARTMENT OF LABOR AND INDUSTRIAL SERVICES

1. Develop and implement building codes and standards relating to snowloads, wind and seismic safety.

2. Provide inspectors for determining compliance with State Building Codes and Standards.

3. Provide personnel for damage assessment and damage survey teams.

4. Assist in promoting and developing seismic safety programs in association with the Departments of Administration and
Education.

O. DEPARTMENT OF LANDS

1. Formulate and direct the State's mitigation, preparedness, response and recovery efforts in wildland (forest land and range land) fires.

2. Cooperate with federal and local governments in developing plans for and directing activities relating to the prevention and control of fires in the rural areas of the State.

3. Designate a state fire coordinator for rural fire suppression.

4. Develop plans and direct activities for the emergency protection, management and utilization of land resources, and facilities under the State's jurisdiction.

5. Provide emergency communications assistance.

6. Assist in search and rescue operations.

7. Provide staff assistance to the highway district engineer at district level when the emergency operations center is activated during an impending or actual nuclear attack.

P. DEPARTMENT OF LAW ENFORCEMENT

1. Develop and operate mitigation, preparedness and response systems/programs for civil disorder and terrorism.

2. Provide for immediate safety and protection of personnel during the initial phase of the disaster; may include evacuation warning, scene protection, traffic control, etc.

3. Coordinate all requests for additional law enforcement personnel.

4. Operate a statewide emergency communication system which will be designated as the primary system during an emergency.

5. Operate the National Warning System (NAWAS) insofar as it relates to the State, until relieved by activation of the State Emergency Operations Center.

6. Develop, operate and maintain a warning system for alerting state and local governments, with the assistance of the Bureau of Communications and the Bureau of Disaster Services.

7. Develop and implement plans for statewide emergency traffic control measures, to include evacuation.

8. Provide damage assessment and information on disaster incidents to the State Emergency Operations Center when activated.


10. Provide brand inspection personnel to determine ownership of animals.

11. Provide public information assistance.

12. Assist in search and rescue operations.

13. Develop an emergency organization for the coordination of disaster operations at the district level under the supervision of the district commander.

14. Provide for mobile radiological monitoring.

15. Provide staff assistance to the highway district engineer at district level when the emergency operations center is activated during an impending or actual nuclear attack.
Q. DEPARTMENT OF PARKS AND RECREATION
   1. Assist the Department of Lands in preventing and combating fires in rural areas.
   2. Cooperate with the Department of Health and Welfare in providing appropriate departmental lands and facilities as mass care and feeding centers during emergencies.
   3. Provide trained personnel for damage assessment, damage survey teams, and radiological monitoring.
   4. Assist in search and rescue operations.

R. DEPARTMENT OF REVENUE AND TAXATION
   Provide tax counseling services for the disaster victims in the disaster application centers.

S. TRANSPORTATION DEPARTMENT
   1. Develop and direct mitigation, preparedness and response systems/programs for storms, avalanches, landslides, mudslides and volcanic eruptions.
   2. Develop an emergency organization for the coordination of disaster operations at the district level under the supervision of the district engineer.
   3. Provide personnel for damage assessment, damage survey teams and radiological monitoring.
   4. Provide engineering services, repair and maintenance of state highways, bridges and airfields and resources for debris clearance.
   6. Provide for emergency highway traffic regulations.
   7. Provide emergency management of resources pertaining to construction and transportation.
   8. Coordinate aviation activities within the State, to include the requirement for restricted air space within the disaster area.
   9. Provide aviation resources for evacuation, search and rescue operations, and aerial radiological monitoring.
   10. Operate a statewide communications system which will be designated as an alternate during an emergency.
   11. Provide public information assistance.
   12. Coordinate the activation of "Plan Bulldozer", equipment acquisition agreement.
   13. Provide for emergency management of the construction and transportation resource control group.
   14. Assist other state agencies as necessary by providing specialized heavy construction and transport equipment with operators.

T. DEPARTMENT OF WATER RESOURCES
   1. Formulate and direct State's efforts in developing mitigation, preparedness and response systems/programs for flood, drought and energy shortages within available resources.
   2. Conduct dam safety inspections and supervise dam safety during times of flooding or imminent failure by coordinating regulation of releases or emergency maintenance and repair to protect
life and property. Advise Emergency Operations Center of impending emergency conditions, either as a result of imminent failure, or other conditions.

3. Coordinate operations of water structures to minimize flood damage during impending or actual occurrence of a disaster.

4. Establish procedures to grant stream channel protection waivers to entities involved in emergency flood fight situations or when channel work is necessary on an emergency basis to protect life and property.

5. Assist agencies and individuals in obtaining emergency authorization from the Corps of Engineers, U.S. Army, under Public Law 92-500, to conduct flood control activities in waterways.

6. Provide trained personnel to recommend emergency actions before, during, and after flood emergencies.

7. Assist the Department of Health and Welfare in determining environmental impact of proposed emergency operations and suggest alternative methods of actions to keep resulting environmental damage to a minimum.

8. Provide personnel for damage assessment and damage survey teams.

9. Provide assistance in finding and obtaining alternative water supplies during drought emergencies.

10. Assist the Department of Health and Welfare in assuring adequate supplies of potable water.

11. Act as the state coordinating agency for the Flood Insurance Program.

12. Provide emergency communications assistance.

13. Provide for emergency management and operation of the water resource control group, when directed.

14. Provide public information assistance.


U. PUBLIC UTILITIES COMMISSION

1. Assist with energy shortages mitigation, preparedness and response in association with the Departments of Labor and Industrial Services and Water Resources.


3. Provide public information assistance.

V. DIVISION OF FINANCIAL MANAGEMENT

Coordinate and develop a fiscal impact analysis of the effects of disaster/emergency when applying for a Presidential Declaration or when needed during a state declaration. This analysis is to be developed in coordination with the State Auditor, State Treasurer, the Legislative Budget Office and the Department of Revenue and Taxation.

W. EMERGENCY RESPONSE COMMISSION

Prepare, coordinate, implement and update a statewide Hazardous Materials/Radiation Incident Command and Response Support
Plan consistent with and a part of the State Disaster Plan.

X. IDAHO GEOLOGICAL SURVEY
1. Formulate and direct the State's geologic hazard reduction effort by providing hazard identification and analysis and mapping of the geologic threats within available resources.
2. Provide a geologic representative(s) to damage assessment and damage survey teams and hazard mitigation teams which are involved in geologic hazards and disasters/emergencies.

Y. OFFICE ON AGING
1. Arrange for representation in the disaster application center when required.
2. Provide information on the effects of the emergency/disaster on the elderly.
3. Develop area wide plans for the following:
   a. Coordination of senior services through the Area Agency on Aging during natural or man-made disasters.
   b. Utilization of senior citizen centers for shelter, mass feeding and rest centers.
   c. The identification of home-bound isolated elderly.

III. EMERGENCY ACTIONS
Any emergency preparedness function under this Order or parts thereof may be transferred from one governmental agency to another with the consent of the heads of the agencies involved and with the concurrence of the Chief, Bureau of Disaster Services. Any new emergency preparedness function may be assigned to the head of a governmental agency by the Chief, Bureau of Disaster Services, by mutual consent.

The head of each governmental agency is hereby authorized to delegate the functions assigned to him by this Order.

This Order does not confer authority to put into effect any emergency plan, procedure or policy until the issuance of an executive order or my proclamation of a state of extreme emergency under the provision of and as defined in Section 46-601, subparagraph (a), Idaho Code, and/or my proclamation of a disaster/emergency under the provisions of Section 46-1008 of the Idaho Code is issued.

This Order repeals and replaces Executive Order No. 87-22.

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 thirty-first day of December, in the year of our Lord nineteen hundred ninety-one, and of the Independence of the United States of America the two hundred sixteenth, and of the Statehood of Idaho the one hundred second.

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

/s/ Cecil D. Andrus
GOVERNOR OF THE STATE OF IDAHO
ESTABLISHMENT OF PARENT/TEACHER, ADULT/TEACHER COLLABORATION

WHEREAS, parents and all adults play a critical role in providing children with the values and skills essential to their success in school and in later life; and

WHEREAS, it is generally recognized that a child's achievement in school is enhanced when good parent/teacher relationships exist and when parents play an active role in the education of their children; and

WHEREAS, parents have a responsibility to participate in the education of their children by encouraging good study habits; monitoring homework; nurturing creativity, curiosity, and confidence; and demanding the best possible schools for their children; and

WHEREAS, the Governor and the State Superintendent of Public Instruction encourage parents and other interested adults to become involved in the learning experiences of children by providing educational experiences for children, visiting classrooms, participating in field trips, conferring regularly with school personnel, and engaging in such other related activities;

NOW, THEREFORE, I, CECIL D. ANDRUS, Governor of the State of Idaho, have determined that parent/teacher and adult/teacher collaboration is an effective method of ensuring better student learning; therefore, I hereby direct that the following policy shall govern officers and employees of the State of Idaho:

At a time convenient to both the employee and his/her immediate supervisor, employees are encouraged to spend one (1) hour per week in a classroom or school in which children are attending. This leave with pay may be accumulated and used in larger blocks of time not to exceed four (4) hours per month.

Department Directors shall establish appropriate guidelines and procedures to implement this policy.

FURTHER, I hereby encourage all employers and employees in the State of Idaho to adopt and follow similar policies that promote positive parent/teacher and adult/teacher interaction in the public schools.

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 January, in the year of our Lord nineteen hundred ninety-two, and of the Independence of the United States of America the two hundred sixteenth, and of the Statehood of Idaho the one hundred second.

/s/ Cecil D. Andrus
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE
EXECUTIVE ORDER NO. 92-2

ESTABLISHMENT OF NON-SMOKING POLICY IN STATE BUILDINGS

WHEREAS, there is need for a uniform state policy relating to smoking in state-owned and state-leased buildings; and
WHEREAS, it is the state's duty to protect the public health and safety, and to protect public buildings against fire damage and other related property damage; and
WHEREAS, the recent fire in the State Capitol has increased the awareness of the dangers and consequences of smoking;
NOW, THEREFORE, I, CECIL D. ANDRUS, Governor of the State of Idaho, have determined that a non-smoking policy in public buildings is a prudent one; therefore, I hereby direct that the following policy shall govern officers and employees of the State of Idaho:

All state-owned or state-leased buildings, facilities, or areas occupied by state employees shall henceforth be designated as "non-smoking" except for custodial care and full-time residential facilities. The policy governing custodial care and full-time residential facilities may be determined by the directors of such facilities.

FURTHER, I hereby encourage all employees in the State of Idaho to promote a non-smoking policy in all buildings occupied by state employees.

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 January, in the year of our Lord nineteen hundred ninety-two, and of the Independence of the United States of America the two hundred sixteenth, and of the Statehood of Idaho the one hundred second.

/s/ Cecil D. Andrus
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 92-3


WHEREAS, the federal government, under authority granted by the Federal Transit 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, CECIL D. ANDRUS, Governor of the State of Idaho, by the authority vested in me by Section 5, Article 4, of the Idaho Constitution and Section 67-802 of the Idaho Code, do hereby continue the 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. 88-9.

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 30th day of March, in the year of our Lord nineteen hundred ninety-two, and of the Independence of the United States of America the two hundred sixteenth, and of the Statehood of Idaho the one hundred second.

/s/ Cecil D. Andrus
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE
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that became law with a brief synopsis and the chapter number of the bill

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# Numerical List of Senate and House Joint Memorials and Senate and House Concurrent Resolutions

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APPENDIX
ELECTED OFFICIALS

CONGRESSIONAL

UNITED STATES SENATORS
Senator Steven D. Symms (R)
Senator Larry E. Craig (R)

REPRESENTATIVES IN CONGRESS
Larry LaRocco (D), 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 J. D. Williams (D)

STATE TREASURER Lydia Justice-Edwards (R)

ATTORNEY GENERAL Larry Echohawk (D)

SUPERINTENDENT OF PUBLIC INSTRUCTION Jerry L. Evans (R)

Mailing Address: State Capitol Mall
Boise, ID 83720
LEGISLATORS BY DISTRICT

1-BONNER & BOUNDARY COUNTIES

Tim Tucker (D), Senate
(Served 3 1/2 terms House, 1983-89)
HCR 60, Box 227, Porthill 83853
Home 267-2977 Bus. 267-5198
Farmer Wife-Elia
Agricultural Affairs, Education, Local Government/Taxation

Monica Beaudoin (D), House Seat A
602 Lakeview Blvd., Sandpoint 83864
Home 263-2593 Bus. 263-3034
Teacher Husband-Kenneth
Education, Environmental Affairs, Judiciary, Rules/Administration

Jim Stotcheff (D), House Seat B
615 Lakeview, Sandpoint 83864
Home 263-2775 Retired Teacher Wife-Jerry
MINORITY LEADER
Local Government, Resources/Conservation, State Affairs, Ways/Means

2-KOOTENAI COUNTY

Mary Lou Reed (D), Senate Seat A
10 Glass Road, Coeur d'Alene 83814
Phones 664-3564 & 664-1813
Husband-Scott
Finance (JFAC), Human Resources, Resources/Environment

Donnis W. Davis (D), Senate Seat B
816 Sherman Ave., Coeur d'Alene 83814
Home 667-1763 Bus. 667-4000
Attorney Wife-Kathy Lenfield-Davis
Commerce/Labor, Education, Judiciary/Rules

Freeman B. Duncan (R), House Seat A
P.O. Box 2124, Coeur d'Alene 83814
Home 733-7279 Bus. 667-4534
Attorney Wife-Diane
Education, Local Government, Judiciary, Rules/Administration

Janet Jenkins (D), House Seat B
1627 Boyd, Coeur d'Alene 83814
Home 667-7524 Bus. 667-5655
Attorney Environmental Affairs, State Affairs, Judiciary, Rules/Administration

Barbara Chamberlain (D), House Seat C
5. 4555 Ohio Watch Ave., Post Falls 83854
Businesswoman Home 773-9304 Husband-Dean
Commerce, Industry/Tourism, Environmental Affairs

Wally Wright (D), House Seat O
P.O. Box 388, Bayview 83803
Home 683-2715 Wife-Deborah
Retired Aviator/Businessman
Health/Welfare, Revenue/Taxation, Judiciary, Rules/Administration

3-BENENAW & SHOSHONE COUNTIES

Marti Calabretta (D), Senate
Nichols Gulch Box 784, Osburn 83849-0784
Home 752-4371 Husband-Bennie
Social Worker/Artisan Health/Welfare, Resources/Environment, State Affairs

Louie J. Horwath, Jr. (D), House Seat A
Box 888, Pinehurst 83850
Home 882-2587
Educator, Kellogg HS, Wife-Joyce
Commerce, Industry/Tourism, Health/Welfare, Revenue/Taxation

June E. Judd (D), House Seat B
2105 College, St. Maries 83861
Retired Educator Home 245-2818
Agricultural Affairs, State Affairs, Commerce, Industry/Tourism

4-BENENAW, BONNER, BOUNDARY, KOOTENAI & SHOSHONE COUNTIES

Mike Blackbird (D), Senate
4106 Pineville Drive, Post Falls 83854
Home 773-7162 Bus. (509) 456-7771
Salesman Wife-Florence
Health/Welfare, State Affairs, Transportation

Eugene "Gino" L. White (D), House Seat A
P.O. Box 533, Pinehurst 83850
Realtor Wife-Sandra "Sam"
Local Government, Resources/Conservation, State Affairs

Marvin G. Vandenberg (D), House Seat B
(Served 5 Terms House 1951-59)
6080 Sunrise Terrace, Coeur d'Alene 83814
Retired Home 772-2184 Wife-Irene
Business, State Affairs, Transportation/Defense

5-LATAH COUNTY

Betty G. Benson (D), Senate
2305 Wallen Rd., Moscow 83843
Student Home 883-1054 Husband-Jim
Agricultural Affairs, Education, Local Government/Taxation

James R. "Doc" Lucas, DVM (R), House Seat A
4231 Highway 95 South, Moscow 83843
Veterinarian, Retired Wife-Vi
Appropriations (JFAC), Environmental Affairs, Resources/Conservation

Tom Boyd (R), House Seat B
Route 1, Box 69, Genesee 83832
Farmer 285-1578 Wife-Beverly
SPEAKER OF THE HOUSE
LEGISLATORS BY DISTRICT (continued)

6-NEZ PERCE COUNTY
Bruce L. Sweeney (D) , Senate (Served 2 terms House, 1970-74)
Box 604, Lewiston 83501
Home 743-9148 Bus. 743-2534
Land Development/Construction Wife-Marilyn
Education, State Affairs
Transportation, Ways/Means
Larry R. Vincent (D) , House Seat A
Route 1, Box 720, Culdesac 83524
Farmer 843-7212 Wife-Baetty
Agricultural Affairs, Revenue/Taxation
Commerce, Industry/Tourism
Deanna Vickers (D) , House Seat B
807 Sixth Street, Lewiston 83501 743-3253
Civic Leader/Dental Hygienist Husband-Lee
Appropriations (JFAC) Resources/Conservation

7-CLEARWATER, IDAHO & LEWIS COUNTIES
Marguerite McLaughlin (D) , Senate (Served 2 terms House, 1979-82)
704 Floyd Ave., Orofino 83544
 Husband-G. Bruce 476-4136
4551ST DEMOCRAT LEADER
Finance (JFAC), Human Resources
Ways/Means
Charles Cuddy (D) , House Seat A
12640 Hartford Ave., Orofino 83544
Home 476-3729 Bus. 476-4643 Wife-Judy
Surveying/Engineering Consultant
Local Government Resources/Conservation
Harold W. Reid (D) , House Seat B
Rt. 2, Box 31, Craigmont 83523-9609 937-2514
Agriculture Wife-Louise
Agricultural Affairs
Revenue/Taxation

8-CLEARWATER, IDAHO, LATAH, LEWIS & NEZ PERCE COUNTIES
Ron Beitelappacher (D) , Senate
P.O. Box 415, Grangeville 83530
983-2535
Finance (JFAC), Transportation
Resources/Environment
Richard L. Adams (D) , House Seat A
H.C. 87, Box 28, Grangeville 83530
Home 983-0185 Bus. 926-4511
Teacher Wife-Karen
Appropriations (JFAC), Transportation/Defense
Claud Judd (D) , House Seat B
(Served 2 terms Senate, 1975-78)
4265 Hwy. 11, Orofino 83544 435-4380
Retired Wife-Elsie
Agricultural Affairs, Revenue/Taxation
Transportation/Defense

9-ADAMS, BOISE, GEM & VALLEY COUNTIES
Terry A. Haun (D) , Senate
619 Hazel Ave., Emmett 83617 Wife-Lyn
Teacher Bus. 385-2021 Home 385-6581
Agricultural Affairs, Education
Transportation
Gayle Ann Wilde (R) , House Seat A
P.O. Box 984, McCall 83638 834-5678
Former Petroleum Marketer/Teacher
Husband-Ralph
Commerce, Industry/Tourism
Education, Environmental Affairs
Judith Danielson (R) , House Seat B
P.O. Box 724, Council 83612 Husband-John
Former Nurse/Former Commissioner 253-4850
CHAIRMAN--Ways/Means
Judiciary, Rules/Administration
Local Government, State Affairs

10-PAYETTE & WASHINGTON COUNTIES
Mary Hartung (R) , Senate (Served 3 years in House, 1987-89)
Box 147, Payette 83661
Home 642-3270 Bus. 642-9382
Insurance Husband-Morris
REPUBLICAN CAUCUS CHAIRMAN
Judiciary/Rules
State Affairs, Transportation, Ways/Means
Gertrude Sutton (R) , House Seat A
Route 1, Box 42, Midvale 83845
Home 355-2442 Resources/Conservation
Agricultural Affairs, State Affairs
Donna Jones (R) , House Seat B
1911 1st Ave. S, Payette 83661
Home 642-9679 Bus. 642-9433
Realitor Husband-Donald
VICE CHAIRMAN--Local Government
Business, Revenue/Taxation

11-CANYON COUNTY
David E. Kerrick (R) , Senate Seat A
P.O. Box 1093, Caldwell 83605
Home 454-3373 Bus. 459-3859
Attorney Wife-Junieal
Commerce/Labor, Education
Judiciary/Rules
J. L. "Jerry" Thorne (R) , Senate Seat B
331 Winter Blvd., Nampa 83686
Home 467-2892 Bus. 468-3682
Printing Wife-Lois
CHAIRMAN--Local Government/Taxation
Finance (JFAC), Transportation
Atwell J. Parry (R) , Senate Seat C
6985 Baseline Road, Melba 83641 495-2226
Grocer/Meat Cutter--Retired Wife-Elsie
CHAIRMAN--Finance, Co-Chairman--JFAC
Local Government/Taxation
DISTRICT 11—Continued

Robert E. Scheefer (R), House Seat A
P.O. Box 55, Nampa 83653
Home/Bus 488-3836
Architect Wife-Betty
VICE CHAIRMAN—Environmental Affairs
Commerce, Industry/Tourism

Dorothy L. Reynolds (R), House Seat B
(3 terms House, 1974-80)
1920 Howard, Caldwell 83605
Farm Owner/Educator 459-2553
CHAIRMAN—Commerce, Industry/Tourism
Education, Health/Welfare

Michael Mcevoy (R), House Seat C
10498 Purple Sage Rd, Middleton, 83644
Farmer Home 565-2277
Commerce, Industry/Tourism
Health/Welfare

Robert B. Deal (R), House Seat D
312 3rd St. S., Nampa 83651
Business 466-3184 Bus. 466-2465/997-1077
Insurance Wife-Joan
Local Government, State Affairs

Dorothea J. Crow (R), House Seat E
203 11th Ave. S. Extension, Nampa 83666
Home 467-1302 Husband-Wayne
CHAIRMAN—Environmental Affairs
Revenue/Taxation

Ron Crane (R), House Seat F
Route 3, Box 496, Caldwell 83605
Businessman 4990 Wife-Cheryl
CHAIRMAN—Business
State Affairs

12—ELMORE & Owyhee Counties

R. Claire Wetherell (D), Senate
385 S. 15th North, Mountain Home 83647
Title Insurance Home 587-3240 Bus. 587-9091
Agricultural Affairs, Finance (JFAC)

Francee Field (R), House Seat A
MC-BS, Box 221, Grand View 83824
Home 834-2468 Husband-Oscar
Homemaker/School Dist., Bus., Mgr., Retired
CHAIRMAN—Agricultural Affairs
Education, Resources/Conservation

Leanna Lauen (D), House Seat B
995 North 15th East, Mountain Home 83647
Home 587-4644 City Treasurer
WINDRIFT CAUCUS CHAIRMAN
Business, Ways/Means
Transportation/Defense

13—ADAMS, BOISE, CANYON, ELMORE, GEM, Owyhee,
PAYETTE, VALLEY & WASHINGTON COUNTIES

George Vance (R), Senate
25913 Jacks Rd., Parma 83660
Farmer Home 482-6422 Wife-Carolene
CHAIRMAN—Commerce/Labor
Agricultural Affairs, Local Gov’t/Taxation

Lawrence Denney (R), House Seat A
2227 Denney Rd. Middletown 83645
Farmer Home 555-2374 Wife-Donna
Commerce, Industry/Tourism
Transportation/Defense

W. O. "Bill" Taylor (R), House Seat B
8367 Track Road, Nampa 83666 Home 466-0970
Contractor/Real Estate Investments Wife-Shirley
Business, Education
Local Government

14—Ada County

Herb Carlson (R), Senate
P.O. Box 1328, Eagle 83616 939-6979
Farmer—Rancher Wife-Lorraine
CHAIRMAN—Agricultural Affairs
Finance (JFAC), Resources/Environment

Gary L. Montgomery (R), House Seat A
727 N. 7th St., Boise 83702
Home 376-7380 Bus. 342-3583
Attorney Wife-Marilyn
MAJORITY LEADER
Judiciary, Rules/Administration
Ways/Means

William T. "Bill" Sall (R), House Seat B
795 W. Amity, Maripan 83642
Home 888-3165 Wife-Terry
Attorney Wife-Jean
Commerce, Industry/Tourism
Health/Welfare

15—Ada County

Sally E. Snodgrass (D), Senate
5250 Sorrento Dr., Boise 83704
Home 375-9088
Counselor Husband-Garry
Commerce/Labor, Health/Welfare
Human Resources

Don C. Loveland (R), House Seat A
(Served 3 terms Senate, 1963-67)
4624 Berkshire Drive, Boise 83704
Retired 375-8993 Wife-Dorothy
CHAIRMAN—Judiciary, Rules/Administration
Local Government, Revenue/Taxation

Phil Childers (R), House Seat B
3440 Quail Place, Boise 83704 375-8904
Sales/Marketing Wife-Margaret
VICE CHAIRMAN—Revenue/Taxation
Business, Environmental Affairs
LEGISLATORS BY DISTRICT (continued)

18-ADA COUNTY

Brian N. Donley (D), Senate
6024 Piano Lane, Boise 83703
Home 336-1763 Bus. 343-3851
Attorney Wife-Sara
Commercial/Local, Resources/Environment
State Affairs

Molly Lazzocco (D), House Seat A
2804 E. Bannock, Boise 83702
Teacher (Retired) 343-4283 Husband-Walter
Business, Education
Environmental Affairs

Horace B. "Mod" Pomroy (R), House Seat B
6822 Kingsdale Dr., Boise 83704
Home 377-1293 Wife-Margaret
Business Consultant
Appropriations (JFAC)
Transportation/Defense

17-ADA COUNTY

F. Edward Osborne (R), Senate
(Served 1 term House 1969-1990)
4515 Hillcrest Drive, Boise 83705
Home 365-9833 Bus. 342-3411
Retired Wife-Janice
Commercial, Labor
Human Resources

John Gannon (D), House Seat A
1104 Johnson St., Boise 83705
Home 343-1608 Wife-Mary Ann
Attorney Bus. 375-9135
Resources/Conservation
Transportation/Defense

Ruby R. Stone (R), House Seat B
880 Holiday Drive, Boise 83709
Property Management 375-7975
CHAIRMAN--Local Government
Commercial, Industry/Tourism, State Affairs

18-ADA COUNTY

Cynthia Scanlin (D), Senate
10855 Blackhawk Dr., Boise 83709
Home 362-4274 Husband-Steven
Ornithologist Health/Welfare, Judiciary/Rules
Local Government/Taxation

Hans Steger (R), House Seat A
11513 W. Amidt Rd., Boise 83709
Home 392-1083 Wife-Doris
Retired Elam, School Principal
Education, Environmental Affairs
Resources/Conservation

Fred D. Tilman (R), House Seat B
11457 Alejandra, Boise 83709
Business Consultant
Home 322-1133 Wife-Gail
Education, Local Government

19-ADA COUNTY

Sue Raents (D), Senate
908 N. 18th, Boise 83702
Home 343-7009
Consultant Husband-Henry
Finance (JFAC), Judiciary/Rules

Kathleen (Kitty) Gurney (R), House Seat A
111 W. Highland View Dr., Boise 83702
Home 343-1780 Husband-Vern L.
CHAIRMAN--Appropriations, CO-CHAIRMAN--JFAC
Environmental Affairs

Kenneth L. Robison (D), House Seat B
(Served 1 Term Senate, 1979-80)
1119 N. 12th Street, Boise 83702
Journalist Home 345-3440
Appropriations, Resources/Conservation

20-ADA COUNTY

Karl B. Brooks (D), Senate
136 Dover Lane, Boise 83705
Home 383-0358 Bus. 342-5000
Attorney Wife-Kathy
Human Resources, Judiciary/Rules
Local Government/Taxation

Pat Ahrens (R), House Seat A
2854 S. Shallowtail Lane, Boise 83708
Home 345-8168 Husband-Steven Ahrens
Bus. 338-5100 Director/Local Resources/IHA
CHAIRMAN--State Affairs
Ag Affairs, Judiciary, Rules/Administration

Jim Hansen (D), House Seat B
2010 Coloma Way, Boise 83712
Home 385-8413
Attorney Wife-Joan Hansen
Education, Health/Welfare
Judiciary, Rules/Administration

21-ADA COUNTY

Mike Burkett (D), Senate
1938 N. 17th, Boise 83702
Senate Office 342-4931 Bus. 345-7800
Attorney Home 384-9267 Wife-Sharon
Education, Local Government/Taxation
Resources/Environment

Alan G. Lance (R), House Seat A
1370 Eggs Place, Meridian 83642
Home 888-1319 Bus. 888-2575
Attorney Wife-Sherry
Judiciary, Rules/Administration
Transportation/Defense, State Affairs

Shelley Sarraenen (R), House Seat B
P.O. Box 873, Boise 83701
Home 345-8688 Bus. 344-4600 Husband-Dean
VICE CHAIRMAN--Judiciary, Rules/Administration
State Affairs, Transportation/Defense
<table>
<thead>
<tr>
<th>District</th>
<th>Legislators</th>
</tr>
</thead>
<tbody>
<tr>
<td>22-BLAINE, CAMAS, GOODING &amp; LINCOLN COUNTIES</td>
<td>John T. Peavey (D), Senate P.O. Box 88, Caray 83320 Home 726-8108 Business 726-0113 TV Station President, Commissioner, Business, Agriculture, Environment.</td>
</tr>
<tr>
<td></td>
<td>Rancher: John T. Peavey (D), Senate P.O. Box 88, Caray 83320 Home 726-8108 Business 726-0113 TV Station President, Commissioner, Business, Agriculture, Environment.</td>
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<tr>
<td></td>
<td>W. Clinton Stennett (R), House Seat A P.O. Box 322, Acan. 83340 Home 536-3222 Business 536-6878 Agriculture; Education.</td>
</tr>
<tr>
<td>23-TWIN FALLS COUNTY</td>
<td>Laird Moh (R), Senate Seat A 3442 Addison Ave E., Kimberly 83341 Sheep Producer 733-3817 Wife-Kathleen Chairman—Resources/Environment, Agriculture, Education.</td>
</tr>
<tr>
<td></td>
<td>B. Joyce McDonald (R), Senate Seat B 342 Monroe Place, Twin Falls 83301 Home 734-3329 Businesswoman Husband-Darrel Assistant Republican Leader Health/Welfare, Judiciary/Rules, State Aid/Means.</td>
</tr>
<tr>
<td></td>
<td>Ronald L. Black (R), House Seat A 921 Trotter Dr., Twin Falls 83301 Home 734-9035 Business Incubator Mgr. 736-3084 Wife-Gael Chairman—Health/Welfare, Business, Education.</td>
</tr>
<tr>
<td></td>
<td>Jnie D. Kempston (R), House Seat A Star Rd., Box 20, Albion 83311 Rancher: 673-6861 Wife-Susan Environmental Affairs Revenue/Taxation.</td>
</tr>
<tr>
<td></td>
<td>Steve Antone (R), House Seat C 1145 Link St., Rupert 83350 436-3927 Farmer: Wife-Diane Commissioner—Revenue/Taxation Business.</td>
</tr>
</tbody>
</table>
26-BINGHAM COUNTY

Jerry T. Twigg (R), House Seat A
780 Hoff Drive, Blackfoot 83221
Home 785-5043 Bus. 785-0310
Dentist Wife-Paula
Judiciary, Rules/Administration Revenue/Taxation, Transportation/Defense

Raymond G. Parke (R), House Seat A
1054 West Tabor Road, Blackfoot 83221
Farmer 684-4818 Wife-Paula
VICE CHAIRMAN--Transportation/Defense Appropriations (JFAC)

Michael K. Stimpson (R), House Seat B
182 Hawthorne, Pocatello 83204
Home 237-8207 Bus. 234-4636
Restaurant Owner Husband-Bill
Commerce/Labor, Health/Welfare

27-BANNOCK & POWER COUNTIES

Mary Ellen Lloyd (D), Senate Seat A
(Served 2 terms House 1987-1990)
182 Hawthorne, Pocatello 83204
Home 237-8207 Bus. 234-4636

Patricia L. McDermott (D), Senate Seat B
(Served 11 terms House 1968-90)
P.O. Box 3, Pocatello 83204
Home 232-6978 Bus. 232-3162
Former Educator Wife-Nancy
Commerce/Labor, Judiciary/Rules Local Government

C. E. "Chick" Bilyeu (D), Senate Seat C
11076 N. Philbin Rd., Pocatello 83202
216 S. 16th Ave., Pocatello 83201
Home 232-3158 Businessman Husband-Kathy
Agricultural Affairs, Resources/Conservation Revenue/Taxation

Wayne Hall (D), House Seat B
309 N. 1st Street, McCall 83250
Dairy Farmer Wife-Vera
Education, Health/Welfare

Albert M. (Al) Johnson (D), House Seat C
12350 N. Philbin Rd., Pocatello 83202
Farmer/Banker 237-2828 Wife-Betty
Agricultural Affairs, Resources/Conservation Revenue/Taxation

Pete Black (D), House Seat D
2249 Cassia, Pocatello 83201
Home 237-1779 Bus. 237-2271
Educator Wife-Ronda
ASSISTANT MINORITY LEADER Appropriations (JFAC)
Business, Ways/Means

Willa L. Flinders (D), House Seat E
109 Mountain Dr., Pocatello 83204
Home 232-0723 Bus. 237-1300
Teacher Husband-Michael
Business, Health/Welfare

John Alexander (D), House Seat F
P.O. Box 1144, 83202, Grant, Pocatello 83204
Home 232-2516 Bus. 526-0780
Procurement Wife-Lisa
Local Government, State Affairs

28-BEAR LAKE, CARIBOU, FRANKLIN & ONEIDA COUNTIES

Dennis S. Hansen (R), Senate
2612 Second Bridge Rd., Soda Springs 83278
Home 547-4410 Bus. 547-3391
Accountant Wife-Marianne
CHAIRMAN--Transportation Agricultural Affairs, Finance

Robert C. Geddes (R), House Seat A
7235 N. 2600 West, Preston 83263
Farmer 852-3736 Wife-Carol
VICE CHAIRMAN--Appropriations (JFAC)
Ag Affairs

John H. Tippets (R), House Seat B
65 E. Center Bennington, Montpelier 83254
Home 847-2878 Wife-Nancy
Instrumentation Technician Business, Health/Welfare
State Affairs

Allan F. Larson (R), Senate
(Served 8 terms House 1987-78)
848 W. Tabor Rd., Blackfoot 83221
Home/Bus. 884-4911 Wife-Alva Lu
Farmer
CHAIRMAN--Ways/Means
Commerce/Labor, Education Local Government/Taxation

Myron Jones (R), House Seat A
(Served 4 terms House 1977-82, 85-86)
Malad Summit, Malad 83252
Home 766-4325 Bus. 766-4885
Farmer/Businessman Wife-Helen
Agricultural Affairs, Resources/Conservation Revenue/Taxation

Evan Fraure (A), House Seat B
1946 Beth, Pocatello 83201
Home/Bus. 232-5649
Self-employed Wife-Ana
Health/Welfare
Judiciary, Rules/Administration

30-BUTTE, CLARK, CUSTER, JEFFERSON & LEMHI COUNTIES

Rex L. Furness (R), Senate
3470 E., 300 N., Rigby 83442
Ag.Business 754-8555 Wife-Fern
CHAIRMAN--Health/Welfare
Local Government/Taxation, Resources/Environment

Ray E. Infanger (R), House Seat A
Route 1, Box 174, Salmon 83467
Home 756-3642 Bus. 758-3649 Wife-Vera
Heating, Sheet Metal & Electrical Shop
CHAIRMAN--Agricultural Affairs Appropriations (JFAC)

John E. Wood (R), House Seat B
3718 E. 500 N., Rigby 83443
Home 745-7848 Husband-Thomas D.
Partner-Ranch/Farm/Trucking Corp.
CHAIRMAN--Resources/Conservation
State Affairs, Transportation/Defense

LEGISLATORS BY DISTRICT (continued)
LEGISLATORS BY DISTRICT (continued)

31-FREMONT & MADISON COUNTIES

Mark G. Ricks (R), Senate
3348 S, 1400 W., Rexburg 83440 356-6676
Farmer Wife-Evelyn T.
CHAIRMAN—State Affairs
Finance (JFAC)

R. L. "Dick" Davis (R), House Seat A
P.O. Box 391, Rexburg 83440 356-3233
Contractor/Retired Wife-Phyllis
CHAIRMAN—Education
Transportation/Defense

Harold Mortensen (R), House Seat B
230 N. 7 E., St. Anthony 83445
624-7215 Wife-Moxline
Farmer
Agricultural Affairs
Commerce, Industry/Tourism

32-BONNEVILLE & TETON COUNTIES

Michael D. Crapo (R), Senate Seat A
Box 50130, Idaho Falls 83405
Home 524-4631 Bus. 523-0620
Attorney Wife-Susan
PRESIDENT PRO TEMPORE
State Affairs

Lee Staker (R), Senate Seat B
2553 Everon, Idaho Falls 83401
Home 529-5256 Bus. 523-7950
Farmer self-employed Wife-Jean
CHAIRMAN—Human Resources
Finance (JFAC), Transportation

John O. Hansen (R), Senate Seat C
2840 Westmoreland Dr., Idaho Falls 83402
Home 523-5599 Legis. Office 523-1055
Attorney Bus. 523-5171 Wife-Michelle
Human Resources, Resources/Environment

John G. Sessons (R), House Seat A
Box 89, Driggs 83422
Home 354-2508 Bus. 354-2234
Retailer semi-retired Wife-Alice
CHAIRMAN—Transportation/Defense
Education

Ralph J. Steele (R), House Seat B
531 South 52nd East, Idaho Falls 83401
Home 523-5424 Bus. 523-2532
Farmer/Rancher Wife-Lucil
Appropriations (JFAC)
Transportation/Defense, Resources/Conservation

Con Mahoney (R), House Seat C
4871 S, 15 W., Idaho Falls 83402
Industrial Contractor/Manufacturer
Bus. 523-7030 Wife-Marie
MAJORITY CAUCUS CHAIRMAN
Local Government, Resources/Conservation
Revenue/Taxation, Ways/Means

DISTRICT 32-Continued

Thomas F. Loertscher (R), House Seat D
1357 Bone Road, Iona 83427 522-3072
Farmer Wife-Linda
VICE CHAIRMAN—Business
Health/Welfare, State Affairs

Malcolm "Mel" Richardson (R), House Seat E
3725 Brookfield, Idaho Falls 83406
Marketing Development Wife-Dixie
Home 522-0772 Bus. 522-2817
Business, Education
Environmental Affairs

Reed Hansen (R), House Seat F
4329 N. 20 W., Idaho Falls 83402
Farmer 522-5359 Wife-Marilyn
CHAIRMAN—Health/Welfare
Resources/Conservation, Revenue/Taxation

33-BONNEVILLE, BUTTE, CLARK, CUSTER, FREMONT, JEFFERSON, LEWIS, MADISON & TETON COUNTIES

Stan Hawkins (R), Senate
(Served 1 1/2 terms House 1987-90)
Box 367, Ucon 83454
Home 524-1586 Bus. 523-2880
Agr-Business Wife-Linn
Commerce/Labor, Health/Welfare
Local Government/Taxation, Resources/Environment

S. Lynn Loosli (R), House A
3140 E, 1100 N., Ashton 83420
Home/Bus. 652-3312 Wife-Portia
Rancher
Agricultural Affairs, Resources/Conservation

Golden C. Linford (R), House Seat B
2120 West 5th St., South, Rexburg 83440
Home 356-7220 Bus. 356-7346
Potato Grower/Shipper Wife — Pat
Health/Welfare, Resources/Conservation
Revenue/Taxation