GENERAL AND SPECIAL LAWS
OF THE
STATE OF IDAHO

PASSED BY
THE FIRST REGULAR SESSION OF THE
FORTY-FIRST IDAHO LEGISLATURE
Convened January 11, 1971
Adjourned March 20, 1971
AND THE FIRST EXTRAORDINARY SESSION OF
THE FORTY-FIRST IDAHO LEGISLATURE
1971
Convened March 22, 1971
Adjourned April 8, 1971

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

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P ET E T . C E N A R R U S A
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CHAPTER 166
(S. B. No. 1121)

AN ACT
PROVIDING RULES AND REGULATIONS BY WHICH AN INMATE OF THE IDAHO REHABILITATION CENTER MAY BE ALLOWED TO GO ON HOME FURLough, PROVIDING FOR THE CUSTODY, MAINTENANCE AND EXPENSES OF AN INMATE ON HOME FURLough, DESIGNATING REASONS ALLOWING HOME FURLough, DEFINING IMMEDIATE FAMILY, AND PROVIDING A PENALTY FOR ESCAPES, OR ATTEMPTS TO ESCAPE WHILE ON HOME FURLough.

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

SECTION 1. The director of the state board of correction shall, in his discretion have the power to establish rules and regulations under which an inmate, excepting any under sentence of death, may be allowed to go upon home furlough but to remain while on such leave in the legal custody and under the continuing control and confinement of the state board of correction, provided that a release date has been approved and set by the state parole board.

Before ordering the home furlough of any inmate, the director of correction shall have said inmate appear before him and shall interview him. An inmate shall be placed on home furlough only when the director has (1) made an administrative verification of the reason for which the inmate requests home furlough; (2) made arrangements for the inmate’s continued supervised custody, maintenance and care, while on home furlough; (3) made certain that travel arrangements directly to and from the place of destination, with all expenses and the fee for the accompanying guard have been paid by the inmate or his family; provided however, that in the case of an indigent inmate, said expenses may be satisfied from the inmate welfare fund; (4) determined precisely the leave duration; and (5) determined and established in writing any and all other conditions, terms and incidents requisite to such furlough.

The voluntary and wilful failure of any inmate to return to the state penitentiary prior to or at the expiration of the time allowed for his home furlough shall be considered an escape or attempt to escape, as the case may be, from the custody of the state penitentiary and shall be punishable pursuant to section 18-2505, Idaho Code.
Home furlough is specifically authorized for funerals, death bed visitations, and illnesses or accidents with the imminency of death for the immediate family of the inmate.

Immediate family is defined as a mother or father, brothers, or sisters, of the whole or halfblood, a wife or husband, or lawful issue.

Approved March 20, 1971.

CHAPTER 167
(S. B. No. 1122)

AN ACT
ADOPTING A UNIFORM AGREEMENT ON DETAINERS, TO SECURE SPEEDY TRIALS AND TO ENCOURAGE THE EXPEDITIOUS AND ORDERLY DISPOSITION OF OUTSTANDING AND UNTRIED INDICTMENTS, INFORMATIONS, OR COMPLAINTS AGAINST A PRISONER; DEFINING STATE; DEFINING SENDING STATE; DEFINING RECEIVING STATE; PROVIDING THAT IF DURING THE CONTINUANCE OF A TERM OF IMPRISONMENT THERE IS PENDING IN ANY OTHER PARTY STATE, ANY UNTRIED INDICTMENT, INFORMATION, OR COMPLAINT ON THE BASIS OF WHICH A DETAINER HAS BEEN LODGED AGAINST A PRISONER, HE SHALL BE BROUGHT TO TRIAL WITHIN ONE HUNDRED EIGHTY DAYS OF DELIVERING TO THE PROSECUTING ATTORNEY A WRITTEN REQUEST FOR FINAL DISPOSITION; PROVIDING THAT THE PERSON HAVING CUSTODY OF THE PRISONER SHALL INFORM HIM OF OUTSTANDING DETAINERS, THEIR SOURCE AND CONTENTS AND OF HIS RIGHT TO REQUEST FINAL DISPOSITION; PROVIDING THAT A REQUEST FOR FINAL DISPOSITION OF ALL UNTRIED DETAINERS, OF ALL UNTRIED INDICTMENTS, INFORMATIONS OR COMPLAINTS SHALL OPERATE AS A REQUEST FOR FINAL DISPOSITION OF ALL UNTRIED INDICTMENTS, INFORMATIONS OR COMPLAINTS FROM THE STATE TO WHOSE PROSECUTING OFFICIAL THE REQUEST IS SPECIFICALLY DIRECTED; PROVIDING FURTHER THAT A REQUEST FOR FINAL DISPOSITION SHALL BE DEEMED TO BE
A WAIVER OF EXTRADITION RESPECTING ANY CHARGE OR PROCEEDING CONTEMPLATED THEREBY; PROVIDING FOR THE MEANS BY WHICH A STATE MAY RECEIVE TEMPORARY CUSTODY IN WHICH AN UNTRIED INDICTMENT, INFORMATION OR COMPLAINT IS PENDING; PROVIDING THAT THE AUTHORITIES HAVING THE PERSON IN CUSTODY SHALL FURNISH THE RECEIVING STATE WITH A CERTIFICATE STATING THE TERM OF COMMITMENT, THE TIME ALREADY SERVED, THE TIME REMAINING, THE AMOUNT OF GOOD TIME EARNED, AND THE TERM OF PAROLE ELIGIBILITY; PROVIDED THAT IF THE PRISONER IS NOT TRIED ON ANY UNTRIED INDICTMENT, INFORMATION OR COMPLAINT PRIOR TO RETURNING TO THE ORIGINAL PLACE OF IMPRISONMENT, THE SAME SHALL NOT BE OF ANY FURTHER FORCE OR EFFECT; PROVIDING FOR THE RELINQUISHMENT OF CUSTODY TO THE RECEIVING STATE; PROVIDING THAT THE CUSTODY OF THE RECEIVING STATE SHALL ONLY BE TEMPORARY; PROVIDING THAT AT THE EARLIEST PRACTICAL TIME CONSONANT WITH THE PURPOSES OF THIS AGREEMENT, THE PRISONER SHALL BE RETURNED TO THE SENDING STATE; PROVIDING FOR THE RESPONSIBILITY OF THE PRISONER AND THE COSTS OF TRANSPORTING, CARING FOR, AND KEEPING AND RETURNING THE PRISONER; PROVIDING FOR THE LIBERAL CONSTRUCTION OF THIS AGREEMENT TO EFFECTUATE ITS PURPOSES; DEFINING APPROPRIATE COURT; REPEALING SECTION 19-5001 OF THE IDAHO CODE THROUGH SECTION 19-5008 OF THE IDAHO CODE INCLUSIVE; PROVIDING FOR THE UNIFORM MANDATORY DISPOSITION OF DETAINERS; AND DECLARING AN EMERGENCY.

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

SECTION 1. The agreement on detainers is hereby enacted into law and entered into by this state with all other jurisdictions legally joining therein in the form substantially as follows:

(a) The party states find that charges outstanding against a prisoner, detainers based on untried indictments, informations or complaints, and difficulties in securing speedy trial of persons already incarcerated in other jurisdictions, produce uncertainties which obstruct programs of prisoner treatment and rehabilitation. Accordingly, it is the policy of the party states
and the purpose of this agreement to encourage the expeditious and orderly disposition of such charges and determination of the proper status of any and all detainers based on untried indictments, informations or complaints. The party states also find that proceedings with reference to such charges and detainers, when emanating from another jurisdiction, cannot properly be had in the absence of cooperative procedures. It is the further purpose of this agreement to provide such cooperative procedures.

(b) As used in this agreement:

(1) "State" shall mean a state of the United States; the United States of America; a territory or possession of the United States; the District of Columbia; the Commonwealth of Puerto Rico.

(2) "Sending state" shall mean a state in which a prisoner is incarcerated at the time that he initiates a request for final disposition pursuant to subsection (c) of this section or at the time that a request for custody or availability is initiated pursuant to subsection (d) of this section.

(3) "Receiving state" shall mean the state in which trial is to be had on an indictment, information or complaint pursuant to subsections (c) and (d) of this section.

(c) (1) Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party state, and whenever during the continuance of the term of imprisonment there is pending in any other party state any untried indictment, information or complaint on the basis of which a detainer has been lodged against the prisoner, he shall be brought to trial within one hundred eighty (180) days after he shall have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of the place of his imprisonment and his request for a final disposition to be made of the indictment, information or complaint; provided that for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance. The request of the prisoner shall be accompanied by a certificate of the appropriate official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner.
(2) The written notice and request for final disposition referred to in paragraph (1) of this subsection shall be given or sent by the prisoner to the warden, commissioner of corrections or other official having custody of him, who shall promptly forward it together with the certificate to the appropriate prosecuting official and court by registered or certified mail, return receipt requested.

(3) The warden, commissioner of corrections or other official having custody of the prisoner shall promptly inform him of the source and contents of any detainer lodged against him and shall also inform him of his right to make a request for final disposition of the indictment, information or complaint on which the detainer is based.

(4) Any request for final disposition made by a prisoner pursuant to paragraph (1) of this subsection shall operate as a request for final disposition of all untried indictments, informations or complaints on the basis of which detainers have been lodged against the prisoner from the state to whose prosecuting official the request for final disposition is specifically directed. The warden, commissioner of corrections or other official having custody of the prisoner shall forthwith notify all appropriate prosecuting officers and courts in the several jurisdictions within the state to which the prisoner's request for final disposition is being sent of the proceeding being initiated by the prisoner. Any notification sent pursuant to this paragraph shall be accompanied by copies of the prisoner's written notice, request, and the certificate. If trial is not had on any indictment, information or complaint contemplated hereby prior to the return of the prisoner to the original place of imprisonment, such indictment, information or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

(5) Any request for final disposition made by a prisoner pursuant to paragraph (1) of this subsection shall also be deemed to be a waiver of extradition with respect to any charge or proceeding contemplated thereby or included therein by reason of paragraph (4) of this subsection, and a waiver of extradition to the receiving state to serve any sentence there imposed upon him, after completion of his term of imprisonment in the sending state. The request for final disposition shall also constitute a consent by the prisoner to the production of his body in any court where his presence may be required in order to effectuate the purposes of this agreement and a further consent
voluntarily to be returned to the original place of imprisonment in accordance with the provisions of this agreement. Nothing in this paragraph shall prevent the imposition of a concurrent sentence if otherwise permitted by law.

(d) (1) The appropriate officer of the jurisdiction in which an untried indictment, information or complaint is pending shall be entitled to have a prisoner against whom he has lodged a detainer and who is serving a term of imprisonment in any party state made available in accordance with subsection (e)(1) of this section upon presentation of a written request for temporary custody or availability to the appropriate authorities of the state in which the prisoner is incarcerated; provided that the court having jurisdiction of such indictment, information or complaint shall have duly approved, recorded and transmitted the request; and provided further that there shall be a period of thirty (30) days after receipt by the appropriate authorities before the request be honored, within which period the governor of the sending state may disapprove the request for temporary custody or availability, either upon his own motion or upon motion of the prisoner.

(2) Upon receipt of the officer's written request as provided in paragraph (1) of this subsection, the appropriate authorities having the prisoner in custody shall furnish the officer with a certificate stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner. Said authorities simultaneously shall furnish all other officers and appropriate courts in the receiving state who have lodged detainers against the prisoner with similar certificates and with notices informing them of the request for custody or availability and of the reasons therefor.

(3) In respect of any proceeding made possible by this paragraph, trial shall be commenced within one hundred twenty (120) days of the arrival of the prisoner in the receiving state, but for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

(4) Nothing contained in this act shall be construed to deprive any prisoner of any right which he may have to contest the legality of his
delivery as provided in paragraph (1) of this subsection, but such delivery may not be opposed or denied on the ground that the executive authority of the sending state has not affirmatively consented to or ordered such delivery.

(5) If trial is not had on any indictment, information or complaint contemplated hereby prior to the prisoner's being returned to the original place of imprisonment pursuant to subsection (e)(5) of this section, such indictment, information, or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

(e) (1) In response to a request made under subsections (c) or (d) of this section, the appropriate authority in a sending state shall offer to deliver temporary custody of such prisoner to the appropriate authority in the state where such indictment, information or complaint is pending against such person in order that speedy and efficient prosecution may be had. If the request for final disposition is made by the prisoner, the offer of temporary custody shall accompany the written notice provided for in subsection (c) of this section. In the case of a federal prisoner, the appropriate authority in the receiving state shall be entitled to temporary custody as provided by this agreement or to the prisoner's presence in federal custody at the place for trial, whichever custodial arrangement may be approved by the custodian.

(2) The officer or other representative of a state accepting an offer of temporary custody shall present the following upon demand:

(A) Proper identification and evidence of his authority to act for the state into whose temporary custody the prisoner is to be given.

(B) A duly certified copy of the indictment, information or complaint on the basis of which the detainer has been lodged and on the basis of which the request for temporary custody of the prisoner has been made.

(3) If the appropriate authority shall refuse or fail to accept temporary custody of said person, or in the event that an action on the indictment, information or complaint on the basis of which the detainer has been lodged is not brought to trial within the period provided in subsections (c) or (d) of this section, the appropriate court of the jurisdiction where the indictment, information or complaint has been pending shall enter an order dismissing the same with prejudice, and any detainer based thereon shall cease to be of any force or effect.
(4) The temporary custody referred to in this agreement shall be only for the purpose of permitting prosecution on the charge or charges contained in one (1) or more untried indictments, informations or complaints which form the basis of the detainer or detainers or for prosecution on any other charge or charges arising out of the same transaction. Except for his attendance at court and while being transported to or from any place at which his presence may be required, the prisoner shall be held in a suitable jail or other facility regularly used for persons awaiting prosecution.

(5) At the earliest practicable time consonant with the purposes of this agreement, the prisoner shall be returned to the sending state.

(6) During the continuance of temporary custody or while the prisoner is otherwise being made available for trial as required by this agreement, time being served on the sentence shall continue to run but good time shall be earned by the prisoner only if, and to the extent that, the law and practice of the jurisdiction which imposed the sentence may allow.

(7) For all purposes other than that for which temporary custody as provided in this agreement is exercised, the prisoner shall be deemed to remain in the custody of and subject to the jurisdiction of the sending state and any escape from temporary custody may be dealt with in the same manner as an escape from the original place of imprisonment or in any other manner permitted by law.

(8) From the time that a party state receiving custody of a prisoner pursuant to this agreement until such prisoner is returned to the territory and custody of the sending state, the state in which the one (1) or more untried indictments, informations or complaints are pending or in which trial is being had shall be responsible for the prisoner and shall also pay all costs of transporting, caring for, keeping and returning the prisoner. The provisions of this paragraph shall govern unless the states concerned shall have entered into a supplementary agreement providing for a different allocation of costs and responsibilities as between or among themselves. Nothing herein contained shall be construed to alter or affect any internal relationship among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payments of costs, or responsibilities therefor.

(f) (1) In determining the duration and expiration dates of the time periods provided in subsections (c) and (d) of this section, the running
of said time periods shall be tolled whenever and for as long as the
prisoner is unable to stand trial, as determined by the court having
jurisdiction of the matter.

(2) No provision of this agreement, and no remedy made available by
this agreement, shall apply to any person who is adjudged to be
mentally ill.

(g) Each state party to this agreement shall designate an officer who,
acting jointly with like officers of other party states, shall promulgate rules
and regulations to carry out more effectively the terms and provisions of this
agreement, and who shall provide, within and without the state, information
necessary to the effective operation of this agreement.

(h) This agreement shall enter into full force and effect as to a party
state when such state has enacted the same into law. A state party to this
agreement may withdraw herefrom by enacting a statute repealing the same.
However, the withdrawal of any state shall not affect the status of any
proceedings already initiated by inmates or by state officers at the time such
withdrawal takes effect, nor shall it affect their rights in respect thereof.

(i) This agreement shall be liberally construed so as to effectuate its
purposes. The provisions of this agreement shall be severable and if any
phrase, clause, sentence or provision of this agreement is declared to be
contrary to the constitution of any party state or of the United States or the
applicability thereof to any government, agency, person or circumstance is
held invalid, the validity of the remainder of this agreement and the
applicability thereof to any government, agency, person or circumstance
shall not be affected thereby. If this agreement shall be held contrary to the
constitution of any state party hereto, the agreement shall remain in full
force and effect as to the state affected as to all severable matters.

SECTION 2. The phrase "appropriate court" as used in the agreement
on detainers shall, with reference to the courts of this state, mean the state
district courts.

SECTION 3. All courts, departments, agencies, officers and employees
of this state and its political subdivisions are hereby directed to enforce the
agreement on detainers and to cooperate with one another and with other
party states in enforcing the agreement and effectuating its purpose.

SECTION 4. Nothing in this act or in the agreement on detainers shall
be construed to require the application of section 19-2514, Idaho Code, to
any person on account of any conviction had in a proceeding brought to
final disposition by reason of the use of said agreement.
SECTION 5. Escape from custody while in another state pursuant to the agreement on detainers and escape from custody in this state by any prisoner subsequent to his execution of a request for final disposition of an untried indictment, information or complaint voids the request.

SECTION 6. It shall be lawful and mandatory upon the director of correction in charge of the Idaho state prison to give over the person of any inmate thereof whenever so required by the operation of the agreement on detainers.

SECTION 7. The director of correction shall serve as central administrator of, and information agent for, the agreement on detainers.

SECTION 8. Copies of this act shall, upon its approval, be transmitted to the governor of each state, the attorney general and the administrator of general services of the United States, and the council of state governments.

SECTION 9. That sections 19-5001 through 19-5008, Idaho Code, inclusive, be, and the same are hereby repealed.

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

Approved March 20, 1971.

CHAPTER 168
(S. B. No. 1129)

AN ACT
AMENDING SECTION 49-2501, IDAHO CODE, TO STRIKE THEREFROM THE REFERENCE TO THE COMMISSIONER OF LAW ENFORCEMENT REQUIRING INSPECTION OF VEHICLES;
AMENDING SECTION 49-2501A, IDAHO CODE, TO STRIKE THEREFROM THE REFERENCE TO THE COMMISSIONER OF LAW ENFORCEMENT REQUIRING THE REINSPECTION OF NEW OR USED VEHICLES PRIOR TO RETAIL SALE.

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

SECTION 1. That Section 49-2501, Idaho Code, be, and the same is hereby amended to read as follows:

49-2501. ANNUAL INSPECTION OF REGISTERED VEHICLES REQUIRED — EXCEPTIONS. — From and after the first day of January,
1968, the commissioner of law enforcement shall require every vehicle as defined by section 49-101, Idaho Code, currently registered and domiciled in this state, excepting house trailers not operated upon the highways, vehicles granted inspection reciprocity by other jurisdictions, trailers and semi-trailers of an unladen weight less than 1,500 pounds, vehicles registered and domiciled in another jurisdiction having a vehicle inspection law, vehicles operated in interstate commerce which are subject to the United States Department of Transportation safety regulations, and vehicles operated under the provisions of section 49-801A, Idaho Code, to shall be inspected at least once in the calendar year of 1968, and again in each succeeding twelve (12) month period, at official inspection stations as designated by said the commissioner of law enforcement.

SECTION 2. That Section 49-2501A, Idaho Code, be, and the same is hereby amended to read as follows:

49-2501A. INSPECTION OF VEHICLES PRIOR TO SALE. — The commissioner of law enforcement shall require all licensed vehicle dealers to shall inspect or reinspect or cause to be inspected or reinspected all new or used vehicles prior to retail sale, excepting slow moving vehicles as defined by this act.

Approved March 20, 1971.

CHAPTER 169
(S. B. No. 1140)

AN ACT
RELATING TO JURY SELECTION AND SERVICE; DEFINING TERMS; PROHIBITING DISCRIMINATION; PROVIDING FOR JURY COMMISSION, MASTER LIST, MASTER JURY WHEEL, DRAWINGS FROM MASTER JURY WHEEL, AND SENDING JUROR QUALIFICATION FORM; PRESCRIBING DISQUALIFICATION FROM JURY SERVICE; PROVIDING FOR QUALIFIED JURY WHEEL, SELECTION AND SUMMONING OF JURY PANEL, EXCUSES FROM JURY SERVICE AND NO EXEMPTIONS; PROVIDING FOR CHALLENGING COMPLIANCE WITH SELECTION PROCEDURES, FOR PRESERVATION OF RECORDS, FOR MILEAGE AND COMPENSATION OF JURORS, AND LENGTH
OF SERVICE BY JURORS; PRESCRIBING PENALITIES FOR FAILURE TO PERFORM JURY SERVICE AND PROTECTION OF JURORS' EMPLOYMENT; AUTHORIZING SENIOR DISTRICT JUDGES TO DELEGATE THEIR DUTIES AND THE SUPREME COURT TO MAKE AND AMEND RULES; PROVIDING FOR SEVERABILITY; PROVIDING SHORT TITLE; PROVIDING FOR UNIFORMITY OF APPLICATION AND CONSTRUCTION; REPEALING CHAPTERS 2, 3, 4 AND 6, TITLE 2, IDAHO CODE; AND DECLARING AN EMERGENCY.

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

SECTION 1. It is the policy of this state that all persons selected for jury service be selected at random from a fair cross section of the population of the area served by the court, and that all qualified citizens have the opportunity, in accordance with this act to be considered for jury service in this state and an obligation to serve as jurors when summoned for that purpose.

SECTION 2. A citizen shall not be excluded from jury service in this state on account of race, color, religion, sex, national origin, or economic status.

SECTION 3. As used in this act:

(1) "Court" means district and magistrate courts of this state, and includes, when the context requires, any judge of the court;

(2) "Clerk" and "clerk of the court" mean the duty elected and acting county auditors and ex-officio clerks of the district court and their duly appointed deputies;

(3) "Master list" means the voter registration lists for the county which shall be supplemented with names from other sources prescribed pursuant to this act (section 5) in order to foster the policy and protect the rights secured by this act (sections 1 and 2);

(4) Voter registration lists" means the official records of persons registered to vote in the most recent general election;

(5) "Jury wheel" means any physical device or electronic system for the storage of the names or identifying numbers of prospective jurors;

(6) "Master jury wheel" means the jury wheel in which are placed names or identifying numbers of prospective jurors taken from the master list (section 6 of this act);

(7) "Qualified jury wheel" means the jury wheel in which are placed the names or identifying numbers of prospective jurors whose names are
drawn at random from the master jury wheel (section 7 of this act) and who are not disqualified (section 8 of this act).

SECTION 4. A jury commission is established in each county to manage the jury selection process under the supervision and control of the court. The jury commission shall be composed of the clerk of the court and a jury commissioner appointed for a term of two (2) years by the senior district judge. The jury commissioner must be a citizen of the United States and a resident in the county in which he serves. The jury commissioner may be reimbursed for travel, subsistence, and other necessary expenses incurred by him in the performance of his duties and may receive compensation at a per diem rate fixed by the senior district judge and payable from the county general fund, if he is not otherwise a county employee.

SECTION 5. (1) The jury commission for each county shall compile and maintain a master list consisting of all voter registration lists for the county supplemented with names from other lists of persons resident therein, such as lists of utility customers, property taxpayers, motor vehicle registrations, and drivers' licenses, which the supreme court from time to time designates. The supreme court shall initially designate the other lists within ninety (90) days following the effective date of this act and exercise the authority to designate from time to time in order to foster the policy and protect the rights secured by sections 1 and 2 of this act. In compiling the master list the jury commission shall avoid duplication of names.

(2) Whoever has custody, possession, or control of any of the lists making up or used in compiling the master list, including those designated under subsection (1) of this section by the supreme court as supplementary sources of names, shall make the list available to the jury commission for inspection, reproduction, and copying at all reasonable times.

(3) The master list shall be open to the public for examination.

SECTION 6. (1) The jury commission for each county shall maintain a master jury wheel, into which the commission shall place the names or identifying numbers of prospective jurors taken from the master list. If the total number of prospective jurors on the master list is one thousand (1,000) or less, the names or identifying numbers of all of them shall be placed in the master jury wheel. In all other cases, the number of prospective jurors to be placed in the master jury wheel shall be one thousand (1,000) plus not less than one percent (1%) of the total number of names on the master list. From time to time a larger or additional number may be determined by the jury commission or ordered by the senior district judge to be placed in the master
jury wheel. In December of each even-numbered year the wheel shall be emptied and refilled as prescribed in this act.

(2) Unless all the names on the master list are to be placed in the master jury wheel pursuant to subsection (1) of this section, the names or identifying numbers of prospective jurors to be placed in the master jury wheel shall be selected by the jury commission at random from the master list in the following manner: the total number of names on the master list shall be divided by the number of names to be placed in the master jury wheel; the whole number nearest the quotient shall be the "key number," except that the key number shall never be less than 2. A "starting number" for making the selection shall then be determined by a random method from the numbers from 1 to the key number, both inclusive. The required number of the names shall then be selected from the master list by taking in order the first name on the master list corresponding to the starting number and then successively the names appearing in the master list at intervals equal to the key number, recommencing if necessary at the start of the list until the required number of names has been selected. Upon recommencing at the start of the list, or if additional names are subsequently to be selected for the master jury wheel, names previously selected from the master list shall be disregarded in selecting the additional names. The jury commission may use an electronic or mechanical system or device in carrying out its duties.

SECTION 7. (1) From time to time and in a manner prescribed by the senior district judge the jury commission publicly shall draw at random from the master jury wheel the names or identifying numbers of as many prospective jurors as the senior district judge by order requires. The clerk shall prepare an alphabetical list of the names drawn. Neither the names drawn nor the list shall be disclosed to any person other than pursuant to this act or specific order of the senior district judge. The clerk shall mail to every prospective juror whose name is drawn from the master jury wheel a juror qualification form accompanied by instructions to fill out and return the form by mail to the clerk within ten (10) days after its receipt. The juror qualification form shall be subject to approval by the senior district judge as to matters of form and shall elicit the name, address of residence, and age of the prospective juror and whether he (1) is a citizen of the United States and a resident of the county, (2) is able to read, speak and understand the English language, (3) has any physical or mental disability impairing his capacity to render satisfactory jury service, and (4) has lost the right to vote because of a criminal conviction. The juror qualification form shall contain
the prospective juror's declaration that his responses are true to the best of his knowledge and his acknowledgement that a wilful misrepresentation of a material fact may be punished by a fine of not more than three hundred dollars ($300) or imprisonment for not more than sixty (60) days, or both. Notarization of the juror qualification form shall not be required. If the prospective juror is unable to fill out the form, another person may do it for him and shall indicate that he has done so and the reason therefor. If it appears there is an omission, ambiguity, or error in a returned form, the clerk shall again send the form with instructions to the prospective juror to make the necessary addition, clarification, or correction and to return the form to the jury commission within ten (10) days after its second receipt.

(2) Any prospective juror who fails to return a completed juror qualification form as instructed shall be directed by the jury commission to appear forthwith before the clerk to fill out the juror qualification form. At the time of his appearance for jury service, or at the time of any interview before the court or clerk, any prospective juror may be required to fill out another juror qualification form in the presence of the court or clerk, at which time the prospective juror may be questioned, but only with regard to his responses to questions contained on the form and grounds for his excuse or disqualification. Any information thus acquired by the court or clerk shall be noted on the juror qualification form.

(3) A prospective juror who fails to appear as directed by the commission pursuant to subsection (1) of this section shall be ordered by the court to appear and show cause for his failure to appear as directed. If the prospective juror fails to appear pursuant to the court's order or fails to show good cause for his failure to appear as directed by the jury commission, he is guilty of criminal contempt and upon conviction may be fined not more than one hundred dollars ($100) or imprisoned not more than three (3) days, or both.

(4) Any person who wilfully misrepresents a material fact on a juror qualification form for the purpose of avoiding or securing service as a juror is guilty of a misdemeanor and upon conviction may be fined not more than three hundred dollars ($300) or imprisoned not more than sixty (60) days, or both.

SECTION 8. (1) The court, upon request of the jury commission or a prospective juror or on its own initiative, shall determine on the basis of information provided on the juror qualification form or interview with the prospective juror or other competent evidence whether the prospective juror
is disqualified for jury service. The clerk shall enter this determination in the space provided on the juror qualification form and on the alphabetical list of names drawn from the master jury wheel.

(2) A prospective juror is disqualified to serve on a jury if he:
(a) is not a citizen of the United States, twenty-one (21) years old, and a resident of the county;
(b) is unable to read, speak, and understand the English language;
(c) is incapable, by reason of his physical or mental disability, of rendering satisfactory jury service; but a person claiming this disqualification may be required to submit a physician's certificate as to the disability, and the certifying physician is subject to inquiry by the court at its discretion; or
(d) has lost the right to vote because of a criminal conviction.

SECTION 9. (1) The jury commission shall maintain a qualified jury wheel and shall place therein the names or identifying numbers of all prospective jurors drawn from the master jury wheel who are not disqualified under section 8 of this act.

(2) The court or any other state or county official having authority to conduct a trial or hearing with a jury within the county may direct the jury commission to draw and assign to that court or official the number of qualified jurors he deems necessary for one (1) or more jury panels or as required by law for a grand jury. Upon receipt of the direction and in a manner prescribed by the court, the jury commission shall publicly draw at random from the qualified jury wheel the number of qualified jurors specified. The qualified jurors drawn for jury service shall be assigned at random by the clerk to each jury panel in a manner prescribed by the court.

(3) If a grand, petit, or other jury is ordered to be drawn, the clerk thereafter shall cause each person drawn for jury service to be served with a summons either personally or by registered or certified mail, return receipt requested, addressed to him at his usual residence, business, or post office address, requiring him to report for jury service at a specified time and place.

(4) If there is an unanticipated shortage of available petit jurors drawn from a qualified jury wheel, the court may require the sheriff to summon a sufficient number of petit jurors selected at random by the clerk from the qualified jury wheel in a manner prescribed by the court.

(5) The names of qualified jurors drawn from the qualified jury wheel and the contents of jury qualification forms completed by those jurors shall be made available to the public unless the court determines in any instance
that this information in the interest of justice should be kept confidential or its use limited in whole or in part.

SECTION 10. No qualified prospective juror is exempt from jury service.

SECTION 11. (1) The court, upon request of a prospective juror or on its own initiative, shall determine on the basis of information provided on the juror qualification form or interview with the prospective juror or other competent evidence whether the prospective juror should be excused from jury service. The clerk shall enter this determination in the space provided on the juror qualification form.

(2) A person who is not disqualified for jury service under section 8 of this act may be excused from jury service by the court only upon a showing of undue hardship, extreme inconvenience, or public necessity, for a period the court deems necessary, at the conclusion of which the person shall reappear for jury service in accordance with the court’s direction.

SECTION 12. (1) Within seven (7) days after the moving party discovered or by the exercise of diligence could have discovered the grounds therefor, and in any event before the petit jury is sworn to try the case, a party may move to stay the proceedings, and in a criminal case to quash the indictment, or for other appropriate relief, on the ground of substantial failure to comply with this act in selecting the grand or petit jury.

(2) Upon motion filed under subsection (1) of this section containing a sworn statement of facts which, if true, would constitute a substantial failure to comply with this act, the moving party is entitled to present in support of the motion the testimony of the jury commissioner or the clerk, any relevant records and papers not public or otherwise available used by the jury commissioner or the clerk, and any other relevant evidence. If the court determines that in selecting either a grand jury or a petit jury there has been a substantial failure to comply with this act, the court shall stay the proceedings pending the selection of the jury in conformity with this act, quash an indictment, or grant other appropriate relief.

(3) The procedures prescribed by this section are the exclusive means by which a person accused of a crime, the state, or a party in a civil case may challenge a jury on the ground that the jury was not selected in conformity with this act.

(4) The contents of any records or papers used by the jury commissioner or the clerk in connection with the selection process and not made public under subsection (3) of section 5 and subsection (5) of section
9 of this act shall not be disclosed, except in connection with the preparation or presentation of a motion under subsection (1) of this section, until after the master jury wheel has been emptied and refilled (section 6 of this act) and all persons selected to serve as jurors before the master jury wheel was emptied have been discharged. The parties in a case may inspect, reproduce, and copy the records or papers at all reasonable times during the preparation and pendency of a motion under subsection (1) of this section.

SECTION 13. All records and papers compiled and maintained by the jury commissioner or the clerk in connection with selection and service of jurors shall be preserved by the clerk for four (4) years after the master jury wheel used in their selection is emptied and refilled (section 6 of this act) and for any longer period ordered by the court.

SECTION 14. A juror shall be paid mileage at the rate of ten cents ($0.10) per mile for his travel expenses from his residence to the place of holding court and return and shall be compensated at the following rate, to be paid from the county treasury:

(1) Five dollars ($5) for each one-half (½) day, or portion thereof, unless the juror travels more than thirty (30) miles from his residence in which event he shall receive ten dollars ($10) for each one-half (½) day or portion thereof;

(2) Ten dollars ($10) for each day’s required attendance at court of more than one-half (½) day.

SECTION 15. In any two (2) year period a person shall not be required:

(1) To serve or attend court for prospective service as a petit juror more than ten (10) court days, except if necessary to complete service in a particular case;

(2) To serve on more than one (1) grand jury; or

(3) To serve as both a grand and petit juror.

SECTION 16. A person summoned for jury service who fails to appear or to complete jury service as directed shall be ordered by the court to appear forthwith and show cause for his failure to comply with the summons. If he fails to show good cause for noncompliance with the summons, he is guilty of criminal contempt and upon conviction may be fined not more than one hundred dollars ($100) and imprisoned not more than three (3) days, or both.

SECTION 17. (1) An employer shall not deprive an employee of his employment, or threaten or otherwise coerce him with respect thereto,
because the employee receives a summons, responds thereto, serves as a juror, or attends court for prospective jury service.

(2) Any employer who violates subsection (1) of this section is guilty of criminal contempt and upon conviction may be fined not more than three hundred dollars ($300) or imprisoned not more than six (6) months, or both.

(3) If an employer discharges an employee in violation of subsection (1) of this section the employee within sixty (60) days may bring a civil action for recovery of wages lost as a result of the violation and for an order requiring the reinstatement of the employee. Damages recoverable shall not exceed lost wages for six (6) weeks. If he prevails, the employee shall be allowed a reasonable attorney's fee fixed by the court.

SECTION 18. Senior district judges are authorized to delegate their duties and responsibilities under this act to district judges or duly appointed magistrates within their respective district.

SECTION 19. The supreme court may make and amend rules, not inconsistent with this act, regulating the selection and service of jurors.

SECTION 20. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SECTION 21. This act may be cited as the "Uniform Jury Selection and Service Act."

SECTION 22. This act shall be so applied and construed as to effectuate its general purpose to make uniform the law with respect to the subject of this act among those states which enact it.

SECTION 23. That Chapters 2, 3, 4 and 6, Title 2, Idaho Code, be, and the same are hereby repealed.

SECTION 24. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 20, 1971.
CHAPTER 170
(S. B. No. 1145)

AN ACT
AMENDING SECTION 16-1512, IDAHO CODE, RELATING TO APPEALS FROM ADOPTION PROCEEDINGS BY STRIKING THE REFERENCE TO THE PROBATE COURT AND SUBSTITUTING MAGISTRATES DIVISION OF THE DISTRICT COURT THEREFOR; AMENDING SECTION 16-1640, IDAHO CODE, RELATING TO APPEALS FROM CHILD PROTECTIVE ACT PROCEEDINGS BY PROVIDING FOR THE TIME AND MANNER THEREOF; AMENDING SECTION 16-1819, IDAHO CODE, RELATING TO APPEALS FROM YOUTH REHABILITATION ACT PROCEEDINGS BY PROVIDING FOR THE MANNER OF SUCH APPEALS; AMENDING SECTION 16-2014, IDAHO CODE, RELATING TO APPEALS FROM PARENT CHILD TERMINATION PROCEEDINGS BY STRIKING THE REFERENCE TO THE PROBATE COURT AND SUBSTITUTING MAGISTRATES DIVISION OF THE DISTRICT COURT THEREFOR; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 16-1512, Idaho Code, be, and the same is hereby amended to read as follows:

16-1512. APPEAL FROM ORDER TO DISTRICT COURT. - An appeal may be taken to the district court of the county from an order of the probate court magistrates division of the district court granting or refusing to grant an order of adoption or from any other intermediate order in adoption proceedings.

SECTION 2. That Section 16-1640, Idaho Code, be, and the same is hereby amended to read as follows:

16-1640. APPEAL – EFFECT ON CUSTODY. – An interested party aggrieved by any order or decree of the court may appeal to the district court within sixty (60) thirty (30) days of the filing of such order or decree for review of questions of law and fact. Where the order affects the custody of a child, the appeal shall be heard at the earliest practicable time. The pendency of an appeal shall not suspend the order of the court regarding a child, and it shall not discharge the child from the custody of the court or of the person, institution, or agency to whose care he has been committed, unless otherwise ordered by the district court on application of appellant.
Proceedings in the district court shall be de novo and the court may affirm, reverse or modify the judgment appealed from, including the granting of any injunctive relief which may appear necessary for the protection of the interests of any party. A transcript of all proceedings in the probate court shall be admissible in any district court de novo proceeding. No bond or undertaking shall be required of any party appealing to the district court under the provisions of this section. Any final order or judgment of the district court shall be appealable to the Supreme Court of the state of Idaho within thirty (30) days following entry of such final order or judgment in the same manner as appeals in other civil actions. The filing of the notice of appeal shall not, unless otherwise ordered, stay the order of the district court.

SECTION 3. That Section 16-1819, Idaho Code, be, and the same is hereby amended to read as follows:

16-1819. APPEALS. — All orders or final judgments made by any court in matters affecting a child within the purview of this act may be appealed and reviewed as provided in chapter 1, title 17, Idaho Code by the supreme court civil appellate rules, except no undertaking shall be required. Upon filing of the notice of appeal, the district court shall take jurisdiction of the case. If a child is in detention the court must promptly hold a hearing after the filing of a request as to whether the child shall remain in detention.

SECTION 4. That Section 16-2014, Idaho Code, be, and the same is hereby amended to read as follows:

16-2014. APPEALS. — An appeal may be taken to the district court from an order or decree of the court granting or refusing to grant a termination, in the manner and form as appeals are taken in other civil proceedings from the magistrates division of the district court to district courts, provided, however, pendency of an appeal or application therefor shall not suspend the order of the court relative to termination of the parent-child relationship.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 20, 1971.
CHAPTER 171
(S. B. No. 1151)

AN ACT
PROVIDING THAT ALL FUNDS RECEIVED BY THE BOARD OF NURSING HOME EXAMINERS BE DEPOSITED IN THE STATE TREASURY TO THE CREDIT OF THE OCCUPATIONAL LICENSE FUND; REPEALING SECTION 54-1616, IDAHO CODE, RELATING TO THE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATOR’S FUND; AND DECLARING AN EMERGENCY.

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

SECTION 1. All fees received under the provision of this chapter shall be deposited in the state treasury to the credit of the occupational license fund and all costs and expenses incurred by the department under the provisions of this chapter shall be a charge against and paid from said fund.

SECTION 2. That Section 54-1616, Idaho Code, be, and the same is hereby repealed.

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 20, 1971.

CHAPTER 172
(S. B. No. 1197)

AN ACT
RELATING TO CABIN SITE LEASES; AMENDING SECTION 39-3609, IDAHO CODE, BY REQUIRING COTTAGE SITES EXISTING PRIOR TO THE EFFECTIVE DATE OF THIS ACT TO RECEIVE CERTIFICATION FROM THE DEPARTMENT OF HEALTH OF A PROPER SEWAGE DISPOSAL SYSTEM WITHIN TWO YEARS FROM THE EFFECTIVE DATE OF THIS ACT, AND PROVIDING AN EXTENSION PROVISION; AMENDING SECTION 39-3611, IDAHO CODE, BY REQUIRING THE DEPARTMENT OF HEALTH TO CONDUCT A SITE BY SITE INVENTORY OF COTTAGE SITES TO DETERMINE THE EXISTING SEWAGE DISPOSAL SYSTEMS
AND PROVIDING MEASURES TO INSURE ADEQUATE SYSTEMS;
AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 39-3609, Idaho Code, be, and the same is hereby amended to read as follows:

39-3609. COTTAGE SITE LEASES — REQUIREMENTS — CONSTRUCTION OF SEWAGE DISPOSAL FACILITIES. — After the effective date of this act all cottage site leases authorized by the state of Idaho shall require that each lessee must construct, at his cost and expense, sewage disposal facilities, certified by the state department of health as adequate, as follows:

(a) For all new cottage or house construction completed after July 1, 1971 on any cottage site the health department certificate shall be issued prior to occupancy.

(b) Those for cottage sites having constructed living quarters such certificate shall be issued within two (2) years of the effective date of the lease. Cottages or houses existing on the cottage sites prior to the effective date of this act shall meet those standards required by the department of health for certification within two (2) years of the effective date of this act, unless a public or private sewage collection or disposal system is being planned or constructed in which case the state department of health may grant extensions on a year by year basis but not exceed three (3) such extensions for any one cottage site.

(c) Isolated dwellings on sites situated on mining, grazing or other similar types of state land board leases shall not be affected unless within two hundred (200) yards of any flowing stream or a lake.

SECTION 2. That Section 39-3611, Idaho Code, be, and the same is hereby amended to read as follows:

39-3611. STATE BOARD OF HEALTH — RULES AND REGULATIONS — INSPECTION. — The state board of health shall adopt reasonable rules, regulations and standards for the installation and operation of cottage site sewage treatment facilities, and shall provide adequate inspection services so as not to delay unreasonably the construction of any lessee. Duplicate originals of all certificates issued by the department of health shall be filed with the head of the department issuing a cottage site lease.

The state board of health shall initiate on or before July 1, 1971 a site by site inventory of such sewage disposal systems that may exist. The inventory shall ascertain:
(a) if the existing system meets the board of health standards. If the system meets all standards and regulations for cottage sewage disposal systems a certificate shall be issued immediately.

(b) if the system does not meet the board of health standards. In such case, the lessee shall be advised in writing of the actions necessary to meet the proper standards. A copy of such report shall be filed with the state agency granting the lease. The modifications, unless specifically exempted from the time limit, as provided in this act, shall be completed within two (2) years of the date of the written notice.

SECTION 3. This act shall be in full force and effect on and after July 1, 1971.

Approved March 20, 1971.

CHAPTER 173
(S. B. No. 1105, As Amended in House)

AN ACT
REGULATING THE PRACTICE OF VETERINARY MEDICINE; PROVIDING A DECLARATION OF POLICY; PROVIDING A TITLE FOR THE ACT; PROVIDING DEFINITIONS; PROVIDING LIMITATIONS ON PRACTICE OF VETERINARY MEDICINE; CREATING THE STATE BOARD OF VETERINARY MEDICINE, AND PROVIDING FOR ITS APPOINTMENT BY THE GOVERNOR, ITS MEMBERSHIP, AND THE QUALIFICATIONS, TERMS OF OFFICE AND PER DIEM EXPENSES OF MEMBERS, AND THE ORGANIZATION, PROCEDURES, MEETINGS, DUTIES AND POWERS OF THE BOARD; PROVIDING FOR RETENTION OF PRESENT LICENSES; PROVIDING FOR APPLICATION FOR LICENSES, APPLICATION REQUIREMENTS AND APPLICATION FEES; PROVIDING FOR EXAMINATION NOTICES AND ISSUANCE OF LICENSES; PROVIDING FOR LICENSES WITHOUT EXAMINATION; PROVIDING FOR TEMPORARY PERMITS; PROVIDING FOR RENEWAL OF LICENSES; PROVIDING FOR THE REVOCATION OF LICENSES AND THE GROUNDS THEREFOR; PROVIDING FOR A HEARING PROCEDURE; PROVIDING FOR JUDICIAL REVIEW OF ORDERS; PROVIDING
FOR REINSTatement; PROVIDING FOR CRIMINAL VIOLATION AND INJUNCTIONS; PROVIDING: THE DEPARTMENT OF LAW ENFORCEMENT SHALL ADMINISTER THE IDAHO VETERINARY PRACTICE ACT; REPEALING CHAPTER 21, TITLE 54, IDAHO CODE; AMENDING SECTION 67-2901, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT OF LAW ENFORCEMENT SHALL HAVE THE POWER TO EXERCISE THE RIGHTS, POWERS AND DUTIES VESTED BY LAW IN THE STATE BOARD OF VETERINARY MEDICINE; AMENDING SECTION 67-2910, IDAHO CODE, TO PROVIDE THAT EXAMINERS FOR VETERINARIANS SHALL BE SELECTED AS PROVIDED FOR IN THE IDAHO VETERINARY PRACTICE ACT; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. This statute is enacted as an exercise of the power of the state to promote the public health, safety and welfare by safeguarding the people of this state against incompetent, dishonest or unprincipled practitioners of veterinary medicine. It is hereby declared that the right to practice veterinary medicine is a privilege conferred by legislative grant to persons possessed of the personal and professional qualifications specified in this act.

SECTION 2. 1. This act shall be known as the Idaho Veterinary Practice Act.

2. Except where otherwise indicated by context, in this act the present tense includes the past and future tenses and the future tense includes the present, each gender includes the other two (2) genders; and the singular includes the plural and the plural the singular.

SECTION 3. When used in this act, these words and phrases shall be defined as follows:

1. "Animal" means any animal other than man and includes fowl, birds, fish and reptiles, wild or domestic, living or dead.

2. "Veterinary medicine" includes veterinary surgery, obstetrics, dentistry, and all other branches or specialities of veterinary medicine.

3. "Practice of veterinary medicine" means:
   (a) To diagnose, treat, correct, change, relieve, or prevent animal disease, deformity, defect, injury, or other physical or mental conditions; including the prescription or administration of any drug, medicine, biologic, apparatus application, anesthetic, or other
therapeutic or diagnostic substance or technique, and the use of any obstetrical procedure or any manual or mechanical procedure for artificial insemination, for testing or examining for pregnancy, or to render advice or recommendation with regard to any of the above.

(b) To represent, directly or indirectly, publicly or privately, an ability and willingness to do any act described in subsection 3(a) of this section.

(c) To use any title, words, abbreviations or letter in a manner or under circumstances which induce the belief that the person using them is qualified to do any act described in subsection 3(a) of this section, except where such person is a veterinarian.

4. "Veterinarian" means a person who has received a doctor's degree in veterinary medicine from a school of veterinary medicine.

5. "Licensed veterinarian" means a person who is validly and currently licensed to practice veterinary medicine in this state.

6. "School of veterinary medicine" means any veterinary college or division of a university or college that offers the degree of Doctor of Veterinary Medicine or its equivalent and that conforms to the standards required for accreditation by the American Veterinary Medical Association.

7. "Person" means any individual, firm, partnership, association, joint venture, cooperative and corporation, or any other group or combination acting in concert; and whether or not acting as principal, trustee, fiduciary, receiver, or as any other kind of legal or personal representative, or as the successor in interest, assignee, agent, factor, servant, employee, director, officer, or any other representative of such person.

8. "Board" means the state board of veterinary medicine.

SECTION 4. 1. No person may practice veterinary medicine in the state who is not a licensed veterinarian or the holder of a valid temporary permit issued by the board.

2. This act shall not be construed to prohibit;

(a) A veterinarian employed by the federal, state, or local government performing his official duties.

(b) A person who is a regular student currently enrolled and in good standing in a veterinary school performing duties or actions assigned by his instructors, or working under the direct supervision of a licensed veterinarian during a school vacation period.

(c) Idaho extension personnel from performing their official duties.

(d) A veterinarian regularly licensed in another state consulting with a licensed veterinarian in this state.
(e) Any merchant or manufacturer selling medicines, biologics, feed, medicated feed, appliances or other products for the prevention or treatment of animal and poultry diseases.

(f) A farmer, rancher or feedlot operator, including custom ranch or feedlot operators, and the employees or agents thereof, from caring for and treating animals within their possession or control, or the owner of an animal or his employee from caring for and treating the animal belonging to such owner, or livestock owners or employees pregnancy testing their own or employer's cattle or the exchange of services between owners or their employees or agents who are farmers, ranchers or feedlot operators, including custom ranch or feedlot operators, except where the ownership or possession of the animal was transferred for the purposes of circumventing this act.

(g) A member of faculty of a veterinary school or veterinary science department, performing his regular functions, or a person lecturing or giving instructions or demonstrations at a veterinary school or veterinary science department, or in connection with a continuing education course or seminar.

(h) Any person selling or applying any pesticide, insecticide, or herbicide.

(i) Any person engaging in bona fide scientific research which reasonably requires experimentation involving animals.

(j) Any person performing artificial insemination of domestic animals as governed by chapter 8, title 25, Idaho Code.

(k) Any person castrating, dehorning, or hoof trimming cattle and farm animals, excluding dogs and cats.

(l) The gratuitous treatment of animals in an emergency as a neighborly act.

(m) Any state or federal livestock inspector while in the performance of his official duties.

SECTION 5. 1. A board of veterinary medicine shall be appointed by the governor, which shall consist of five (5) members with four (4) members to be appointed by the governor, and with the director of the bureau of animal industry of the state of Idaho as the remaining member. Each of the four (4) appointive members shall serve a term of four (4) years or until his successor is appointed, except that the terms of the first appointees may be for shorter periods to permit staggering of terms whereby one (1) term expires each year.
Members of the state board of veterinary medical examiners appointed under the chapter which this act replaces may continue as members of the board until the expiration of the term for which they were appointed. Whenever the occasion arises for an appointment under this section, the state veterinary medical association may nominate three (3) or more qualified persons and forward the nomination to the governor at least thirty (30) days before the date set for the appointment. The governor may appoint one (1) of the persons so nominated. Vacancies due to death, resignation or removal shall be filled for the remainder of the unexpired term in the same manner as regular appointments. No person shall serve two (2) consecutive four (4) year terms, but a person appointed for a term of less than four (4) years may succeed himself. A person shall be qualified to serve as a member of the board if he is a graduate of a veterinary school, a resident of this state, and has been licensed to practice veterinary medicine in this state for the five (5) years preceding the time of his appointment. No person may serve on the board who is, or was, during the two (2) years preceding his appointment, a member of the faculty, trustees or advisory board of a veterinary school.

Each member of the board shall be paid twenty-five dollars ($25) for each day or substantial portion thereof he is engaged in the work of the board, in addition to such reimbursement for travel and other expenses as is normally allowed to state employees.

Any member of the board may be removed by the governor after a hearing by the board determines cause for removal.

2. The board shall meet at least once each year at the time and place fixed by rule of the board. Other necessary meetings may be called by the president of the board by giving notice as may be required by rule. Except as may otherwise be provided, a majority of the board constitutes a quorum. Meetings shall be open and public except that the board may meet in closed session to prepare, approve, administer or grade examinations, or to deliberate the qualifications of an applicant for license or the disposition of a proceeding to discipline a licensed veterinarian.

3. At its annual meeting, the board shall organize by electing a president, a secretary-treasurer, and such other officers as may be prescribed by rule. Officers of the board serve for terms of one (1) year and until a successor is elected, without limitation on the number of terms an officer may serve. The president shall serve as a chairman of board meetings.

4. All revenues received under this act shall be paid to the department of law enforcement for deposit in the occupational license fund, and shall be
subject to and administered in accordance with the provisions of chapter 29, title 67, Idaho Code.

5. The board shall have the power to:
(a) Examine and determine the qualifications and fitness of applicants for a license to practice veterinary medicine in the state.
(b) Issue, renew, deny, suspend or revoke licenses and temporary permits to practice veterinary medicine in the state or otherwise discipline licensed veterinarians consistent with the provisions of the act and the rules and regulations adopted hereunder.
(c) Establish and publish annually a schedule of fees for licensing and registration of veterinarians.
(d) Conduct investigations for the purpose of discovering violations of this act or grounds for disciplining licensed 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 (1) or more of its members to serve as its hearing officer or use the hearing officer of the department of law enforcement, bureau of occupational licenses.
(f) Employ full time or part time personnel, professional, clerical or special, necessary to effectuate the provision of this act and purchase or rent necessary office space, equipment and supplies.
(g) Appoint from its own membership one (1) or more members to act as representatives of the board at any meeting within or without the state where such representation is deemed desirable.
(h) Bring proceedings in the courts for the enforcement of this act or any regulations made pursuant thereto.
(i) Adopt, amend, or repeal all rules necessary for its government and all regulations necessary to carry into effect the provisions of this act pursuant to the Idaho administrative procedure act, chapter 52, title 67, Idaho Code, including the establishment and publication of standards of professional conduct for the practice of veterinary medicine.

The powers enumerated above are granted for the purpose of enabling the board to effectively supervise the practice of veterinary medicine and are to be construed liberally to accomplish this objective.
SECTION 6. Any person holding a license to practice veterinary medicine in this state on the date this act becomes effective shall be recognized as a licensed veterinarian and shall be entitled to retain his status so long as he complies with the provisions of this act, including annual renewal of the license.

SECTION 7. Any person desiring a license to practice veterinary medicine in this state shall make written application to the board. The application shall show that the applicant is twenty-one (21) years of age, or more, a citizen of the United States or an applicant for citizenship, a graduate of a veterinary school, a person of good moral character, and such other information and proof as the board may require by rule. The application shall be accompanied by a fee in the amount established and published by the board. If the board determines that the applicant possesses the proper qualifications, it shall admit the applicant to the next examination, or if the applicant is eligible for a license without examination under section 8 of this act, the board may forthwith grant him a license. If an applicant is found not qualified to take the examination or for a license without examination, the secretary-treasurer of the board shall immediately notify the applicant in writing of such finding and grounds therefor. An applicant found unqualified may require a hearing on the question of his qualification under the procedure set forth in section 14 of this act. Any applicant who is found not qualified shall be allowed the return of his application fee.

SECTION 8. The board shall hold at least one (1) examination during each year and may hold such additional examinations as are necessary. The secretary-treasurer shall give public notice of the time and place for each examination at least one hundred twenty (120) days in advance of the date set for the examination. A person desiring to take an examination shall make application at least sixty (60) days before the date of the examination.

The preparation, administration and grading of examinations shall be governed by rules prescribed by the board. Examinations shall be designed to test the examinee’s knowledge of and proficiency in the subjects and techniques commonly taught in veterinary schools. To pass the examination, the examinee must demonstrate scientific and practical knowledge sufficient to prove himself a competent person to practice veterinary medicine in the judgment of the board. All examinees shall be tested by a written examination, supplemented by such oral interviews and practical demonstrations as the board may deem necessary. The board may adopt and
use the examination prepared by the national board of veterinary examiners.

After each examination the department of law enforcement, division of occupational licenses, shall notify each examinee of the result of his examination, and the board shall issue licenses to the persons successfully completing the examination. The department of law enforcement, division of occupational licenses, shall record the new licenses and issue a certificate of registration to the new licensees. Any person failing an examination shall be admitted to any subsequent examination on payment of the application fee.

SECTION 9. The board may issue a license without a written examination to a qualified applicant who furnishes satisfactory proof that he is a graduate of a veterinary school and who:

1. Has for the five (5) years next prior to filing his application been a practicing veterinarian licensed in a state, territory or district of the United States having license requirements at the time applicant was first licensed, which were substantially equivalent to the requirements of this act; or

2. Has within the five (5) years next prior to filing his application successfully completed the examination conducted by the national board of veterinary examiners.

3. Has a valid license as a veterinarian under the laws of any other state or territory whose requirements for registration or licensing of veterinarians is substantially equal to the requirements established by law for veterinarians in this state and such other state or territory of the United States has extended a like permission to engage in the practice of veterinary medicines within its borders to veterinarians heretofore and hereafter licensed in this state and removed to such other state.

At its discretion, the board may orally or practically examine any person qualifying for licensing under this section.

SECTION 10. The board may issue without examination a temporary permit to practice veterinary medicine in this state:

1. To a qualified applicant for license pending examination, provided that such temporary permit shall expire the day after the notice of results of the first examination given after the permit is issued. No temporary permit may be issued to any applicant who has previously failed the examination in this state and who holds no presently valid license in any other state, territory or district of the United States, or foreign country.

2. To a nonresident veterinarian validly licensed in another state, territory or district of the United States or a foreign county who pays the
fee established and published by the board, provided that such temporary permit shall be issued for a period of no more than sixty (60) days and that no more than one (1) permit shall be issued to a person during each calendar year.

A temporary permit may be summarily revoked by majority vote of the board without a hearing.

SECTION 11. All licenses shall expire annually on July 1 of each year, but may be renewed by registration with the board and payment of the registration renewal fee established and published by the board. On or about June 1 of each year, the department of law enforcement, division of occupational licenses, shall mail a notice to each licensed veterinarian that his license will expire on July 1, and provide him with a form of reregistration. The department of law enforcement, division of occupational licenses, shall issue a new certificate of registration to all persons registering under this act. Any license not renewed by July 1 becomes delinquent and is cancelled on October 1 of that year.

Any person who shall practice veterinary medicine after the expiration of his license and wilfully or by neglect fails to renew such license shall be practicing in violation of this act. Any person may renew an expired license within five (5) years of the date of its expiration by making written application for renewal and paying the current renewal fee plus all delinquent renewal fees. After five (5) years have elapsed since the date of the expiration, a license may not be renewed, but the holder must make application for a new license and take the license examination.

The board may by rule waive the payment of the registration renewal fee of a licensed veterinarian during the period when he is on active duty with the armed services of the United States, not to exceed the longer of three (3) years or the duration of a national emergency.

SECTION 12. Upon written complaint sworn to by any person, the board may, after a fair hearing and by a concurrence of four (4) members, revoke or suspend for a certain time the license of, or otherwise discipline, any licensed veterinarian for any of the following reasons:

1. The employment of fraud, misrepresentation or deception in obtaining a license.
2. Adjudication of insanity.
3. Chronic inebriety or habitual use of drugs.
4. The use of advertising or solicitation which is false, misleading, or is otherwise deemed unprofessional under regulations adopted by the board.
5. Conviction or cash compromise of a felony or other public offense involving moral turpitude.
6. Incompetence, gross negligence, or other malpractice in the practice of veterinary medicine.
7. Having professional association with or employing any person practicing veterinary medicine unlawfully.
8. Fraud or dishonesty in the application or reporting of any test for disease in animals.
9. Failure to keep veterinary premises and equipment in a clean and sanitary condition.
10. Failure to report, as required by law, or making false report of, any contagious or infectious disease.
11. Dishonesty or gross negligence in the inspection of foodstuffs or the issuance of health or inspection certificates.
12. Cruelty to animals.
13. Revocation of a license to practice veterinary medicine by another state, territory or district of the United States on grounds other than nonpayment of registration fee.
14. Unprofessional conduct as defined in regulations adopted by the board.

SECTION 13. A hearing shall be held no sooner than twenty (20) days after written notice to a licensed veterinarian of a complaint against him under section 12 of this act, or in the case of a person whose application for license is denied, no sooner than ten (10) days after receipt by the board of a written request for hearing. Notice of the time and place of the hearing, meeting the requirements of section 67-5209, Idaho Code, along with a copy of the complaint filed, shall be served on a licensee in the same manner required for original service of process in a civil suit. The applicant or licensee shall have the right to be heard in person and by counsel, the right to have subpoenaed the attendance of witnesses in his behalf, and the right to cross-examine witnesses appearing against him. Strict rules of evidence shall not apply. The board shall provide a stenographer to take down the testimony and shall preserve a full record of the proceeding. A transcript of the record may be purchased by any person interested in such hearing on payment to the board of the cost of preparing such transcript. The board shall notify the applicant or licensee of its decision in writing within ten (10) days after the conclusion of the hearing. The department of law enforcement, division of occupational licenses, in all cases of suspension or
revocation shall enter the fact on the register.

Any person whose license is suspended or revoked shall be deemed an unlicensed person for purposes of this act.

In all proceedings under this act, the rules of administrative procedure enacted as chapter 52, title 67, Idaho Code, shall apply.

SECTION 14. Any party aggrieved by a decision of the board may appeal the matter and obtain judicial review of the decision as permitted by section 67-5215, Idaho Code, to the district court.

SECTION 15. Any person whose license is suspended or revoked may, at the discretion of the board, be relicensed or reinstated at any time without an examination, by majority vote of the board on written application made to the board showing cause justifying relicensing or reinstatement.

SECTION 16. 1. Any person who shall practice veterinary medicine without a currently valid license or temporary permit shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty dollars ($50), nor more than five hundred dollars ($500), or imprisoned for no more than ninety (90) days, or both fined and imprisoned, provided that each act of such unlawful practice shall constitute a distinct and separate offense.

2. No person who shall practice veterinary medicine without a currently valid license or temporary permit may receive any compensation for services so rendered.

3. The board or any citizen of this state may bring an action to enjoin any person from practicing veterinary medicine without a currently valid license or temporary permit. If the court finds that the person is violating, or is threatening to violate this act, it shall enter an injunction restraining him from such unlawful acts.

4. The successful maintenance of an action based on any one (1) of the remedies set forth in this section shall in no way prejudice the prosecution of an action based on any other of the remedies.

SECTION 17. This act shall be administered within the department of law enforcement and the provisions of chapter 29, title 67, Idaho Code, relating to the issuance of licenses and administration and enforcement of occupational licenses shall apply with full force and effect to this act, and it shall be the duty of the department of law enforcement to enforce the provisions of this act.

SECTION 18. That Chapter 21, Title 54, Idaho Code, be, and the same is hereby repealed.
SECTION 19. That Section 67-2901, Idaho Code, be, and the same is hereby amended to read as follows:

67-2901. POWERS AND DUTIES — FAILURE OF PEACE OFFICERS TO OBEY ORDERS MISDEMEANOR — DEPUTIES — COMPENSATION AND POWERS. — The department of law enforcement shall have power:

1. To exercise the rights, powers and duties vested by law in the secretary of the state highway commission (so far as his duties relate to the registration of motor vehicles).

2. To exercise the rights, powers and duties vested by law in the state board of medical examiners, its president, secretary and treasurer.

3. To exercise the rights, powers and duties vested by law in the state board of dental examiners, its president and secretary.

4. To exercise the rights, powers and duties vested by law in the board of osteopathic examination and registration, its president, secretary and treasurer.

5. To exercise the rights, powers and duties vested by law in the Idaho state board of examiners in optometry, its president, vice-president, and secretary-treasurer.

6. To exercise the rights, powers and duties vested by law in the board of pharmacy, its president and secretary.

7. To exercise the rights, powers and duties vested by law in the state board of examination and registration of graduate nurses, its president and secretary-treasurer.

8. To exercise the rights, powers and duties vested by law in the Idaho state board of veterinary medical examiners, its president, secretary and treasurer, the state board of veterinary medicine.

9. To exercise the rights, powers and duties vested by law in the state board of accountancy.

10. To exercise the rights, powers and duties vested by law in the state board of examiners of architects, its president and secretary-treasurer.

11. To exercise the rights, powers and duties vested by law in the examining committee of the state board of health for the examination of embalmers.

12. To supervise the registration and licensing of automobiles, motor vehicles and motor vehicle manufacturers, dealers and chauffeurs.

13. To exercise the rights, powers and duties vested by law in the board of examiners of nursing home administrators, its officers and executive secretary.
14. To enforce all of the penal and regulatory laws of the state, to preserve order, and exercise any and all powers, duties and authority of any sheriff or other peace officer anywhere in the state of Idaho, in the same manner and with like authority as the sheriffs of the counties; said department may employ from time to time, to carry out any of the provisions of this subdivision, such deputies or special deputies as may be deemed, by the governor of the state of Idaho, necessary to carry out these duties and powers, and deputies shall have power to deputize other persons as deputies when necessary; said department may call into the police service of the state any and all peace officers of the state, of any city, or of any county, and may deputize private citizens, when deemed necessary by the governor of the state, to preserve order and enforce law in any extraordinary emergency when the governor shall have declared, by order in writing, the existence of such extraordinary emergency; the governor shall designate by order such peace officers or private persons as are to be called into the service of the state, and when such peace officers or deputized citizens are so called into the police service of the state such officers shall act under the direction of the commissioner of said department in such manner as may be directed and ordered by the governor; failure on the part of any such peace officer of the state, or person so deputized, to so act and obey such orders shall constitute a misdemeanor; the governor shall fix the compensation of such deputies. The jurisdiction of the commissioner of law enforcement and his deputies, both regular and special, and all peace officers or other persons called into the police service of the state by him or his deputies, shall be coextensive with the territory of the state of Idaho and not limited by the lines of any political or municipal subdivisions.

SECTION 20. That Section 67-2910, Idaho Code, be, and the same is hereby amended to read as follows:

67-2910. VETERINARIANS — EXAMINERS FOR. — For the veterinarians three persons, each of whom shall be a licensed veterinarian and a graduate of a legally chartered or authorized veterinary college or veterinary department of a university or agricultural college. The examiners shall be selected as provided for in the Idaho veterinary practice act.

SECTION 21. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this are severable.
SECTION 22. This act shall be in full force and effect on and after July 1, 1971.
Approved March 20, 1971.

CHAPTER 174
(H. B. No. 241, As Amended in Senate)

AN ACT
RELATING TO AGRICULTURAL LABOR RELATIONS, STATING THE SHORT TITLE OF THE ACT; DEFINING TERMS; CREATING THE IDAHO AGRICULTURAL LABOR BOARD AND SETTING FORTH THE ADMINISTRATION THEREOF; STATING THE RIGHTS OF EMPLOYEES; STATING THE RIGHTS OF EMPLOYERS; LISTING UNFAIR LABOR PRACTICES FOR EMPLOYERS; LISTING UNFAIR LABOR PRACTICES FOR LABOR ORGANIZATIONS; PROVIDING A PROCEDURE FOR ESTABLISHING BARGAINING UNITS; PROVIDING FOR COLLECTIVE BARGAINING; GIVING THE BOARD AUTHORITY TO PREVENT UNFAIR LABOR PRACTICES AND PROVIDING PROCEDURES THEREUNDER; PROVIDING RELIEF FOR VIOLATIONS OF THE ACT; PROVIDING THAT THE ACT SHALL NOT APPLY TO PUBLIC EMPLOYEES, AND THAT EMPLOYEES OF THE BOARD AND THE BOARD MEMBERS SHALL NOT BE COVERED BY THE IDAHO PERSONNEL COMMISSION; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. This act shall be cited as the "Idaho Agricultural Labor Act, 1971".

SECTION 2. (1) "Person" means one (1) or more individuals, labor organizations, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

(2) "Employer" means any person who regularly employs any person in agricultural work, and any person acting as an agent of an employer. In determining whether any person is acting as an "agent" of another person so as to make such other person responsible for his acts, the question of whether the specific acts performed were actually authorized or subsequently ratified shall not be controlling.
(3) "Employee" means any individual, age sixteen (16) years or more employed by an employer as defined in subsection (2) of this section in agricultural work, and shall not be limited to the employees of a particular employer unless this chapter explicitly states otherwise. However, the term "employee" shall not include any individual employed in the domestic service of any family or person at his home, or any individual employed by his parent or spouse, independent contractors, and those engaged in sharecrop operation, or confidential or clerical employees, guards, and supervisors, or any individual employed by any person who is not an employer as defined in subsection (2) of this section.

(4) "Representative" means any individual or labor organization or agent thereof.

(5) "Labor organization" means any organization of any kind or any agency or employee representation committee or plan in which employees or individuals employed by any person participate, and which exists for the purpose, in whole or in part, of dealing with employers or persons concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(6) "Labor dispute" means any controversy between an employer and the majority of his employees in a collective bargaining unit concerning the right or process or details of collective bargaining or the designation of representatives.

(7) "Secondary boycott" means engaging in any of the acts defined in subsections (7) and (8) of section 7 of this act.

(8) "Perishable agricultural products" shall be defined as and include, but not be limited to all fruits, vegetables, hops, onions, sugar beets, potatoes, or other products of the soil or livestock which may be affected adversely by weather, lack of attention, improper growing or harvesting, and any other product raised on a farm or ranch whereby agricultural labor is employed.

(9) "Supervisor" means any individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust other grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgement.

SECTION 3. (1) There is hereby created a board to be known as the
Idaho agricultural labor board, herein called the "board", which shall be composed of five (5) members, appointed by the governor and subject to confirmation by the senate. Two (2) of the members shall be appointed from a list of names submitted by labor organizations. Two (2) shall be appointed from a list of names submitted by agricultural producer groups. One (1) member shall be a representative of the public and shall be selected from a mutually agreed upon list of not less than three (3) persons submitted to the governor by the four (4) other members of the board. The public representative of the board will act as its chairman. The initial terms of office of the members of the board shall be two (2) years for one (1) of the labor representatives and one (1) of the management representatives, and four (4) years for the other labor representative and the other management representative and three (3) years for the chairman. Thereafter all terms shall be for a period of four (4) years. Each member of the board shall be eligible for reappointment and shall hold office until his successor is appointed and qualified. In the event of vacancy, the governor shall, within one (1) month, appoint a successor to fill the unexpired term of his predecessor. All appointments to the board shall be made in conformity with the foregoing plan.

(2) A vacancy on the board shall not impair the right of the remaining members to exercise all the powers of the board, and three (3) members of the board shall constitute a quorum. The board may adopt an official seal and prescribe the purposes for which it shall be used.

(3) The board shall, at the end of every year, make a report in writing to the governor, stating the work it has done in hearing and deciding cases and otherwise, and it shall sign and report in full an opinion in every case decided by it.

(4) Each member of the board shall be paid twenty-five dollars ($25) for each day in which he has actually attended a meeting of the board officially held in addition to reimbursement for necessary expenses actually incurred as a member of the board. The members of the board shall receive any number of daily payments for official meetings of the board actually attended.

(5) There is hereby created in the state treasury a fund to be known as the "Idaho agricultural labor fund". Reasonable and necessary expenses of the board and its employees shall be paid from the fund upon vouchers signed by the chairman or any three (3) members of the board. There is hereby appropriated from the general fund of the state of Idaho the sum of.
**The struck material in Section 3, subsection (5) was vetoed by the Governor.**
SECTION 6. It shall be an unfair labor practice for an employer:

(1) To interfere with, restrain or coerce employees in the exercise of the rights guaranteed in section 4 of this act.

(2) To dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it.

(3) To discriminate in regard to hiring or tenure of employment or any term or condition of employment so as to encourage or discourage membership in any labor organization which is in compliance with subsection (13) of section 7 of this act; provided that in the event the labor organization is the duly certified representative of the employees, an employer may enter into a written agreement with such labor organization providing that after thirty (30) days' employment an employee shall make financial contributions toward the labor organization consisting of a sum not greater than the monthly dues of said labor organization and providing that an employer may terminate an employee upon request of the labor organization, if the employer has reasonable grounds for believing that said employee has not made or tendered said dues; and provided further, that an employer shall not deduct such dues from an employee's earnings unless the employer has been presented with a written request therefor, signed by the employee personally, for a duration not to exceed one (1) year, or beyond the termination date of the applicable collective bargaining agreement, whichever occurs sooner.

(4) To refuse to bargain collectively with the representative of his employees; provided, that said representative is currently certified by the board pursuant to the provisions of section 9 of this act; and provided further, that said representative is in compliance with subsection (13) of section 7 of this act.

(5) To violate the terms of a collective bargaining agreement.

SECTION 7. It shall be an unfair labor practice for a labor organization or its agents or for individuals:

(1) To restrain or coerce (including to fine or otherwise discipline) employees in the exercise of rights guaranteed in section 4 of this act; provided this paragraph shall not impair the right of a labor organization to prescribe its own rules with respect to acquisition or retention of membership.

(2) To cause or attempt to cause an employer to discriminate against an employee in violation of subsection (3) of section 6 of this act, or to require of employees covered by an agreement authorized under subsection
(3) of section 6 of this act the payment of a fee in an amount which the board finds excessive or discriminatory under all the circumstances.

(3) (a) To restrain or coerce an employer in the selection of his representatives for the purposes of collective bargaining or the adjustment of grievances; or
(b) To refuse to bargain collectively with an employer, provided that it is the representative of his employees as provided in section 9 of this act.

(4) To engage in mass picketing or interfering with the ingress or egress to any agricultural premise or other private property or which interferes with the use of public streets or roads, or picketing with acts of violence or threats of violence.

(5) To take unauthorized possession of an employer's property or to hold or damage or destroy the property of the employer with the intent of compelling the employer to accede to demands, conditions, and terms of employment, including the demand for collective bargaining.

(6) To engage in a secondary boycott as defined in this act; provided, however, that nothing contained in this section shall prohibit a lawful primary strike.

(7) To picket with placards advising that any agricultural commodity is produced by an employer or employers with whom a labor organization has a primary dispute, where such picketing is conducted at a business establishment of any person, other than premises owned by or controlled by the employer or employers producing said commodity.

(8) (a) To engage in or to induce or encourage any individual employed by any person to engage in a strike or refusal in the course of his employment, to use, manufacture, process, transport, or otherwise handle or work on any agricultural commodity; or
(b) To threaten, coerce, or restrain any person, where in either case an object thereof is:
   (A) forcing or requiring any employer or self-employed person to join any labor or employer organization;
   (B) forcing or requiring any person to enter into an agreement, express or implied, whereby such person ceases or refrains or agrees to cease or refrain from handling, using, selling, transporting, or otherwise dealing in any agricultural commodity; or
   (C) forcing or requiring any person to cease using, selling,
handling, transporting, or otherwise dealing in any agricultural commodity produced by any other employer or any other person, or to cease doing business with any employer or any other person; or

(D) forcing or requiring any employer to recognize or bargain with a particular labor organization as the representative of his employees if another labor organization has been certified as the representative of such employees under the provisions of section 9 of this act; or

(E) forcing or requiring any employer to assign particular work to employees in a particular labor organization or in a particular trade, craft, or class rather than to employees in another labor organization, trade, craft, or class, unless such employer is failing to conform to an order or certification of the board determining the bargaining representative for employees performing such work.

(9) To picket or cause to be picketed, or threaten to picket, any employer where an object thereof is forcing or requiring an employer to recognize or bargain with a labor organization as the representative of his employees, or forcing or requiring the employees of an employer to accept or select a labor organization as their collective bargaining representative:

(a) Where the employer has lawfully recognized another labor organization;

(b) Where within the past twelve (12) months an election under section 8 of this act has been conducted.

(10) To picket a farm or agricultural premises where perishable agricultural crops are produced, while such crops are being grown or harvested, unless the persons picketing have been, immediately before picketing, employees of said premises for at least six (6) calendar work days; provided that displayed in a conspicuous manner about said premises are notices, written in the English and Spanish languages, of sufficient size and number to reasonably inform all individuals that this act prohibits any individual, not an employee for at least six (6) days, from picketing a farm or agricultural premises where perishable agricultural crops are being grown or harvested.

(11) To cause or attempt to cause an employer to pay for services not performed or to pay any “stand-in” employee, or pay for any employee not required by the employer or necessary for the work of the employer.

(12) To violate the terms of a collective bargaining agreement.
(13) To fail or refuse:
(a) To have a secret ballot election of all officers not less frequently than every four (4) years; or
(b) To annually submit a list of names and addresses of its officers to the board, to prepare and submit to the board an annual financial report, to have and submit to the board current written by-laws and constitution, and to submit to the board a copy of all current collective bargaining agreements. Such documents shall be available for inspection and copying by the public at the offices of the board at reasonable hours. Such documents shall also be available for inspection and copying by any employee in a bargaining unit represented by said labor organization, at the offices of said labor organization, at reasonable hours.

(14) To enter into an agreement with an employer which restricts or limits the rights of the employer as defined in section 5.

SECTION 8. (1) When a petition is filed with the board, together with recent authorizations signed by fifty percent (50%) or more of employees of a particular employer who are present employees and who have worked for the employer fourteen (14) working days of the calendar year, the board shall decide whether a unit is appropriate for the purposes of collective bargaining and whether to conduct an election. The board shall give proper consideration as to whether permanent and seasonal employees shall be included in the same bargaining unit. No unit shall be appropriate if it consists of the employees of more than one (1) employer unless each employer agrees that his individual units may be combined into a single appropriate unit. The bargaining unit shall consist of all employees of an employer who have worked for that employer fourteen (14) days of the calendar year and are presently employed unless the employer and the petitioner for an election agree to a different unit.

(2) A petition for election may be filed:
(a) By a labor organization or its agent, or
(b) By an employer alleging that one (1) or more labor organizations have presented to him a claim to be recognized as the representative of his employees, or that he has a reasonable doubt that the recognized representative continues to represent the majority of the employees in the unit, or
(c) By an employee or employees asserting that the labor organization which has been certified or is currently recognized by their employer as
the bargaining representative no longer represents the majority of the employees in the unit.

(3) Representatives designated or selected for the purposes of collective bargaining by the majority of employees in an appropriate unit shall be the exclusive representatives for the purposes of collective bargaining; provided that any employee or group of employees shall have the right at any time to present grievances to their employer and to have such grievances adjusted so long as the adjustment is not inconsistent with the express terms of the collective bargaining agreement.

(4) No election shall be conducted in any bargaining unit within which, in the preceding twelve (12) month period, a valid election shall have been held. In an election where none of the choices on the ballot receives a majority, a run-off shall be conducted; the ballot providing for a selection between the two (2) choices receiving the largest and second largest number of valid votes cast in the election. In preparing a ballot for secret election, the board shall include upon the ballot the name or names of labor organizations and a box labeled “no union”.

(5) The board shall not process a petition filed by a labor organization unless it finds that said labor organization has complied with the terms of subsection (13) of section 7 of this act; provided that an employer may by a clearly written statement expressly waive his right to such compliance as a prerequisite to processing the petition.

(6) The board shall not conduct an election unless it finds that a representative number of employees in that unit are employed at the time of the election. Any election will not be considered valid unless at least fifty percent (50%) of the eligible employees cast a ballot. A labor organization must have over fifty percent (50%) of the valid votes cast to be certified as the representative for purposes of collective bargaining.

SECTION 9. (1) For the purposes of this chapter, to bargain collectively is the performance of the mutual obligation of the employer and the representative of the employees to meet at reasonable times and places and confer in good faith with respect to wages, hours, and other terms and conditions of employment in an attempt to reach a written agreement, but such obligation does not compel either party to agree to a proposal or require the making of a concession.

(2) A labor organization which is the representative of employees of an employer pursuant to the provisions of section 8 of this act shall not engage in or induce or encourage a strike or other concerted refusal to work by
employees, nor shall an employer lock out his employees so represented, unless, in either case, the following procedure is first complied with:

(a) Where there is in effect a collective bargaining agreement, the party desiring the termination or modification of said agreement serves a written notice upon the other party sixty (60) days prior to the expiration date thereof, or in the event such agreement contains no expiration date, sixty (60) days prior to the time it is proposed to make such termination or modification;

(b) If the sixty (60) days' notice has been given and the party desiring a change in existing terms or conditions of employment offers to meet and confer with the other party for the purpose of negotiating a new agreement or an agreement containing modifications, and within thirty (30) days notifies the board of a labor dispute and its willingness to accept mediation, provided no agreement has been reached by that time, the board, at the request of either party, shall appoint a person to mediate the dispute. The mediator shall not have authority to compel either party to agree to a proposal or to make a concession, but he shall have the authority, at his discretion, to make public the position of the parties;

(c) If the parties have not settled the dispute thirty (30) days after the notice provided in subsection (2) of this section, the employees may strike or the employer may lock out his employees after fourteen (14) days' additional written notice to the other party and to the mediator.

(3) Any employee who engages in a strike within the period specified in subsection (2) of this section shall lose his status as an employee of the employer engaged in the particular labor dispute, but such loss of status shall terminate if and when he is reemployed by such employer, and such strike shall be declared an unfair labor practice strike and subject the union to damages therefor.

(4) The board may seek an injunction against any unfair labor practice after a complaint of such practice has been issued by the board.

(5) Whoever shall be injured in his business or property by reason of any secondary boycotts or unlawful strikes or union coercion stated in this law may sue therefor in any district court of the state or in any other court having jurisdiction of the parties, and shall recover the damages by him sustained and costs of the suit.

SECTION 10. (1) The board is empowered and directed as hereinafter provided to prevent any employer, labor organization, or individual from
engaging in any unfair labor practice. This power shall not be affected or impaired by any means of adjustment, mediation, or conciliation in labor disputes that have been or may hereafter be established by law.

(2) Whenever a charge has been made that any employer, labor organization, or individual has engaged in or is engaging in any unfair labor practice, the board, or any agent of the board, shall investigate the charge, and shall have the power to issue and cause to be served upon such person a complaint; provided that no complaint shall issue based upon any unfair labor practice occurring more than three (3) months prior to the filing of the charge with the board and the service of a copy thereof upon the person against whom such charge is made. The procedure for filing a complaint and answer and the conduct of a hearing upon the complaint shall be in accordance with such rules and regulations as the board may adopt following as much as possible the procedure provided by the National Labor Relations Act and the Administrative Procedures Act of the state of Idaho, including the right of the board to have its decision approved by the district court of the state in the county wherein the unfair labor practice has been committed and the right of the employer to appeal from said decision of the board by going directly to the district court. The district court shall have exclusive jurisdiction and its judgment and decree shall be final, except that the same shall be subject to review by the supreme court on appeal by either party, said appeals to be prosecuted in the same manner and with the same effect as provided in other cases of appeal to the supreme court. Petitions filed under this law will be heard expeditiously and shall be considered and determined upon the transcript filed without requirement of printing. Upon the filing of the record in the district court, the same shall be heard with the greatest possible expedition and shall take precedence over all other matters except matters of the same character.

(3) Any person who shall willfully resist, prevent, impede, or interfere with any member of the board or any of its agents or agencies in the performance of duties pursuant to this act, or who shall in any manner interfere with the free exercise by employees of their right to select representatives in an election directed by the board pursuant to section 8 of this act, shall be punished by a fine of not more than five thousand dollars ($5,000) or by imprisonment for not more than one (1) year, or both.

(4) Subject to the rules and regulations of the board, the complaints, orders and testimony relating to a proceeding instituted by the board under section 11 of this act may be made a matter of public record. All
proceedings pursuant to section 10 of this act shall be open to the public.

SECTION 11. (1) Any person aggrieved or whoever is injured by acts or conduct alleged to be in violation of sections 6 and 7 of this act may petition the district court of the state within the county wherein the acts or conduct occurred or wherein any person charged with the acts or conduct resides or transacts business or if such court be on vacation or in recess, then to the district court of any county adjoining the county wherein the acts or conduct in question occurred or wherein any person charged with the acts or conduct resides and transacts business, for appropriate temporary relief or restraining order. The court shall consider the matter forthwith and give it priority over all other cases under this chapter except cases of like character. It shall not be necessary that a charge be filed under subsection (2) of section 9 of this act as a prerequisite to jurisdiction by a court.

(2) Any person aggrieved or whoever is injured by reason of or conduct in violation of sections 6 and 7 of this act may sue for actual damages therefor within three (3) months after such acts or conduct occur, in the appropriate district court referred to in subsection (1) of this section. It shall not be necessary that a charge be filed under subsection (2) of section 10 of this act as a prerequisite to jurisdiction by a court.

SECTION 12. The provisions of this chapter shall not apply to employees of the federal government nor employees of the state or political subdivisions of the state. Employees of the board and the board members shall not come under the provisions of the Idaho personnel commission.

SECTION 13. 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 14. This act shall be in full force and effect on and after July 1, 1971, and shall terminate on March 1, 1972.

This bill became a law without the signature of the Governor.

CHAPTER 175

(H. B. No. 149, As Amended, As Amended in Senate)

AN ACT

AMENDING SECTION 36-302A, IDAHO CODE, RELATING TO THE
CLASSIFICATION OF PREDATORY ANIMALS, BY STRIKING THE REFERENCE TO MOUNTAIN LION; AMENDING SECTION 36-404, IDAHO CODE, RELATING TO LICENSES, PERMITS AND TAGS, BY PROVIDING FOR A MOUNTAIN LION TAG FOR NONRESIDENT HUNTERS AND FEE THEREFOR; AMENDING SECTION 36-408, IDAHO CODE, RELATING TO NONRESIDENT LICENSES AND FEES THEREFOR, BY INCLUDING A NEW SUBSECTION 10 PROVIDING FOR A NONRESIDENT MOUNTAIN LION LICENSE AT A FEE OF ONE HUNDRED THIRTY-FIVE DOLLARS; AMENDING SECTION 36-1403, IDAHO CODE, RELATING TO BIG GAME HUNTING, BY ADDING MOUNTAIN LION THERETO; AMENDING SECTION 36-1405, IDAHO CODE, RELATING TO BIG GAME BAG LIMITS AND TO PROTECTION OF LIVESTOCK FROM BEARS, BY ADDING MOUNTAIN LION AND MAKING IT SUBJECT TO THE PROVISIONS THEREOF; AMENDING SECTION 36-2202, IDAHO CODE, RELATING TO WASTE OF GAME ANIMALS, BY EXCEPTING MOUNTAIN LION FROM THE PROVISIONS THEREOF; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 36-302A, Idaho Code, be, and the same is hereby amended to read as follows:

36-302A. PREDATORY ANIMALS AND BIRDS. - Predatory animals shall include mountain lion, wolf, coyote, lynx, bobcat, jack rabbit, skunk and weasel. Predatory birds shall include the starling.

In order to further an important research program relative to the life history, food habits, impact on game populations and economic value of mountain lion the Idaho fish and game commission is hereby authorized until July 1, 1972, to establish closed seasons and otherwise regulate the hunting, killing or taking of mountain lions in those portions of Idaho and Valley Counties lying within the drainage of Big Creek, a tributary of the Middle Fork of the Salmon River.

SECTION 2. That Section 36-404, Idaho Code, be, and the same is hereby amended to read as follows:

36-404. RESIDENT FISH AND GAME LICENSES AND PERMITS ISSUANCE - MEMBERS OF UNITED STATES SERVICES AND THEIR DEPENDENTS. - Any person over the age of twelve (12) years, who has been a bona fide resident of the state of Idaho for a period of six (6) months
last preceding the application for a license, upon the payment of the fee fixed by section 36-407, Idaho Code, to the state fish and game director, or to any license vendor, shall be entitled to receive from the officer, or any authorized agent to whom such payment is made, a fish and game license combined, or a fish or game license or both, which shall permit such person to pursue, hunt and kill any of the game or birds, except deer, pronghorn antelope, mountain sheep, moose, elk, or goats or mountain lion, mentioned in this act title, during the time when it shall be lawful to kill the same in any of the counties of this state subject to the limitations as to the number of each kind of animals or birds provided herein, and to catch fish with a hook and line according to the provisions of this act. Any such person shall be entitled to receive from the officer or any authorized agent to whom such payment is made, a permit to kill deer, pronghorn antelope, mountain sheep, moose, elk, or goats or mountain lion in accordance with the laws of this state. Such a permit shall be issued to a person holding a license provided for in this section, and shall be evidenced by a tag which may be purchased upon payment of one dollar ($1.00) for the privilege of hunting pronghorn antelope, two dollars ($2.00) for deer, three dollars ($3.00) for elk, and ten dollars ($10.00) for moose, mountain sheep, mountain lion and goats; provided that a tag must be had for the hunting or taking of each and every one of said animals, except that holders of valid resident hunting or resident combination licenses shall be exempt from the requirement for the mountain lion tag. Said tags are to bear and have serial numbers to be indorsed on said license by the vendor at the time of sale. Said tags are to be prepared, constructed and handled by and under the direction of the state fish and game director in such manner as he shall deem expedient; provided, that any regularly appointed officer or member of the armed forces of the United States who is employed and lodged in the state, together with his or her spouse and children under eighteen (18) years of age, residing in his or her household, shall each be entitled to purchase resident licenses, irrespective of their residence or the length of time they have resided within this state.

SECTION 3. That Section 36-408, Idaho Code, be, and the same is hereby amended to read as follows:

36-408. NONRESIDENT FISH AND GAME LICENSES — KINDS. — Licenses of the second class mentioned in section 36-406, Idaho Code, shall be issued in the several kinds and for fees as follows:

1. A license entitling the person to whom issued to hunt, pursue, kill
and take any game or game animals (not including fur-bearing animals), game
birds and fish in this state subject to the limitations prescribed under this
title as to the manner and time of taking, and the kind and number of birds,
and the kind and quantity of game and fish permitted to be taken. A license
of this kind may be had by any person who is not a resident of the state of
Idaho upon payment of one hundred thirty-five dollars ($135).

2. A license entitling the person to whom issued to pursue, hunt, or kill
game birds, cottontail rabbits, unprotected birds and animals and predatory
birds and animals in accordance with laws of this state, but such license shall
not entitle such person to fish in the public waters of the state, nor to hunt
big game animals. A license of this kind may be had by any person who is
not a resident of the state of Idaho upon payment of thirty-five dollars
($35.00).

3. A license entitling the person to catch fish from the public waters of
the state in accordance with the laws thereof, but which license does not
entitle such person to pursue, hunt or kill game birds or game animals or
fur-bearing animals and limits said person to the catching of fish only. A
license of this kind may be had by any person who is not a resident of the
state of Idaho upon payment of fifteen dollars ($15.00).

4. A license entitling the person to whom issued to trap fur-bearing
animals but which does not entitle such person to pursue, hunt or kill game
birds or game animals other than fur-bearing animals, nor to fish. A license
of this kind may be had by a person who is not a resident of the state of
Idaho upon payment of seventy-five dollars ($75.00).

5. A license entitling the person to whom issued to carry a shotgun or
rifle for the protection of livestock, or to pursue, hunt and kill unprotected
birds and animals and predatory birds and animals of this state. Such license
does not entitle such person to pursue, hunt or kill game birds or game
animals or to fish in the public waters of the state. A license of this kind may
be had by any person who is not a resident of the state of Idaho upon
payment of five dollars ($5.00).

6. A license entitling the person to whom issued to pursue, hunt and
kill a bear only during the open season therefor after having also purchased a
bear tag. One (1) license of this kind may be had during any calendar year by
any person who is not a resident of the state of Idaho upon payment of
twenty-five dollars ($25.00).

7. A license entitling the person to whom issued to fish for and catch
fish from the public waters of the state, in accordance with the laws thereof,
for a period of seven (7) consecutive days only. Such a license does not entitle such person to pursue, hunt or kill game birds or game animals or to trap fur-bearing animals and limits said person to the catching of fish only. A license of this kind may be had by any person who is not a resident of the state of Idaho upon payment of five dollars ($5.00).

8. A license entitling the person to whom issued to fish for and catch fish from the public waters of the state in accordance with the laws thereof on a day-to-day basis, but does not entitle such person to pursue, hunt or kill any game birds or game animals or to trap fur-bearing animals and limits said person to the catching of fish only. A license of this kind may be had by any resident or nonresident person (the provisions of section 36-406, Idaho Code, notwithstanding) upon payment of two dollars ($2.00) per day for each effective day thereof.

9. A license entitling the person to whom issued to pursue, hunt and kill one (1) deer only during the open season therefor after having also purchased a deer tag. One (1) license of this kind may be had during any calendar year by any person who is not a resident of the state of Idaho for a fee of fifty dollars ($50.00).

10. A license entitling the person to whom issued to pursue, hunt and kill one (1) mountain lion only during the open season therefor after having also purchased a mountain lion tag. One (1) license of this kind may be had during any calendar year by any person who is not a resident of the state of Idaho for a fee of one hundred thirty-five dollars ($135.00).

Any person to whom a license has been issued as provided in paragraph 1 of this section may, upon payment of the fees prescribed in section 36-404, Idaho Code, be entitled to receive from the officer or any authorized agent to whom such payment is made, a tag to hunt and kill deer, pronghorn antelope, mountain sheep, moose, elk, or goats or mountain lion in accordance with the laws of this state and regulations adopted by the commission.

SECTION 4. That Section 36-1403, Idaho Code, be, and the same is hereby amended to read as follows:

36-1403. BIG GAME HUNTING. — It shall be unlawful for any person or persons to pursue, hunt or kill any moose, elk, pronghorn antelope, mountain sheep, bison, caribou, mountain goat, mountain lion, deer or bear at any time of the year within the state of Idaho, except as provided by regulations of the fish and game commission of the state of Idaho, and except as provided by section 36-1405, Idaho Code.
SECTION 5. That Section 36-1405, Idaho Code, be, and the same is hereby amended to read as follows:

36-1405. BIG GAME BAG LIMIT. — It shall be unlawful during the open season of the year for any person to hunt, kill or capture more than one (1) elk, one (1) moose, one (1) deer, one (1) bear, one (1) pronghorn antelope, one (1) mountain sheep, one (1) mountain lion, and one (1) mountain goat, except as otherwise provided by order or regulation of the fish and game commission of the state of Idaho, and all licenses issued by authority of the state, as provided for in this title, shall state the number of such kind of animals that may be killed by the holder of such license; provided, provided, that nothing in this act shall make it unlawful to trap, kill, or otherwise dispose of bears, of any kind, or mountain lions molesting livestock, and it shall not be necessary or requisite to obtain from the department of fish and game any permit for the killing or taking of such bears or mountain lions. Livestock owners may take steps they deem necessary to protect their livestock. All mountain lions killed must be reported to the fish and game department.

SECTION 6. That Section 36-2202, Idaho Code, be, and the same is hereby amended to read as follows:

36-2202. GAME IS PROPERTY OF STATE — WASTEFUL DESTRUCTION OR MUTILATION UNLAWFUL. — All game fish in the state, other than those in private ponds and fisheries, and all game animals, game birds and fur-bearing animals, other than those in private game parks, are declared to be the property of the state and shall not be taken at any time or in any manner other than as permitted under the provisions of this title, and it shall be a misdemeanor for any person at any time to wantonly kill, waste or destroy any of the game fish or game animals or fur-bearing animals or game birds of this state; and whoever at any time, within the state of Idaho, kills, captures or destroys any game animal of the state, except the bear and mountain lion, and detaches or removes from the carcass thereof only the head, hide, antlers, horns, tusk or tusks, tooth or teeth or any or all of the aforesaid parts, or captures or mutilates any such animal while alive by removing or detaching a tooth or teeth, or tusk or tusks therefrom, is guilty of a misdemeanor. The purpose and intent of this section is to protect game animals of the state from wanton, ruthless or wasteful destruction or mutilation for their heads, hides, antlers, horns or teeth or tusks alone, and its provisions are to be so construed. The failure of any person to properly dress and care for any game animal killed by such
person or persons, if reasonably accessible, within twenty-four (24) hours, and to take or transport to the camp of such person or persons such carcass and there properly take care of the same, shall be prima facie evidence of the violation of the provisions of this section.

SECTION 7. This act shall be in full force and effect on and after April 1, 1972.

Approved March 24, 1971.

CHAPTER 176
(H. B. No. 143)

AN ACT
AMENDING SECTION 36-1307, IDAHO CODE, RELATING TO THE PROTECTION OF SONG, INSECTIVOROUS, RODENT KILLING AND INNOCENT BIRDS, BY REMOVING THE KINGFISHER, CORMORANT AND PELICAN FROM THE UNPROTECTED BIRD LIST.

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

SECTION 1. That Section 36-1307, Idaho Code, be, and the same is hereby amended to read as follows:

36-1307. SONG, INSECTIVOROUS, RODENT KILLING AND INNOCENT BIRDS PROTECTED — DUTY OF COUNTY COMMISSIONERS, CITY COUNCIL, SCHOOL AUTHORITIES AND PERSONS PUTTING OUT POISON. — It shall be unlawful for any person or persons within the state of Idaho to hunt, kill, capture or destroy or attempt to hunt, kill, capture or destroy any song, rodent killing, insectivorous or other innocent bird, except English sparrow, crow, raven, starling, kingfisher, cormorant, or magpie or pelican at any time of the year or to destroy the eggs or nests of such birds. This act shall not be so construed as to make it unlawful for the owner or occupant of land to kill hawks and owls when in the act of destroying domestic birds or animals, the property of said owner or occupant, on the land owned or occupied by said owner or occupant.

The board of county commissioners of any county, or city council of any city, are hereby authorized to appropriate funds for the destruction of the English sparrow or other birds which are destructive to song, insectivorous or innocent birds, their eggs or nests, or which are destructive
to farm crops or plant life. It shall be the duty of the state superintendent of public instruction, the county superintendent of schools, the superintendents, principals and teachers in all the schools of the state to give instructions to school children concerning the usefulness of insectivorous, song and innocent birds in the destruction of insects and pests that destroy plant life, and in the values of hawks and owls that destroy rodent pests. It shall be their duty to inform school children of the destructiveness of the common house cat to bird life and to the necessity of protecting the same against the destructiveness of said common house cat. It shall be their duty, further, to inform school children of the provisions of this section, and the penalty attached thereto, for the destruction of song, insectivorous, raptorial, or innocent birds, their eggs, or nests. It shall be the duty of any person or persons putting out poison for the destruction of gophers, ground squirrels or other animals to use precaution to protect song, insectivorous, raptorial, or innocent birds.

Approved March 24, 1971.

CHAPTER 177
(H. B. No. 83)

AN ACT
AMENDING SECTION 42-103, IDAHO CODE, RELATING TO THE PROCEDURE TO BE FOLLOWED TO OBTAIN A RIGHT TO USE THE UNAPPROPRIATED WATER OF THIS STATE, BY PROVIDING THAT SUCH RIGHT SHALL HEREAFTER BE ACQUIRED UNDER THE APPLICATION, PERMIT AND LICENSE PROCEDURE; AMENDING SECTION 42-201, IDAHO CODE, RELATING TO THE ACQUISITION OF RIGHTS TO USE THE WATERS OF THIS STATE FOR BENEFICIAL PURPOSES, BY PROVIDING THE APPROPRIATION OF WATER SHALL BE ONLY BY MEANS OF THE APPLICATION, PERMIT AND LICENSE PROCEDURE, PROVIDING THAT AN APPROPRIATION COMMENCED BY DIVERSION AND APPLICATION TO BENEFICIAL USE PRIOR TO THE EFFECTIVE DATE OF THIS ACT MAY BE PERFECTED UNDER SUCH METHOD OF APPROPRIATION.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 42-103, Idaho Code, be, and the same is hereby amended to read as follows:

42-103. RIGHT ACQUIRED BY APPROPRIATION. — The right to the use of the unappropriated waters of rivers, streams, lakes, springs, and of subterranean waters, or other sources within this state may shall hereafter be acquired only by appropriation under the application, permit and license procedure as provided for in this title, unless hereinafter in this title excepted.

SECTION 2. That Section 42-201, Idaho Code, be, and the same is hereby amended to read as follows:

42-201. WATER RIGHTS ACQUIRED UNDER CHAPTER. — All rights to divert and use the waters of this state for beneficial purposes shall hereafter be acquired and confirmed under the provisions of this chapter and not otherwise. And after the passage of this title all the waters of this state shall be controlled and administered in the manner herein provided. Such appropriation shall be perfected only by means of the application, permit and license procedure as provided in this title; provided, however, that in the event an appropriation has been commenced by diversion and application to beneficial use prior to the effective date of this act it may be perfected under such method of appropriation.

Approved March 24, 1971.

CHAPTER 178
(H. B. No. 272)

AN ACT
AMENDING SECTION 31-4316, IDAHO CODE, RELATING TO RECREATION DISTRICTS, PROVIDING THAT YOUTH RECREATION CENTERS MAY BE OPERATED BY RECREATION DISTRICTS.

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

SECTION 1. That Section 31-4316, Idaho Code, be, and the same is hereby amended to read as follows:

31-4316. PURPOSE OF DISTRICT. — Each district is organized for the uses and purposes of acquiring, providing, maintaining and operating a
public youth recreation centers, swimming facility facilities and pool pools together with all related grounds, buildings, equipment and apparatus for the use of the residents of the district and the public generally.

Approved March 24, 1971.

CHAPTER 179
(H.B. No. 34)

AN ACT
REPEALING SECTION 63-2220, IDAHO CODE, RELATING TO LIMITATION UPON TAX LEVIES.

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

SECTION 1. That Section 63-2220, Idaho Code, be, and the same is hereby repealed.

Approved March 24, 1971.

CHAPTER 180
(H.B. No. 93)

AN ACT
AMENDING SECTION 5-219, IDAHO CODE, BY ADDING TO SUBSECTION 4 THEREOF PROVISIONS THAT PROFESSIONAL MALPRACTICE DAMAGE ACTIONS ARE SUBJECT TO THIS SECTION AS ARE ACTIONS FOR INJURY OR DEATH ARISING FROM BREACH OF IMPLIED WARRANTY OR IMPLIED COVENANT, AND THAT MEDICAL MALPRACTICE ACTIONS ARISING FROM FOREIGN OBJECTS IN A PERSON'S BODY AND ACTIONS WHERE THE FACT OF DAMAGE HAS BEEN FRAUDULENTLY AND KNOWINGLY CONCEALED FROM THE INJURED PARTY BY AN ALLEGED WRONGDOER STANDING IN A PROFESSIONAL OR COMMERCIAL RELATIONSHIP WITH THE INJURED PARTY SHALL BE DEEMED TO ACCRUE FROM ACTUAL OR CONSTRUCTIVE DISCOVERY BUT THAT ALL OTHER PERSONAL INJURY, WRONGFUL DEATH AND
PROFESSIONAL MALPRACTICE ACTIONS SHALL ACCRUE AT THE TIME OF THE OCCURRENCE, ACT OR OMISSION COMPLAINED OF AND THE LIMITATION PERIOD SHALL NOT BE EXTENDED BY CONTINUING DAMAGES OR RELATIONSHIPS, AND PROVIDING FURTHER THAT FOREIGN OBJECT OR FRAUDULENT CONCEALMENT CASES MUST BE BROUGHT WITHIN ONE YEAR AFTER DISCOVERY OR TWO YEARS FROM THE OCCURRENCE, ACT OR OMISSION COMPLAINED OF, WHICHER IS LATER AND DEFINING THE TERM "PROFESSIONAL MALPRACTICE"; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 5-219, Idaho Code, be, and the same is hereby amended to read as follows:

5-219. ACTIONS AGAINST OFFICERS, FOR PENALTIES, ON BONDS, AND FOR PROFESSIONAL MALPRACTICE OR FOR PERSONAL INJURIES. Within two (2) years:

1. An action against a sheriff, coroner or constable, upon the liability incurred by the doing of an act in his official capacity, and in virtue of his office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

2. An action upon a statute for a penalty or forfeiture, where the action is given to an individual, or to an individual and the state, except when the statute imposing it prescribes a different limitation.

3. An action upon a statute or upon an undertaking in a criminal action for a forfeiture or penalty to a county or to the people of the state.

4. An action to recover damages for professional malpractice, or for an injury to the person, or for the death of one caused by the wrongful act or neglect of another, including any such action arising from breach of an implied warranty or implied covenant; provided, however, when the action is for damages arising out of the placement and inadvertent, accidental or unintentional leaving of any foreign object in the body of any person by reason of the professional malpractice of any hospital, physician or other person or institution practicing any of the healing arts or when the fact of damage has, for the purpose of escaping responsibility therefor, been fraudulently and knowingly concealed from the injured party by an alleged wrongdoer standing at the time of the wrongful act, neglect or breach in a professional or commercial relationship with the injured party, the same
shall be deemed to accrue when the injured party knows or in the exercise of reasonable care should have been put on inquiry regarding the condition or matter complained of; but in all other actions, whether arising from professional malpractice or otherwise, the cause of action shall be deemed to have accrued as of the time of the occurrence, act or omission complained of, and the limitation period shall not be extended by reason of any continuing consequences or damages resulting therefrom or any continuing professional or commercial relationship between the injured party and the alleged wrongdoer, and, provided further, that an action within the foregoing foreign object or fraudulent concealment exceptions must be commenced within one (1) year following the date of accrual as aforesaid or two (2) years following the occurrence, act or omission complained of, whichever is later. The term "professional malpractice" as used herein refers to wrongful acts or omissions in the performance of professional services by any person, firm, association, entity or corporation licensed to perform such services under the law of the state of Idaho. This subsection shall not affect the application of section 5-243, Idaho Code, except as to actions arising from professional malpractice. Neither shall this subsection be deemed or construed to amend, or repeal section 5-241, Idaho Code.

5. An action for libel, slander, assault, battery, false imprisonment or seduction.

6. An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

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

Approved March 24, 1971.
FOR UNLAWFUL ACTS OR PRACTICES; PROVIDING FOR INTERPRETATION; PROVIDING FOR EXEMPTION; PROVIDING FOR RESTRAINING PROHIBITED ACTS; PROVIDING ADDITIONAL PUBLIC RELIEF; PROVIDING FOR PRIVATE ACTIONS; PROVIDING FOR NON-NEGOTIABILITY OF CONSUMER PAPER AND THE RIGHTS AND OBLIGATION OF AN ASSIGNEE THEREOF; PROVIDING FOR ASSURANCES OF VOLUNTARY COMPLIANCE; PROVIDING FOR INVESTIGATION; PROVIDING FOR SUBPOENAS AND HEARINGS; PROVIDING FOR SERVICE OF NOTICE, DEMAND OR SUBPOENA; PROVIDING FOR ENFORCEMENT OF INVESTIGATIVE DEMANDS; PROVIDING FOR CIVIL AND CRIMINAL PENALTIES; PROVIDING FOR FORFEITURE OF CORPORATE FRANCHISE; PROVIDING FOR DUTIES OF COUNTY ATTORNEYS; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 6, Title 48, Idaho Code, be, and the same is hereby repealed.

SECTION 2. This act shall be known and may be cited as the "Idaho consumer protection act".

SECTION 3. As used in this act:

(1) "Person" means natural persons, corporations, trusts, partnerships, incorporated or unincorporated associations, and any other legal entity.

(2) "Trade" and "commerce" mean the advertising, offering for sale, sale, or distribution of any services and any property, tangible or intangible, real, personal or mixed, and any other article, commodity, or thing of value wherever situate, and shall include any trade or commerce directly or indirectly affecting the people of this state.

(3) "Documentary material" means the original or a copy of any book, record, report, memorandum, paper, communication, tabulation, map, chart, photograph, mechanical transcription, or other tangible document or recording, wherever situate.

(4) "Examination" of documentary material shall include the inspection, study, or copying of any such material, and the taking of testimony under oath or acknowledgment in respect of any such documentary material or copy thereof.

SECTION 4. The following unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce are
hereby declared to be unlawful, where a person knows, or in the exercise of due care should know, that he has in the past, or is:

(1) Passing off goods or services as those of another;
(2) Causing likelihood of confusion or of misunderstanding as to the source, sponsorship, approval, or certification of goods or services;
(3) Causing likelihood of confusion or of misunderstanding as to affiliation, connection, or association with, or certification by, another;
(4) Using deceptive representations or designations of geographic origin in connection with goods or services;
(5) Representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have or that a person has a sponsorship, approval, status, affiliation, or connection that he does not have;
(6) Representing that goods are original or new if they are deteriorated, altered, reconditioned, reclaimed, used, or secondhand;
(7) Representing that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another;
(8) Disparaging the goods, services, or business of another by false or misleading representation of fact;
(9) Advertising goods or services with intent not to sell them as advertised;
(10) Advertising goods or services with intent not to supply reasonably expectable public demand, unless the advertisement discloses a limitation of quantity;
(11) Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions;
(12) Engaging in any act or practice which is unfair or deceptive to the consumer.

SECTION 5. (1) It is the intent of the legislature that in construing section 4 of this act due consideration and great weight shall be given to the interpretations of the federal trade commission and the federal courts relating to section 5(a)(1) of the federal trade commission act (15 U.S.C. 45(a)(1)), as from time to time amended; and
(2) The attorney general may make rules and regulations interpreting the provisions of section 4 of this act. Such rules and regulations shall not be inconsistent with the rules, regulations and decisions of the federal trade commission and the federal courts in interpreting the provisions of section.
5(a)(1) of the federal trade commission act (15 U.S.C. 45(a)(1)), as from
time to time amended.

SECTION 6. Nothing in this act shall apply to:

(1) Actions or transactions permitted under laws administered by the
state public utility commission or other regulatory body or officer acting
under statutory authority of this state or the United States.

(2) Acts done by publishers, broadcasters, printers, retailers, or their
employees, in the publication or dissemination of an advertisement in good
faith on the basis of information or material supplied by others and without
knowledge or reason to know of the misleading or deceptive character of
such advertisement or the information or material furnished.

(3) Persons subject to chapter 13, title 41, Idaho Code (sections
41-1301 through 41-1327), defining, and providing for the determination by
the insurance commissioner of, unfair methods of competition or unfair or
deceptive acts or practices in the business of insurance.

SECTION 7. (1) Whenever the attorney general has probable cause to
believe that any person is using, has used, or is about to use any method, act
or practice declared by section 4 of this act to be unlawful, and that
proceedings would be in the public interest, he may bring an action in the
name of the state against such person to restrain by temporary restraining
order or preliminary or permanent injunction the use of such method, act or
practice, upon the giving of appropriate notice to that person as provided in
the Idaho rules of civil procedure. The action may be brought in the district
court of the county in which such person resides or has his principal place of
business, or with consent of the parties, may be brought in the district court
of Ada County. The said courts are authorized to issue temporary restraining
orders or preliminary or permanent injunctions to restrain and prevent
violations of this act, and such injunctions shall be issued without bond.

(2) Unless the attorney general finds in writing that the purposes of
this act will be substantially and materially impaired by delay in instituting
legal proceedings, he shall, before initiating any legal proceedings as provided
in this section, give notice in writing that such proceedings are contemplated
to the person against whom proceedings are contemplated and allow such
person a reasonable opportunity to appear before the attorney general and
execute an assurance of voluntary compliance as in this act provided.

SECTION 8. The court may make such additional orders or judgments
as may be necessary to restore to any person in interest any moneys or
property, real or personal, which may have been acquired by means of any
practice in this act declared to be unlawful, including in the case of repeated violations the revocation of a license or certificate authorizing that person to engage in business in this state, or both.

SECTION 9. (1) Any person who purchases or leases goods or services primarily for personal, family or household purposes and thereby suffers any ascertainable loss of money or property, real or personal, as a result of the use or employment by another person of a method, act or practice declared unlawful by section 4 of this act, may bring an individual but not a class action under the Idaho rules of civil procedure in the district court of the county in which the seller or lessor resides or has his principal place of business or is doing business, to recover actual damages or two hundred dollars ($200), whichever is the greater. The court may, in its discretion, award punitive damages and may provide such equitable relief as it deems necessary or proper in cases of repeated or flagrant violations.

(2) Upon commencement of any action brought under this section, the clerk of the court shall mail a copy of the complaint or other initial pleading to the attorney general and, upon entry of any judgment or decree in the action, shall mail a copy of such judgment or decree to the attorney general.

(3) Costs shall be allowed to the prevailing party unless the court otherwise directs. In any action brought by a person under this section, the court may award, in addition to the relief provided in this section, reasonable attorney’s fees to the plaintiff if he prevails. The court in its discretion may award attorney’s fees to a prevailing defendant if it finds that the plaintiff’s action is spurious or brought for harassment purposes only.

(4) Any permanent injunction, judgment or order of the court made under section 7 of this act, shall be admissible as evidence in an action brought under section 9 of this act, that the respondent used or employed a method, act or practice declared unlawful by section 4 of this act.

SECTION 10. (1) If any contract for sale or lease of consumer goods or services on credit entered into between a retail seller and a retail buyer requires or involves the execution of a promissory note or instrument or other evidence of indebtedness of the buyer, other than a check, such note, instrument or evidence of indebtedness shall have printed on the face thereof the words “consumer paper”, and such note, instrument or evidence of indebtedness with the words “consumer paper” printed thereon shall not be a negotiable instrument within the meaning of the uniform commercial code commercial paper.

(2) With respect to a consumer credit sale or consumer lease, an
agreement by the buyer or lessee not to assert against an assignee a claim or defense arising out of the sale or lease is enforceable only by an assignee not related to the seller or lessor who acquires the buyer's or lessee's contract in good faith, and for value, who gives the buyer or lessee notice of the assignment as provided in this section and who, within three (3) months after the mailing of the notice of assignment, receives no written notice of the facts giving rise to the buyer's or lessee's claim or defense. This agreement is enforceable only with respect to claims or defenses which have arisen before the end of the three (3) month period after notice was mailed. The notice of assignment shall be in writing and addressed to the buyer or lessee at his address as stated in the contract, identify the contract, describe the goods or services, state the names of the seller or lessor and buyer or lessee, the name and address of the assignee, the amount payable by the buyer or lessee and the number, amounts and due dates of the installments, and contain a conspicuous notice to the buyer or lessee that he has three (3) months within which to notify the assignee in writing of any complaints, claims or defenses he may have against the seller or lessor and that if written notification of the complaints, claims or defenses is not received by the assignee within the three (3) month period, the assignee will have the right to enforce the contract free of any claims or defenses the buyer or lessee may have against the seller or lessor which have arisen before the end of the three (3) month period after notice was mailed.

An assignee does not acquire a buyer's or lessee's contract in good faith if the assignee has knowledge or, from his course of dealing with the seller or lessor of his records, notice of substantial complaints by other buyers or lessees of the seller's or lessor's failure or refusal to perform his contracts with them and of the seller's or lessor's failure to remedy his defaults within a reasonable time after the assignee notifies him of the complaints.

To the extent that under this section an assignee is subject to claims or defenses of the buyer or lessee against the seller or lessor, the assignee's liability under this section may not exceed the amount owing to the assignee at the time the claim or defense is asserted against the assignee and rights of the buyer or lessee under this section can only be asserted as a matter of defense to or set-off against a claim by the assignee.

SECTION 11. In the administration of this act, the attorney general may accept an assurance of voluntary compliance with respect to any method, act or practice deemed to be violative of the act from any person who has engaged or was about to engage in such method, act or practice.
Any such assurance shall be in writing and be filed with and subject to the approval of the district court of the county in which the alleged violator resides or has his principal place of business or of the district court of Ada County. Such assurance of voluntary compliance shall not be considered an admission of violation for any purpose. Matters thus closed may at any time be reopened by the attorney general for further proceedings in the public interest, pursuant to section 7 of this act.

SECTION 12. (1) When the attorney general has probable cause to believe that a person has engaged in, is engaging in, or is about to engage in any act or practice declared to be unlawful by this act, he may execute in writing and cause to be served upon any person who is believed to have information, documentary material or physical evidence relevant to the alleged or suspected violation, an investigative demand requiring such person to furnish a report in writing setting forth the relevant facts and circumstances of which he has knowledge, or to appear and testify or to produce relevant documentary material or physical evidence for examination, at such reasonable time and place as may be stated in the investigative demand, concerning the advertisement, sale or offering for sale of any goods or services or the conduct of any trade or commerce that is the subject matter of the investigation. The return date in said investigative demand shall be not less than twenty (20) days after serving of the demand.

(2) At any time before the return date specified in an investigative demand, or within twenty (20) days after the demand has been served, whichever period is shorter, a petition to extend the return date, or to modify or set aside the demand, stating good cause, may be filed in the district court of the county where the person served with the demand resides or has his principal place of business or in the district court in Ada County.

SECTION 13. To accomplish the objectives and to carry out the duties prescribed by this act, the attorney general, in addition to other powers conferred upon him by this act, may issue subpoenas to any person and conduct hearings in aid of any investigation or inquiry; provided that none of the powers conferred by this act shall be used for the purpose of compelling any natural person to furnish testimony or evidence which might tend to incriminate him or subject him to a penalty or forfeiture; and provided further that information obtained pursuant to the powers conferred by this act shall not be made public or disclosed by the attorney general or his employees beyond the extent necessary for law enforcement purposes in the public interest.
SECTION 14. Service of any notice, demand or subpoena under this act shall be made personally within this state, but if such cannot be obtained, substituted service therefor may be made in the following manner:

(1) Personal service thereof without this state; or

(2) The mailing thereof by registered or certified mail to the last known place of business, residence or abode within or without this state or such person for whom the same is intended; or

(3) As to any person other than a natural person, in the manner provided in the Idaho rules of civil procedure as if a complaint which institutes a civil proceeding had been filed.

SECTION 15. If any person fails or refuses to file any statement or report, or obey any subpoena or investigative demand issued by the attorney general, the attorney general may, after notice, apply to a district court of the county in which the person resides and, after hearing thereon, request an order:

(1) Ordering such person to file such statement or report, or to comply with the subpoena or investigative demand issued by the attorney general;

(2) Granting injunctive relief to restrain the person from engaging in the advertising or sale of any merchandise or the conduct of any trade or commerce that is involved in the alleged or suspected violation; and

(3) Granting such other relief as may be required, until the person files the statement or report, or obeys the subpoena or investigative demand.

Any disobedience of any final order entered under this section by any court shall be punished as a contempt thereof.

SECTION 16. Any person who violates the terms of an injunction issued under section 7 of this act shall forfeit and pay to the state a civil penalty of not more than ten thousand dollars ($10,000) per violation, the amount of the penalty to be determined by the district court issuing the injunction. For the purposes of this section, the district court issuing an injunction shall retain jurisdiction, and the cause shall be continued, and in such cases the attorney general acting in the name of the state may petition for recovery of civil penalties.

SECTION 17. Upon petition by the attorney general, the district court of the county in which the principal place of business of the corporation is located may, in its discretion, order the dissolution or suspension or forfeiture of franchise of any corporation which repeatedly violates the terms of any injunction issued under section 7 of this act.

SECTION 18. It shall be the duty of the county attorneys to lend to
the attorney general such assistance as the attorney general may request in
the commencement and prosecution of actions pursuant to this act.

SECTION 19. This act is to be construed uniformly with federal law
and regulations. In any action instituted under this act it shall be an absolute
defense to show the challenged practices are subject to and comply with
statutes administered by the federal trade commission, or any rules,
regulations or decisions interpreting such statutes.

SECTION 20. No action may be brought under this act more than two
(2) years after the cause of action accrues.

SECTION 21. 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 the remaining portions of this act.

SECTION 22. An emergency existing therefor, which emergency is
hereby declared to exist, this act shall be in full force and effect on and after
its passage and approval.

Approved March 24, 1971.

CHAPTER 182
(H. B. No. 206)

AN ACT
AMENDING SECTION 1, CHAPTER 210, LAWS OF 1970, RELATING TO
THE FISH AND GAME COMMISSION BIENNIAL APPROPRIATION
FOR THE PERIOD JULY 1, 1969 TO JUNE 30, 1971, BY
INCREASING THE LINE ITEM APPROPRIATION OF OTHER
CURRENT EXPENSE BY $100,000 AND BY ACCORDINGLY
DECREASING THE LINE ITEM APPROPRIATION OF TRAVEL BY
$20,000 AND OF CAPITAL OUTLAY BY $80,000; AND
DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 210, Laws of 1970, be, and the
same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated out of the funds
enumerated the following moneys, to be expended as indicated, for the
operating costs and expenses of the programs proposed, unless specifically
excepted, in the Executive Budget for 1969-1971, for the period July 1, 1969, to June 30, 1971, of the Fish and Game Commission.

FOR MAJOR AND MINOR PROGRAMS:

<table>
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<th>Program</th>
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<tr>
<td>ADMINISTRATION</td>
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<td>CONSERVATION ENFORCEMENT</td>
<td>1,976,552</td>
</tr>
<tr>
<td>FISHERIES</td>
<td>3,201,292</td>
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<tr>
<td>GAME</td>
<td>2,400,471</td>
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<tr>
<td>INFORMATION AND EDUCATION</td>
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BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

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<tr>
<td>SALARIES AND WAGES</td>
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<tr>
<td>TRAVEL</td>
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<tr>
<td>OTHER CURRENT EXPENSES</td>
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<td>REFUND OF ERRONEOUS RECEIPTS</td>
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<tr>
<td>CAPITAL OUTLAY</td>
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FROM:

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<tr>
<td>FEDERAL FUNDS</td>
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<tr>
<td>OTHER FUNDS</td>
<td>433,909</td>
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<tr>
<td>FISH AND GAME FUND</td>
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<td>TOTAL</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 24, 1971.

CHAPTER 183
(H. B. No. 216, As Amended)

AN ACT

AMENDING SECTION 63-704, IDAHO CODE, BY STRIKING THE SECOND MONDAY OF MAY AS REPORTING DATE FOR SUBMITTING OPERATOR'S STATEMENT, AND MAKING THE REPORTING DATE APRIL 30 IN EACH YEAR; AMENDING SECTION 63-705, IDAHO CODE, TO STRIKE THE WORD "LIST" AND SUBSTITUTE "OPERATING STATEMENT"; TO STRIKE THE WORDS "TOWN OR VILLAGE" TO CONFORM WITH THE MUNICIPAL CODE, STRIKING THE WORDS "FOR EACH AND
EVERY MONTH" REQUIRING THAT GROSS RECEIPTS AND GROSS EXPENSES BE REPORTED ONLY ON A YEAR BASIS; AMENDING SECTION 63-706, IDAHO CODE, TO INCLUDE PIPELINE AND WATER COMPANIES UNDER THE JURISDICTION OF IDAHO PUBLIC UTILITIES COMMISSION AS HAVING TO FILE REPORTS WITH THE TAX COMMISSION, STRIKING THE WORDS "THE SECOND MONDAY OF MAY" AND MAKING THE REPORTING DATE APRIL 30 IN EACH YEAR, STRIKING RAILWAY COMMISSION AND ADDING FEDERAL COMMUNICATION COMMISSION AND FEDERAL POWER COMMISSION, AS AGENCIES, REPORTS TO WHICH MUST BE SUBMITTED TO THE TAX COMMISSION.

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

SECTION 1. That Section 63-704, Idaho Code, be, and the same is hereby amended to read as follows:

63-704. OPERATOR'S STATEMENT - FILING. - Every person owning, operating or constructing, either as owner or lessee, any railroad, electric current transmission or distribution line, pipe line for the transportation of commodities including water under the jurisdiction of the Idaho public utilities commission, telegraph line, or telephone line which is not exempt from taxation under the provisions of this act, shall, prepare or cause to be prepared a statement showing all property subject to assessment by the state tax commission, together with such pertinent information as may be required on forms supplied by the state tax commission for such purposes, which statement and forms must be subscribed and sworn to by the owner or lessee, or the president, secretary, auditor, superintendent or principal accounting officer of such person, and delivered to the state tax commission on or before the second Monday of May in each year, April 30 in each year, and the state tax commission must file such statement and forms in its office.

SECTION 2. That Section 63-705, Idaho Code, be, and the same is hereby amended to read as follows:

63-705. OPERATING STATEMENT - CONTENTS. - The list operating statement prescribed in the preceding section must show the name of the owner or lessee; the name of the line, if any; the name, post-office address and official position of the person making and verifying said list operating statement; the name, post-office address and official position of the chief officer or managing agent within this state, and of all other general
officers residing in this state; such a general description of the property of such owner or lessee situated or operated in the state of Idaho as would be sufficient to identify the same for all purposes of assessment and taxation; the entire length of the system, the length of the system in this state, the length of the line owned and the length of the line operated for the whole system and in this state being separately shown; the total number of miles of each line within the state, the number of miles of mail line, branch line, second track, siding and spurs being separately shown and the number of miles within any county, and within any incorporated city, town or village, and within any school or other taxing district into or through which said line extends; the total number of shares of capital stock for the whole system, the amount authorized, the amount issued, the amount outstanding and the dividends paid thereon being separately shown; the market and actual values of the shares of capital stock for the whole system; the funded debt for the whole system, and a detailed statement of all series of bonds, debentures and other securities forming part of the funded debt, at par value, with date of issue, date of maturity, rate of interest and interest paid; the market and actual cash values of such series of funded debt for the whole system; a detailed statement of all capital stock and bonds or other securities of such person, or of other persons, owned by or held in trust, the par value and the market and actual value of the same; the entire gross receipts and gross expenses for the entire system for each and every month for each year, ending on the thirty-first day of December; and such other matters and things as may be required in the form of the blank returns supplied by the state tax commission.

SECTION 3. That Section 63-706, Idaho Code, be, and the same is hereby amended to read as follows:

63-706. ANNUAL REPORTS OF UTILITIES. — Every person owning, operating or constructing, either as owner or lessee, any railroad, electric current transmission line, telegraph line or telephone line, pipeline, water company under the jurisdiction of the Idaho public utilities commission, which is not exempt from taxation under the provisions of this act, shall, on or before the second Monday of May April 30 in each year, furnish to the state tax commission, certified copies of the annual reports of the board of directors, or other officers, to the stockholders, the annual reports made to the Interstate commerce commission, and to the railway commission of any state in or through which said line may extend, federal communications commission, and federal power commission.

Approved March 24, 1971.
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CHAPTER 184
(H. B. No. 252)

AN ACT
REPEALING SECTIONS 49-127A AND 49-1231, IDAHO CODE;
AMENDING CHAPTER 1, TITLE 49, IDAHO CODE, BY THE
ADDITION OF A NEW SECTION 49-127A, IDAHO CODE,
PROVIDING THAT VEHICLES EXCEEDING THE MAXIMUM
GROSS WEIGHT OF EIGHTY THOUSAND POUNDS SHALL PAY
AN ADDITIONAL USE FEE OF 1.75 MILLS PER MILE FOR EACH
TWO THOUSAND POUNDS OR FRACTION THEREOF OF SUCH
EXCESS WEIGHT; AMENDING CHAPTER 12, TITLE 49, IDAHO
CODE, BY THE ADDITION OF A NEW SECTION 49-1231, IDAHO
CODE, PROVIDING FOR AN EXCISE TAX ON THE USE OF
SPECIAL FUELS IN ANY MOTOR VEHICLE WHILE OPERATED
UPON THE HIGHWAYS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Sections 49-127A and 49-1231, Idaho Code, be, and
the same are hereby repealed.

SECTION 2. That Chapter 1, Title 49, Idaho Code, be, and the same is
hereby amended by the addition thereto of a new section, to be known and
designated as Section 49-127A, Idaho Code, and to read as follows:

49-127A. ADDITIONAL USE FEES. — If any motor vehicle, trailer or
semi-trailer, or combinations thereof, is authorized under the provisions of
section 49-916, Idaho Code, to move on the highways of the state, and such
vehicle exceeds the maximum gross weight of 80,000 pounds, then and in
that event there shall be paid for such vehicle, in addition to the fees
required by section 49-127, Idaho Code, for vehicles of a maximum gross
weight of 80,000 pounds, an additional use fee of 1.75 mills per mile for
each 2,000 pounds or fraction thereof of such permitted excess weight for
vehicles classified under Schedule A of section 49-127, Idaho Code, and .40
mills per mile for each 2,000 pounds or fraction thereof of such permitted
excess weight for vehicles classified under Schedule B of section 49-127,
Idaho Code.

SECTION 3. That Chapter 12, 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 49-1231, Idaho Code, and to read as follows:

49-1231. TAX IMPOSED. — There is hereby levied and imposed an
excise tax of seven cents per gallon on the use of special fuel in any motor
vehicle while operated upon the highway, as herein defined. On and after
January 1, 1974 said tax shall be imposed at the rate of six cents per gallon
of fuel used. Said tax, with respect to all special fuel delivered by a special
fuel dealer into supply tanks of motor vehicles in this state, shall attach at
the time of such delivery and shall be collected by such special fuel dealer
from the special fuel user and shall be paid over to the collector as
hereinafter provided. Said tax, with respect to special fuel acquired by any
special fuel user in any manner other than by delivery by a special fuel dealer
into a fuel supply tank of a motor vehicle, shall attach at the time of the
consumption of such fuel in the propulsion of a motor vehicle upon the
highways of the state and shall be paid over to the collector by a special fuel
user as hereinafter provided.

SECTION 4. An emergency existing therefor, which emergency is
hereby declared to exist, this act shall be in full force and effect on and after
its passage and approval.

Approved March 24, 1971.

CHAPTER 185
(H. R. No. 264)

AN ACT
AMENDING SECTION 26-602A, IDAHO CODE, RELATING TO
EXCEPTIONS TO THE TWENTY PER CENT LIMITATION ON
BANK LOANS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 26-602A, Idaho Code, be, and the same is
hereby amended to read as follows:

26-602A. EXCEPTIONS TO THE TWENTY PER CENT LIMITATION
ON BANK LOANS. — The limitation of twenty per cent (20%) of the
aggregate paid in capital and surplus of a bank for the purpose of limiting
loans as stated in section 26-602, Idaho Code, shall be subject to the
following exceptions:

(1) Obligations of any person, copartnership, association, or
corporation, in the form of notes or drafts secured by shipping documents,
warehouse receipts, or other such documents transferring or securing title
covering readily marketable nonperishable staples when such property is fully covered by insurance, if it is customary to insure such staples, shall be subject under this section to a limitation of fifteen per centum (15%)—twenty-five per centum (25%) of such capital and surplus in addition to ten per centum (10%) of such capital and surplus when the market value of such staples securing such obligation is not at any time less than one hundred fifteen per centum (115%) of the face amount of such obligation, and to a limitation of thirty per centum (30%) of such capital and surplus when the market value of such staples securing such obligation is not at any time less than one hundred twenty per centum (120%) of the face amount of such obligation, and to a further limitation of thirty-five per centum (35%) in addition to such limitation of thirty per centum (30%) of such capital and surplus when the market value of such staples securing such additional obligation is not at any time less than one hundred twenty-five per centum (125%) of the face amount of such additional obligation, and to a further limitation of forty per centum (40%) of such capital and surplus in addition to such additional limitation of thirty-five per centum (35%) of such capital and surplus when the market value of such staples securing such additional obligation is not at any time less than one hundred thirty per centum (130%) of the face amount of such additional obligation and to a further additional limitation of forty-five per centum (45%) of such capital and surplus in addition to such additional limitation of forty per centum (40%) of such capital and surplus when the market value of such staples securing such additional obligation is not at any time less than one hundred thirty-five per centum (135%) of the face amount of such additional obligation, but this exception shall not apply to obligations of any one (1) person, copartnership, association, or corporation arising from the same transactions and/or secured by the identical staples for more than ten (10) months. Obligations of any person, copartnership, association, or corporation in the form of notes or drafts secured by shipping documents, warehouse receipts, or other such documents transferring or securing title covering refrigerated or frozen readily marketable or securing title covering.
refrigerated or frozen readily marketable staples when such property is fully covered by insurance, shall be subject under this section to a limitation of fifteen per centum (15%) twenty-five per centum (25%) of such capital and surplus in addition to such ten per centum (10%) of such capital and surplus. when the market value of such staples securing such obligation is not at any time less than one hundred fifteen per centum (115%) of the face amount of such additional obligation, but this exception shall not apply to obligations of any one (1) person, copartnership, association, or corporation arising from the same transactions and/or secured by the identical staples for more than six (6) months.

(2) Obligations of any person, copartnership, association, or corporation in the form of notes or drafts secured by shipping documents or instruments transferring or securing title covering livestock or giving a lien on livestock when the market appraised value of the livestock securing the obligation is not at any time less than one hundred fifteen per centum (115%) of the face amount of the notes covered by such documents shall be subject under this section to a limitation of fifteen per centum (15%) twenty-five per centum (25%) of such capital and surplus in addition to such ten per centum (10%) of such capital and surplus. Obligations arising out of the discount by dealers in dairy cattle of paper given in payment for dairy cattle, which bear a full recourse indorsement or unconditional guarantee of the seller and are secured by the cattle being sold, shall be subject under this section to a limitation of fifteen per centum (15%) twenty-five per centum (25%) of such capital and surplus in addition to such ten per centum (10%) of such capital and surplus.

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

Approved March 24, 1971.

CHAPTER 186
(H. B. No. 265)

AN ACT
PROVIDING THAT CONTRIBUTORY NEGLIGENCE SHALL NOT BAR RECOVERING OF DAMAGES FOR NEGLIGENCE OR GROSS
NEGLIGENCE RESULTING IN DEATH OR INJURY TO PERSON OR PROPERTY BUT PROVIDING THAT ANY DAMAGES ALLOWED BE DIMINISHED IN PROPORTION TO THE AMOUNT OF NEGLIGENCE OR GROSS NEGLIGENCE ATTRIBUTABLE TO THE PERSON RECOVERING; PROVIDING FOR CONTRIBUTION AMONG JOINT TORTFEASORS, SETTLEMENTS BY JOINT TORTFEASORS, MEASURING CONTRIBUTION OF JOINT TORTFEASORS, AND DEFINING JOINT TORTFEASOR; PROVIDING THAT NOTHING IN THIS ACT AFFECTS COMMON LAW LIABILITY OF THE JOINT TORTFEASORS AND THAT RECOVERY AGAINST ONE JOINT TORTFEASOR DOES NOT DISCHARGE THE OTHER JOINT TORTFEASORS; PROVIDING THAT A RELEASE OF ONE JOINT TORTFEASOR REDUCES THE CLAIM AGAINST OTHER JOINT TORTFEASORS BY THE AMOUNT PAID FOR THE RELEASE OR THE PROPORTION OF THE CLAIM RELEASED IF SUCH AMOUNT OR PROPORTION IS GREATER THAN THE CONSIDERATION PAID; AND PROVIDING THAT A RELEASE BY THE INJURED PERSON ON ONE JOINT TORTFEASOR DOES NOT RELIEVE HIM FROM LIABILITY TO MAKE CONTRIBUTION TO ANOTHER JOINT TORTFEASOR EXCEPT UNDER CERTAIN CIRCUMSTANCES AND PROVIDING THAT THIS SHALL NOT APPLY IF THE ISSUE OF PROPORTIONATE FAULT IS NOT LITIGATED BETWEEN JOINT TORTFEASORS IN THE SAME SUIT.

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

SECTION 1. Contributory negligence shall not bar recovery in an action by any person or his legal representative to recover damages for negligence or gross negligence resulting in death or in injury to person or property, if such negligence was not as great as the negligence or gross negligence of the person against whom recovery is sought, but any damages allowed shall be diminished in the proportion to the amount of negligence attributable to the person recovering.

SECTION 2. The court may, and when requested by any party shall, direct the jury to find separate special verdicts determining the amount of damages and the percentage of negligence attributable to each party; and the court shall then reduce the amount of such damages in proportion to the amount of negligence attributable to the person recovering.

SECTION 3. (1) The right of contribution exists among joint
tortfeasors, but a joint tortfeasor is not entitled to a money judgment for contribution until he has by payment discharged the common liability or has paid more than his pro rata share thereof.

(2) A joint tortfeasor who enters into a settlement with the injured person is not entitled to recover contribution from another joint tortfeasor whose liability to the injured person is not extinguished by the settlement.

(3) When there is such a disproportion of fault among joint tortfeasors as to render inequitable an equal distribution among them of the common liability by contribution, the relative degrees of fault of the joint tortfeasors shall be considered in determining their pro rata shares solely for the purpose of determining their rights of contribution among themselves, each remaining severally liable to the injured person for the whole injury as at common law.

(4) As used herein, "joint tortfeasor" means one (1) of two (2) or more persons jointly or severally liable in tort for the same injury to person or property, whether or not judgment has been recovered against all or some of them.

SECTION 4. Nothing in this act affects:

(1) The common law liability of the several joint tortfeasors to have judgment recovered and payment made from them individually by the injured person for the whole injury. However, the recovery of a judgment by the injured person against one (1) joint tortfeasor does not discharge the other joint tortfeasors.

(2) Any right of indemnity under existing law.

SECTION 5. A release by the injured person of one (1) joint tortfeasor, whether before or after judgment, does not discharge the other tortfeasors unless the release so provides, but reduces the claim against the other tortfeasors in the amount of the consideration paid for the release, or in any amount or proportion by which the release provides that the total claim shall be reduced, if such amount or proportion is greater than the consideration paid.

SECTION 6. A release by the injured person of one (1) joint tortfeasor does not relieve him from liability to make contribution to another joint tortfeasor unless the release is given before the right of the other tortfeasor to secure a money judgment for contribution has accrued, and provides for a reduction, to the extent of the pro rata share of the released tortfeasor, of the injured person's damages recoverable against all the other tortfeasors.
This section shall apply only if the issue of proportionate fault is litigated between joint tortfeasors in the same action.

Approved March 24, 1971.
SECTION 1. That Section 2, Chapter 7, First Extraordinary Session, Thirty-ninth Legislature of the state of Idaho, as amended by Section 1, Chapter 227, Laws of 1969, be, and the same is hereby amended to read as follows:

SECTION 2. This act shall be in full force and effect from and after January 1, 1968 and shall terminate December 31, 1971.

SECTION 2. That Section 6, Chapter 4, First Extraordinary Session, Thirty-ninth Legislature of the state of Idaho, as amended by Section 1, Chapter 228, Laws of 1969, be, and the same is hereby amended to read as follows:

SECTION 6. This act shall be in full force and effect from and after January 1, 1968 and shall terminate December 31, 1971.

SECTION 3. That Chapter 12, 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 49-1210A, Idaho Code, and to read as follows:

49-1210A. PARTIAL ALLOCATION OF EXCISE TAX FUNDS. — An amount equal to one-seventh (1/7) of the excise tax monies received by the state treasurer under section 49-1212, Idaho Code, and remaining after making the allocations required by subsections (a), (b) and (c) of section 49-1212, Idaho Code, but prior to making the payment to the state highway fund required by subsection (d) of section 49-1212, Idaho Code, shall be distributed by the state treasurer as follows:

(a) One percent (1%) to the credit of the waterways improvement fund and ninety-nine percent (99%) shall be divided among incorporated and specially chartered cities of the state which construct and maintain roads and streets, in the same proportion as the population of said incorporated or specially chartered city bears to the total population of all such incorporated or specially chartered cities of the state as shown by the last regular or special federal census.

(b) There is hereby appropriated and allocated out of said excise tax revenues, accruing between January 1 and December 31 of each year, the sum equal to one-seventh (1/7) of said excise tax revenues, as provided above, to be distributed by the above formula.

SECTION 4. That Chapter 12, 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 49-1231A, Idaho Code, and to read as follows:

49-1231A. PARTIAL ALLOCATION OF EXCISE TAX FUNDS. — An amount equal to one-seventh (1/7) of the excise tax monies received by
the state treasurer under section 49-1241, Idaho Code, prior to making the allocations to the state highway fund and waterways improvement fund required by said section, shall be distributed by the state treasurer as follows:

(a) One percent (1%) to the credit of the waterways improvement fund and ninety-nine percent (99%) shall be divided among incorporated and specially chartered cities of the state which construct and maintain roads and streets, in the same proportion as the population of said incorporated or specially chartered city bears to the total population of all such incorporated and specially chartered cities of the state as shown by the last regular or special federal census.

(b) There is hereby appropriated and allocated out of said excise tax revenues, accruing between January 1 and December 31 of each year, the sum equal to one-seventh (1/7) of said excise tax revenues, as provided above, to be distributed by the above formula.

SECTION 5. That Section 49-1241, Idaho Code, be, and the same is hereby amended to read as follows:

49-1241. DISPOSITION OF FUNDS. — All taxes, interest and penalties collected under this act shall be turned over promptly to the state treasurer and, except as provided in sections 49-1210A and 49-1231A, Idaho Code, the state treasurer shall place 99% ninety-nine percent (99%) thereof to the credit of the state highway fund, and 1% one percent (1%) thereof to the credit of the waterways improvement fund.

SECTION 6. This act shall be in full force and effect on and after July 1, 1971.

Approved March 24, 1971.

CHAPTER 188
(H. B. No. 270)

AN ACT
AMENDING SECTION 34-704, IDAHO CODE, AS AMENDED BY SECTION 3, CHAPTER 5, LAWS OF 1971, RELATING TO DECLARATION OF CANDIDACY, BY STRIKING THE PROVISION THAT CANDIDATES MAY DECLARE THEMSELVES TO BE INDEPENDENT CANDIDATES; AND AMENDING SECTION 34-706,
IDAHO CODE, AS AMENDED BY SECTION 5, CHAPTER 5, LAWS OF 1971, RELATING TO CERTIFICATION OF CANDIDATES, BY STRIKING THE PROVISION THAT INDEPENDENT CANDIDATES SHALL HAVE THEIR NAMES PLACED ON THE PRIMARY BALLOT AND ON THE GENERAL ELECTION BALLOT PROVIDED THEY RECEIVE TEN PERCENT OF THE TOTAL VOTES CAST IN THE PRIMARY; AMENDING SECTION 34-710, IDAHO CODE, BY STRIKING THE TERM "INDEPENDENT" FROM THE SUBTITLE AND SUBSTITUTING THE TERM "NONENDORSED" THEREFOR; AMENDING SECTION 34-712, IDAHO CODE, BY STRIKING THE TERM "INDEPENDENT" FROM THE SUBTITLE AND SUBSTITUTING THE TERM "NONENDORSED" THEREFOR.

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

SECTION 1. That Section 34-704, Idaho Code, as amended by Section 3, Chapter 5, Laws of 1971, be, and the same is hereby amended to read as follows:

34-704. DECLARATION OF CANDIDACY. — Any person legally qualified to hold such office is entitled to become a candidate and file his declaration of candidacy. Each candidate for office shall file his declaration of candidacy in the proper office between June 1 and 5 p.m., June 7 prior to the primary election. All candidates shall declare their party affiliation or that they are independent candidates in their declaration of candidacy.

SECTION 2. That Section 34-706, Idaho Code, as amended by Section 5, Chapter 5, Laws of 1971, be, and the same is hereby amended to read as follows:

34-706. CERTIFICATION OF CANDIDATES TO PARTIES — INDEPENDENTS. — Within five (5) days after the deadline for filing declarations of candidacy the county clerk shall certify to the county central committee of each political party a list of the candidates for county and precinct offices of their political party which have filed and are qualified.

Within five (5) days after the deadline for filing declarations of candidacy the secretary of state shall certify to the legislative district central committee of each political party a list of the legislative candidates of their political party which have filed and are qualified.

Within seven (7) days after the deadline for filing declarations of candidacy the secretary of state shall certify to the state central committee of each political party a list of the candidates which have filed for federal and state offices under the party name and are qualified for their official endorsement at their respective state assemblies.
Independent candidates for any office filing declarations of candidacy shall have their names placed on the primary ballot as provided by law; provided, however, that independent candidates shall be required to receive ten percent (10%) of the total votes cast for that particular office at the primary election or their name shall not be placed on the general election ballot.

SECTION 3. That Section 34-710, Idaho Code, be, and the same is hereby amended to read as follows:

34-710. INDEPENDENT NONENDORSED CANDIDATES FOR FEDERAL OR STATE OFFICE. — Candidates for federal or state office who have filed a declaration of candidacy and submitted to a state convention of any political party, who received at least ten percent (10%) of the votes cast and a majority of the votes from the delegations of at least six (6) counties or six (6) legislative districts or any combination thereof on the ballot on which the candidates of the state convention are nominated for such office, shall have his name placed on the primary ballot after meeting the following qualifications:

(1) He shall file a new declaration of candidacy with the secretary of state who shall prescribe the proper form of the declaration. All declarations of candidacy shall be filed no later than July 15, in the general election year.

(2) He shall file a petition with his declaration which shall contain the signatures of qualified electors equal to ten percent (10%) of the vote cast for the party's nominee for that office at the last general election for that particular office. No person shall sign more than one (1) such petition under this section for the same office, however, this shall not preclude a person from signing a petition who signed the petition of a candidate who had not been nominated at the state convention.

(3) He shall pay a fee of five dollars ($5.00) at the time of filing.

SECTION 4. That Section 34-712, Idaho Code, be, and the same is hereby amended to read as follows:

34-712. CERTIFICATION OF INDEPENDENT NONENDORSED CANDIDATES FOR FEDERAL OR STATE OFFICE — SAMPLE FORM FOR PRIMARY BALLOTS. — The secretary of state shall certify, within three (3) days after the filing deadline for such candidates, to the county clerks the names of the candidates who qualified under section 34-710, Idaho Code, which shall be placed upon the ballot.

The secretary shall then provide the sample form of the primary ballot to each of the county clerks no later than August 1, prior to the primary.
The sample ballot shall contain the proper candidates to be voted upon within the county whose declarations or nominations were filed and certified in the office of the secretary of state with instructions for the placing of candidates seeking the nomination for county and precinct offices. If a county is within more than one (1) legislative district, the secretary of state shall provide a sample ballot for each legislative district which includes part of the county.

The ballot for each judicial office shall contain the words: “To succeed (Judge, Justice) _______,” inserting the name of the, or of each, incumbent, candidate, for re-election, or retiring justice, or judge, as the case may be, whose successor is to be elected in that year, followed by the words: “Vote for One,” followed by the names of the candidates for that particular office.

Approved March 24, 1971.

CHAPTER 189
(H. B. No. 271)

AN ACT
AMENDING SECTION 34-903, IDAHO CODE, RELATING TO FORM AND CONTENTS OF BALLOTS, BY STRIKING THE REFERENCE THAT THE COUNTY CLERK SHALL COMPLETE THE LISTING OF CERTAIN CANDIDATES OR OFFICES OR ISSUES; AMENDING SECTION 34-904, IDAHO CODE, RELATING TO PRIMARY ELECTION BALLOTS, BY PROVIDING FOR A SINGLE PRIMARY ELECTION BALLOT ON WHICH ONLY THE OFFICES FOR WHICH SPECIAL PRESIDENTIAL AND CONGRESSIONAL ELECTORS MAY VOTE, STRIKING THE REQUIREMENT FOR A SINGLE COLUMN TO BE PROVIDED FOR INDEPENDENT CANDIDATES, AND PROVIDING THAT THE SECRETARY OF STATE SHALL ARRANGE THE CLASSIFICATIONS OF OFFICES ON THE BALLOT AS PROVIDED BY LAW; AMENDING SECTION 34-906, IDAHO CODE, RELATING TO GENERAL ELECTION BALLOTS, BY STRIKING REFERENCES TO NOMINEES SELECTED AT THE PRIMARY ELECTION AND INDEPENDENT CANDIDATES, PROVIDING THAT THE OFFICE TITLES SHALL BE LISTED IN
ORDER BEGINNING WITH THE HIGHEST FEDERAL OFFICE, AND PROVIDING THAT THE SECRETARY OF STATE SHALL ARRANGE THE CLASSIFICATIONS OF OFFICES ON THE BALLOT AS PROVIDED BY LAW; AMENDING SECTION 34-907, IDAHO CODE, RELATING TO GENERAL ELECTIONS BALLOTS, BY PROVIDING FOR A GENERAL ELECTION BALLOT FOR THE NOMINEES FOR PRESIDENT, VICE-PRESIDENT AND THEIR ELECTORS, AND THE NOMINEES FOR CONGRESSIONAL OFFICE, AND PROVIDING THAT SUCH BALLOTS SHALL BE DISTRIBUTED AS DIRECTED BY THE SECRETARY OF STATE.

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

SECTION 1. That Section 34-903, Idaho Code, be, and the same is hereby amended to read as follows:

34-903. SECRETARY OF STATE TO PRESCRIBE FORM AND CONTENTS OF ALL BALLOTS AND RELATED DOCUMENTS. — (1) The secretary of state shall, in a manner consistent with the election laws of this state, prescribe the form for all ballots, absentee ballots, diagrams, sample ballots, ballot labels, voting machine labels or booklets, certificates, notices, declarations of candidacy, affidavits of all types, lists, applications, poll books, tally sheets, registers, rosters, statements and abstracts if required by the election laws of this state.

(2) The secretary of state shall prescribe the arrangement of the matter to be printed on each kind of ballot and label, including:

(a) The placement and listing of all offices, candidates and issues upon which voting is statewide, which shall be uniform throughout the state.

(b) The listing of all other candidates required to file with him, and the order of listing all offices and issues upon which voting is not statewide, which shall be completed by the county clerk for use in his county.

(3) The names of candidates for legislative or special district offices shall be printed only on the ballots and ballot labels furnished to voters of such district.

(4) The names of all candidates which appear on any election ballot shall be rotated in the manner determined by the secretary of state.

SECTION 2. That Section 34-904, Idaho Code, be, and the same is hereby amended to read as follows:

34-904. PRIMARY ELECTION BALLOTS. — There shall be a single primary ballot on which the complete ticket of each political party shall be printed. There shall also be a single primary election ballot on which only
the offices for which special presidential and congressional electors, as defined in section 34-106A, Idaho code, may vote, shall be printed. Each political ticket shall be separated from the others by a perforated line that will enable the elector to detach the ticket of the political party voted from those remaining. All candidates who have filed their declarations of candidacy and are subsequently certified shall be listed under the proper office titles on their political party ticket. The secretary of state shall design the primary ballot to allow for write-in candidates under each office title. A single column shall be provided for all independent candidates.

The office titles shall be listed in descending order beginning with the highest federal office and ending with precinct offices. The secretary of state has the discretion and authority to arrange the above classifications of offices in any manner which he selects, as provided by law.

SECTION 3. That Section 34-906, Idaho Code, be, and the same is hereby amended to read as follows:

34-906. BALLOTS FOR GENERAL ELECTIONS. — There shall be a single general election ballot on which the complete ticket of each political party shall be printed. Each political party ticket shall include that party's nominee selected at the primary election for each particular office. A separate column shall be made available for independent and write-in candidates.

The office titles shall be listed in descending order, beginning with the highest federal office. The secretary of state has the discretion and authority to arrange the above classifications of offices in any manner which he selects, as provided by law.

At any general election at which the electors are to vote upon constitutional amendments or other issues, the secretary of state shall provide separate general election ballot forms on which all such amendments and issues shall be printed.

SECTION 4. That Section 34-907, Idaho Code, be, and the same is hereby amended to read as follows:

34-907. GENERAL ELECTION BALLOTS FOR PRESIDENT, VICE-PRESIDENT AND PRESIDENTIAL ELECTORS. — There shall be a single general election ballot on which only the nominees for president and vice-president and their electors shall be printed. There shall also be a single general election ballot on which only the nominees for president, vice-president and their electors, and the nominees for congressional office shall be printed. The secretary of state shall have the discretion and
authority to design the ballot. These ballots in any manner he selects. These ballots shall be distributed to voters who are qualified to vote for presidential electors only at the ensuing general election, as directed by the secretary of state.

Approved March 24, 1971.

CHAPTER 190
(H. B. No. 170, As Amended in Senate)

AN ACT
AMENDING SECTION 40-117, IDAHO CODE, RELATING TO EXPENSES OF THE IDAHO BOARD OF HIGHWAY DIRECTORS, BY INCREASING THE MAXIMUM RATE OF COMPENSATION FROM TEN DOLLARS PER DAY TO TWENTY-FIVE DOLLARS PER DAY, PROVIDING AN ANNUAL MAXIMUM OF FIFTEEN HUNDRED DOLLARS.

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

SECTION 1. That Section 40-117, Idaho Code, be, and the same is hereby amended to read as follows:

40-117. COMPENSATION AND REIMBURSEMENT FOR EXPENSES. Each member of the board shall receive compensation of twenty-five dollars ($25.00) per day, for each day while in attendance at official meetings of the board and while on official business authorized by said board. Each member shall be reimbursed for his traveling, living and other expenses actually and necessarily incurred while in the performance of his official duties hereunder, provided, however, that no member of said board shall receive a per diem in excess of fifteen hundred dollars ($1500.00) for the first fiscal year after this act takes effect, nor in excess of like amount per year, for each fiscal year thereafter. Said compensation for such per diem and expenses shall be allowed and paid from the state highway fund, or from such other funds as are or may be created and/or appropriated for administration of the various functions, vested by law in the department of highways and/or the Idaho board of highway directors. This section is expressly exempted from the provisions of sections 67-2007 and 67-2008, Idaho Code, and acts supplementary thereof.

Approved March 24, 1971.
AN ACT

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

SECTION 1. There is hereby appropriated out of the fund enumerated the following amount to the Purchasing Agent for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:
- Purchasing for Idaho departments and institutions $103,450
- TOTAL $103,450

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:
- Salaries & Wages $85,372
- Other Current Expense 18,078
- TOTAL $103,450

FROM:
- General Fund $103,450
- TOTAL $103,450

Approved March 24, 1971.

CHAPTER 192
(H. B. No. 284)

AN ACT
AMENDING SECTION 34-402, IDAHO CODE, RELATING TO THE QUALIFICATIONS OF ELECTORS, BY PROVIDING AN ADDITIONAL REQUIREMENT IN ORDER TO BE A QUALIFIED ELECTOR, PROVIDING THAT EIGHTEEN YEAR OLDS WHO HAVE RESIDED WITHIN THE STATE FOR THIRTY DAYS MAY
VOTE FOR PRESIDENTIAL ELECTORS AND CONGRESSIONAL CANDIDATES, AND PROVIDING ALL OTHER PERSONS TWENTY-ONE YEARS OF AGE WHO HAVE RESIDED IN THE STATE FOR A PERIOD REQUIRED BY THE CONSTITUTION ARE QUALIFIED TO VOTE; AMENDING SECTION 34-404, IDAHO CODE, RELATING TO THE REGISTRATION OF QUALIFIED ELECTORS, BY STRIKING THE WORD "QUALIFIED"; AMENDING SECTION 34-406, IDAHO CODE, RELATING TO THE APPOINTMENT OF OFFICIAL REGISTRARS FOR EACH VOTING PRECINCT, BY STRIKING THE PROVISIONS REGARDING DELIVERY OF REGISTRATION CARDS, AND BY PROVIDING INSTEAD THE MANNER OF DELIVERY BE PRESCRIBED BY THE SECRETARY OF STATE; AMENDING SECTION 34-407, IDAHO CODE, RELATING TO THE PROCEDURE FOR REGISTRATION, BY STRIKING THE WORD "QUALIFIED"; AMENDING SECTION 34-408, IDAHO CODE, RELATING TO THE TIME OF CLOSING OF REGISTER, BY PROVIDING THAT REGISTRATION BY THE PRECINCT REGISTRAR SHALL CLOSE TEN DAYS PRECEDING THE ELECTION AND REGISTRATION BY THE COUNTY CLERK SHALL CLOSE TWO DAYS PRECEDING AN ELECTION, AND PROVIDING FOR REGISTRATION OF ELECTORS WHO WILL COMPLETE RESIDENCE AND AGE REQUIREMENTS DURING THE PERIOD WHEN THE REGISTER OF ELECTORS IS CLOSED; AMENDING SECTION 34-411, IDAHO CODE, RELATING TO APPLICATION FOR REGISTRATION, BY STRIKING THE REQUIREMENT THAT AN ELECTOR DECLARE WHETHER HE IS A NATURALIZED CITIZEN, AND STRIKING THE REQUIREMENT TO EXHIBIT FINAL CITIZENSHIP PAPERS; AMENDING CHAPTER 4, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-411A, IDAHO CODE, TO PROVIDE SPECIAL PROCEDURES FOR REGISTRATION BY MAIL WHEN COMPLETE REREGERISTRATION IS REQUIRED.

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

SECTION 1. That Section 34-402, Idaho Code, be, and the same is hereby amended to read as follows:

34-402. QUALIFICATIONS OF ELECTORS. — Every male or female citizen of the United States, twenty-one (21) years old, who has actually resided in this state for six (6) months, and in the county where he or she
offers to vote for thirty (30) days next preceding the day of election, if registered within the time period provided by law, is a qualified elector unless otherwise provided. All other persons, if they are eighteen (18) years of age and have resided in within this state for the period required by the constitution, are qualified to vote for presidential electors thirty (30) days next preceding the general or primary election at which presidential electors and congressional candidates are being voted upon, if registered within the time period provided by law, are qualified to vote for presidential and vice-presidential electors and congressional candidates. All other persons, if citizens of the United States, twenty-one (21) years of age, who have actually resided in this state for the period required by the constitution, if registered as required by law, are qualified to vote for presidential electors.

SECTION 2. That Section 34-404, Idaho Code, be, and the same is hereby amended to read as follows:

34-404. REGISTRATION OF QUALIFIED ELECTORS. – All qualified electors must register as provided by law before being able to vote at any primary, general, special or any other election at which registration is required.

SECTION 3. That Section 34-406, Idaho Code, be, and the same is hereby amended to read as follows:

34-406. APPOINTMENT OF OFFICIAL REGISTRAR FOR EACH VOTING PRECINCT – DUTIES. – (1) Each county clerk shall appoint an official registrar for each voting precinct within the county on March 1, preceding each general election. Each registrar shall be a qualified elector of the precinct for which he is appointed and shall serve until his successor is appointed and qualified. The precinct committee members shall recommend persons for the position to the county clerk in writing at least ten (10) days prior to the date on which any appointment shall be made and the county clerk shall appoint the registrar from such lists if the persons recommended are qualified.

(2) The county clerk shall furnish each registrar with the supplies and materials necessary for the performance of his functions and shall supervise and instruct him in such performance.

(3) Each official registrar shall establish and maintain a permanent place, and such temporary places he deems necessary for the registration of electors. In so far as practicable, he shall acquaint the public with the location of such place or facility, the facilities available for registration and the ease and convenience with which registration may be accomplished. Each
registrar shall receive such compensation as determined by the board of county commissioners which shall not exceed fifty cents (50¢) for each voter personally registered by him.

(4) Each official registrar may administer oaths and affirmations in connection with the performance of his functions.

(5) At the end of each week each official registrar shall deliver, by certified mail or in person to the county clerk, the official registration cards of all electors registered by him during the week. The county clerk may reject any such registration if he determines that the elector is not qualified or that the official registration card is inaccurate or incomplete. The county clerk shall immediately notify the elector in writing of such rejection, by certified mail or otherwise. Such elector shall have ten (10) days from the date of such notice to perfect his registration. Each official registrar shall deliver the official registration cards of all electors registered by him in a manner prescribed by the secretary of state.

SECTION 4. That Section 34-407, Idaho Code, be, and the same is hereby amended to read as follows:

34-407. PROCEDURE FOR REGISTRATION. — (1) Any county clerk or official registrar shall register without charge any qualified elector who personally appears in the office of the county clerk or before the official registrar, as the case may be, and requests to be registered.

(2) Upon receipt of a written application to the county clerk from any qualified elector who, by reason of illness or physical incapacity is prevented from personally appearing in the office of the county clerk or before an official registrar, the county clerk or an official registrar so directed by the county clerk shall register such elector at the place of abode of the elector.

SECTION 5. That Section 34-408, Idaho Code, be, and the same is hereby amended to read as follows:

34-408. CLOSING OF REGISTER—TIME LIMIT. — (1) No elector may register with official precinct registrars within two (2) ten (10) days preceding any election held throughout the county in which he resides for the purpose of voting at such election. No elector may register in the office of the county clerk within two (2) days preceding any election held throughout the county in which he resides for the purpose of voting at such election.

(2) Any elector who will complete his residence requirement or attain the age of twenty-one (21) years, requisite voting age during the period when the register of electors is closed may register prior to the closing of the register.
SECTION 6. That Section 34-411, Idaho Code, be, and the same is hereby amended to read as follows:

34-411. APPLICATION FOR REGISTRATION — CONTENTS. —
(1) Each elector who requests registration shall supply the following information under oath or affirmation:
   (a) His full name, sex, and age.
   (b) His mailing address, his residence address or any other necessary information definitely locating his residence.
   (c) The period of time preceding the date of registration during which he has resided in the state.
   (d) Whether or not he is a naturalized citizen. If he is a naturalized citizen and if he has not been previously registered in the country as a naturalized citizen, the elector shall exhibit his final citizenship papers or an authenticated copy thereof.
   (e) His social security number, if any.
   (f) That he is under no legal disqualifications to vote.
   (g) The county and state where he was previously registered, if any.

(2) Any elector who shall supply any information under subsection (1) of this section, knowing it to be false, is guilty of perjury.

SECTION 7. That Chapter 4, Title 34, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 34-411A, Idaho Code, and to read as follows:

34-411A. SPECIAL PROVISIONS FOR REGISTRATION BY MAIL WHEN COMPLETE REREGISTRATION IS REQUIRED. — Whenever complete or blanket reregistration is required, the county clerk shall follow the procedures set forth for normal registration for primary and general elections in an election year, but with the following changes:

(1) The county clerk shall send to each qualified elector a mail-out card together with a prepared notice that a new form of registration is to be implemented. This notice will be prepared as directed by the secretary of state and is to be mailed by each county clerk no later than October 1, 1971.

(2) The mail-out card shall request the information as required by 34-411, Idaho Code, and shall request signature and return within thirty (30) days by the elector. The mail-out card shall be of a form as prescribed by the secretary of state.

(3) The county clerk shall, upon receipt of the elector's mail-out registration cards, file such cards and check those names against his list of qualified electors.
(4) The county clerk shall no later than January 15, 1972, furnish to the precinct registrars a listing of those qualified electors who have not returned the mail-out card, and shall direct the precinct registrars to register those voters along with the normal registration procedure.

(5) The county clerk shall furnish to the election judges a listing of those qualified electors who have not returned the mail-out card, which listing shall be kept at the polls, and those persons who have failed to reregister as provided herein shall do so prior to receiving their ballot.

(6) Reregistration as set forth in this section is to facilitate the acquisition of the information as required by section 34-411, Idaho Code.

(7) The secretary of state shall publicize the reregistration procedure throughout the state beginning October 1, 1971, and shall encourage all electors to complete such reregistration.

Approved March 24, 1971.

CHAPTER 193
(H. B. No. 285)

AN ACT
AMENDING SECTION 34-601, IDAHO CODE, RELATING TO THE DATE ON WHICH ELECTIONS SHALL BE HELD, BY PROVIDING THAT A PRIMARY ELECTION SHALL BE HELD ON THE TUESDAY AFTER THE FIRST MONDAY OF AUGUST, 1972, AND EVERY TWO YEARS THEREAFTER; AMENDING SECTION 34-620, IDAHO CODE, RELATING TO ELECTION OF COUNTY TREASURERS, BY PROVIDING THAT COUNTY TREASURERS SHALL BE ELECTED AT THE GENERAL ELECTION IN 1974, AND EVERY FOUR YEARS THEREAFTER; AMENDING SECTION 34-621, IDAHO CODE, RELATING TO ELECTION OF COUNTY ASSESSORS, BY PROVIDING THAT COUNTY ASSESSORS SHALL BE ELECTED AT THE GENERAL ELECTION IN 1974, AND EVERY FOUR YEARS THEREAFTER.

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

SECTION 1. That Section 34-601, Idaho Code, be, and the same is hereby amended to read as follows:

34-601. DATES ON WHICH ELECTIONS SHALL BE HELD. —
Elections shall be held in this state on the following dates or times:

(1) A primary election shall be held on the Tuesday after the first Monday of August, 1972, and every two (2) years thereafter on the above-mentioned Tuesday.

(2) A general election shall be held on the first Tuesday after the first Monday of November, 1972, and every two (2) years thereafter on the above-mentioned Tuesday.

(3) Special state elections shall be held on the dates ordered by the governor's proclamation, or as otherwise provided by law.

SECTION 2. That Section 34-620, Idaho Code, be, and the same is hereby amended to read as follows:

34-620. ELECTION OF COUNTY TREASURERS – QUALIFICATIONS. – (1) At the general election, 1974, and every alternate four (4) years thereafter, a county treasurer shall be elected in every county. The county treasurer shall be the ex-officio public administrator and ex-officio tax collector.

(2) No person shall be elected to the office of county treasurer unless he has attained the age of twenty-one (21) years at the time of his election, is a citizen of the United States and shall have resided within the county one (1) year next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the county clerk. Each declaration shall have attached thereto a petition which contains the signatures of not less than five (5) nor more than ten (10) qualified electors.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of forty dollars ($40.00) which shall be deposited in the county treasury.

SECTION 3. That Section 34-621, Idaho Code, be, and the same is hereby amended to read as follows:

34-621. ELECTION OF COUNTY ASSESSORS – QUALIFICATIONS. – (1) At the general election, 1972, 1974, and every alternate four (4) years thereafter, a county assessor shall be elected in every county.

(2) No person shall be elected to the office of county assessor unless he has attained the age of twenty-one (21) years at the time of his election, is a citizen of the United States and shall have resided within the county one (1) year next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the
county clerk. Each declaration shall have attached thereto a petition which contains the signatures of not less than five (5) nor more than ten (10) qualified electors.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of forty dollars ($40.00) which shall be deposited in the county treasury.

Approved March 24, 1971.

CHAPTER 194
(H. B. No. 286)

AN ACT
AMENDING SECTION 34-101, IDAHO CODE, RELATING TO DEFINITION OF GENERAL ELECTION, BY PROVIDING THAT CONGRESSIONAL, STATE AND COUNTY OFFICERS, AND ELECTORS FOR PRESIDENT AND VICE-PRESIDENT SHALL BE ELECTED AT A GENERAL ELECTION, AND PROVIDING THAT AMENDMENTS TO THE IDAHO CONSTITUTION AND INITIATIVE MEASURES SHALL BE SUBMITTED AT A GENERAL ELECTION; AMENDING SECTION 34-102, IDAHO CODE, RELATING TO DEFINITION OF PRIMARY ELECTION, BY PROVIDING THAT THE PURPOSE OF A PRIMARY ELECTION IS TO NOMINATE CANDIDATES OF POLITICAL PARTIES AND TO ELECT PERSONS AS MEMBERS OF THE CONTROLLING COMMITTEES OF POLITICAL PARTIES, AND BY CHANGING THE DATE OF THE PRIMARY ELECTION; AMENDING SECTION 34-103, IDAHO CODE, RELATING TO DEFINITION OF SPECIAL ELECTION, BY PROVIDING THAT A SPECIAL ELECTION MEANS ANY ELECTION OTHER THAN A GENERAL OR PRIMARY ELECTION HELD AT ANY TIME FOR ANY PURPOSE PROVIDED BY LAW; AMENDING SECTION 34-104, IDAHO CODE, RELATING TO DEFINITION OF QUALIFIED ELECTOR, BY PROVIDING THAT A QUALIFIED ELECTOR MUST, IN ADDITION TO OTHER QUALIFICATIONS, BE REGISTERED AS PROVIDED BY LAW; AMENDING SECTION 34-105, IDAHO CODE, RELATING TO DEFINITION OF REGISTERED ELECTOR, BY PROVIDING THAT
A REGISTERED ELECTOR MEANS A QUALIFIED ELECTOR; AMENDING CHAPTER 1, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-106A, IDAHO CODE, TO PROVIDE A DEFINITION OF SPECIAL PRESIDENTIAL AND CONGRESSIONAL ELECTOR; AMENDING SECTION 34-107, IDAHO CODE, RELATING TO DEFINITION OF RESIDENCE, BY ELIMINATING REFERENCES TO DOMICILE, AND PROVIDING A DEFINITION OF RESIDENCE; AMENDING SECTION 34-108, IDAHO CODE, RELATING TO DEFINITION OF ELECTION OFFICIAL, BY ADDING "REGISTRAR" TO THE DEFINITION OF ELECTION OFFICIAL; AMENDING CHAPTER 1, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-117, IDAHO CODE, TO PROVIDE A DEFINITION OF JUDICIAL NOMINATING ELECTION.

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

SECTION 1. That Section 34-101, Idaho Code, be, and the same is hereby amended to read as follows:

34-101. "GENERAL ELECTION" DEFINED. — "General election" means the national, state and county election held on the first Tuesday succeeding the first Monday of November in each even-numbered year.

At these elections there shall be chosen all congressional, state and county officers, including electors of president and vice-president of the United States, as are by law to be elected in such years.

All amendments to the Idaho constitution shall be submitted to the voters for their approval at these elections.

SECTION 2. That Section 34-102, Idaho Code, be, and the same is hereby amended to read as follows:

34-102. "PRIMARY ELECTION" DEFINED. — "Primary election" means the election held for the purpose of nominating persons as candidates of political parties for election to offices, and for the purpose of electing persons as members of the controlling committees of political parties. Primary elections shall be held on the Tuesday succeeding the fourth first Monday of August in each even-numbered year.

SECTION 3. That Section 34-103, Idaho Code, be, and the same is hereby amended to read as follows:

34-103. "SPECIAL ELECTION" DEFINED. — "Special election" means any national, state and county election held at a time other than a general or primary election held at any time for any purpose provided by law.
SECTION 4. That Section 34-104, Idaho Code, be, and the same is hereby amended to read as follows:

34-104. "QUALIFIED ELECTOR" OR "ELECTOR" DEFINED. — "Qualified elector" or "elector" means any person who is twenty-one (21) years of age, is a United States citizen and has resided within the state at least six (6) months and in the county at least thirty (30) days next preceding the election at which he desires to vote, and who is registered as required by law.

SECTION 5. That Section 34-105, Idaho Code, be, and the same is hereby amended to read as follows:

34-105. "REGISTERED ELECTOR" DEFINED. "Registered elector", for the purpose of this act, means any "qualified elector" who has registered as provided by law.

SECTION 6. 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 34-106A, Idaho Code, and to read as follows:

34-106A. "SPECIAL PRESIDENTIAL AND CONGRESSIONAL ELECTOR" DEFINED. "Special presidential and congressional elector" means any person who is eighteen (18) years of age and who has resided within this state for thirty (30) days next preceding the general or primary election at which presidential electors and congressional candidates are being voted upon. Such persons, if registered, shall be allowed to vote for presidential and vice-presidential electors, and congressional candidates.

SECTION 7. That Section 34-107, Idaho Code, be, and the same is hereby amended to read as follows:

34-107. "Domicile", "Residence" DEFINED. "Domicile" means the physical presence of the person at a specific place within the state with the intent to make it a fixed and permanent home.

(1) "Residence," for voting purposes, means the establishment of a domicile within the state and a county for the period required by law, but residence is not lost by any qualified elector if he temporarily removes his domicile to another state or county with the intent to return to the area of his permanent domicile and does not register and vote at his temporary domicile. shall be the place in which a qualified elector has fixed his habitation and to which, whenever he is absent he has the intention of returning.

(2) A qualified elector who has left his home and gone into another state or territory or county of this state for a temporary purpose only shall
not be considered to have lost his residence.

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

(4) If a qualified elector moves to another state, or to any of the other territories, with the intention of making it his permanent home, he shall be considered to have lost his residence in this state.

SECTION 8. That Section 34-108, Idaho Code, be, and the same is hereby amended to read as follows:

34-108. “ELECTION OFFICIAL” DEFINED. — “Election official” means the secretary of state, any county clerk, registrar, judge of election, clerk of election, canvassing board or board of county commissioners engaged in the performance of election duties as required by law.

SECTION 9. 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 34-117, Idaho Code, and to read as follows:

34-117. “JUDICIAL NOMINATING ELECTION” DEFINED. — “Judicial nominating election” means an election held for the purpose of selecting justices of the supreme court and judges of the district court as are by law to be selected at such election. This election shall be held on the date of the statewide primary election.

Approved March 24, 1971.

CHAPTER 195
(H. B. No. 290)

AN ACT
IN TRAFFIC SAFETY; DECLARING THAT THE TELETYPEWRITER COMMUNICATIONS NETWORK SHALL BE USED EXCLUSIVELY FOR THE LAW ENFORCEMENT BUSINESS OF THE STATE OF IDAHO AND ALL POLITICAL SUBDIVISIONS THEREOF, INCLUDING ALL AGENCIES ENGAGED IN TRAFFIC SAFETY; PROVIDING FOR THE CHARGING OF A MONTHLY RENTAL FOR EACH TERMINAL, WHICH RENTAL SHALL BE SET BY THE TELETYPEWRITER COMMUNICATIONS BOARD AFTER CONSIDERING THE USAGE OF SAID NETWORK BY EACH PARTICIPANT AND THE ECONOMIC SITUATION OF EACH PARTICIPANT; AUTHORIZING SAID TELETYPEWRITER COMMUNICATIONS NETWORK TO CONNECT AND PARTICIPATE WITH SYSTEMS OF OTHER STATES AND PROVINCES OF CANADA; ESTABLISHING A TELETYPEWRITER COMMUNICATIONS BOARD COMPOSED OF FIVE MEMBERS APPOINTED BY THE GOVERNOR, THE COMPOSITION OF SAID BOARD BEING TWO INCUMBENT COUNTY SHERIFFS, TWO INCUMBENT CHIEFS OF POLICE AND ONE MEMBER OF THE IDAHO STATE POLICE, AND MAKING THE COMMISSIONER OF LAW ENFORCEMENT AN EX OFFICIO MEMBER OF SAID BOARD; SETTING THE TERMS OF OFFICE FOR SAID BOARD AND PROVIDING TERMINATIONS OF APPOINTMENTS TO SAID BOARD UPON CERTAIN CONDITIONS AND APPOINTMENTS OF OTHER PERSON TO FILL UNEXPIRED TERMS; AUTHORIZING THE TELETYPEWRITER COMMUNICATIONS NETWORK BOARD TO ADOPT RULES, REGULATIONS, PROCEDURES AND METHODS OF OPERATIONS AS MAY BE NECESSARY TO ESTABLISH AND PUT INTO USE THE MOST EFFICIENT AND ECONOMICAL STATEWIDE TELETYPEWRITER COMMUNICATIONS NETWORK AND DIRECTING THAT SAID BOARD SHALL PUBLISH AND DISTRIBUTE SAID RULES, REGULATIONS AND PROCEDURES TO EACH PARTICIPATING DEPARTMENT, AGENCY OR OFFICE; PROVIDING THAT SAID BOARD SHALL SERVE WITHOUT PAY OR SALARY BUT SHALL BE ENTITLED TO THEIR ACTUAL AND NECESSARY EXPENSES, WHICH EXPENSES SHALL BE PAID FROM MONIES APPROPRIATED FOR THE FUNDING OF THIS ACT; DECLARING THAT PERFORMANCE OF DUTIES OF A MEMBER OF SAID
BOARD SHALL BE DEEMED TO BE IN PERFORMANCE OF HIS DUTIES AS AN EMPLOYEE OF HIS PARTICULAR BRANCH OF GOVERNMENT; DECLARING THAT THE COMMISSIONER OF LAW ENFORCEMENT SHALL BE THE EXECUTIVE OFFICER OF THE TELETYPETWRITER COMMUNICATIONS NETWORK BOARD AND SHALL BE RESPONSIBLE FOR THE CARRYING OUT OF THE POLICIES AND RULES OF SAID BOARD AND WITH THE MANAGEMENT AND EXPENDITURES OF SUCH FUNDS AS MAY BE APPROPRIATED TO IMPLEMENT THIS ACT; AND DECLARING AN EMERGENCY.

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

SECTION 1. The maintenance of law and order is, and always has been, a primary function of government and is so recognized in both federal and state constitutions. The state has an unmistakable responsibility to give full support to all public agencies of the criminal justice system. This responsibility includes the provision of an efficient law enforcement communications network available to all state and local agencies. It is the intent of the legislature that such a network be established and maintained in a condition adequate to the needs of the criminal justice system and highway safety. It is the purpose of this act to establish a criminal justice teletypewriter communications network for the state of Idaho.

SECTION 2. (1) Establishment of network. The commissioner of law enforcement of the state of Idaho shall establish a teletypewriter communications network which will interconnect the criminal justice agencies of this state and its political subdivisions and all agencies engaged in the promotion of highway safety into a unified teletypewriter communications system. The commissioner of law enforcement of the state of Idaho is authorized to lease such transmitting and receiving facilities and equipment as may be necessary to establish and maintain such teletypewriter communications network.

(2) Use of network. The teletypewriter communications network shall be used exclusively for the law enforcement business of the state of Idaho and all the political subdivisions thereof, including all agencies engaged in the promotion of traffic safety.

(3) Judiciary and traffic safety. Nothing in this act shall prohibit the use of or participation in the teletypewriter communications herein provided by the judicial branch of the state government or by any other department, agency or branch of state or local government engaged in traffic safety.
(4) Rental. The monthly rental to be charged each department or agency participating in the teletypewriter communications network on a terminal or unit basis by the teletypewriter communications board and in setting such rental charge the board shall take into consideration the usage of said network by each participant and of the economic position of each participant.

(5) Interstate connection. The teletypewriter communications network provided for herein is hereby authorized to connect and participate with teletypewriter communications network systems of other states and provinces of Canada.

SECTION 3. (1) There is hereby created a teletypewriter communications board which shall be composed of five (5) members appointed by the governor.

The members of the teletypewriter communications board shall be composed of the following:

(a) Two (2) incumbent county sheriffs;
(b) Two (2) incumbent city chiefs of police;
(c) One (1) member of the Idaho state police.

(2) The term of office of the first board shall be staggered with the one appointment expiring January 1, 1972; one appointment expiring January 1, 1973; one appointment expiring January 1, 1974; one appointment expiring January 1, 1975; and one appointment expiring January 1, 1976.

Thereafter, the term of office of each chief of police, sheriff and member of the Idaho state police shall be for a term of five (5) years.

The commissioner of law enforcement shall be an ex officio member of the board.

In the event any chief of police, sheriff or member of the Idaho state police ceases to be such chief of police, sheriff, or member of the Idaho state police, his appointment to said board shall terminate and cease immediately and the governor shall appoint a qualified person in such category to fill the unexpired term of such member.

(3) The board shall, upon their appointment, adopt such rules, regulations, procedures and methods of operation as may be necessary to establish and put into use the most efficient and economical statewide teletypewriter communications network and shall publish and distribute said rules, regulations and procedures to each participating department, agency or office.
(4) Salaries and expenses. Members of said board shall serve without pay or salary but shall be allowed their actual and necessary expenses in the performance of their duties as members of said board, which expenses shall be paid from monies appropriated for the funding of this act.

The performance of duties under this act by a member of the board shall be deemed to be in performance of his duties as an employee of his particular branch of government.

SECTION 4. The commissioner of law enforcement of the state of Idaho shall be the executive officer of the teletypewriter communications network board and shall be responsible for the carrying out of the policies and rules of the board and with the management and expenditures of such funds as may be appropriated to implement this act.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 24, 1971.
CHAPTER 197
(H. B. No. 294)

AN ACT
APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO
THE ARTS AND HUMANITIES COMMISSION AND PRESCRIBING
MAJOR PROGRAMS AND EXPENDITURE CLASSIFICATIONS OF
THE APPROPRIATION FOR THE PERIOD JULY 1, 1971
THROUGH JUNE 30, 1972.

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

SECTION 1. There is hereby appropriated out of the funds
enumerated the following amount to the Arts and Humanities Commission
for major programs and the prescribed expenditure classifications for the
period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

Developing Idaho's artistic
and cultural life $108,464
TOTAL $108,464

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

Salaries & Wages $ 6,600
Travel 1,000
Other Current Expense 864
Payment as Agent 100,000
TOTAL $108,464

FROM:

General Fund $ 8,464
Federal Funds 100,000
TOTAL $108,464

Approved March 24, 1971.
CHAPTER 198
(H. B. No. 295)

AN ACT

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

SECTION 1. There is hereby appropriated out of the funds enumerated the following amount to the State Planning and Community Affairs for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

- Providing statewide planning $313,512
  TOTAL $313,512

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

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<td>Payment as Agent</td>
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  TOTAL $313,512

FROM:

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  TOTAL $313,512

Approved March 24, 1971.
CHAPTER 199

(H. B. No. 296)

AN ACT


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

SECTION 1. There is hereby appropriated out of the fund enumerated the following amount to the Veterans' Affairs Commission for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

Serving Idaho veterans $97,401
TOTAL $97,401

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

Salaries & Wages $38,548
Travel 1,555
Other Current Expense 8,798
Capital Outlay 500
Relief and Pension 48,000
TOTAL $97,401

FROM:

General Fund $97,401
TOTAL $97,401

Approved March 24, 1971.

CHAPTER 200

(H. B. No. 297)

AN ACT

APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO

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

SECTION 1. There is hereby appropriated out of the funds enumerated the following amount to the Idaho Historical Society for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

Providing historic preservation and education $151,204
TOTAL $151,204

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

Salaries & Wages $104,905
Travel 3,644
Other Current Expense 39,135
Capital Outlay 3,520
TOTAL $151,204

FROM:

General Fund $120,094
Federal Funds 16,000
Dedicated Funds:
State Historical Society Fund 15,110
TOTAL $151,204

Approved March 24, 1971.

CHAPTER 201
(H. B. No. 298)

AN ACT

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. There is hereby appropriated out of the fund enumerated the following amount to the State Treasurer for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

Providing a central depository for all state moneys $108,554

TOTAL $108,554

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

Salaries & Wages $ 72,350
Travel 1,100
Other Current Expense 33,748
Capital Outlay 1,356

TOTAL $108,554

FROM:

General Fund $108,554

TOTAL $108,554

Approved March 24, 1971.

CHAPTER 202
(H. B. No. 300)

AN ACT


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

SECTION 1. There is hereby appropriated out of the funds enumerated the following amount to the Adjutant General for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.
FOR MAJOR PROGRAMS:

- Administering Adjutant General’s department: $223,843
- Administering facilities: 225,259
- Administering federal/state contracts: 414,179
- Preparing for natural/man-made disasters: 72,843

**TOTAL**: $936,124

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

- Salaries & Wages: $417,935
- Travel: 12,075
- Other Current Expense: 500,639
- Capital Outlay: 5,475

**TOTAL**: $936,124

FROM:

- General Fund: $520,097
- Federal Funds: 416,027

**TOTAL**: $936,124

Approved March 24, 1971.

CHAPTER 203
(H. B. No. 301)

AN ACT


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

SECTION 1. There is hereby appropriated out of the fund enumerated the following amount to the Inspector of Mines for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

- Promoting health and safety in mines: $72,184

**TOTAL**: $72,184
CHAPTER 204
(H. B. No. 299)

AN ACT


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

SECTION 1. There is hereby appropriated out of the funds enumerated the following amount to the Pharmacy Board for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:
Protecting public health in the area of drug distribution $ 58,218
Enforcing drug laws 236,384
TOTAL $294,602

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:
Salaries & Wages $131,103
Travel 38,565
Other Current Expense 82,022
Capital Outlay 42,312
Refunds of Erroneous Receipts 600
TOTAL $294,602
CHAPTER 205
(H. B. No. 282)

AN ACT

PROVIDING A DECLARATION OF POLICY; AMENDING CHAPTER 4, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-451, IDAHO CODE, TO PROVIDE FOR THE CREATION OF A LEGISLATIVE FUND, TO PROVIDE FOR MONEYS TO BE TRANSFERRED INTO OR APPROPRIATED INTO THE LEGISLATIVE FUND AND FOR RECEIPTS TO BE PAID INTO THE LEGISLATIVE FUND, APPROPRIATING MONEYS OUT OF THE GENERAL FUND INTO THE LEGISLATIVE FUND, TO PROVIDE FOR THE PAYMENT OF EXPENSES OUT OF THE LEGISLATIVE FUND, PERPETUALLY APPROPRIATING THE LEGISLATIVE FUND FOR LEGISLATIVE EXPENSES, TO PROVIDE FOR A FINANCIAL REPORTING AND CONTROL SYSTEM OF THE FUND, AND EXEMPTING THE LEGISLATIVE FUND FROM THE PROVISIONS OF CHAPTERS 35 AND 36, TITLE 67, IDAHO CODE; PROVIDING FOR TRANSFER OF FUNDS FOR THE MARCH DATE OF 1971 ON THE EFFECTIVE DATE OF THIS ACT; AND DECLARING AN EMERGENCY.

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

SECTION 1. Because of the nature of legislative operations and the time periods in which legislative sessions and legislative functions are performed, it is necessary to exempt such sessions and functions from the ordinary fiscal operations applicable to other operations of state government. The legislature has unique constitutional duties and
responsibilities that do not lend themselves well to the fiscal time periods and operations schedules established for other operations of state government. For these reasons, it is necessary to adopt the provisions contained in this act.

SECTION 2. That Chapter 4, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 67-451, Idaho Code, and to read as follows:

67-451. LEGISLATIVE FUND CREATED — DUTIES OF AUDITOR — DISBURSEMENTS FROM FUND — REPORT OF DISBURSEMENTS. —

(1) There is hereby created in the state treasury the legislative fund. The legislative fund shall consist of such moneys as are placed into it by other appropriations by receipts paid into the legislative fund, and the moneys appropriated and transferred into it according to the provisions of this act.

(2) There is hereby appropriated out of the general fund and transferred into the legislative fund, and the state auditor is authorized and directed to make such transfers the sum of two hundred fifty thousand dollars ($250,000) on each of the following dates in each year:

- March 1
- June 1
- September 1
- December 1

(3) The presiding officers of each house of the legislature are hereby authorized to make expenditures out of the legislative fund for any necessary expenses of the legislature and the legislative fund is hereby perpetually appropriated for any necessary expenses of the legislature. Necessary expenses of the legislature shall include, but are not necessarily limited to salaries and wages of officers, members, and employees of the legislature, consultants and other expert or professional personnel, travel expenses of officers, members, and employees of the legislature, other current expenses incurred in any operation or function of the legislature, and capital outlay items necessary for any operation or function of the legislature. The signature of a presiding officer on any voucher or claim for payment shall be sufficient authority for the state auditor to pay the same. Expenses for any interim activity of the legislature, legislators, or legislative committees shall be paid in the same manner, if previously authorized by concurrent resolution.

(4) The state auditor is hereby directed to devise and implement a financial reporting and control system for the purposes of this act that
exempts legislative expenditures from any other provision of law, and the legislative fund shall be specifically exempt from the provisions of chapter 35, title 67, Idaho Code, and shall be specifically exempt from the provisions of chapter 36, title 67, Idaho Code. Such system must produce a report as of the end of each calendar month that clearly shows additions to the fund, the unexpended balance in the fund, the expenditures to date, and the expenditures for the month reported, suitably detailed in such manner as the presiding officers may instruct the state auditor. A copy of such report must be delivered to the presiding officer of each house of the legislature and to the governor by no later than the fifth working day of the following month.

SECTION 3. Notwithstanding the provisions of subsection (2) of section 67-451, Idaho Code, as provided in this act, the transfer to be made on March 1 of each year shall be made for the year 1971 only on the effective date of this act.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 24, 1971.

CHAPTER 206
(H. B. No. 198, As Amended in Senate)

AN ACT
RELATING TO THE REGULATION OF SURFACE MINING; PROVIDING A STATEMENT OF PURPOSE; PROVIDING A SHORT TITLE; PROVIDING DEFINITIONS; PROVIDING THAT THE BOARD OF LAND COMMISSIONERS SHALL BE THE ADMINISTERING AGENCY; PROVIDING FOR POWERS AND DUTIES OF THE BOARD; PROVIDING FOR A RECLAMATION PLAN; PROVIDING FOR THE PROCEDURE TO HAVE A RECLAMATION PLAN APPROVED OR REJECTED AND PROVIDING FOR A PUBLIC HEARING; PROVIDING FOR A PROCEDURE TO HAVE A SUPPLEMENTAL RECLAMATION PLAN APPROVED OR REJECTED AND PROVIDING THAT AN OPERATOR MAY CONTINUE OPERATIONS UNDER CERTAIN CIRCUMSTANCES; PROVIDING RECLAMATION REQUIREMENTS; PROVIDING
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. It is the purpose of this act to provide for the protection of the public health, safety and welfare, through measures to reclaim the surface of the lands within the state disturbed by exploration and surface mining operations and thereby conserve natural resources, aid in the protection of wildlife, domestic animals, aquatic resources, and reduce soil erosion.

SECTION 2. This act may be known and cited as “the Idaho surface mining act”. This act shall not apply to surface mining operations regulated by the Idaho Dredge and Placer Mining Protection Act.

SECTION 3. Wherever used or referred to in this act, unless a different meaning clearly appears from the context:

1. “Board” means the state board of land commissioners or such department, commission, or agency as may lawfully succeed to the powers and duties of such board.

2. “Commissioner” means the land commissioner serving as the head of the department of public lands or such officer as may lawfully succeed to the powers and duties of said land commissioner.

3. “Affected land” means the land area included in overburden disposal areas, mined areas, mineral stockpiles, roads, tailings ponds and other areas disturbed at the surface mining operation site.

4. “Mineral” shall mean coal, clay, stone, sand, gravel, metalliferous and nonmetalliferous ores, and any other similar solid material or substance of commercial value to be excavated from natural deposits on or in the earth.

5. “Surface mining operations” means the activities performed on a
surface mine in the extraction of minerals from the ground, including the excavating of pits, removal of minerals, disposal of overburden, and the construction of haulage roads, exclusive of exploration operations, except that any exploration operations which, exclusive of exploration roads, (1) result during a period of twelve (12) consecutive months in more than five (5) contiguous acres of newly affected land, or (2) which, exclusive of exploration roads, result during a period of twelve (12) consecutive months in newly affected land consisting of more than ten (10) noncontiguous acres, if such affected land constitutes more than fifteen per cent (15%) of the total area of any circular tract which includes such affected land, shall be deemed to be a surface mining operation for the purposes of this act.

6. “Exploration operations” means activities performed on the surface of lands to locate mineral bodies and to determine the mineability and merchantability thereof.

7. “Surface mine” means an area where minerals are extracted by removing the overburden lying above and adjacent to natural deposits thereof and mining directly from the natural deposits thereby exposed.

8. “Mined area” means surface of land from which overburden or minerals have been removed other than by drilling of exploration drill holes.

9. “Overburden” means material extracted by an operator which is not a part of the material ultimately removed from a surface mine and marketed by an operator, exclusive of mineral stockpiles.

10. “Overburden disposal area” means land surface upon which overburden is piled or planned to be piled.

11. “Exploration drill holes” means holes drilled from the surface to locate mineral bodies and to determine the mineability and merchantability thereof.

12. “Exploration roads” means roads constructed to locate mineral bodies and to determine the mineability and merchantability thereof.

13. “Exploration trenches” means trenches constructed to locate mineral bodies and to determine the mineability and merchantability thereof.

14. “Peak” means a projecting point of overburden.

15. “Mine panel” means that portion of a mine designated by an operator as a panel of a surface mine on the map submitted pursuant to section 6 of this act.

16. “Mineral stockpile” means minerals extracted during surface mining operations and retained at the surface mine for future rather than immediate use.
17. “Pit” means an excavation created by the extraction of minerals or overburden during surface mining operations.

18. “Ridge” means a lengthened elevation of overburden.

19. “Road” means a way constructed on a surface mine for the passage of vehicles, including the bed, slopes and shoulders thereof.

20. “Operator” means any person or persons, any partnership, limited partnership, or corporation, or any association of persons, either natural or artificial, including but not limited to every public or governmental agency engaged in surface mining or exploration operations, whether individually, jointly, or through subsidiaries, agents, employees, or contractors and shall mean every governmental agency owning or controlling the use of any surface mine when the mineral extracted is to be used by or for the benefit of such agency but shall not include any such governmental agency with respect to those surface mining or exploration operations as to which it grants mineral leases or prospecting permits or similar contracts.

21. “Hearing officer” means that person selected by the board to hear proceedings under section 13 of this act.

22. “Final order of the board” means a written notice of rejection, the order of a hearing officer at the conclusion of a hearing, or any other order of the board where additional administrative remedies are not available.

23. “Tailings pond” means an area on a surface mine enclosed by a man-made or natural dam onto which has been discharged the waste material resulting from the primary concentration of minerals in ore excavated from a surface mine.

SECTION 4. The state board of land commissioners is charged with the responsibility of administering this act in accordance with the purposes of the act and the intent of the legislature. The commissioner of state lands shall, upon authorization of the board, exercise the powers and discharge the duties vested in the board by this act.

SECTION 5. (a) In addition to the other duties and powers of the board prescribed by law, the board is granted and shall be entitled to exercise the following authority and powers and perform the following duties:

(1) To administer and enforce the provisions of this act and the rules and regulations and orders promulgated thereunder as provided in this act.

(2) To conduct and promote the coordination and acceleration of research, studies, surveys, experiments, demonstrations and training in
carrying out the provisions of this act. In carrying out the activities authorized by this section, the board may enter into contracts with and make grants to institutions, agencies, organizations and individuals, and shall collect and make available any information obtained therefrom.

(3) To adopt and promulgate reasonable rules and regulations respecting the administration of this act and such rules and regulations as may be necessary to carry out the intent and purposes of this act, provided that no regulations shall be adopted which require reclamation activities in addition to those set forth in this act. All such rules and regulations shall be adopted in accordance with and subject to the provisions of sections 67-5201 through 67-5207, Idaho Code.

(4) To enter upon affected lands at all reasonable times, for the purpose of inspection, to determine whether the provisions of this act have been complied with. Such inspections shall be conducted in the presence of the operator or his duly authorized employees or representatives, and the operator shall make such persons available for the purpose of inspections.

(5) To reclaim affected land with respect to which a bond has been forfeited, and, in the board's discretion, with the permission of the landowner, to reclaim such other land which becomes affected land prior to or after the effective date of this act.

SECTION 6. (a) Any operator desiring to conduct surface mining operations within the state of Idaho as to which the reclamation activities set forth in this act are required to be performed, shall submit to the board prior to commencing such surface mining operations the following:

(1) A map of the mine panel on which said operator desires to conduct surface mining operations, which sets forth with respect to said panel the following:

(i) The location of existing roads and anticipated access and main haulage roads planned to be constructed in conducting the surface mining operations.

(ii) The approximate boundaries of the lands to be utilized in the process of surface mining operations.

(iii) The approximate location and, if known, the names of all streams, creeks, or bodies of water within the area where surface mining operations shall take place.

(iv) The name and address of the person to whom notices, orders, and other information required to be given to the operator pursuant to this act may be sent.
(v) The drainage adjacent to the area where the surface is being utilized by surface mining operations.

(vi) The approximate boundaries of the lands that will become affected lands as a result of surface mining operations during the year immediately following the date that a reclamation plan is approved as to said panel, together with the number of acres included within said boundaries.

(2) Diagrams showing the planned location of pits, mineral stockpiles, overburden piles and tailings ponds on said panel.

(3) A reclamation plan setting forth the action which said operator intends to take to comply with the provisions of this act as to the surface mining operations conducted on such mine panel.

(b) No operator shall commence surface mining operations on any mine panel without first having a reclamation plan approved by the state board of land commissioners.

SECTION 7. (a) Upon determination by the board that a reclamation plan or any amended plan submitted by an operator meets the requirements of this act, the board shall deliver to the operator, in writing, a notice of approval of such reclamation plan, and thereafter said plan shall govern and determine the nature and extent of the reclamation obligations of the operator for compliance with this act, with respect to the mine panel for which the plan was submitted.

(b) If the board determines that a reclamation plan or amended plan fails to fulfill the requirements of this act, it shall deliver to the operator, in writing, a notice of rejection of the reclamation plan and shall set forth in said notice of rejection the reasons for such rejection, the factual findings upon which such rejection is based, the manner in which the plan fails to fulfill said requirements, and the requirements necessary to comply with this act. Upon receipt of said notice of rejection, said operator may submit amended plans. Upon further determination by the board that the amended plan still does not fulfill the requirements of said section, it shall deliver to the operator, in writing, a notice of rejection of the amended reclamation plan in the same form as set out above.

(c) Weather permitting, the board shall deliver to the operator within sixty (60) days after the receipt of any reclamation plan or amended reclamation plan, the notice of rejection or notice of approval of said plan, as the case may be, provided, however, that if the board fails to deliver a notice of approval or notice of rejection within said time period, the plan
submitted shall be deemed to comply with this act, and the operator may commence and conduct his surface mining operations on the mine panel covered by such plan as if a notice of approval of said plan had been received from the board; provided, however, that if weather conditions prevent the board from inspecting the mine panel to obtain information needed to approve or reject a submitted plan, it may, in writing to the operator, extend the time not to exceed thirty (30) days after weather conditions permit such inspection.

(d) For the purpose of determining whether a proposed reclamation plan or amended or supplemental reclamation plan complies with the requirements of this act, the board may, in its discretion, call for a public hearing. The hearing shall be held under such rules and regulations as promulgated by the board. Any interested person may appear at the hearing and give testimony. At the discretion of the board, the commissioner may conduct the hearing and transmit a summary thereof to the board. Any hearing held shall not extend the period of time limit in which the board must act on a plan submitted.

SECTION 8. (a) In the event that circumstances arise which the operator believes require a change in an approved reclamation plan, including any amended reclamation plan, then the operator may submit to the board a supplemental plan setting forth the proposed changes and stating the reasons therefor. Upon determination by the board that a supplemental reclamation plan or any amended supplemental plan submitted by the operator meets the requirements of this act, it shall deliver to the operator, in writing, a notice of approval of said supplemental plan, and thereafter said supplemental plan shall govern and determine the nature and extent of the reclamation obligations of the operator for compliance with respect to the mine panel for which the plan was submitted.

(b) If the board determines that a supplemental reclamation plan fails to fulfill the requirements of this act, it shall deliver to the operator, in writing, a notice of rejection of the supplemental reclamation plan and shall set forth in said notice of rejection the manner in which said plan fails to fulfill said requirements and shall stipulate the corrective requirements necessary to comply with said sections. Upon receipt of said notice of rejection, the operator may submit amended supplemental plans. Upon further determination by the board that an amended supplemental plan does not fulfill the requirements of said sections, it shall deliver to the operator, in writing, a notice of rejection of amended supplemental plan, and shall set
forth in said notice of rejection the manner in which such amended supplemental plan fails to fulfill said requirements, and shall stipulate the requirements necessary to comply with said sections.

(c) The board shall, weather permitting, deliver to the operator within sixty (60) days after the receipt of any supplemental reclamation plan or amended supplemental reclamation plan, the notice of rejection, setting forth in detail the reasons for such rejection and the factual findings upon which such rejection is based, or notice of approval of said plan as the case may be, provided, however, that if the board fails to deliver a notice of approval or notice of rejection within said time period, the plan submitted shall be deemed to comply with this act and the operator may commence and conduct or continue, as the case may be, his surface mining operations as if a notice of approval of said plan had been received from the board. If weather conditions prevent the board from inspecting the mine panel to obtain information needed to approve or reject a submitted plan, it may, in writing to the operator, extend the time not to exceed thirty (30) days after weather conditions permit such inspection.

(d) If an operator determines that unforeseen events or unexpected conditions require immediate changes in or additions to an approved plan, the operator may continue surface mining operations in accordance with the procedures dictated by the changed conditions, pending submission and approval of a supplemental plan, even though such operations do not comply with the approved plan, provided, however, that nothing herein stated shall be construed to excuse the operator from complying with the reclamation requirements of sections 9 and 10 of this act. Notice of such unforeseen events or unexpected conditions shall be given to the board within ten (10) days after discovery thereof, and a proposed supplemental plan shall be submitted within thirty (30) days after discovery thereof.

SECTION 9. (a) Except as otherwise provided in this act, every operator who conducts exploration or surface mining operations which disturb two (2) or more contiguous acres within the state of Idaho shall perform the following reclamation activities:

1. Ridges of overburden shall be leveled in such manner as to have a minimum width of ten (10) feet at the top.
2. Peaks of overburden shall be leveled in such a manner as to have a minimum width of fifteen (15) feet at the top.
3. Overburden piles shall be reasonably prepared to control erosion.
4. Where water run-off from affected lands results in stream or lake
siltation in excess of that which normally results from run-off, the operator shall prepare affected lands and adjacent premises under the control of the operator as necessary to meet the requirements authorized under section 39-112, Idaho Code, or the conditions of the water run-off prior to commencing surface mining or exploration operations, whichever is the lesser standard.

(5) Roads which are abandoned shall be cross-ditched insofar as necessary to avoid erosion gullies.

(6) Exploration drill holes shall be plugged or otherwise left so as to eliminate hazards to humans or animals.

(7) Abandoned affected lands shall be topped to the extent that such overburden is reasonably available from the pit, with that type of overburden which is conducive to the control of erosion or the growth of the vegetation which the operator elects to plant thereon.

(8) The operator shall conduct revegetation activities on the mined areas, overburden piles, and abandoned roads in accordance with the provisions of this act.

(9) Tailings ponds shall be reasonably prepared in such a condition that they will not constitute a hazard to human or animal life.

(b) The board may request, in writing, that a given road or portion thereof not be cross-ditched or revegetated, and upon such request, the operator shall be excused from performing such activities as to such road or portion thereof.

(c) The operator and board may agree, in writing, to do any act with respect to reclamation above and beyond the requirements herein set forth.

SECTION 10. (a) Except as otherwise provided in this act, an operator shall plant, on affected lands, vegetation species which can be expected to result in vegetation comparable to the vegetation which was growing on the area occupied by the affected lands prior to the exploration and surface mining operations.

(b) No planting shall be required on any affected lands, or portions thereof, where planting would not be practicable or reasonable because the soil is composed of sand, gravel, shale, stone or other material to such an extent as to prohibit plant growth.

(c) No planting shall be required to be made with respect to any of the following:

(1) On any mined area or overburden pile proposed to be used in the mining operations for haulage roads, so long as such roads are not abandoned.
(2) On any mined area or overburden pile where lakes are formed by rainfall or drainage run-off from the adjoining lands.

(3) On any mineral stockpile.

(4) On any exploration trench which will become a part of any pit or overburden disposal area.

(5) On any road which the operator intends to use in his mining operations, so long as said road has not been abandoned.

SECTION 11. (a) All reclamation activities required to be conducted under this act shall be performed in a good and workmanlike manner, with all reasonable diligence, and as to a given exploration drill hole, road or trench, within one (1) year after abandonment thereof.

(b) The reclamation activity as to a given mine panel shall be commenced within one (1) year after surface mining operations have permanently ceased as to such mine panel, provided, however, that in the event that during the course of surface mining operations on a given mine panel, the operator permanently ceases disposing of overburden on a given overburden pile, or permanently ceases removing minerals from a given pit, or permanently ceases using a given road or other affected land, then the reclamation activities to be conducted hereunder as to such pit, road, overburden pile, or other affected land, shall be commenced within one (1) year after such termination, despite the fact that all operations as to the mine panel, which includes such pit, road, overburden pile, or other affected land, have not permanently ceased. It shall be presumed that the operator has permanently ceased surface mining operations as to a given affected land if no substantial amount of overburden has been placed on the overburden pile in question or if no minerals have been removed from the pit in question, as the case may be, for a period of three (3) years.

This presumption may be rebutted by evidencing, in writing, to the board what surface mining operations the operator has planned on the pit, road, overburden pile, or other affected land not used within a three (3) year period. Should the board determine that the operator, in good faith, intends to continue the surface mining operation within a reasonable period of time, it shall, in writing, so notify the operator. Should the board determine that the operation will not be continued within a reasonable period of time, the board shall proceed as though the surface mining operation has been abandoned.

SECTION 12. (a) Prior to conducting any surface mining operations on a mine panel covered by an approved reclamation plan, an operator shall
submit to the board a bond meeting the requirements of this section. The penalty of the initial bond filed prior to conducting any surface mining operations on a mine panel shall be in the amount necessary to insure the performance of the duties of the operator under this act as to the acreage of affected land designated by the operator pursuant to section 6(a)(1)(vi) of this act, but in no event shall any bond submitted pursuant to this act exceed five hundred dollars ($500) for any given acre of such affected land. In lieu of any bond required hereunder, the operator may deposit cash and governmental securities with the board, in an amount equal to that of the required bond, on the conditions as prescribed in this section.

(b) Prior to the time that lands designated to become affected lands on a mine panel, in addition to those designated pursuant to section 6(a)(1)(vi) of this act, become affected land, the operator shall submit to the board a bond as to such lands meeting the requirements of section 12(c) of this act, and the penalty of such bond shall be in the amount necessary to insure the performance of the duties of the operator under this act as to such affected lands, but in no event shall such amount exceed five hundred dollars ($500) for any given acre of such affected land.

(c) Any bond required under this act to be filed with the board shall be in such form as the board prescribes, payable to the state of Idaho, conditioned that the operator shall faithfully perform all requirements of this act and comply with all rules and regulations of the board in effect as of the date of approval of the reclamation plan approved for said lands made in accordance with the provisions of this act. Such bond shall be signed by the operator as principal, and by a good and sufficient corporate surety authorized to do business in the state of Idaho as a surety. An operator may at any time file a single bond in lieu of separate bonds filed or to be filed pursuant to this act, provided that the penalty of such single bond shall be equal to the total of the penalties of the separate bonds being combined into a single bond.

(d) A bond filed as above prescribed shall not be cancelled by the surety, except after not less than ninety (90) days notice to the board.

(e) If the license to do business in this state of any surety, upon a bond filed with the board pursuant to this act, shall be suspended or revoked, the operator, within thirty (30) days after receiving notice thereof from the board, shall substitute for such surety a good and sufficient corporate surety licensed to do business in this state. Upon failure of the operator to make substitution of surety, the board shall have the right to enjoin the operator
from conducting operations upon the lands covered by such bond until such substitution has been made.

(f) When an operator shall have completed all requirements under the provisions of this act as to any affected land, he shall notify the board. Within thirty (30) days after the receipt of such notice, the board shall notify the operator as to whether or not the reclamation performed meets the requirements of the reclamation plan pertaining to the land in question. Upon the determination by the board that the requirements of the reclamation plan in question have been met as to said lands, the amount of bond in effect as to such lands shall be reduced by an amount designated by the board to reflect the reclamation done.

(g) An operator may withdraw any land previously designated as affected land within a mine panel, provided that it is not already affected land, and in such event, he shall notify the board and the amount of the bond in effect as to the lands in that mine panel shall be reduced by an amount designated by the board as the amount which would have been necessary to reclaim such lands.

SECTION 13. (a) Whenever the board determines that an operator has not complied with the provisions of this act, the board shall notify the operator of such noncompliance, and shall by private conference, conciliation and persuasion, endeavor to remedy such violation. In the event of the failure of any conference, conciliation and persuasion to remedy any alleged violation, the board shall cause to have issued and served upon the operator alleged to be committing such violation, a formal complaint which shall specify the provisions of this act which the operator allegedly is violating, and a statement of the manner in and the extent to which said operator is alleged to be violating this act, and shall require the operator so complained against to answer the charges of such formal complaint at a hearing before a hearing officer appointed by the board at a time not less than thirty (30) days after the date the operator receives notice of the complaint. The board shall issue subpoenas at the request of the commissioner and at the request of the charged operator, and the matter shall be otherwise handled and conducted in accordance with sections 67-5209 through 67-5213, Idaho Code. The hearing officer shall, pursuant to said hearing, enter an order in accordance with section 67-5212, Idaho Code, which, if adverse to the operator, shall designate a time period within which corrective action should be taken. The time period designated shall be long enough to allow the operator, in the exercise of reasonable diligence, to
rectify any failure to comply designated in said order. In the event that the operator takes such action as is necessary to comply with the order within the time period designated in said order, no further action shall be taken by the board to compel performance under the act.

(b) Upon request of the board, the attorney general shall institute proceedings to have the bond of an operator forfeited for the violation by the operator of an order entered pursuant to this section.

(c) The forfeiture of such bond shall fully satisfy all obligations of the operator to reclaim the affected land under the provisions of this act. If the violation involves an operator that has not furnished a bond required by this act, or an operator that is not required to furnish a bond pursuant to this act, or an operator who violates this act by performing an act not included in the original approved reclamation plan, and such departure from the plan is not subsequently approved, such operator shall be subject to a civil penalty for his failure to comply with such order in the amount determined by the board to be the anticipated cost of reasonable reclamation of affected lands.

(d) Notwithstanding any other provisions of this act, the board may, by injunctive procedures, without bond or undertaking, proceed against any operator who is conducting surface mining or exploration operations without first obtaining any bond required of such operator pursuant to this act, and may further proceed by legal action to recover from an operator who is conducting surface mining or exploration operations, the cost of performing the reclamation activities required by sections 9 and 10 of this act from any such operator who has not filed a bond to cover the cost of the reclamation required.

(e) Additionally, injunctive relief to enjoin a surface mining operation shall be available to the board when, under an existing approved reclamation plan covered by a required bond, an operator violates the terms of the plan and the bond will not be sufficient to adequately reclaim the land if forfeited.

SECTION 14. (a) Any operator dissatisfied with any final order of the board made pursuant to this act may, within sixty (60) days after notice of such order, obtain judicial review thereof by appealing to the district court of the state of Idaho for the county wherein the operator resides or has a place of business, or to the district court for the county in which the land or any portions thereof affected by the order is located. Such appeal shall be perfected by filing with the clerk of such court, in duplicate, a notice of appeal, together with a complaint against the board, in duplicate, which shall
recite the prior proceedings before the board or hearing officer, and shall state the grounds upon which the petitioner claims he is entitled to relief. A copy of the summons and complaint shall be delivered to the board or such person or persons as the board may designate to receive service of process. The clerk of the court shall immediately forward a copy of the notice of appeal and complaint to the board, which shall forthwith prepare, certify and file in said court, a true copy of any decision, findings of fact, conclusions or order, together with any pleadings upon which the case was heard and submitted to the board or hearing officer, and shall, upon order of the court, provide transcripts of any record, including all exhibits and testimony of any proceedings in said matter before the board or any of its subordinates. Such suit in the district court shall be a trial de novo and shall proceed in all respects like other civil suits, including, but not limited to, the rights of appeal to the supreme court of the state of Idaho.

(b) When the board finds that justice so requires, it may postpone the effective date of a final order made, pending judicial review. The reviewing court, including the court to which a case may be taken on appeal, may issue all necessary and appropriate orders to postpone the effective date of any final order pending conclusion of the review proceedings.

SECTION 15. Any information supplied by an operator to the board, the commissioner, or the department of public lands, and designated by such operator as confidential, shall not be disclosed by the board, the commissioner or department employees to any person other than the board, commissioner and employees of the department without the express written permission of the operator supplying such information; provided, however, that this shall not be construed to prohibit the board from using all information available to it in any administrative hearing or judicial proceeding brought under this act.

SECTION 16. All forfeitures and civil damages collected under the provisions of this act shall be deposited with the state treasurer in a special fund to be used by the board for surface mined land reclamation purposes.

SECTION 17. An operator shall conduct all exploration and mining operations in accordance with all applicable statutes and regulations pertaining to water use and mining safety applicable to exploration and surface mining operations.

SECTION 18. 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 19. This act shall be in full force and effect on and after May 31, 1971. An operator shall not be required to perform the reclamation activities referred to in this act as to any surface mining operations performed prior to May 31, 1972, and further, shall not be required to perform such reclamation activities as to any pit or overburden pile as it exists prior to May 31, 1972.

Approved March 24, 1971.

CHAPTER 207
(H. B. No. 69)

AN ACT
PRESERVATION OF THE WATER IN SAID AREA TO BE OF BENEFICIAL USE; AMENDING CHAPTER 43, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION TO BE KNOWN AS SECTION 67-4310, IDAHO CODE, AUTHORIZING THE STATE PARK BOARD TO APPROPRIATE AND HOLD IN TRUST FOR THE PEOPLE OF THE STATE ALL THE UNAPPROPRIATED WATER IN THE BOX CANYON AREA DESCRIBED, AND DECLARING THE PRESERVATION OF THE WATER IN SAID AREA TO BE OF BENEFICIAL USE, DECLARING THE LAND BETWEEN THE HIGH WATER MARK ON ONE BANK TO THE HIGH WATER MARK ON THE OPPOSITE BANK TO BE DEVOTED TO THE PUBLIC USE; AMENDING CHAPTER 43, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION TO BE KNOWN AS SECTION 67-4311, IDAHO CODE, BY AUTHORIZING THE STATE PARK BOARD, UPON CESSATION OF THE USE OF WATER FOR ELECTRICAL GENERATION, TO APPROPRIATE AND HOLD IN TRUST FOR THE PEOPLE OF THE STATE ALL THE UNAPPROPRIATED WATER IN THE THOUSAND SPRINGS AREA DESCRIBED, AND DECLARING THE PRESERVATION OF THE WATER IN SAID AREA TO BE OF BENEFICIAL USE; PROVIDING SEVERABILITY; AND PROVIDING FOR THE DIRECTOR OF WATER ADMINISTRATION TO DETERMINE THE AMOUNT OF WATER FOR PERMIT TO BE ISSUED AND LIMITING SUBSEQUENT DIVERSION AND DIRECTING THE STATE PARK BOARD TO FIRST SEEK A PERMIT FOR THOSE WATERS ARISING ON LANDS ADMINISTERED, CONTROLLED OR OWNED BY THEM.

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

SECTION 1. That Chapter 43, 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 67-4307, Idaho Code, and to read as follows:

67-4307. MALAD CANYON — APPROPRIATION OF WATERS IN TRUST FOR PEOPLE — LANDS DEVOTED TO RECREATIONAL USE. The state park board is hereby authorized and directed to appropriate in trust for the people of the state of Idaho the unappropriated natural spring flow arising upon the area described as follows, to-wit:

The south half of the southwest quarter, and the south half of the southeast quarter, of section twenty-five, township six south, range thirteen east of the Boise Meridian; and
The north half of the northwest quarter, and the northwest quarter of
the northeast quarter, of section thirty-six, township six south, range
thirteen east of the Boise Meridian.

The preservation of water in the area described for its scenic beauty and
recreational purposes necessary and desirable for all citizens of the state of
Idaho is hereby declared to be a beneficial use of such water.

No fee shall be required in connection with said appropriation by the
state park board or the permit issued in connection therewith, but license
shall issue at any time upon proof of beneficial use to which said waters are
now dedicated.

The park board, or its successor, shall be deemed to be the holder of
such permit, in trust for the people of the state, and the public use of the
unappropriated water in the specific area herein described is declared to be
of greater priority than any other use except that of domestic consumption.

The unappropriated lands belonging to the state of Idaho between the
high water mark on one bank to the high water mark on the opposite bank,
of the area described, are hereby declared to be devoted to a public use in
connection with the preservation of the area in its present condition as a
place of recreation for the citizens of the state of Idaho.

SECTION 2. That Chapter 43, 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 67-4308, Idaho Code, and to read as follows:

67-4308. NIAGRA SPRINGS APPROPRIATION OF WATERS IN
TRUST FOR PEOPLE. — The state park board is hereby authorized and
directed to appropriate in trust for the people of the state of Idaho the
unappropriated natural spring flow arising upon the area described as
follows, to-wit:

That portion of lot one, of section ten, and lot three, of section eleven,
township nine south, range fifteen east of the Boise Meridian, which is
locally known as the Niagra Springs and limited to that portion of
Niagra Springs upstream from the present existing diversions to the
headwaters of the spring. The preservation of water in the area described for its scenic beauty and
recreational purposes necessary and desirable for all citizens of the state of
Idaho is hereby declared to be a beneficial use of such water.

No fee shall be required in connection with said appropriation by the
state park board or the permit issued in connection therewith, but license
shall issue at any time upon proof of beneficial use to which said waters are
now dedicated.
The park board, or its successor, shall be deemed to be the holder of such permit, in trust for the people of the state, and the public use of the waters in the specific area herein described is declared to be of greater priority than any other use except that of domestic consumption.

SECTION 3. That Chapter 43, 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 67-4309, Idaho Code, and to read as follows:

67-4309. BIG SPRINGS — APPROPRIATION OF WATERS IN TRUST FOR PEOPLE. — The state park board is hereby authorized and directed to appropriate in trust for the people of the state of Idaho the unappropriated natural spring flow arising upon the area described as follows, to-wit:

That portion of the southwest quarter of the southwest quarter of section twenty-one and lot one of section twenty-eight, township eight south, range fourteen east of the Boise Meridian, which constitutes the Big Springs, but, excluding the stream known as the Snake River.

The preservation of water in the area described, known locally as Big Springs, Heart, or Blue Heart Springs, for its scenic beauty and recreational purposes necessary and desirable for all citizens of the state of Idaho is hereby declared to be a beneficial use of such water.

No fee shall be required in connection with said appropriation by the state park board or the permit issued in connection therewith, but license shall issue at any time upon proof of beneficial use to which said waters are now dedicated.

The park board, or its successor, shall be deemed to be the holder of such permit, in trust for the people of the state, and the public use of the waters in the specific area herein described is declared to be of greater priority than any other use except that of domestic consumption.

SECTION 4. That Chapter 43, 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 67-4310, Idaho Code, and to read as follows:

67-4310. BOX CANYON — APPROPRIATION OF WATERS IN TRUST FOR PEOPLE — LANDS DEVOTED TO RECREATIONAL USE. — The state park board is hereby authorized and directed to appropriate in trust for the people of the state of Idaho the unappropriated natural spring flow arising upon the area described as follows, to-wit:

Only that portion of the stream which is known as Box Canyon Creek, situated in the northwest quarter of section twenty-seven, township eight south, range fourteen east of the Boise Meridian; and
The east half of the northeast quarter, in section twenty-eight, township eight south, range fourteen east of the Boise Meridian.

The preservation of water in the area described for its scenic beauty and recreational purposes necessary and desirable for all citizens of the state of Idaho is hereby declared to be a beneficial use of such water.

No fee shall be required in connection with said appropriation by the state park board or the permit issued in connection therewith, but license shall issue at any time upon proof of beneficial use to which said waters are now dedicated.

The park board, or its successor, shall be deemed to be the holder of such permit, in trust for the people of the state, and the public use of the waters in the specific area herein described is declared to be of greater priority than any other use except that of domestic consumption.

The unappropriated lands belonging to the state of Idaho between high water mark on one bank to the high water mark on the opposite bank, of the area described, are hereby declared to be devoted to a public use in connection with the preservation of the area in its present condition as a place of recreation for the citizens of the state of Idaho.

SECTION 5. That Chapter 43, 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 67-4311, Idaho Code, and to read as follows:

67-4311. THOUSAND SPRINGS - APPROPRIATION OF WATERS IN TRUST FOR PEOPLE - LANDS DEVOTED TO RECREATIONAL USE UPON CESSION OF ELECTRICAL GENERATION. - Upon cessation of the use of the waters arising upon the land described herein, for electrical generation, the state park board is hereby authorized and directed to appropriate in trust for the people of the state of Idaho the unappropriated natural spring flow arising upon the area described as follows, to-wit:

The west half of the southeast quarter, of section eight, township eight south, range fourteen east of the Boise Meridian.

The preservation of water in the area described for its scenic beauty and recreational purposes necessary and desirable for all citizens of the state of Idaho is hereby declared to be a beneficial use of such water.

No fee shall be required in connection with said appropriation by the state park board or the permit issued in connection therewith, but license shall issue at any time upon proof of beneficial use to which said waters are now dedicated.

The park board, or its successor, shall be deemed to be the holder of
such permit, in trust for the people of the state, and the use of the unappropriated water in the specific area herein described is declared to be of greater priority than any other use except that of domestic consumption.

SECTION 6. 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 7. The permits for the waters described in this act shall be issued upon the determination by the director of water administration of the historical water flow and he shall issue a permit for only that amount. Any future appropriation of the waters specifically described in this act that are granted above the flow limits set by the director shall not involve any diversion that shall detract from or interfere with the geological interpretive value, historical significance, or the scenic attraction for public use under the administration of the state park board of the stream from the natural high water mark on one bank to the natural high water mark on the opposite bank, or of the springs specifically described as they arise upon the lands listed in this act.

The state board shall apply first for those permits for water arising upon land which, at the time of enactment, the board administers, controls, or owns.

Approved March 24, 1971.
47-1324. DREDGE OR PLACER MINING WITHOUT PERMIT INJUNCTION — PROCEDURE. — The state board of land commissioners may maintain an action in the name of the state of Idaho to enjoin any person, firm or corporation from operating or maintaining a dredge or placer mine without holding a valid permit therefor as provided in this act. Such action shall be brought in the district court of this state in the county in which such mining is alleged to have been conducted by filing a verified complaint setting forth the alleged violation; or in the appropriate courts of the United States where the rules and statutes governing such courts permit. The court, or a judge thereof at chambers, if satisfied from such complaint or by affidavits that the alleged acts have been or are being committed, may issue a temporary restraining order, without notice or bond, enjoining the defendant, his agents and employees, from operating or maintaining such dredge or placer mine without obtaining a permit as provided in this act and without complying with other provisions of this act. Upon a showing of good cause therefor, the temporary restraining order may require the defendant to make restoration of the mined area in conformity with section 47-1314, Idaho Code, pending final disposition of the action. The action shall proceed as in other cases for injunctions. If at the trial the operation and maintenance of dredge or placer mine without a permit be established, and the court further finds that it is probable that the defendant will continue therein or in similar violations, the court shall enter a decree perpetually enjoining said defendant, his agents and employees from thereafter committing said or similar actions in violation of this act.

Approved March 24, 1971.

CHAPTER 209
(H. B. No. 137, As Amended)

AN ACT
RELATING TO SURVIVAL OF ACTIONS, AMENDING SECTION 5-327, IDAHO CODE, BY PROVIDING THAT ACTIONS FOR SLANDER OR LIBEL SHALL NOT SURVIVE THE DEATH OF THE WRONGDOER, AND PROVIDING FOR THE SURVIVAL OF ACTIONS FOR INJURY TO PROPERTY, AND PROVIDING THAT PUNITIVE OR EXEMPLARY DAMAGES SHALL NOT BE AWARDED WHEN THE WRONGDOER HAS DIED, AND
REMOVING THE MONEY LIMITATION FOR WRONGFUL DEATH OR INJURY WHEN THE WRONGDOER HAS DIED AND STRIKING REFERENCE TO INSURANCE COVERAGE.

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

SECTION 1. That Section 5-327, Idaho Code, be, and the same is hereby amended to read as follows:

5-327. PERSONAL INJURIES — DEATH OF WRONGDOER — SURVIVAL OF ACTION — LIMITATIONS ON RECOVERY. — Causes of action arising out of injury to the person or property, or death, caused by the wrongful act or negligence of another, except actions for slander or libel, shall not abate upon the death of the wrongdoer, and each injured person or the personal representative of each one meeting death, as above stated, shall have a cause of action against the personal representative of the wrongdoer; provided, however, that punitive damages or exemplary damages shall not be awarded nor penalties adjudged in any such action; provided, however, that the injured person shall not recover judgment except upon some competent, satisfactory evidence corroborating the testimony of said injured person regarding negligence and proximate cause; and provided further, that in the absence of any applicable liability insurance covering the wrongful acts of the deceased wrongdoer, the damages recoverable from his personal representative under the provisions of this act shall not exceed $10,000 for each person injured or killed. No attempt shall be made in the trial of any action brought against the personal representative of the deceased wrongdoer to suggest the existence of any insurance which covers in whole or in part, any judgment or award which may be rendered in favor of a plaintiff and if no insurance coverage be existing or if the verdict exceeds the limit of applicable insurance, the court shall reduce the amount of said judgment accordingly.

Approved March 24, 1971.

CHAPTER 210
(H. B. No. 189, As Amended)

AN ACT
AMENDING SECTION 34-301, IDAHO CODE, RELATING TO THE ESTABLISHMENT OF ELECTION PRECINCTS BY PROVIDING A DATE CERTAIN; AMENDING SECTION 34-303, IDAHO CODE,
RELATING TO THE APPOINTMENT OF ELECTION JUDGES BY PROVIDING THAT APPOINTMENTS SHALL BE MADE UPON RECOMMENDATION OF THE PRECINCT COMMITTEEMEN, AND PROVIDING THAT COMPENSATION FOR ELECTION PERSONNEL SHALL BE ACCORDING TO THE STATE MINIMUM WAGE LAW; ADDING A NEW SECTION TO BE DESIGNATED AS SECTION 34-305, IDAHO CODE, PROVIDING THAT THE COUNTY CLERK BE THE CHIEF COUNTY ELECTIONS OFFICER.

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. — The board of county commissioners in each county shall establish a convenient number of election precincts therein. 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 three (3) precincts. This board action shall be done no later than the regular January meeting fifteenth in a general election year.

SECTION 2. That Section 34-303, Idaho Code, be, and the same is hereby amended to read as follows:

34-303. APPOINTMENT OF ELECTION JUDGES BY COUNTY CLERK. — The county clerk shall appoint two (2) or more election judges, one (1) of whom shall be designated chief judge, and the number of clerks deemed necessary by him for each polling place. No election board for a polling place shall exceed ten (10) members. The precinct committeemen shall recommend persons for the position in their respective precincts to the county clerk in writing at least ten (10) days prior to the date on which any appointment shall be made and the county clerk shall appoint the judges from such lists if the persons recommended are qualified.

The chief election judge shall be responsible for the conduct of the proceedings in the polling place. Compensation for all election personnel shall be determined by the board of county commissioners, and not less than the minimum wage as prescribed by the laws of the state of Idaho.

Each election board shall contain personnel representing all existing political parties if a list of applicants has been provided to the county clerk by the precinct committeemen of the precincts at least sixty (60) days prior to the primary election.
SECTION 3. That Chapter 3, 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 34-305, Idaho Code, and to read as follows:

34-305. COUNTY CLERK CHIEF COUNTY ELECTIONS OFFICER. — The county clerk is the chief elections officer of his county and it is his responsibility to obtain and maintain uniformity in the application, operation and interpretation of the election laws. The county clerk shall comply with the lawful directives and instructions given him by the secretary of state.

Approved March 24, 1971.

CHAPTER 211
(H. B. No. 221)

AN ACT
AMENDING SECTION 36-5413, IDAHO CODE, RELATING TO THE GROUNDS FOR THE REVOCATION OR SUSPENSION OF ANY OUTFITTER'S OR GUIDE'S LICENSE, BY THE ADDITION OF A PROVISION RELATING TO THE MAINTENANCE AND TREATMENT OF ANIMALS USED BY ANY LICENSED OUTFITTER OR GUIDE.

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

SECTION 1. That Section 36-5413, Idaho Code, be, and the same is hereby amended to read as follows:

36-5413. REVOCATION OR SUSPENSION OF LICENSE — GROUNDS. — Every license shall, by virtue of this chapter, be subject to suspension or revocation by the board in the manner hereinafter set forth: for the following acts whether or not such acts were committed by the applicant before an application for license was filed or a license was granted:

1. For supplying false information on the application form or for failure to provide information required to be furnished by the license application form for a license currently valid or for other fraud or deception in procuring a license under the provisions of this chapter.

2. For fraudulent, untruthful or misleading advertising in the five (5) year period next preceding the date of application for an outfitter's or guide's license;
3. For conviction for any felony;
4. For conviction of violation of regulations of the United States forest service in regard to the business of outfitting and guiding in the five (5) year period next preceding the date of application for an outfitter's or guide's license;
5. For immoral, unethical or dishonorable conduct in the licensee's relation to his guest or patron in the five (5) year period next preceding the date of application for an outfitter's or guide's license;
6. For conviction of any violation of the fish and game laws of the state in the five (5) year period next preceding the date of application for an outfitter's or guide's license. For the purposes of this chapter, the term "conviction" shall mean a final conviction and/or forfeiture of bail or collateral deposited to secure a defendant's appearance shall be equivalent to a conviction;
7. For a substantial breach of any contract with any person utilizing his services in the five (5) year period next preceding the date of application for an outfitter's or guide's license;
8. For wilfully operating as an outfitter in any area for which he is not licensed in the two (2) year period next preceding the date of application for an outfitter's or guide's license;
9. For the knowing employment of an unlicensed guide by an outfitter in the three (3) year period next preceding the date of application for an outfitter's or guide's license;
10. For inhumane treatment of any animal used by the licensed outfitter or guide in the conduct of his business which endangers the health or safety of any guest or patron or which interferes with the conduct of his business in the three (3) year period next preceding the date of application for an outfitter's or guide's license;
11. For failure by any firm, partnership, corporation or other organization or any combination thereof licensed as an outfitter to have at least one (1) licensed outfitter as designated agent conducting its outfitting business who meets all of the qualifications and requirements of a licensed outfitter in the three (3) year period next preceding the date of application for an outfitter's or guide's license.
12. For the failure to provide any animal used by the licensed outfitter or guide in the conduct of his business with proper food, drink and shelter, or for the subjection of any such animal to needless abuse or cruel and inhumane treatment.

Approved March 24, 1971.
CHAPTER 212
(H. B. No. 243, As Amended)

AN ACT
ENACTING THE IDAHO UNDERGROUND CONVERSION OF UTILITIES LAW; AMENDING TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 25, RELATING TO THE POWERS OF MUNICIPALITIES AND COUNTIES TO CREATE LOCAL IMPROVEMENT DISTRICTS FOR THE PURPOSE OF CONVERTING EXISTING OVERHEAD UTILITY FACILITIES (SYSTEMS) TO UNDERGROUND LOCATIONS; PRESCRIBING THE PURPOSES AND POWERS THEREFOR AND OBLIGATIONS OF THE PUBLIC UTILITIES, MUNICIPALITIES AND COUNTIES; PROVIDING FOR THE ASSESSMENT OF COSTS TO THE PROPERTY WITHIN THE DISTRICT AND THE ISSUANCE OF BONDS TO FINANCE THE COSTS; PROVIDING FOR DIVISION OF COSTS BETWEEN THE PROPERTY OWNERS AND THE PUBLIC UTILITIES; PROVIDING FOR CONTINUITY OF SERVICE AND TITLE TO THE CONVERTED FACILITIES; AND REQUIRING PROPERTIES SERVED BY THE CONVERTED FACILITIES TO ALSO CONVERT IN ORDER TO ACCEPT UNDERGROUND UTILITY SERVICE.

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

SECTION 1. That Title 50, Idaho Code, be, and the same is hereby amended by the addition of Chapter 25, to read as follows:

50-2501. SHORT TITLE. - This act shall be known and cited as the "Idaho Underground Conversion of Utilities Law."

50-2502. DEFINITIONS. - As used in this chapter, the following words and phrases and any variations thereof shall have the following meaning:

"Communication service" means the transmission of intelligence by electrical means, including, but not limited to telephone, telegraph, messenger-call, clock, police, fire alarm and traffic control circuits or the transmission of standard television or radio signals.

"Electric service" means the distribution of electricity for heat, cooling, light or power.

"Convert" or "conversion" means the removal of all or any part of any existing overhead electric or communications facilities and the replacement
thereof with underground electric or communication facilities constructed at the same or different locations.

"Electric or communication facilities" means any works or improvements used or useful in providing electric or communication service, including, but not limited to, poles, supports, tunnels, manholes, vaults, conduits, pipes, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cut-outs, switches, capacitors, meters, communication circuits, appliances, attachments, and appurtenances.

"Electric facilities" shall not include any facilities used or intended to be used for the transmission of electric energy at nominal voltages in excess of fifteen thousand (15,000) volts. "Communication facilities" shall not include facilities used for the transmission of intelligence by microwave or radio, apparatus cabinets or outdoor public telephones.

"Overhead electric or communication facilities" means electric or communication facilities located, in whole or in part, above the surface of the ground.

"Underground electric or communication facilities" means electric or communication facilities located, in whole or in part, beneath the surface of the ground.

"Public utility" means any one (1) or more, public or private persons or corporations that provide electric or communication service to the public by means of electric or communication facilities and shall include any city, special district, or public corporation that provides electric or communication service to the public by means of electric or communication facilities.

"Governing body" means the board of county commissioners or mayor and council or board of directors as may be appropriate depending on whether the improvement district is located in a county or within a city.

"Ordinance" shall be construed to mean resolution where the governing body properly acts by resolution and vice versa.

Definitions in section 50-1702, Idaho Code, shall be applicable to any sections of chapter 17, title 50, Idaho Code, incorporated in this chapter by reference.

50-2503. POWERS CONFERRED. — The governing body of every county is hereby authorized and empowered to create local improvement districts under this chapter within the unincorporated portion of such county, and the governing body of every city is hereby authorized and empowered to create local improvement districts under this chapter within
its territorial limits: to provide for the conversion of existing overhead electric and communication facilities to underground locations and the construction, reconstruction or relocation of any other electric or communication facilities which may be incidental thereto, pursuant to the provisions of this chapter.

50-2504. BASIS OF ASSESSMENTS. — Whenever any improvement authorized to be made by any governing body by the terms of this chapter is ordered, the governing body shall provide for the apportionment of the cost and expenses thereof as in their judgment may be fair and equitable in consideration of the benefits accruing to the abutting, adjoining, contiguous and adjacent lots and land and to the lots and lands otherwise benefited and included within the improvement district formed. Each lot and parcel of the land shall be separately assessed for the cost and expenses thereof in proportion to the number of square feet, number of front feet, or other equitable basis, of such lands and lots abutting, adjoining, contiguous and adjacent thereto or included in the improvement district, and in proportion to the benefits accruing to such property by said improvements. The entire cost of the improvement may be assessed against the benefited property as herein provided or if money for paying part of such cost is available from any other source, the money so available may be so applied and the remaining cost so assessed against the benefited property. The cost and expenses to be assessed as herein provided for shall include the cost of the improvement, engineering and clerical service, advertising, inspection, collecting assessments, easements, interest upon bonds if issued, and for legal services for preparing proceedings and advising in regard thereto. Fee lands and property of public entities, such as the federal government, state of Idaho or any county, city or town, shall not be considered as lands or property benefited by any improvement district, unless such public entity within the boundaries of an improvement district consents in writing, filed before the governing body adopts the ordinance provided for in section 50-2510. The lands and property of such public entity shall not be subject to assessment for the payment of any of the cost or expense of such improvement, unless said consent is filed.

50-2505. RESOLUTION FOR COST AND FEASIBILITY STUDY. — Any governing body may on its own initiative, or upon a petition signed by at least sixty per cent (60%) of the resident owners of property subject to assessment within such proposed improvement district requesting the creation of an improvement district as provided for in this chapter, pass a
resolution by the affirmative vote of three-fourths (3/4) of all members of
the governing body at any regular or special meeting declaring that it finds
that the improvement district is in the public interest. It must be determined
that the formation of the local improvement district for the purposes set out
in this chapter will promote the public convenience, necessity, and welfare.
The resolution must state the costs and expenses will be levied and assessed
upon the property benefited and further request that each public utility
serving such area by overhead electric or communication facilities shall,
within one hundred twenty (120) days after the receipt of the resolution,
make a study of the cost of conversion of its facilities in such area to
underground service. The report of said study shall be provided to the
governing body and made available in its office to all owners of land within
the proposed improvement district. The resolution of the governing body
shall require that the public utility be provided with the name and address of
the owner of each parcel or lot within the proposed improvement district, if
known, and if not known, the description of the property and such other
matters as may be required by the public utility in order to perform the
work involved in the cost study. The study shall further list each lot or
parcel within the proposed conversion service area. Each public utility
serving such improvement district area by overhead electric or
communication facilities shall, within one hundred twenty (120) days after
receipt of the resolution, make a study of the costs of conversion of its
facilities in such district to underground service, and shall together provide
the governing body and make available at its office a joint report of the
results of the study.

50-2506. COSTS AND FEASIBILITY REPORT. — The public utility
or utilities report shall set forth an estimate of the total underground
conversion costs and shall also indicate the costs of underground conversion
of facilities of the public utility corporations located within the boundaries
of the various parcels or lots then receiving service. The report shall also
contain the public utility’s recommendations concerning the feasibility of
the project for the district proposed insofar as the physical characteristics of
the district are concerned. The report shall make recommendations by the
public utility concerning inclusion or exclusion of areas within the district or
immediately adjacent to the district. The governing body shall give careful
consideration to the public utility’s recommendations concerning feasibility,
recognizing their expertise in this area, and may amend the boundaries of the
proposed improvement district provided that the costs and feasibility report
of the public utility contains a cost figure on the district as amended, or it may request a new costs and feasibility report from the public utilities concerned on the basis of the amended district. The cost estimate contained in the report shall not be considered binding on the public utility if construction is not commenced within six (6) months of the submission of the estimate for reasons not within the control of the utility. Should such a delay result in a significant increase in the conversion cost, new hearings shall be held on the creation of the district. In the event that a ten per cent (10%) or less increase results, only the hearing on the assessments need be held again.

50-2507. RESOLUTION DECLARING INTENTION TO CREATE DISTRICT. — On the filing with the clerk or any governing body of the cost and feasibility report by the public utility, as hereinbefore provided, and after considering the same, the governing body may, at any regular or special meeting, pass a resolution declaring its intention to create a local improvement district. The resolution shall state that the costs and expenses of the district created are, except as otherwise provided for, specifying the contribution of the governing body or others, if any, to be levied and assessed upon the abutting, adjoining, and adjacent lots and land along or upon which improvements are to be made, and upon lots and lands benefited by such improvements and included in the improvement district created; that it is the intention of the governing body to make such improvement which will promote public convenience, necessity and welfare; and shall further state the area and boundaries of the proposed improvement district, the character of the proposed improvement, the estimated total cost of the same, and that the governing body will hold a hearing on the proposed improvements at which time they will consider protests filed with the governing body against the proposed improvements for the creation of the district.

50-2508. NOTICE OF RESOLUTION AND HEARING ON PROTESTS — CONTENTS. — Following the passage of the resolution in section 50-2507, the governing body shall cause notice of the resolution and a hearing on any protests to the proposed improvement and any requests for inclusion in the district to be given in the manner provided in subsection (8). Such notice shall:

(1) Declare that the governing body has passed a resolution of intention to create an improvement district;

(2) Describe the boundaries or area of the district with sufficient
particularity to permit each owner of real property therein to ascertain that his property lies in the district;

(3) Describe in a general way the proposed improvement, specifying the streets or property along which it will be made and the nature of the benefits to the property within the district;

(4) State the estimated cost to the property owners, governing body and public utility;

(5) State that it is proposed to assess the real property in the district to pay all or a designated portion of the cost of the improvement according to the proportionate square footage, front footage, or other equitable basis, as specified;

(6) State the time and place at which the governing body will hear and pass upon all protests that may be made against the making of such improvement, or the creation of such district or the benefit to be derived by the real property in the district, or requests to be included in such district;

(7) State that all persons desiring to be included in such district and all property owners liable to be assessed for such work and desiring to make protests shall submit, in writing, such protests or requests for inclusion to the governing body by a specified date not less than fifteen (15) days from the first day of publication of such notice.

(8) Notice shall be given as contemplated by this section in the manner specified in section 50-1714, Idaho Code.

50-2509. FILING AND HEARING OF PROTESTS AND REQUESTS FOR INCLUSION. — At any time within the time specified in the notice, any owner of property liable to be assessed for said work may make written protest against the making of such improvement, or the creation of such district, or the benefits to be derived by the real property in the district, and any property owner desiring to be included in such district may make a written request for inclusion. Such protests or requests must be in writing and be delivered to the clerk of the governing body not later than 5 p.m. of the last day within said period.

At time and place specified in the notice, the governing body shall meet and shall proceed to hear and pass upon all protests and requests so made, and its decisions shall be final and conclusive. Such hearing may be adjourned from time to time to a fixed future time and place. If at any time during the hearing, it shall appear to the governing body that changes in the proposed improvements or the proposed district should be made, which, after consultation with the public utilities concerned, appear to affect either
the cost or the feasibility of the improvement, the hearing shall be adjourned to a fixed time and place and a new cost and feasibility report shall be prepared on the basis of the contemplated changes. Notice and an opportunity to protest shall again be given on the basis of such contemplated changes.

If protests against the making of the improvement are received from the owners of more than two-thirds (2/3) of the assessable property within the proposed improvement district, the district and project shall be abandoned.

50-2510. CHANGES IN PROPOSED IMPROVEMENTS OR IN AREA OF DISTRICT — ORDINANCE CREATING IMPROVEMENT DISTRICT. — After the hearing has been concluded, and after all the protests and requests have been considered, the governing body may make such changes in the proposed improvements or in the area to be included in the district as it may consider desirable or necessary, providing said changes are not substantial. However, no such changes shall be made without a new costs and feasibility report being prepared, and public hearing held, if the public utilities concerned deem it necessary or such changes are determined to be substantial by the governing body.

The governing body shall, after considering matters brought forth at the hearing, either abandon the district and project or adopt an ordinance establishing the district and authorizing the project. Such ordinance shall be published in the manner provided in subsection (8) of section 50-2509, Idaho Code, but need not be mailed. If an ordinance be adopted establishing the district, such ordinance shall finally and conclusively establish the regular organization of the district against all persons, unless an action attacking the validity of the organization shall be commenced in a court of competent jurisdiction within thirty (30) days after the adoption of such ordinance. Such action shall be subject to the provisions of section 50-2511. Thereafter, any such action shall be perpetually barred and the organization of said district shall not be directly or collaterally questioned in any suit, action, or proceedings.

50-2511. WAIVER OF OBJECTIONS. — Every person who has real property within the boundaries of the district and who fails to submit a written protest in accordance with section 50-2509 shall be deemed to have waived any objections to the creation of the district, the making of the improvements and the inclusion of his property within the district. Such waiver shall not, however, preclude his right to object to the amount of the assessment at the hearing for which provision is made in chapter 17, title 50, Idaho Code.
50-2512. NOTICE OF HEARING ON OBJECTIONS TO PROPOSED ASSESSMENTS. — After the preparation of the aforesaid ordinance, notice of a hearing on objections to the proposed assessments shall be given. Such notice shall be given in the same manner as provided under section 50-1723.

Each notice shall state the time at which the governing body will hear and consider all objections to the assessment roll by the parties aggrieved by such assessments. Such notice shall further state that the owner or owners of any property which is assessed in such assessment roll may file with the clerk of the governing body his written objections to said assessments and to the amount levied on any particular lot or parcel in relation to the benefits accruing thereon and in relation to the proper proportionate share of the total cost of the improvement. Such notice shall further state that the owner or owners of any such property must file a written objection pursuant to section 50-2517 if such owner or owners wish to do the trenching and backfilling on their own property and thereby not be obligated to pay utility therefor. Also, failure to file a written objection pursuant to section 50-2517 shall constitute the grant of an easement for conversion purposes as provided in said section. The time within which such objections shall be filed shall be specified in the notice but in no case shall it be less than fifteen (15) days from the date of the first publication of such notice.

The notice shall further state where a copy of the ordinance proposed to be adopted levying the assessments against all real property in the district will be on file for public inspection, and that subject to such changes and corrections therein as may be made by the governing body, it is proposed to adopt the ordinance at the conclusion of the hearing.

The published notice shall describe the boundaries or area of the district with sufficient particularity to permit each owner of real property therein to ascertain that his property lies in the district. The mailed notice may refer to the district by name and date of creation and shall state the amount of the assessment proposed to be levied against the real property of the person to whom the notice is mailed. In the absence of fraud, the failure to mail any notice does not invalidate any assessment or any proceeding under this chapter.

50-2513. INCORPORATION OF ASSESSMENT AND BONDING PROVISIONS FROM CHAPTER 17, TITLE 50, IDAHO CODE. — The following sections of chapter 17, title 50, Idaho Code, are specifically incorporated herein by this reference as though set out here at length, and any amendments to said sections which are compatible with the original
intend of this chapter shall be given effect. Said sections incorporated herein are as follows: Sections 50-1718 through 50-1724, inclusive, Idaho Code, and Sections 50-1729 through 50-1732, inclusive, Idaho Code.

50-2514. CIVIL ACTIONS — INCORPORATION OF SECTIONS 50-1725 THROUGH 50-1727, INCLUSIVE — STATUTE OF LIMITATIONS. — Sections 50-1725 through 50-1727, inclusive, Idaho Code, are incorporated herein by this reference as though set out at length herein. Without changing the intent or effect of the incorporated sections, the following paragraph of this section shall be an additional limitation of any or all actions to test the validity of this chapter.

If an ordinance be adopted establishing the assessment or assessments pursuant to this chapter, such ordinances shall be final and conclusive against all persons, unless an action attacking the validity of any part or all of this law or any or all of the acts or matters contemplated by this law shall be commenced in a court of competent jurisdiction within thirty (30) days after the adoption of the assessment ordinance. Thereafter, any such action shall be perpetually barred and the organization of said district, the assessment levied pursuant thereto, or any other act or matter contemplated by this statute shall not be directly or collaterally questioned in any suit, action, or proceeding. Any such action shall be given preference over all civil cases pending in the courts of the state except proceedings relating to acts of eminent domain by cities and actions of forcible entry and detainer. If such action is unsuccessful, the courts may order the plaintiff to pay the costs thereof, and, in its discretion, may require a bond in a sufficient amount to cover such costs at the commencement of such action. The burden of proof to show that such special assessment or part thereof invalid, inequitable or unjust shall rest upon the party who brings such suit.

50-2515. CONVERSION COSTS. — In determining the conversion costs included in the costs and feasibility report required by section 50-2506 the public utility corporations shall be entitled to amounts sufficient to repay them for the following, as computed and reflected by the uniform system of accounts approved by the Idaho public utilities commission or federal communications commission or federal power commission, or in the event the public utility is not subject to regulation by either of the above governmental agencies, by the utility corporation's system of accounts then in use and in accordance with standard accounting procedures of said utility corporation:

(1) The recorded original cost less depreciation taken as of the date of
the assessment ordinance of the existing overhead electric and communication facilities to be removed;

(2) The estimated costs of removing such overhead electric and communication facilities, less the salvage value of the facilities removed;

(3) If the estimated cost of constructing underground facilities exceeds the recorded original cost of constructing aerial facilities, then the cost difference between the two;

(4) The cost of obtaining new easements, including all reasonable acquisition costs, when technical considerations make it reasonably necessary to utilize easements for the underground facilities different from those used for above ground facilities, or where the pre-existing easements are insufficient for the underground facilities.

However, in the event that conversion costs are included in tariffs, rules or regulations filed with or promulgated by the Idaho public utilities commission, such conversion costs shall be the cost included in the costs and feasibility report.

50-2516. CONSTRUCTION OF AND TITLE TO CONVERTED FACILITIES. — The public utility concerned shall be responsible for all construction work and may contract out such of the construction work as it deems desirable. Title to the converted facilities shall be at all times solely and exclusively in the public utility involved as the public is only purchasing the intangible benefits which come from converted facilities, that is the removal of the overhead facilities and replacement by underground facilities.

50-2517. CONVERSION COSTS AND SERVICE CONNECTIONS. — The public utility performing the conversion shall, at the expense of the property owner, convert to underground all electric and communication service facilities located upon any lot or parcel of land within the improvement district and not within the easement for distribution. This shall include the digging and the back filling of a trench upon such lot or parcel unless the owner shall execute a written objection thereto and file the same with the clerk of the governing body not later than the date set for hearing objections to the improvement district assessment as provided by law. Failure to file such written objection shall be taken as a consent and grant of easement to the utility and shall be construed as express authority to the public utility and their respective officers, agents and employees to enter upon such lot or parcel for such purpose, and through failure to object, any right of protest or objection in respect of the doing of such work shall be waived. If an owner does file such written objection, he shall then be
responsible for providing a trench which is in accordance with applicable rules, regulations or tariffs from the owner's service entrance to a point designated by the public utility and for back filling a trench following installation of the underground service by the public utility involved.

In any event the cost of any work done by the public utility shall be included in the assessment to be levied upon such lot or parcel. Should a written objection be filed as provided in the above paragraph, the owner involved shall be obligated for and the public utility involved shall be entitled to payment for the actual cost for such work accomplished upon the owner's property by the public utility.

The owner shall, at his expense, make all necessary changes in the service entrance equipment to accept underground service.

50-2518. PAYMENT TO PUBLIC UTILITY. — Upon completion of the conversion contemplated by this chapter, the public utility shall present the governing body with its verified bill for conversion costs as computed pursuant to section 50-2515 but based upon the actual cost of constructing the underground facility rather than the estimated cost of the facility. In no event shall the bill for conversion cost presented by the public utility exceed the amount of estimated conversion costs by the public utility. In the event the conversion costs are less than the estimated conversion costs, each owner within the improvement district shall receive the benefit, prorated in such form and at such time or times as the governing body may determine. The bill of the public utility corporation shall be paid within thirty (30) days by the governing body from the improvement district funds or such other source as is properly designated by the governing body. In determining the actual cost of constructing the underground facility the public utility shall use its standard accounting procedures, such as the uniform system of accounts as defined by the federal communications commission and as is in use at the time of the conversion by the public utility involved.

50-2519. REINSTALLATION OF OVERHEAD FACILITIES NOT PERMITTED. — Once removed pursuant to this chapter, no overhead electric or communication facilities as defined herein, shall be installed within the boundaries of the local improvement district for conversion of overhead electric and communication facilities, except as authorized herein.

50-2520. NO LIMITATION OF PUBLIC UTILITIES COMMISSION'S JURISDICTION. — Nothing contained in this chapter shall vest any jurisdiction over public utilities in the governing bodies. The public utilities commission of Idaho shall retain all jurisdiction now or hereafter conferred upon it by law.
50-2521. REASSESSMENT OF BENEFITS. — In all cases of assessments for improvements under this chapter against any property, persons or corporations whatsoever, wherein said assessments have failed to be valid in whole or in part for want of form or sufficiency, informality, irregularity or nonconformance with the chapter provisions, or laws governing such assessments, the governing body shall be, and they are hereby, authorized to reassess such special taxes or assessments and to enforce their collection, in accordance with the provisions of law existing at the time the reassessment is made. But no mistake, in description of the property, or the name of the owner, shall be held to affect any assessment or any lien created thereby under the provisions of this chapter, or any law of this state, unless such mistake or error renders it impossible to identify the property so assessed.

When for any cause, mistake or inadvertence, the amount assessed shall not be sufficient to pay the cost and expenses of the improvement made and enjoyed by owners of property in any local improvement district where the same is made, it shall be lawful, and the governing body is hereby directed and authorized to make reassessments on all property in said local improvement district sufficient to pay for such improvements, such reassessment to be made and collected in accordance with the provisions of the law existing at the time of its levy.

50-2522. INVALIDITY OF ONE PROVISION NOT TO AFFECT OTHERS — EXCEPTION. — If any section or provision of this chapter be adjudged unconstitutional or invalid for any reason, such adjudication shall not affect the validity of this chapter as a whole, or of any section or provision hereof, which is not specifically so adjudicated unconstitutional or invalid; provided, however, if any section or provision of this chapter concerning the payment to the public utilities shall be adjudged unconstitutional or invalid for any reason in such a way that the payment to the public utilities or the creation of the funds for that purpose is adjudged to be invalid or unconstitutional then such invalidity or unconstitutionality shall invalidate this chapter in its entirety and to this end and in this event the provisions of this chapter are declared to be nonseverable.

50-2523. ABATEMENT OF CONSTRUCTION. — If an improvement district is established pursuant to this chapter, the public utility corporations involved shall not be required to commence conversion until the ordinance, the assessment roll and issuance of bonds have become final and no civil action has been filed, or if civil action has been filed, until the decision of
AN ACT

AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE
ADDITION OF A NEW SECTION 63-3606A, IDAHO CODE,
DEFINING THE TERM PREFABRICATED BUILDING; AMENDING
SECTION 63-3609, IDAHO CODE, RELATING TO RETAIL SALES
DEFINITION, PROVIDING FOR A TAX ON MATERIALS USED IN
PREFABRICATED BUILDINGS, AND PROVIDING THE SALE OR
PURCHASE OF A PREFABRICATED BUILDING IS NOT A RETAIL
SALE OF PERSONAL PROPERTY.

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

SECTION 1. That Chapter 36, Title 63, Idaho Code, be, and the same
is hereby amended by the addition thereto of a new section, to be known
and designated as Section 63-3606A, Idaho Code, and to read as follows:

63-3606A. PREFABRICATED BUILDING. — The term “prefabricated
building” means a substantially complete, fully assembled building
containing a ground floor area of not less than four hundred (400) square
feet designed to be permanently affixed to real property. Fixtures,
appliances and attachments shall not be included in the term “prefabricated
building” unless such fixtures, appliances and attachments are actually
incorporated in and so mechanically fitted as to become a part of such
building and not separable therefrom without material injury to such
building. In no instance shall the term “prefabricated building” be construed
to mean “new mobile home” as defined in the Idaho sales tax act nor shall it
be construed to include used mobile homes.

SECTION 2. That Section 63-3609, Idaho Code, be, and the same is
hereby amended to read as follows:

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

(a) All persons engaged in constructing, altering, repairing or improving real estate, which includes construction of prefabricated buildings as defined in section 63-3606A, are consumers of the material used by them; all sales to or use by such persons of tangible personal property to such persons are taxable whether or not such persons intend resale of the improved property.

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

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

Approved March 24, 1971.

CHAPTER 214
(H. B. No. 248, As Amended)

AN ACT
AMENDING SECTION 63-3072, IDAHO CODE, RELATING TO REFUNDS OF INCOME TAXES, BY AUTHORIZING THE BOARD OF TAX APPEALS TO REQUIRE THE STATE TAX COMMISSION TO MAKE REFUNDS IN PROPER CASES AND REQUIRING AN APPEAL OF A STATE TAX COMMISSION DECISION DENYING A REFUND CLAIM TO BE MADE WITHIN THE TIME LIMIT PRESCRIBED FOR APPEALING AN INCOME TAX DEFICIENCY; AMENDING SECTION 63-3626, IDAHO CODE, RELATING TO REFUNDS OF SALES TAXES, BY REQUIRING AN APPEAL OF A STATE TAX COMMISSION DECISION DENYING A REFUND CLAIM TO BE MADE WITHIN THE TIME LIMIT PRESCRIBED FOR APPEALING A SALES TAX DEFICIENCY; AMENDING SECTION 63-3074, IDAHO CODE, RELATING TO THE IDAHO INCOME TAX
BY PROVIDING THAT SEIZURES AND SALES IN COLLECTION OF TAX DEFICIENCIES ARE NOT TO BE CONSIDERED UNLAWFUL; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 63-3072, Idaho Code, be, and the same is hereby amended to read as follows:

63-3072. CREDITS AND REFUNDS. — (a) Where there has been an over-payment of any income tax imposed by this act, the amount of such over-payment shall be credited against any income tax then due from the taxpayer, and any balance of such excess shall be refunded to the taxpayer.

(b) The state tax commission is authorized and the state board of tax appeals authorized to order the tax commission in proper cases to credit or remit, refund, and pay back all taxes and penalties erroneously or illegally assessed or collected, regardless of whether the same have been paid under protest, which claims for refund shall be certified to the state board of examiners by the state tax commission.

(c) No such credit or refund of taxes, penalties or interest paid, shall be allowed or made after three (3) years from the time the return was filed, unless before the expiration of such period a claim therefor is filed by the taxpayer; provided, the period of limitation shall be one (1) year from the time of final determination of federal tax liability for the year involved in the event state taxable income has been decreased as the result of a federal audit or other determination.

(d) If a claim for credit or refund relates to an overpayment attributable to a net operating loss carry-back, in lieu of the three (3) year period of limitation prescribed in subsection (c), the period shall be that period which ends with the expiration of the fifteenth (15th) day of the fortieth (40th) month following the end of the taxable year of the net operating loss which results in such carry-back.

(e) 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 63-3049, Idaho Code.

SECTION 2. That Section 63-3626, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

(c) Interest shall be allowed on the amount of such credits or refunds at the rate of six per centum (6%) per annum from the date such tax was paid.

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

SECTION 3. That Section 63-3074, Idaho Code, be, and the same is hereby amended to read as follows:

63-3074. ACTIONS AGAINST STATE OF IDAHO. - The tax collector state tax commission may be made a party defendant in an action at law or a suit in equity by any person aggrieved by the unlawful seizure or sale of his property, or in any suit for refund or to recover an overpayment, but only the state of Idaho shall be responsible for any final money judgment secured against the tax collector state tax commission, and said judgment shall be paid or satisfied out of the state refund fund created by this act. No seizure or sale shall be considered unlawful if it occurs in the collection of deficiencies pursuant to the provisions of sections 63-3052 or 63-3065, 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 March 24, 1971.
CHAPTER 215
(H. B. No. 261)

AN ACT
PROVIDING FOR A UNIFORM CONTROLLED SUBSTANCES ACT; AMENDING TITLE 37, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 27; DEFINING TERMS USED IN THIS ACT; PROVIDING THAT THE IDAHO STATE BOARD OF PHARMACY SHALL ADMINISTER THIS ACT; PRESCRIBING SCHEDULES OF SUBSTANCES AND CONTROLLED SUBSTANCES; PRESCRIBING STANDARDS FOR ADDING TO OR REMOVING SUBSTANCES OR CONTROLLED SUBSTANCES FROM SCHEDULES; PROVIDING FOR REGULATION OR MANUFACTURE, DISTRIBUTION, AND DISPENSING OF CONTROLLED SUBSTANCES; PRESCRIBING REGISTRATION REQUIREMENTS AND RULES FOR DENYING SUSPENDING OR REVOKING REGISTRATION; REQUIRING RECORDS OF REGISTRANTS, USE OF ORDER FORMS AND PRESCRIPTIONS; PRESCRIBING THE OFFENSES AND PENALTIES; DEFINING EFFECT OF PENALTIES UNDER OTHER LAWS; DEFINING WHAT BARS PROSECUTION IN THIS STATE; PRESCRIBING PENALTY FOR DISTRIBUTION TO PERSONS UNDER AGE EIGHTEEN; PROVIDING FOR CONDITIONAL DISCHARGE FOR PERSON AS FIRST OFFENSE; PROVIDING PENALTY FOR SECOND OR SUBSEQUENT OFFENSES; PROVIDING FOR ENFORCEMENT AND ADMINISTRATIVE PROVISIONS; DEFINING POWERS OF ENFORCEMENT PERSONNEL; PROVIDING FOR ADMINISTRATIVE INSPECTIONS AND WARRANTS; PROVIDING FOR INJUNCTIONS; PROVIDING FOR COOPERATIVE ARRANGEMENTS AND CONFIDENTIALITY; PROVIDING FOR FORFEITURES; PROVIDING FOR JUDICIAL REVIEW; PROVIDING FOR EDUCATION AND RESEARCH; PROVIDING FOR DISPOSITION OF PENDING PROCEEDINGS; PROVIDING FOR CONTINUATION OF ORDERS AND RULES IN EFFECT PRIOR TO THE EFFECTIVE DATE OF THIS ACT; PROVIDING FOR UNIFORMITY OF INTERPRETATION; DEFINING SHORT TITLE; PROVIDING FOR SEVERABILITY; REPEALING CHAPTERS 27, 28, 29, 30, 31, 32 AND 33, TITLE 37, IDAHO CODE; AND PROVIDING AN EFFECTIVE DATE.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Title 37, Idaho Code, be, and the same is hereby amended by the addition thereto of a new Chapter 27, to read as follows:

CHAPTER 27
UNIFORM CONTROLLED SUBSTANCES
ARTICLE I

37-2701. DEFINITIONS. — As used in this act:

(a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:
   (1) a practitioner (or, in his presence, by his authorized agent), or
   (2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

(c) "Bureau" means the Bureau of Narcotic and Dangerous Drugs, United States Department of Justice, or its successor agency.

(d) "Controlled substance" means a drug, substance, or immediate precursor in Schedules I through V of article II of this act.

(e) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.

(f) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one (1) person to another of a controlled substance, whether or not there is an agency relationship.

(g) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

(h) "Dispenser" means a practitioner who dispenses.

(i) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(j) "Distributor" means a person who distributes.
(k) "Drug" means (1) substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure or any function of the body of man or animals; and (4) substances intended for use as a component of any article specified in clause (1), (2), or (3) of this subsection. It does not include devices or their components, parts, or accessories.

(l) "Immediate precursor" means a substance which the board has found to be and by rule designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

(m) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for his own use or the preparation, compounding, packaging, or labeling of a controlled substance:

(1) by a practitioner as an incident to his administering or dispensing of a controlled substance in the course of his professional practice, or
(2) by a practitioner, or by his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

(n) "Marihuana" means all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.
(o) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.
(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause 1, but not including the isoquinoline alkaloids of opium.
(3) Opium poppy and poppy straw.
(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(p) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under section 37-3702, Idaho Code, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(q) "Opium poppy" means the plant of the species Papaver somniferum L., except its seeds.

(r) "Person" means individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(s) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(t) "Practitioner" means:

(1) a physician, dentist, veterinarian, scientific investigator, or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state;
(2) a pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.
(u) "Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance.

(v) "State," when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

(w) "Ultimate user" means a person who lawfully possesses a controlled substance for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household.

(x) "Board" means the state board of pharmacy created in chapter 17, title 54, Idaho Code, or its successor agency.

ARTICLE II

37-2702. AUTHORITY TO CONTROL. — (a) The board shall administer this act and may add substances to or delete or reschedule all substances enumerated in the schedules in sections 37-2705, 37-2707, 37-2709, 37-2711, or 37-2713, Idaho Code, pursuant to the procedures of chapter 52, title 67, Idaho Code. In making a determination regarding a substance, the board shall consider the following:

1. the actual or relative potential for abuse;
2. the scientific evidence of its pharmacological effect, if known;
3. the state of current scientific knowledge regarding the substance;
4. the history and current pattern of abuse;
5. the scope, duration, and significance of abuse;
6. the risk to the public health;
7. the potential of the substance to produce psychic or physiological dependence liability; and
8. whether the substance is an immediate precursor of a substance already controlled under this article.

(b) After considering the factors enumerated in subsection (a) of this section, the board shall make findings with respect thereto and issue a rule controlling the substance if it finds the substance has a potential for abuse.

(c) If the board designates a substance as an immediate precursor, substances which are precursors of the controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor.

(d) If any substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice thereof is given to the board, the board shall similarly control the substance under this act after the
expiration of thirty (30) days from publication in the federal register of a final order designating a substance as a controlled substance or rescheduling or deleting a substance, unless within that thirty (30) day period, the board objects to inclusion, rescheduling, or deletion. In that case, the board shall publish the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the board shall publish its decision, which shall be final unless altered by statute. Upon publication of objection to inclusion, rescheduling, or deletion under this act by the board, control under this act is stayed until the board publishes its decision.

(e) Authority to control under this section does not extend to distilled spirits, wine, malt beverages, or tobacco.

37-2703. NOMENCLATURE. — The controlled substances listed or to be listed in the schedules in sections 37-2705, 37-2707, 37-2709, 37-2711 and 37-2713, Idaho Code, are included by whatever official, common, usual, chemical, or trade name designated.

37-2704. SCHEDULE I TESTS. — The board shall place a substance in Schedule I if it finds that the substance:

(a) Has high potential for abuse; and

(b) Has no accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision.

37-2705. SCHEDULE I. — (a) The controlled substances listed in this section are included in Schedule I.

(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

(1) Acetylmethadol;
(2) Allylprodine;
(3) Alphacetylmethadol;
(4) Alphameprodine;
(5) Alphamethadol;
(6) Benzethidine;
(7) Betacetylmethadol;
(8) Betameprodine;
(9) Betamethadol;
(10) Betaprodine;
(11) Clonitazene;
(12) Dextromoramide;
(13) Dextrorphan;
(14) Diampromide;
(15) Diethylthiambutene;
(16) Dimenoxadol;
(17) Dimepheptanol;
(18) Dimethylthiambutene;
(19) Dioxaphetyl butyrate;
(20) Dipipanone;
(21) Ethylmethylthiambutene;
(22) Etonitazene;
(23) Etoxeridine;
(24) Furethidine;
(25) Hydroxypethidine;
(26) Ketobemidone;
(27) Levomoramide;
(28) Levophenacylmorphan;
(29) Morpheridine;
(30) Noracymethadol;
(31) Norlevorphanol;
(32) Normethadone;
(33) Norpipanone;
(34) Phenadoxone;
(35) Phenampromide;
(36) Phenomorphan;
(37) Phenoperidine;
(38) Piritramide;
(39) Proheptazine;
(40) Properidine;
(41) Racemoramide;
(42) Trimeperidine.

(c) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Acetorphine;
(2) Acetyldihydrocodeine;
(3) Benzylmorphone;
(4) Codeine methylbromide;
(5) Codeine-N-Oxide;
(6) Cyprenorphine;
(7) Desomorphine;
(8) Dihydromorphine;
(9) Etorphine;
(10) Heroin;
(11) Hydromorphinol;
(12) Methyldesorphine;
(13) Methylhydromorphine;
(14) Morphine methylbromide;
(15) Morphine methylsulfonate;
(16) Morphine-N-Oxide;
(17) Myrophine;
(18) Nicocodeine;
(19) Nicomorphine;
(20) Normorphine;
(21) Pholcodine;
(22) Thebacon.
(d) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:
  (1) 3,4-methylenedioxy amphetamine;
  (2) 5-methoxy-3,4-methylenedioxy amphetamine;
  (3) 3,4,5-trimethoxy amphetamine;
  (4) Bufotenine;
  (5) Diethyltryptamine;
  (6) Dimethyltryptamine;
  (7) 4-methyl-2,5-dimethoxyamphetamine;
  (8) Ibogaine;
  (9) Lysergic acid diethylamide;
  (10) Marihuana;
  (11) Mescaline;
  (12) Peyote;
  (13) N-ethyl-3-piperidyl benzilate;
  (14) N-methyl-3-piperidyl benzilate;
(15) Psilocybin;
(16) Psilocyn;
(17) Tetrahydrocannabinols.

37-2706. SCHEDULE II TESTS. — The board shall place a substance in Schedule II if it finds that:
(a) The substance has high potential for abuse;
(b) The substance has currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions; and
(c) The abuse of the substance may lead to severe psychic or physical dependence.

37-2707. SCHEDULE II. — (a) The controlled substances listed in this section are included in Schedule II.
(b) Any of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:
(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.
(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1), but not including the isoquinoline alkaloids of opium.
(3) Opium poppy and poppy straw.
(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, 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.
(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:
(1) Alphaprodine;
(2) Anileridine;
(3) Bezitramide;
(4) Dihydrocodeine;
(5) Diphenoxylate;
(6) Fentanyl;
(7) Isomethadone;
(8) Levomethorphan;
(9) Levorphanol;
(10) Metazocine;
(11) Methadone;
(12) Methadone–Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
(13) Moramide–Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl propane-carboxylic acid;
(14) Pethidine;
(15) Pethidine–Intermediate–A, 4-cyano-1-methyl-4-phenylpiperidine;
(16) Pethidine–Intermediate–B, ethyl-4-phenyl piperidine-4-carboxylate;
(17) Pethidine–Intermediate–C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
(18) Phenazocine;
(19) Piminodine;
(20) Racemethorphan;
(21) Racemorphan.

37-2708. SCHEDULE III TESTS. — The board shall place a substance in Schedule III if it finds that:

(a) The substance has a potential for abuse less than the substances listed in Schedules I and II;

(b) The substance has currently accepted medical use in treatment in the United States; and

(c) Abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

37-2709. SCHEDULE III. — (a) The controlled substances listed in this section are included in Schedule III.

(b) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers;

(2) Phenmetrazine and its salts;

(3) Any substance which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers;

(4) Methylphenidate.

(c) 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 substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other schedules;
(2) Chlorhexadol;
(3) Glutethimide;
(4) Lysergic acid;
(5) Lysergic acid amide;
(6) Methyprylon;
(7) Phencyclidine;
(8) Sulfondiethylmethane;
(9) Sulfonethylmethane;
(10) Sulfonmethane.
(d) Nalorphine.

(e) Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

(1) Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;
(2) Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
(3) Not more than 300 milligrams of dihydrocodeinone, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;
(4) Not more than 300 milligrams of dihydrocodeinone, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
(5) Not more than 1.8 grams of dihydrocodeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
(6) Not more than 300 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more ingredients in recognized therapeutic amounts;
(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
(8) Not more than 50 milligrams of morphine, or any of its salts, per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

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

37-2710. SCHEDULE IV TESTS. — The board shall place a substance in Schedule IV if it finds that:
(a) The substance has a low potential for abuse relative to substances in Schedule III;
(b) The substance has currently accepted medical use in treatment in the United States; and
(c) Abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III.

37-2711. SCHEDULE IV. — (a) The controlled substances listed in this section are included in Schedule IV.
(b) 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) Barbital;
(2) Chloral betaine;
(3) Chloral hydrate;
(4) Ethchlorvynol;
(5) Ethinamate;
(6) Methohexital;
(7) Meprobamate;
(8) Methylphenobarbital;
(9) Paraldehyde;
(10) Petrichloral;
(11) Phenobarbital.
(c) The board may except by rule any compound, mixture, or preparation containing any depressant substance listed in subsection (b) of this section from the application of all or any part of this act if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

37-2712. SCHEDULE V TESTS. – The board shall place a substance in Schedule V if it finds that:
(a) The substance has low potential for abuse relative to the controlled substances listed in Schedule IV;
(b) The substance has currently accepted medical use in treatment in the United States; and
(c) The substance has limited physical dependence or psychological dependence liability relative to the controlled substances listed in Schedule IV.

37-2713. SCHEDULE V. – (a) The controlled substances listed in this section are included in Schedule V.
(b) Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone:
(1) Not more than 200 milligrams of codeine, or any of its salts, per 100 milliliters or per 100 grams;
(2) Not more than 100 milligrams of dihydrocodeine, or any of its salts, per 100 milliliters or per 100 grams;
(3) Not more than 100 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or per 100 grams;
(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;
(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.
37-2714. REPELLISHING OF SCHEDULES. – The board shall revise and republish the schedules semiannually for two (2) years from the effective date of this act, and thereafter annually.

ARTICLE III

37-2715. RULES. – The board may promulgate rules and charge reasonable fees relating to the registration and control of the manufacture, distribution, and dispensing of controlled substances within this state.

37-2716. REGISTRATION REQUIREMENTS. – (a) Every person who manufactures, distributes, or dispenses any controlled substance within this state or who proposes to engage in the manufacture, distribution, or dispensing of any controlled substance within this state, must obtain annually a registration issued by the board in accordance with its rules.

(b) Persons registered by the board under this act to manufacture, distribute, dispense, or conduct research with controlled substances may possess, manufacture, distribute, dispense, or conduct research with those substances to the extent authorized by their registration and in conformity with the other provisions of this article.

(c) The following persons need not register and may lawfully possess controlled substances under this act:

(1) an agent or employee of any registered manufacturer, distributor, or dispenser of any controlled substance if he is acting in the usual course of his business or employment;

(2) a common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;

(3) an ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a practitioner or in lawful possession of a Schedule V substance.

(d) The board may waive by rule the requirement for registration of certain manufacturers, distributors, or dispensers if it finds it consistent with the public health and safety.

(e) A separate registration is required at each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses controlled substances.

(f) The board may inspect the establishment of a registrant or applicant for registration in accordance with the board rule.

37-2717. REGISTRATION. – (a) The board shall register an applicant to manufacture or distribute controlled substances included in sections
37-2705, 37-2707, 37-2709, 37-2711 and 37-2713, Idaho Code, unless it determines that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the board shall consider the following factors:

1. maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels;
2. compliance with applicable state and local law;
3. any convictions of the applicant under any federal and state laws relating to any controlled substance;
4. past experience in the manufacture or distribution of controlled substances, and the existence in the applicant's establishment of effective controls against diversions;
5. furnishing by the applicant of false or fraudulent material in any application filed under this act;
6. suspension or revocation of the applicant's federal registration to manufacture, distribute, or dispense controlled substances as authorized by federal law; and
7. any other factors relevant to and consistent with the public health and safety.

(b) Registration under subsection (a) of this section does not entitle a registrant to manufacture and distribute controlled substances in Schedule I or II other than those specified in the registration.

(c) Practitioners must be registered to dispense any controlled substances or to conduct research with controlled substances in Schedules II through V if they are authorized to dispense or conduct research under the law of this state. The board need not require separate registration under this article for practitioners engaging in research with nonnarcotic controlled substances in Schedules II through V where the registrant is already registered under this article in another capacity. Practitioners registered under federal law to conduct research with Schedule I substances may conduct research with Schedule I substances within this state upon furnishing the board evidence of that federal registration.

(d) Compliance by manufacturers and distributors with the provisions of the federal law respecting registration (excluding fees) entitles them to be registered under this act.

37-2718. REVOCATION AND SUSPENSION OF REGISTRATION. —
(a) A registration under section 37-2717, Idaho Code, to manufacture,
distribute, or dispense a controlled substance may be suspended or revoked by the board upon a finding that the registrant:

(1) has furnished false or fraudulent material information in any application filed under this act;

(2) has been convicted of a felony under any state or federal law relating to any controlled substance; or

(3) has had his federal registration suspended or revoked to manufacture, distribute, or dispense controlled substances.

(b) The board may limit revocation or suspension of a registration to the particular controlled substance with respect to which grounds for revocation or suspension exist.

(c) If the board suspends or revokes a registration, all controlled substances owned or possessed by the registrant at the time of suspension or the effective date of the revocation order may be placed under seal. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all controlled substances may be forfeited to the state.

(d) The board shall promptly notify the bureau of all orders suspending or revoking registration and all forfeitures of controlled substances.

37-2719. ORDER TO SHOW CAUSE. – (a) Before denying, suspending or revoking a registration, or refusing a renewal of registration, the board shall serve upon the applicant or registrant an order to show cause why registration should not be denied, revoked, or suspended, or why the renewal should not be refused. The order to show cause shall contain a statement of the basis therefor and shall call upon the applicant or registrant to appear before the board at a time and place not less than thirty (30) days after the date of service of the order, but in the case of a denial or renewal of registration the show cause order shall be served not later than thirty (30) days before the expiration of the registration. These proceedings shall be conducted in accordance with chapter 52, title 67, Idaho Code, without regard to any criminal prosecution or other proceeding. Proceedings to refuse renewal of registration shall not abate the existing registration which shall remain in effect pending the outcome of the administrative hearing.

(b) The board may suspend, without an order to show cause, any registration simultaneously with the institution of proceedings under section
37-2718, Idaho Code, or where renewal of registration is refused, if it finds that there is an imminent danger to the public health or safety which warrants this action. The suspension shall continue in effect until the conclusion of the proceedings, including judicial review thereof, unless sooner withdrawn by the board or dissolved by a court of competent jurisdiction.

37-2720. RECORDS OF REGISTRANTS. — Persons registered to manufacture, distribute, or dispense controlled substances under this act shall keep records and maintain inventories in conformance with the record-keeping and inventory requirements of federal law and with any additional rules the board issues.

37-2721. ORDER FORMS. — Controlled substances in Schedules I and II shall be distributed by a registrant to another registrant only pursuant to an order form. Compliance with the provisions of federal law respecting order forms shall be deemed compliance with this section.

37-2722. PRESCRIPTIONS. — (a) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, no controlled substance in Schedule II may be dispensed without the written prescription of a practitioner on an official blank furnished by the board.

(b) In emergency situations, as defined by rule of the board, Schedule II drugs may be dispensed upon oral prescription of a practitioner, reduced promptly to writing and filed by the pharmacy. Prescriptions shall be retained in conformity with the requirements of section 37-2720, Idaho Code. No prescription for a Schedule II substance may be refilled.

(c) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a controlled substance included in Schedule III or IV, which is a prescription drug as determined under this act or regulation of the bureau or the board, shall not be dispensed without a written or oral prescription of a practitioner. The prescription shall not be filled or refilled more than six (6) months after the date thereof or be refilled more than five (5) times, unless renewed by the practitioner.

(d) A controlled substance included in Schedule V shall not be distributed or dispensed other than for a medical purpose.

37-2723. FORM AND CONTENTS OF PRESCRIPTION. — No person shall write a prescription and no person shall fill, compound or dispense a prescription for a controlled substance in Schedule II unless it is wholly written in ink or indelible pencil in the handwriting of the prescriber, signed and dated by the prescriber as of the date on which it is written, contains the
name and address of the person for whom prescribed, and states the name and quantity of the Schedule II substance prescribed.

37-2724. USE IN HOSPITAL – FORM OF ORDER – RECORD. – An order for Schedule II substance for use by a patient in a county or licensed hospital shall be exempt from all requirements of this act with reference to the writing of prescriptions on official triplicate blanks, but shall be in writing on the patient’s record, signed by the prescriber, dated, and shall state the name and quantity of the drug ordered and the quantity actually administered. The record of said orders shall be maintained as a hospital record for a minimum of three (3) years and shall be available for inspection by all inspectors of the board.

37-2725. PRESCRIPTION BLANKS – POSSESSION – COST OF BLANKS – REPORT WHEN LOST OR STOLEN. – Prescription blanks shall be issued by the board in serially numbered groups of one hundred (100) forms each in triplicate, and shall be furnished to any person authorized to write a prescription, and such prescription blanks shall not be transferable. Any person possessing any such blank otherwise than as herein provided is guilty of a misdemeanor. Upon licensing any applicant, the board shall immediately forward one hundred (100) forms free of cost to the applicant and for each series of one hundred (100) forms furnished to a licensee thereafter, the board shall charge the licensee a reasonable amount.

Prescription blanks or drugs lost or stolen must be immediately reported to the board.

37-2726. PAPER FOR PRESCRIPTION BLANKS – NUMBERING. – The prescription blanks shall be printed on distinctive paper, serial number of the group being shown on each form, and also each form being serially numbered.

37-2727. ONE GROUP OF BLANKS ISSUED AT A TIME. – Not more than one such prescription group shall in any case be issued or furnished by the board to the same prescriber at one time.

37-2728. RETENTION OF PRESCRIPTION BOOK BY PRESCRIBER. – The prescription book containing the prescriber’s copies of prescriptions issued shall be retained by the prescriber which shall be preserved for three (3) years.

37-2729. PRESCRIPTION BOOK OPEN FOR INSPECTION. – The prescription book shall at all times be open to inspection by inspectors and agents of the board.
37-2730. FILLING PRESCRIPTIONS — DISPOSITION OF ORIGINAL AND COPY. — The original and one copy of the prescription shall be delivered to the person filling the prescription. The duplicate shall be properly endorsed by the pharmacist filling the prescription at the time such prescription is filled. The original shall be retained by the person filling the prescription and at the end of each month in which the prescription is filled, the duplicate shall be returned to the board.

37-2731. INFORMATION REQUIRED ON LABEL. — Before any Schedule II substance is furnished to the person for whom prescribed or furnished by a prescriber directly to the patient for later consumption by the patient, the container in which the drugs are placed must be labeled, and the label must contain all of the following information:
(a) name and address of patient;
(b) name and address of (and) state registry number of prescriber;
(c) name and address and state registry number of person dispensing the prescription;
(d) file number of the prescription;
(e) date on which filled; and
(f) directions for use.

ARTICLE IV
37-2732. PROHIBITED ACTS A — PENALTIES. — (a) Except as authorized by this act, it is unlawful for any person to manufacture, 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 or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than fifteen (15) years, or fined not more than twenty-five thousand dollars ($25,000), or both;
   (B) any other controlled substance classified in Schedule I, II, or III, is guilty of a crime 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 crime and upon conviction may be imprisoned for not more than three (3) years, fined not more than ten thousand dollars ($10,000), or both;
   (D) a substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than one (1)
year, fined not more than five thousand dollars ($5,000), or both.
(b) Except as authorized by this act, it is unlawful for any person to create, deliver, or possess with intent to deliver, a counterfeit substance.

(1) Any person who violates this subsection with respect to:
   (A) a counterfeit substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime 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, II, or III, is guilty of a crime 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 crime and upon conviction may be imprisoned for not more than three (3) years, fined not more than ten thousand dollars ($10,000), or both;
   (D) a counterfeit substance classified in Schedule V, is guilty of a crime 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 knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this act. Any person who violates this subsection is guilty of a misdemeanor.

37-2733. PROHIBITED ACTS B — PENALTIES. — (a) It is unlawful for any person:

(1) who is subject to article III of this act to distribute or dispense a controlled substance in violation of section 37-2722, Idaho Code;
(2) who is a registrant, to manufacture a controlled substance not authorized by his registration, or to distribute or dispense a controlled substance not authorized by his registration to another registrant or other authorized person;
(3) to refuse or fail to make, keep or furnish any record, notification, order form, statement, invoice or information required under this act;
(4) to refuse an entry into any premises for any inspection authorized by this act; or
(5) knowingly to keep or maintain any store, shop, warehouse,
dwelling, building, vehicle, boat, aircraft, or other structure or place, which is resorted to by persons using controlled substances in violation of this act for the purpose of using these substances, or which is used for keeping or selling them in violation of this act.

(b) Any person who violates this section is guilty of a crime and upon conviction may be imprisoned for not more than one (1) year, fined not more than twenty-five thousand dollars ($25,000), or both.

37-2734. PROHIBITED ACTS C – PENALTIES. – (a) It is unlawful for any person knowingly or intentionally:

(1) to distribute as a registrant a controlled substance classified in Schedules I or II, except pursuant to an order form as required by section 37-2721, Idaho Code;
(2) to use in the course of the manufacture of distribution of a controlled substance a registration number which is fictitious, revoked, suspended, or issued to another person;
(3) acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge;
(4) to furnish false or fraudulent material information in, or omit any material information from, any application, report, or other document required to be kept or filed under this act, or any record required to be kept by this act; or
(5) to make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render the drug a counterfeit substance.

(b) Any person who violates this section is guilty of a crime and upon conviction may be imprisoned for not more than four (4) years, or fined not more than thirty thousand dollars ($30,000), or both.

37-2735. PENALTIES UNDER OTHER LAWS. – Any penalty imposed for violation of this act is in addition to, and not in lieu of, any civil or administrative penalty or sanction otherwise authorized by law.

37-2736. BAR TO PROSECUTION. – If a violation of this act is a violation of a federal law or the law of another state, a conviction or acquittal under federal law or the law of another state for the same act is a bar to prosecution in this state.

37-2737. DISTRIBUTION TO PERSONS UNDER AGE 18. – Any person eighteen (18) years of age or over who violates section 37-2732(a),
Idaho Code, by distributing a controlled substance listed in Schedule I or II which is a narcotic drug to a person under eighteen (18) years of age who is at least three (3) years his junior is punishable by the fine authorized by section 37-2732(a)(1)(A), Idaho Code, by a term of imprisonment of up to twice that authorized by section 37-2732(a)(1)(A), Idaho Code, or by both. Any person eighteen (18) years of age or over who violates section 37-2732(a), Idaho Code, by distributing any other controlled substance listed in Schedules I, II, III, IV, and V to a person under eighteen (18) years of age who is at least three (3) years his junior is punishable by the fine authorized by section 37-2732(a)(1)(B), (C), or (D), Idaho Code, by a term of imprisonment up to twice that authorized by section 37-2732(a)(1)(B), (C), or (D), Idaho Code, or both.

37-2738. CONDITIONAL DISCHARGE FOR POSSESSION AS FIRST OFFENSE. — Whenever any person who has not previously been convicted of any offense under this act or under any statute of the United States or of any state relating to narcotic drugs, marihuana, or stimulant, depressant, or hallucinogenic drugs, pleads guilty to or is found guilty of possession of a controlled substance under section 37-2732(c), Idaho Code, the court, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation upon terms and conditions. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualification or disabilities imposed by law upon conviction of a crime, including the additional penalties imposed for second or subsequent convictions under section 37-2739, Idaho Code.

37-2739. SECOND OR SUBSEQUENT OFFENSES. — (a) Any person convicted of a second or subsequent offense under this act may be imprisoned for a term up to twice the term otherwise authorized, fined an amount up to twice that otherwise authorized, or both.

(b) For purposes of this section, an offense is considered a second or subsequent offense, if, prior to his conviction of the offense, the offender has at any time been convicted under this act or under any statute of the United States or of any state relating to narcotic drugs, marihuana, depressant, stimulant, or hallucinogenic drugs.
(c) This section does not apply to offenses under section 37-2732(c), Idaho Code.

ARTICLE V

37-2740. POWERS OF ENFORCEMENT PERSONNEL. — (a) Any officer or employee of the board designated by the board may:

(1) carry firearms in the performance of his official duties;
(2) execute and serve search warrants, arrest warrants, administrative inspection warrants, subpoenas, and summonses issued under the authority of this state;
(3) make arrests without warrant for any offense under this act committed in his presence, or if he has probable cause to believe that the person to be arrested has committed or is committing a violation of this act which may constitute a felony;
(4) make seizures of property pursuant to this act; or
(5) perform other law enforcement duties as the board designates.

37-2741. ADMINISTRATIVE INSPECTIONS AND WARRANTS. —

(a) Issuance and execution of administrative inspection warrants shall be as follows:

(1) A magistrate, within his jurisdiction, and upon proper oath or affirmation showing probable cause, may issue warrants for the purpose of conducting administrative inspections authorized by this act or rules hereunder, and seizures of property appropriate to the inspections. For purposes of the issuance of administrative inspection warrants, probable cause exists upon showing a valid public interest in the effective enforcement of this act or rules hereunder, sufficient to justify administrative inspection of the area, premises, building or conveyance in the circumstances specified in the application for the warrant;

(2) A warrant shall issue only upon an affidavit of a designated officer or employee having knowledge of the facts alleged, sworn to before the judge or magistrate and establishing the grounds for issuing the warrant. If the judge or magistrate is satisfied that grounds for the application exist or that there is probable cause to believe they exist, he shall issue a warrant identifying the area, premises, building, or conveyance to be inspected, the purpose of the inspection, and, if appropriate, the type of property to be inspected, if any. The warrant shall:

(A) state the grounds for its issuance and the name of each person whose affidavit has been taken in support thereof;

(B) be directed to a person authorized by section 37-2740, Idaho Code, to execute it;
(C) command the person to whom it is directed to inspect the area, premises, building, or conveyance identified for the purpose specified and, if appropriate, direct the seizure of the property specified;

(D) identify the item or types of property to be seized, if any;

(E) direct that it be served during normal business hours and designate the judge or magistrate to whom it shall be returned;

(3) A warrant issued pursuant to this section must be executed and returned within ten (10) days of its date unless, upon a showing of a need for additional time, the court orders otherwise. If property is seized pursuant to a warrant, a copy shall be given to the person from whom or from whose premises the property is taken, together with a receipt for the property taken. The return of the warrant shall be made promptly, accompanied by a written inventory of any property taken. The inventory shall be made in the presence of the person executing the warrant and of the person from whose possession or premises the property was taken, if present, or in the presence of at least one (1) credible person other than the person executing the warrant. A copy of the inventory shall be delivered to the person from whom or from whose premises the property was taken and to the applicant for the warrant;

(4) The judge or magistrate who has issued a warrant shall attach thereto a copy of the return and all papers returnable in connection therewith and file them with the clerk of the court in the county in which the inspection was made.

(b) The board may make administrative inspections of controlled premises in accordance with the following provisions:

(1) For purposes of this section only, "controlled premises" means:

(A) places where persons registered or exempted from registration requirements under this act are required to keep records; and

(B) places including factories, warehouses, establishments, and conveyances in which persons registered or exempted from registration requirements under this act are permitted to hold, manufacture, compound, process, sell, deliver, or otherwise dispose of any controlled substance.

(2) When authorized by an administrative inspection warrant issued pursuant to subsection (a) of this section an officer or employee designated by the board, upon presenting the warrant and appropriate
credentials to the owner, operator, or agent in charge, may enter controlled premises for the purpose of conducting an administrative inspection.

(3) When authorized by an administrative inspection warrant, an officer or employee designated by the board may:

(A) inspect and copy records required by this act to be kept;
(B) inspect, within reasonable limits and in a reasonable manner, controlled premises and all pertinent equipment, finished and unfinished material, containers and labeling found therein, and, except as provided in subsection (b)(5) of this section, all other things therein, including records, files, papers, processes, controls, and facilities bearing on violation of this act; and
(C) inventory any stock of any controlled substance therein and obtain samples thereof;

(4) This section does not prevent the inspection without a warrant of books and records pursuant to an administrative subpoena issued in accordance with chapter 52, title 67, Idaho Code, nor does it prevent entries and administrative inspections, including seizures of property, without a warrant:

(A) if the owner, operator, or agent in charge of the controlled premises consents;
(B) in situations presenting imminent danger to health or safety;
(C) in situations involving inspection of conveyances if there is reasonable cause to believe that the mobility of the conveyance makes it impracticable to obtain a warrant;
(D) in any other exceptional or emergency circumstance where time or opportunity to apply for a warrant is lacking; or
(E) in all other situations in which a warrant is not constitutionally required;

(5) An inspection authorized by this section shall not extend to financial data, sales data, other than shipment data, or pricing data unless the owner, operator, or agent in charge of the controlled premises consents in writing.

37-2742. INJUNCTIONS. — (a) The district courts have jurisdiction to restrain or enjoin violations of this act.

(b) The defendant may demand trial by jury for an alleged violation of an injunction or restraining order under this section.
37-2743. COOPERATIVE ARRANGEMENTS AND CONFIDENTIALITY. — (a) The board shall cooperate with federal and other state agencies in discharging its responsibilities concerning traffic in controlled substances and in suppressing the abuse of controlled substances. To this end, it may:

(1) arrange for the exchange of information among governmental officials concerning the use and abuse of controlled substances;
(2) coordinate and cooperate in training programs concerning controlled substance law enforcement at local and state levels;
(3) cooperate with the bureau by establishing a centralized unit to accept, catalogue, file, and collect statistics, including records of drug dependent persons and other controlled substance law offenders within the state, and make the information available for federal, state and local law enforcement purposes. It shall not furnish the name or identity of a patient or research subject whose identity could not be obtained under subsection (c) of this section; and
(4) conduct programs of eradication aimed at destroying wild or illicit growth of plant species from which controlled substances may be extracted.

(b) Results, information, and evidence received from the bureau relating to the regulatory functions of this act, including results of inspections conducted by it may be relied and acted upon by the board in the exercise of its regulatory functions under this act.

(c) A practitioner engaged in medical practice or research is not required or compelled to furnish the name or identity of a patient or research subject to the board, nor may he be compelled in any state or local civil, criminal, administrative, legislative or other proceedings to furnish the name or identity of an individual that the practitioner is obligated to keep confidential.

37-2744. FORFEITURES. — (a) The following are subject to forfeiture:

(1) all controlled substances which have been manufactured, distributed, dispensed or acquired 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 in violation of this act;
(3) all property which is used, or intended for use, as a container for property described in paragraphs (1) or (2) hereof;
(4) all conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale 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 by reason of any act or omission established by the owner thereof to have been committed or omitted without his knowledge or consent;
(C) a conveyance is not subject to forfeiture for a violation of section 37-2732(c), Idaho Code; and
(D) a forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the act or omission.

(5) all books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this act.

(b) Property subject to forfeiture under this act may be seized by the board upon process issued by any district court, or magistrate's division thereof, having jurisdiction over the property. Seizure without process may be made if:

(1) the seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;
(2) the property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this act;
(3) the board has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or
(4) the board has probable cause to believe that the property was used or is intended to be used in violation of this act.

(c) In the event of seizure pursuant to subsection (b) of this section, proceedings under subsection (d) of this section shall be instituted promptly.

(d) Property taken or detained under this section shall not be subject to replevin, but is deemed to be in the custody of the board subject only to
the orders and decrees of the district court, or magistrate's division thereof, having jurisdiction over the forfeiture proceedings. When property is seized under this act, the board may:

1. place the property under seal;
2. remove the property to a place designated by it; or
3. require the board to take custody of the property and remove it to an appropriate location for disposition in accordance with law.

(e) When property is forfeited under this act the board 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 proceeds shall be used for payment of all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising and court costs;
3. require the board to take custody of the property and remove it for disposition in accordance with law; or
4. forward it to the bureau for disposition.

(f) Controlled substances listed in Schedule I that are possessed, transferred, sold, or offered for sale in violation of this act are contraband and shall be seized and summarily forfeited to the state. Controlled substances listed in Schedule I, which are seized or come into the possession of the state, the owners of which are unknown, are contraband and shall be summarily forfeited to the state.

(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 board, or its 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.

37-2745. BURDEN OF PROOF - LIABILITIES. - (a) It is not necessary for the state to negate any exemption or exception in this act in any complaint, information, indictment or other pleading or in any trial, hearing, or other proceeding under this act. The burden of proof of any exemption or exception is upon the person claiming it.

(b) In the absence of proof that a person is the duly authorized holder
of an appropriate registration or order form issued under this act, he is presumed not to be the holder of the registration or form. The burden of proof is upon him to rebut the presumption.

(c) No liability is imposed by this act upon any authorized state, county or municipal officer, engaged in the lawful performance of his duties.

37-2746. JUDICIAL REVIEW. — All final determinations, findings and conclusions of the board under this act are final and conclusive decisions of the matters involved. Any person aggrieved by the decision may obtain review of the decision in the district court of the county where the aggrieved person resides. Findings of fact by the board, if supported by substantial evidence, are conclusive.

37-2747. EDUCATION AND RESEARCH. — (a) The board shall carry out educational programs designed to prevent and deter misuse and abuse of controlled substances. In connection with these programs it may:

(1) promote better recognition of the problems of misuse and abuse of controlled substances within the regulated industry and among interested groups and organizations;
(2) assist the regulated industry and interested groups and organizations in contributing to the reduction of misuse and abuse of controlled substances;
(3) consult with interested groups and organizations to aid them in solving administrative and organizational problems;
(4) evaluate procedures, projects, techniques, and controls conducted or proposed as part of educational programs on misuse and abuse of controlled substances;
(5) disseminate the results of research on misuse and abuse of controlled substances to promote a better public understanding of what problems exist and what can be done to combat them; and
(6) assist in the education and training of state and local law enforcement officials in their efforts to control misuse and abuse of controlled substances.

(b) The board shall encourage research on misuse and abuse of controlled substances. In connection with the research, and in furtherance of the enforcement of this act, it may:

(1) establish methods to assess accurately the effects of controlled substances and identify and characterize those with potential for abuse;
(2) make studies and undertake programs of research to:

(A) develop new or improved approaches, techniques, systems,
equipment and devices to strengthen the enforcement of this act;
(B) determine patterns of misuse and abuse of controlled substances and the social effects thereof; and
(C) improve methods for preventing, predicting, understanding and dealing with the misuse and abuse of controlled substances; and
(3) enter into contracts with public agencies, institutions of higher education, and private organizations or individuals for the purpose of conducting research, demonstrations, or special projects which bear directly on misuse and abuse of controlled substances.
(c) The board may enter into contracts for educational and research activities without performance bonds.
(d) The board may authorize persons engaged in research on the use and effects of controlled substances to withhold the names and other identifying characteristics of individuals who are the subjects of the research. Persons who obtain this authorization are not compelled in any civil, criminal, administrative, legislative, or other proceeding to identify the individuals who are the subjects of research for which the authorization was obtained.
(e) The board may authorize the possession and distribution of controlled substances by persons engaged in research. Persons who obtain this authorization are exempt from state prosecution for possession and distribution of controlled substances to the extent of the authorization.

ARTICLE VI
37-2748. PENDING PROCEEDINGS. — (a) Prosecution for any violation of law occurring prior to the effective date of this act is not affected or abated by this act. If the offense being prosecuted is similar to one set out in article IV of this act, then the penalties under article IV apply if they are less than those under prior law.
(b) Civil seizures or forfeitures and injunctive proceedings commenced prior to the effective date of this act are not affected by this act.
(c) All administrative proceedings pending under prior laws which are superseded by this act shall be continued and brought to a final determination in accord with the laws and rules in effect prior to the effective date of this act. Any substance controlled under prior law which is not listed within Schedules I through V, is automatically controlled without further proceedings and shall be listed in the appropriate schedule.
(d) The board shall initially permit persons to register who own or
operate any establishment engaged in the manufacture, distribution, or dispensing of any controlled substance prior to the effective date of this act and who are registered or licensed by the state.

(e) This act applies to violations of law, seizures and forfeiture, injunctive proceedings, administrative proceedings and investigations which occur following its effective date.

37-2749. CONTINUATION OF RULES. — Any orders and rules promulgated under any law affected by this act and in effect on the effective date of this act and not in conflict with it continue in effect until modified, superseded or repealed.

37-2750. UNIFORMITY OF INTERPRETATION. — This act shall be so applied and construed as to effectuate its general purpose to make uniform the law with respect to the subject of this act among those states which enact it.

37-2751. SHORT TITLE. — This act may be cited as the “Uniform Controlled Substances Act.”

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SECTION 3. The laws specified below are repealed except with respect to rights and duties which matured, penalties which were incurred and proceedings which were begun before the effective date of this act: Chapters 27, 28, 29, 30, 31, 32 and 33, Title 37, Idaho Code.

SECTION 4. This act shall be in full force and effect on and after May 1, 1971.

Approved March 24, 1971.

CHAPTER 216
(H. B. No. 273)

AN ACT
AMENDING SECTION 22-418, IDAHO CODE, BY STRIKING THEREFROM ALL REFERENCE TO HAVING SEED TESTS MADE BY THE AGRICULTURAL EXPERIMENT STATION OF THE
UNIVERSITY OF IDAHO; AMENDING SECTION 22–419, IDAHO CODE, BY TRANSFERRING THE DUTIES, AUTHORITY AND FUNDS OF THE IDAHO STATE SEED LABORATORY FROM THE AGRICULTURAL EXPERIMENT STATION OF THE UNIVERSITY OF IDAHO TO THE IDAHO COMMISSIONER OF AGRICULTURE, STRIKING FEES AND GIVING THE COMMISSIONER OF AGRICULTURE THE RIGHT TO SET FEES BY REGULATION; AND PROVIDING AN EFFECTIVE DATE.

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 COMMISSIONER. —

(a) The duty of enforcing this act and carrying out its provisions and requirements shall be vested in the commissioner. It shall be the duty of such officer, or his authorized agents —

(1) To sample and inspect agricultural and vegetable seeds transported, sold, offered or exposed for sale, or delivered under a contract within this state for sowing purposes, at such time and place and to such extent as he may deem necessary to determine whether said agricultural or vegetable seeds are in compliance with the provisions of this act, and to notify promptly the person who transported, sold, offered or exposed the seed for sale of any violation.

(2) To prescribe and adopt rules and regulations governing the methods of sampling, inspecting, analysis tests and examination of agricultural and vegetable seed, and the tolerances to be followed in the administration of this act, which shall be in general accord with officially prescribed practice in interstate commerce, and such other rules and regulations as may be necessary to secure the efficient enforcement of this act.

(3) To have analyses and tests of samples of seed made as he may deem necessary by the director of the agricultural experiment station of the university of Idaho or said director's assistants. For the purpose of enforcement of this act the tests and analyses made by said director of the agricultural experiment station of the university of Idaho at the request of the commissioner shall be considered official tests and analyses.

(b) Further, for the purpose of carrying out the provisions of this act the commissioner individually or through his authorized agents, is authorized to —
(1) To enter upon any public or private premises during regular business hours in order to have access to seeds subject to the act and the rules and regulations thereunder.

(2) To issue and enforce a written or printed "stop-sale" order to the owner or custodian of any lot of agricultural or vegetable seed which the commissioner or his authorized agents find is in violation of any of the provisions of this act, which order shall prohibit further sale or delivery under a contract of such seed until such officer has evidence that the law has been complied with: Provided, That in respect to seeds which have been denied sale as provided in this paragraph, the owner or custodian of such seeds shall have the right to appeal from such order to the district court of the county in which the seeds are found, praying for a judgment as to the justification of said order and for the discharge of such seed from the order prohibiting the sale in accordance with the findings of this court: And provided further, That the provisions of this paragraph shall not be construed as limiting the right of the enforcement officer to proceed as authorized by other sections of this act.

(3) To cooperate with the United States department of agriculture in seed law enforcement.

SECTION 2. That Section 22-419, Idaho Code, be, and the same is hereby amended to read as follows:

22-419. DUTIES AND AUTHORITY OF THE DIRECTOR COMMISSIONER OF AGRICULTURE THE AGRICULTURAL EXPERIMENT STATION OF THE UNIVERSITY OF IDAHO. - Duties and authority of the director of the agricultural experiment station of the university of Idaho who may act through his authorized agents — The existing Idaho state seed laboratory together with equipment, personnel and funds relating thereto are hereby transferred to the Idaho department of agriculture. The commissioner of agriculture shall also perform the following duties and have the following authority:

(1) To establish and maintain or make provision for seed testing facilities.

(2) To make or provide for making purity and germination tests of seeds for farmers and dealers on request; to prescribe rules and regulations governing such testing.

(3) To charge a minimum fee of fifty cents (50¢) for the examination of each sample for the test of purity and a minimum fee of fifty cents (50¢).
for each test of viability. Provided, That the director may collect additional fees not to exceed a maximum of fifteen dollars ($15.00) per test or $2.00 per hour applied employee time whichever is the lesser for testing the purity or viability of samples of time consuming nature. To determine the commissioner of agriculture may by regulation set the exact amount of such fees to be collected and to deposit all money received from such fees into the general fund of the state.

(4) No fee shall be collected from the commissioner for the making of official tests and analyses.

(5) To make analyses or tests of samples of seed as requested by said commissioner and to prescribe in cooperation with said commissioner rules and regulations governing such tests.

SECTION 3. This act shall be in full force and effect on and after July 1, 1971.

Approved March 24, 1971.

CHAPTER 217
(H. B. No. 276)

AN ACT
AMENDING SECTION 31-3201A, IDAHO CODE, RELATING TO COURT FEES TO BE CHARGED AND RECEIVED IN THE DISTRICT COURT AND MAGISTRATES DIVISION OF THE DISTRICT COURT AND FOR THE APPORTIONMENT THEREOF BY PROVIDING THAT A JUDGE OR MAGISTRATE OF THE DISTRICT COURT MAY CONSOLIDATE NON-MOVING TRAFFIC OFFENSES INTO ONE OFFENSE FOR PURPOSES OF ASSESSING THE FEE AGAINST EACH PERSON FOUND GUILTY OF ANY FELONY, MISDEMEANOR OR OTHER VIOLATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 31-3201A, Idaho Code, be, and the same is hereby amended to read as follows:

31-3201A. COURT FEES. — The clerk of the district court in addition to the fees and charges imposed by chapter 20, title 1, Idaho Code, and in addition to the fee levied by chapter 2, title 73, Idaho Code, shall charge,
demand and receive the following fees for services rendered by him in discharging the duties imposed upon him by law;

(a) A fee of $16.00 for filing a civil case of any type in the district court or in the magistrate's division of the district court including cases involving the administration of decedents' estates, whether testate or intestate, and conservatorships of the person or of the estate or both with the following exceptions:

The filing fee shall be $4.00 in each case where the amount of money or damages or the value of personal property claimed does not exceed $300.00. The filing fee shall be $6.00 in the following types of cases:

1. Where the amount of money or damages or the value of personal property claimed exceeds $300.00 but does not exceed $1,000.00;
2. Where a case is brought for forcible or unlawful entry or detainer whether brought for rent or possession or both and regardless of the amount;
3. Where a case is brought under chapter 20, title 16, Idaho Code, for the termination of parent-child relationship;
4. Where a case is brought under chapter 2, title 32, Idaho Code, for permission to marry;
5. Where a case involving the administration of a decedent's estate is brought under the Summary Administration of Small Estates Act;
6. In cases where a court order is issued only for a certain specific reason other than the administering of an estate, including but not limited to proceedings brought under sections 14-114, 15-514, 15-1401, 15-1518 and/or 15-1709, Idaho Code, or for some specific reason;
7. In cases brought to determine heirship without administration;
8. In cases brought to determine inheritance or transfer tax;
9. In proceedings brought for adoption;
10. In proceedings brought for letters of guardianship of the person or of the estate or both.

No filing fee shall be charged in the following types of cases:

1. In cases brought under chapter 3, title 66, Idaho Code, for commitment of mentally ill persons;
2. In cases brought under the Youth Rehabilitation Act;
3. In cases brought under the Child Protective Act.

In all cases in which a filing fee of $16.00 is paid, $6.00 of such filing fee shall be paid to the county treasurer for deposit in the current expense
fund of the county; and $10.00 of such filing fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month pay such fees to the state treasurer for deposit in the state general fund. In all cases in which a filing fee of $6.00 is paid, $3.00 of such filing fee shall be paid to the county treasurer for deposit in the current expense fund of the county; and $3.00 of such filing fee shall be paid to the county treasurer who shall within five (5) days after the end of the month pay such fees to the state treasurer for deposit in the state general fund. In all cases in which a filing fee of $4.00 is paid, $2.00 of such filing fee shall be paid to the county treasurer for deposit in the current expense fund of the county; and $2.00 of such filing fee shall be paid to the county treasurer who shall within five (5) days after the end of the month pay such fees to the state treasurer for deposit in the state general fund.

(b) A fee of $7.50 shall be paid, but not in advance, by each person found guilty of any felony or misdemeanor or any minor traffic, conservation or ordinance violation; provided, however, that the judge or magistrate may in his discretion consolidate separate non-moving traffic offenses into one offense for purposes of assessing such fee. Of such fee, $2.50 shall be paid to the county treasurer for deposit in the current expense fund of the county; and $5.00 of such fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit in the state general fund.

(c) A fee of $5.00 shall be paid by any party, except the plaintiff, making an appearance in any civil action in the district court or in the magistrate’s division of the district court. Of such fee, $2.00 shall be paid to the county treasurer for deposit in the current expense fund of the county; and $3.00 of such fee shall be paid to the county treasurer who shall within five (5) days after the end of the month pay such fees to the state treasurer for deposit in the state general fund.

(d) A fee of $5.00 shall be paid by the person or persons required to make an account pursuant to either chapter 11 or chapter 18, title 15, Idaho Code, at the time such account is filed. All of such fee shall be paid to the county treasurer for deposit in the current expense fund of the county.

(e) A fee of $10.00 shall be paid upon the filing of a petition of the executor or administrator or of any person interested in an estate for the distribution of such estate. $5.00 of such fee shall be paid to the county treasurer for deposit in the current expense fund of the county; and $5.00 of such fee shall be paid to the county treasurer who shall, within five (5) days
after the end of the month, pay such fees to the state treasurer for deposit in the state general fund.

(f) A fee of $3.00 shall be paid by an intervenor upon making an appearance in any civil action in the district court or in the magistrate's division of the district court. All of such fee shall be paid to the county treasurer for deposit in the current expense fund of the county.

(g) A fee of $4.00 shall be paid by a party filing a third party claim as defined in the Idaho Rules of Civil Procedure. All of such fee shall be paid to the county treasurer for deposit in the current expense fund of the county.

(h) A fee of $4.00 shall be paid by any party filing a cross-claim. All of such fee shall be paid to the county treasurer for deposit in the current expense fund of the county.

(i) A fee of $5.00 shall be paid by a party initiating a change of venue. Such fee shall be paid to the clerk of the court of the county to which venue is changed. All of such fee shall be paid to the county treasurer for deposit in the current expense fund of the county.

(j) A fee of $5.00 to be paid by any party appearing after judgment or applying to reopen a case. All of such fee shall be paid to the county treasurer for deposit in the current expense fund of the county.

(k) A fee of $5.00 to be paid by a party taking an appeal from the magistrate's division of the district court to the district court. No additional fee shall be required if a new trial is granted. All of such fee shall be paid to the county treasurer for deposit in the current expense fund of the county.

(l) A fee of $5.00 shall be paid by the party taking an appeal from the district court to the Supreme Court for comparing and certifying the printed transcript on appeal, if such certificate is required. All of such fee shall be paid to the county treasurer for deposit in the current expense fund of the county.

(m) Fees not covered by this section shall be set by rule or administrative order of the Supreme Court.

(n) All fees required to be paid by this section or by rule or administrative order of the Supreme Court shall be collected by the clerk of the district court or by a person appointed by the clerk of the district court for this purpose. If it appears that there is a necessity for such fees to be collected by persons other than the clerk of the district court or a person designated by the clerk for such purpose, the Supreme Court by rule or administrative order may provide for the designation of persons authorized to receive such fees. Persons so designated shall account for such fees in the
same manner required of the clerk of the district court and shall pay such fees to the clerk of the district court of the county in which such fees are collected.

(o) That portion of the filing fees required to be remitted to the state treasurer for deposit in the state general fund shall be remitted within five (5) days after the end of the month in which such fees were remitted to the county treasurer.

(p) In consideration of the aforesaid fees the clerk of the district court shall be required to perform all lawful service that may be required of him by any party thereto; provided, that he shall not prepare and furnish any certified copy of any file or record in an action except printed transcript on appeal, without additional compensation as provided by law.

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

Approved March 24, 1971.

CHAPTER 218
(H. B. No. 280)

AN ACT
APPROPRIATING TWO HUNDRED FIFTY THOUSAND DOLLARS OR SUCH AMOUNT THEREOF AS MAY BECOME AVAILABLE FROM THE FUNDS MADE AVAILABLE TO THE DEPARTMENT OF EMPLOYMENT OF THE STATE OF IDAHO PURSUANT TO SECTION 903 OF THE SOCIAL SECURITY ACT, AS AMENDED, FOR THE PURCHASE OF REAL PROPERTY AND THE CONSTRUCTION OF OFFICE BUILDINGS FOR THE USE OF THE DEPARTMENT OF EMPLOYMENT; PROVIDING THAT NO PART OF THE MONEY APPROPRIATED MAY BE OBLIGATED AFTER THE EXPIRATION OF THE TWO-YEAR PERIOD BEGINNING WITH THE DATE OF ENACTMENT OF THIS ACT; AND LIMITING THE AMOUNT WHICH MAY BE OBLIGATED PURSUANT TO THIS ACT.

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

SECTION 1. There is hereby appropriated out of the funds made available to the state of Idaho, department of employment, pursuant to
section 903 of the social security act, as amended, the sum of two hundred fifty thousand dollars ($250,000), or such amount thereof as may become available as this state's share of funds allocated under the provisions of said section 903 of the social security act, as amended, to be used for the purpose of purchasing real estate and constructing office buildings to be used by the department of employment of the state of Idaho as authorized by section 72-1348(d), Idaho Code.

SECTION 2. No part of the money hereby appropriated may be obligated after the expiration of the two (2) year period beginning on the date of enactment of this act.

SECTION 3. The amount obligated pursuant to this act during any twelve (12) month period beginning on July 1 and ending on the next June 30 shall not exceed the amount by which (a) the aggregate of the amounts credited to the account of this state pursuant to section 903 of the social security act during such twelve (12) month period and the fourteen (14) preceding twelve (12) month periods exceeds (b) the aggregate of the amounts obligated for administration and paid out for benefits and charged against the amounts credited to the account of this state during such fifteen (15) twelve (12) month periods.

Approved March 24, 1971.

CHAPTER 219
(H.B. No. 281)

AN ACT
RELATING TO THE IDAHO LIQUOR DISPENSARY; REPEALING SECTION 23-408, IDAHO CODE, REMOVING THE REQUIREMENT THAT THE STATE AUDITOR AUDIT THE STATE LIQUOR DISPENSARY TRANSACTIONS ANNUALLY; AND REPEALING SECTION 23-409, IDAHO CODE, WHICH PROVIDES THAT THE AUDIT WILL BE PAID OUT OF THE LIQUOR FUND.

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

SECTION 1. That Section 23-408, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Section 23-409, Idaho Code, be, and the same is hereby repealed.

Approved March 24, 1971.
CHAPTER 220
(H. B. No. 289, As Amended)

AN ACT
AMENDING SECTION 63-105D, IDAHO CODE, RELATING TO EXEMPTIONS FROM AD VALOREM TAXES, BY INCREASING THE INCOME LIMITATION ON CLAIMANTS FROM THREE THOUSAND SIX HUNDRED DOLLARS TO FOUR THOUSAND EIGHT HUNDRED DOLLARS; AND BY EXEMPTING FROM THE AD VALOREM TAX PROPERTY BELONGING TO PERSONS WHO, BECAUSE OF THEIR INABILITY TO PAY, SHOULD BE RELIEVED FROM PAYING THE AD VALOREM TAXES IN ORDER TO AVOID UNDUE HARDSHIP; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-105D, Idaho Code, be, and the same is hereby amended to read as follows:

63-105D. PROPERTY EXEMPT FROM TAXATION — BLIND PERSONS, FATHERLESS CHILDREN, WIDOWS, HONORABLY DISCHARGED VETERANS OF CERTAIN WARS AND DISABLED AMERICAN VETERANS. The following property is exempt from taxation, provided that the total amount of all exemptions allowed to any one (1) family under this section shall not exceed $1,250 one thousand two hundred and fifty dollars ($1,250) of assessed value, and further provided that:

None of the property exempted from taxation by this subsection shall be exempt if the person owning the same and claiming exemption thereon owns property the fair market value of which exceeds $15,000 fifteen thousand dollars ($15,000); nor shall the exemption herein provided inure to the benefit of any person whose net income, from all sources, whether or not such income is taxable, exceeds the sum of $4,800 four thousand eight hundred dollars ($4,800) per annum;

The exemptions provided in this section shall apply only to property owned by the person claiming the exemption and occupied by that person as a home; provided, however, that where the person claiming the exemption shall have rented the home during illness, or resides in a charitable institution and is unable to provide the necessities of life without receiving rental income from the rental of such home, provided such rental income does not
exceed **fifty dollars ($50)** per month, the exemption herein provided shall apply;

No exemption herein provided shall apply to any property sold, transferred, conveyed, or otherwise disposed of, on or before the first day of June of any year;

No exemption herein provided shall be granted any person who is not a resident of the state of Idaho, for the entire year, nor shall the exemption herein provided be granted more than once to one (1) person during any one (1) year;

The exemptions herein provided must be claimed in accordance with the provisions of section 63-107; and further provided that any public official who shall willfully grant an exemption in violation of the provisions of this section shall be guilty of a misdemeanor:

(a) Property which belongs to a blind person; provided, however, that in the case of community property, only one-half (½) of the exemption shall be allowed in any case where one of the spouses is not blind;

(b) Property belonging to fatherless children who have not attained eighteen (18) years of age;

(c) Property belonging to widows;

(d) Property belonging to honorably discharged veterans who served in the armed forces of the United States during the Indian Wars, Spanish-American War and World War I, as defined by the laws and regulations of the United States veterans administration;

(e) Property belonging to disabled American veterans of any war engaged in by the United States, whose disability is recognized as a service-connected disability of a degree of ten per cent (10%) or more, or who are in receipt of pension for non-service-connected disabilities, in accordance with laws and regulations administered by the United States veterans administration; provided, however, that in all cases under this subparagraph the veteran claiming exemption shall furnish a statement as to his status signed by a responsible officer of the United States veterans administration;

(f) Property belonging to any 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.

(g) Real and personal property to the amount of fifteen thousand dollars ($15,000) of appraised value belonging to persons who, because of unusual circumstances which affect their ability to pay the ad valorem tax,
should be relieved from paying said tax in order to avoid undue hardship, which undue hardship must be determined by unanimous decision by the board of equalization.

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, 1971.

Approved March 24, 1971.

CHAPTER 221
(H. B. No. 304)

AN ACT
RELATING TO THE SALARIES OF COUNTY COMMISSIONERS; REPEALING SECTION 31-3104, IDAHO CODE; PRESCRIBING THE ANNUAL SALARY IN EACH COUNTY; PROVIDING FOR AMENDING THE COUNTY BUDGET TO CORRESPOND TO THE SALARY PRESCRIBED IN THIS ACT; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. That Section 31-3104, Idaho Code, be, and the same is hereby repealed.

SECTION 2. All county commissioners shall be reimbursed for their actual and necessary expenses during their term of office and the annual salaries of the county commissioners in the various counties shall be set forth as follows:

<table>
<thead>
<tr>
<th>County</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ada</td>
<td>$11,000</td>
</tr>
<tr>
<td>Adams</td>
<td>$2,400</td>
</tr>
<tr>
<td>Bannock</td>
<td>$8,500</td>
</tr>
<tr>
<td>Bear Lake</td>
<td>$2,400</td>
</tr>
<tr>
<td>Benewah</td>
<td>$2,400</td>
</tr>
<tr>
<td>Bingham</td>
<td>$4,800</td>
</tr>
<tr>
<td>Blaine</td>
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<tr>
<td>Boise</td>
<td>$2,100</td>
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<tr>
<td>Bonner</td>
<td>$8,000</td>
</tr>
<tr>
<td>Bonneville</td>
<td>$8,000</td>
</tr>
</tbody>
</table>
C. 221 '71  IDAHO SESSION LAWS  

Boundary  $4,800
Butte     $1,400
Camas     $1,200
Canyon    $8,500
Caribou   $2,600
Cassia    $2,400
Clark     $1,200
Clearwater $4,800
Custer    $2,000
Elmore    $3,600
Franklin  $3,000
Fremont   $2,750
Gem       $2,900
Gooding   $2,280
Idaho     $3,000
Jefferson $3,000
Jerome    $2,840
Kootenai  $8,000
Latah     $5,400
Lemhi     $2,400
Lewis     $1,500
Lincoln   $1,500
Madison   $2,600
Minidoka  $2,200
Nez Perce $7,500
Oneida    $2,220
Owyhee    $2,100
Payette   $2,400
Power     $2,200
Shoshone  $8,400
Teton     $1,500
Twin Falls $8,400
Valley    $2,400
Washington $2,400

SECTION 3. The board of county commissioners of the several counties of the state, at the first meeting after the passage and approval of this act, shall, without notice, adopt a resolution amending the budget of the office of county commissioner in each of the counties to provide for the
payment therein of the salary provided for in this act, and the resolution
shall be lawful authorization for the payment of the salaries so fixed and
provided by this act.

SECTION 4. An emergency existing therefor, which emergency is
hereby declared to exist, this act shall be in full force and effect immediately
upon its passage and retroactively to January 1, 1971.

Approved March 24, 1971.

CHAPTER 222
(H. B. No. 310)

AN ACT
APPROPRIATING MONEYS FROM THE FUND ENUMERATED TO THE
GOVERNOR AND PRESCRIBING MAJOR PROGRAMS AND
EXPENDITURE CLASSIFICATIONS OF THE APPROPRIATION

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

SECTION 1. There is hereby appropriated out of the fund enumerated
the following amount to the Governor for major programs and the
prescribed expenditure classifications for the period July 1, 1971 through
June 30, 1972.

FOR MAJOR PROGRAMS:

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administering the executive branch</td>
<td>$141,000</td>
</tr>
<tr>
<td>Responding to emergencies involving Idaho’s citizenry</td>
<td>200,000</td>
</tr>
<tr>
<td>Residence maintenance</td>
<td>11,000</td>
</tr>
<tr>
<td>Expense allowance</td>
<td>5,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$357,000</strong></td>
</tr>
</tbody>
</table>

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries &amp; Wages</td>
<td>$ 98,000</td>
</tr>
<tr>
<td>Travel</td>
<td>9,000</td>
</tr>
<tr>
<td>Other Current Expense</td>
<td>248,000</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>2,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$357,000</strong></td>
</tr>
</tbody>
</table>

FROM:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$357,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$357,000</strong></td>
</tr>
</tbody>
</table>

Approved March 24, 1971.
CHAPTER 223
(H.B. No. 311)

AN ACT

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

SECTION 1. There is hereby appropriated out of the fund enumerated the following amount to the Public Utilities Commission for the Transportation Council for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:
Providing traffic management and research industries for Idaho

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL</td>
<td>$7,866</td>
</tr>
</tbody>
</table>

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries &amp; Wages</td>
<td>$6,636</td>
</tr>
<tr>
<td>Other Current Expense</td>
<td>1,230</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$7,866</td>
</tr>
</tbody>
</table>

FROM:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$7,866</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$7,866</td>
</tr>
</tbody>
</table>

Approved March 24, 1971.

CHAPTER 224
(H.B. No. 312)

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

SECTION 1. There is hereby appropriated out of the fund enumerated the following amount to the Bureau of Mines and Geology for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

Conducting mineral resource research and development $206,381

TOTAL $206,381

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

Salaries & Wages $135,068
Travel 12,624
Other Current Expense 57,989
Capital Outlay 700

TOTAL $206,381

FROM:

General Fund $206,381

TOTAL $206,381

Approved March 24, 1971.

CHAPTER 225
(H.B. No. 314)

AN ACT


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

SECTION 1. There is hereby appropriated out of the fund enumerated the following amount to the Department of Labor for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

Conducting administrative functions $130,319

TOTAL $130,319
CHAPTER 226  
(H. B. No. 317)  

AN ACT  
APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO  
THE IDAHO COMMISSION FOR THE BLIND AND PRESCRIBING  
MAJOR PROGRAMS AND EXPENDITURE CLASSIFICATIONS OF  
THE APPROPRIATION FOR THE PERIOD JULY 1, 1971  
THROUGH JUNE 30, 1972.  

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

SECTION 1. There is hereby appropriated out of the funds  
enumerated the following amount to the Idaho Commission for the Blind for  
major programs and the prescribed expenditure classifications for the period  
July 1, 1971 through June 30, 1972.  

FOR MAJOR PROGRAMS:  
Providing services to Idaho’s  
blind citizens  
TOTAL  

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:  

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries &amp; Wages</td>
<td>$95,463</td>
</tr>
<tr>
<td>Travel</td>
<td>7,146</td>
</tr>
<tr>
<td>Other Current Expense</td>
<td>22,430</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>5,280</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$130,319</strong></td>
</tr>
</tbody>
</table>

FROM:  
General Fund  
TOTAL  

Approved March 24, 1971.
CHAPTER 227
(H. B. No. 325)

AN ACT

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

SECTION 1. There is hereby appropriated out of the funds enumerated the following amount to the State Library Board for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

Library services and development $629,237
TOTAL $629,237

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

Salaries & Wages $195,000
Travel 10,000
Other Current Expense 52,300
Capital Outlay 50,000
Payment as Agent 321,937
TOTAL $629,237

FROM:

General Fund $235,000
Federal Funds 387,937
Receipts to Appropriation 6,300
TOTAL $629,237

Approved March 24, 1971.
C. 228 '71  IDAHO SESSION LAWS  987

CHAPTER 228
(H. B. No. 326)

AN ACT

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

SECTION 1. There is hereby appropriated out of the fund enumerated the sum of $2,172,223 to the Supreme Court for major programs for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supreme Court</td>
<td>$382,419</td>
</tr>
<tr>
<td>District Court</td>
<td>888,723</td>
</tr>
<tr>
<td>Magistrates Division</td>
<td>845,367</td>
</tr>
<tr>
<td>Law Library Services</td>
<td>50,760</td>
</tr>
<tr>
<td>Judicial Council</td>
<td>2,599</td>
</tr>
<tr>
<td>Commission on Uniform Laws</td>
<td>2,355</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$2,172,223</strong></td>
</tr>
</tbody>
</table>

Approved March 24, 1971.

CHAPTER 229
(H. B. No. 327)

AN ACT

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

SECTION 1. There is hereby appropriated out of the fund enumerated the following amount to the Attorney General for major programs and the
prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:
Conducting administrative functions and providing legal assistance $340,750
TOTAL $340,750

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:
Salaries & Wages $268,750
Travel 15,000
Other Current Expense 47,000
Capital Outlay 10,000
TOTAL $340,750

FROM:
General Fund $340,750
TOTAL $340,750

Approved March 24, 1971.

CHAPTER 230
(H. B. No. 328)

AN ACT

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

SECTION 1. There is hereby appropriated out of the fund enumerated the following amount to the Soil Conservation Commission for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:
Watershed investigations (Public Law 566) $ 50,000
Administration and conservation 94,794
TOTAL $144,794
C. 231 '71 IDAHO SESSION LAWS

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries &amp; Wages</td>
<td>$20,678</td>
</tr>
<tr>
<td>Travel</td>
<td>6,180</td>
</tr>
<tr>
<td>Other Current Expense</td>
<td>6,150</td>
</tr>
<tr>
<td>Payment as Agent</td>
<td>111,786</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$144,794</strong></td>
</tr>
</tbody>
</table>

FROM:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$144,794</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$144,794</strong></td>
</tr>
</tbody>
</table>

Approved March 24, 1971.

CHAPTER 231
(H. B. No. 329)

AN ACT


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

SECTION 1. There is hereby appropriated out of the fund enumerated the following amount to the Department of Insurance for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

Regulating the insurance industry in Idaho $290,308

**TOTAL** $290,308

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries &amp; Wages</td>
<td>$210,987</td>
</tr>
<tr>
<td>Travel</td>
<td>13,160</td>
</tr>
<tr>
<td>Other Current Expense</td>
<td>59,384</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>6,777</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$290,308</strong></td>
</tr>
</tbody>
</table>
CHAPTER 232
(H. B. No. 292)

AN ACT
RELATING TO SURPLUS STATE PROPERTY; DIRECTING THE LAND BOARD TO CONVEY TO THE CITY OF ALBION SO MUCH OF THE PERSONAL PROPERTY AS THE CITY MAY SELECT, LOCATED ON REAL PROPERTY OWNED BY THE CITY OF ALBION, BUT HERETOFORE KNOWN AS THE SOUTHERN IDAHO COLLEGE OF EDUCATION.

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

SECTION 1. The state board of land commissioners is hereby directed to convey to the city of Albion so much of the personal property as it may have authority to convey, as may be selected by the city of Albion, located on real property presently owned by the city of Albion, but heretofore known as the Southern Idaho College of Education.

Approved March 24, 1971.

CHAPTER 233
(S. B. No. 1243)

AN ACT
APPROPRIATING $1,750,000, OR SO MUCH THEREOF AS MAY BE NECESSARY, OUT OF THE GENERAL FUND OF THE STATE OF IDAHO TO THE STATE SOCIAL SECURITY TRUST FUND FOR THE PURPOSE OF PAYING THE STATE'S PARTICIPATION IN THE OLD AGE AND SURVIVORS' INSURANCE PROGRAM UNDER PUBLIC LAW 734, 81st CONGRESS, AND THE AMENDMENTS THERETO, FOR ALL COVERED EMPLOYEES OF

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

SECTION 1. There is hereby appropriated from the general fund of the state of Idaho to the State Social Security Trust Fund the sum of $1,750,000, or so much thereof as may be necessary, for the purpose of paying the state's participation in the old age and survivors' insurance program, Public Law 734, 81st Congress, and amendments thereto, for all covered employees of the state whose salaries and wages are to be paid from either the general fund or the several endowment earning funds of the several institutions, for the period beginning July 1, 1971 and ending June 30, 1972, in accordance with chapter 11, title 59, Idaho Code. The monies herein appropriated shall be transferred from the general fund to the State Social Security Trust Fund in such amounts and at such times as deemed necessary by the state board of examiners to meet the demands of the State's Social Security Fund.


Approved March 25, 1971.

CHAPTER 234
(S. B. No. 1242)

AN ACT
APPROPRIATING MONEYS FROM THE FUND ENUMERATED TO THE BOISE CHILDREN'S HOME, BOOTH MEMORIAL HOSPITAL, AND

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

SECTION 1. There is hereby appropriated out of the fund enumerated to the Boise Children's Home, Booth Memorial Hospital, and the Lewiston Children's Home the following sums to be expended as indicated for operating costs and expenses for the period July 1, 1971 through June 30, 1972.

FOR:

<table>
<thead>
<tr>
<th>Service</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relief &amp; Pensions — Boise Children's Home</td>
<td>$75,000</td>
</tr>
<tr>
<td>Relief &amp; Pensions — Booth Memorial Hospital</td>
<td>$25,000</td>
</tr>
<tr>
<td>Relief &amp; Pensions — Lewiston Children's Home</td>
<td>$75,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$175,000</strong></td>
</tr>
</tbody>
</table>

FROM:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$175,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$175,000</strong></td>
</tr>
</tbody>
</table>

Approved March 25, 1971.

CHAPTER 235
(S. B. No. 1240)

AN ACT


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

SECTION 1. There is hereby appropriated out of the funds enumerated the following amount to the Commerce and Development Department for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.
FOR MAJOR PROGRAMS:
  Promoting economic development and tourism in Idaho $319,037
  TOTAL $319,037

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:
  Salaries & Wages $92,198
  Travel 19,246
  Other Current Expense 207,093
  Capital Outlay 500
  TOTAL $319,037

FROM:
  General Fund $209,037
  Dedicated Funds:
    Development & Publicity Fund 110,000
  TOTAL $319,037

Approved March 25, 1971.

CHAPTER 236
(S. B. No. 1235)

AN ACT

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

SECTION 1. There is hereby appropriated out of the fund enumerated the following amount to the Western Interstate Commission for Higher Education for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.
CHAPTER 237
(S. B. No. 1234)

AN ACT

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

SECTION 1. There is hereby appropriated out of the fund enumerated the following amount to the Division of the Budget for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.
FOR MAJOR PROGRAMS:
   Conducting budget administration and preparation $111,054
   TOTAL $111,054

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:
   Salaries & Wages $86,401
   Travel 3,600
   Other Current Expense 20,453
   Capital Outlay 600
   TOTAL $111,054

FROM:
   General Fund $111,054
   TOTAL $111,054

Approved March 25, 1971.
BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries &amp; Wages</td>
<td>$18,488</td>
</tr>
<tr>
<td>Travel</td>
<td>3,600</td>
</tr>
<tr>
<td>Other Current Expense</td>
<td>7,385</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>2,600</td>
</tr>
<tr>
<td>Payment as Agent</td>
<td>98,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$130,073</strong></td>
</tr>
</tbody>
</table>

FROM:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$130,073</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$130,073</strong></td>
</tr>
</tbody>
</table>

Approved March 25, 1971.

CHAPTER 239
(S. B. No. 1232)

AN ACT


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

SECTION 1. There is hereby appropriated out of the funds enumerated the following amount to the State Board of Education for the State Youth Training Center for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Providing administrative and supporting services</td>
<td>$436,100</td>
</tr>
<tr>
<td>Rehabilitating and training delinquent youth to return to society</td>
<td>545,719</td>
</tr>
<tr>
<td>Administering federal funding</td>
<td>55,000</td>
</tr>
</tbody>
</table>
| **TOTAL**                              | **$1,036,819**
BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries &amp; Wages</td>
<td>$728,667</td>
</tr>
<tr>
<td>Travel</td>
<td>6,254</td>
</tr>
<tr>
<td>Other Current Expense</td>
<td>285,398</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>16,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,036,819</td>
</tr>
</tbody>
</table>

FROM:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$889,933</td>
</tr>
<tr>
<td>Federal Funds</td>
<td>55,000</td>
</tr>
<tr>
<td>Receipts to Appropriation</td>
<td>10,000</td>
</tr>
<tr>
<td>Endowment Funds</td>
<td>81,886</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,036,819</td>
</tr>
</tbody>
</table>

Approved March 25, 1971.

CHAPTER 240
(S. B. No. 1231)

AN ACT


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

SECTION 1. There is hereby appropriated out of the fund enumerated the following amount to the Education Commission of the States and Idaho Education Council for the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Travel</td>
<td>$1,000</td>
</tr>
<tr>
<td>Other Current Expense</td>
<td>300</td>
</tr>
<tr>
<td>Payment as Agent</td>
<td>7,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$8,800</td>
</tr>
</tbody>
</table>

FROM:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$8,800</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$8,800</td>
</tr>
</tbody>
</table>

Approved March 25, 1971.
AN ACT

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

SECTION 1. There is hereby appropriated out of the fund enumerated the following amount to the Lieutenant Governor for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

| Administrative | $36,000 |
| TOTAL          | $36,000 |

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

| Salaries & Wages | $29,500 |
| Travel           | 3,500   |
| Other Current Expense | 3,000  |
| TOTAL            | $36,000 |

FROM:

| General Fund | $36,000 |
| TOTAL        | $36,000 |

Approved March 25, 1971.

CHAPTER 242
(S. B. No. 1228)

AN ACT

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. There is hereby appropriated out of the funds enumerated the sum of $138,134 to the Legislative Council for major programs for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

Providing research assistance to the
Idaho Legislature $138,134
TOTAL $138,134

FROM:
General Fund $135,384
Dedicated funds:
Highway Fund 2,750
TOTAL $138,134

Approved March 25, 1971.

CHAPTER 243
(S. B. No. 1224)

AN ACT


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

SECTION 1. There is hereby appropriated out of the funds enumerated the following amounts to the Idaho Traffic Safety Commission for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

Co-ordinating traffic safety programs $482,922
TOTAL $482,922

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

Salaries & Wages $ 55,338
Travel 10,280
Other Current Expense 16,804
Capital Outlay 500
Payment as Agent 400,000
TOTAL $482,922
FROM:
Federal Funds $452,199
Dedicated Funds:
   Motor Vehicle Fund 30,723
TOTAL $482,922
Approved March 25, 1971.

CHAPTER 244
(S. B. No. 1217)

AN ACT

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

SECTION 1. There is hereby appropriated out of the fund enumerated the following amount to the Outfitters and Guides Board for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:
   Licensing of Outfitters and Guides $48,882
   TOTAL $48,882

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:
   Salaries & Wages $16,400
   Travel 6,450
   Other Current Expense 23,532
   Capital Outlay 2,000
   Refunds of Erroneous Receipts 500
   TOTAL $48,882

FROM:
Dedicated Funds:
   Outfitters and Guides License Fund $48,882
   TOTAL $48,882

Approved March 25, 1971.
CHAPTER 245
(S. B. No. 1216)

AN ACT
APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO
THE IDAHO VETERANS AFFAIRS COMMISSION FOR THE
VETERANS HOME AND PRESCRIBING MAJOR PROGRAMS AND
EXPENDITURE CLASSIFICATIONS OF THE APPROPRIATION

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

SECTION 1. There is hereby appropriated out of the funds
enumerated the following amount to the Idaho Veterans Affairs Commission
for the Veterans Home for major programs and the prescribed expenditure
classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:
- Operating and Managing
  - Idaho Veterans Home $197,600
- TOTAL $197,600

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:
- Salaries & Wages $ 98,500
- Travel 1,100
- Other Current Expense 97,000
- Capital Outlay 1,000
- TOTAL $197,600

FROM:
- Federal Funds $ 98,000
- Receipts to Appropriation 48,600
- Endowment Funds 51,000
- TOTAL $197,600

Approved March 25, 1971.

CHAPTER 246
(S. B. No. 1215)

AN ACT
APPROPRIATING MONEYS FROM THE FUND ENUMERATED TO THE
STATE BOARD OF SCALING PRACTICES AND PRESCRIBING
MAJOR PROGRAMS AND EXPENDITURE CLASSIFICATIONS OF
THE APPROPRIATION FOR THE PERIOD JULY 1, 1971
THROUGH JUNE 30, 1972.

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

SECTION 1. There is hereby appropriated out of the fund enumerated
the following amount to the State Board of Scaling Practices for major
programs and the prescribed expenditure classifications for the period July
1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

  Supervising scaling practices
  and timber levy
  TOTAL

$35,200

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries &amp; Wages</td>
<td>$16,460</td>
</tr>
<tr>
<td>Travel</td>
<td>5,100</td>
</tr>
<tr>
<td>Other Current Expense</td>
<td>8,450</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>5,190</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$35,200</td>
</tr>
</tbody>
</table>

FROM:

Dedicated Funds:

  State Scaling Fund
  TOTAL

$35,200

Approved March 25, 1971.

CHAPTER 247
(S. B. No. 1214)

AN ACT

APPROPRIATING MONEYS FROM THE FUND ENUMERATED TO THE
IDAHO PERSONNEL COMMISSION AND PRESCRIBING MAJOR
PROGRAMS AND EXPENDITURE CLASSIFICATIONS OF THE
APPROPRIATION FOR THE PERIOD JULY 1, 1971 THROUGH
JUNE 30, 1972.

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

SECTION 1. There is hereby appropriated out of the fund enumerated
the following amount to the Idaho Personnel Commission for major
programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972:

FOR MAJOR PROGRAMS:
- Providing personnel services: $295,639
  
  TOTAL: $295,639

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:
- Salaries & Wages: $195,539
- Travel: 7,150
- Other Current Expense: 86,450
- Capital Outlay: 6,500
  
  TOTAL: $295,639

FROM:
- Dedicated Funds:
  - Personnel Commission Fund: $295,639
  
  TOTAL: $295,639

Approved March 25, 1971.

### CHAPTER 248
(S. B. No. 1209)

AN ACT
AMENDING CHAPTER 35, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-3513A, IDAHO CODE, TO PROVIDE THAT BILLS MAKING APPROPRIATIONS OR BILLS INCREASING OR DECREASING EXISTING APPROPRIATIONS OR STATE OR LOCAL GOVERNMENT FISCAL LIABILITY SHALL HAVE A FISCAL NOTE ATTACHED BEFORE ANY VOTE IS TAKEN THEREON BY EITHER HOUSE OF THE LEGISLATURE, PROVIDING FOR THE AGENCY THAT SHALL PREPARE THE NOTE, AND PROVIDING FOR NORMAL EXCEPTIONS FROM THE FISCAL NOTE REQUIREMENT; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 35, 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 67-3513A, Idaho Code, and to read as follows:
67-3513A. FISCAL NOTES. — (1) Any bill making an appropriation and any bill increasing or decreasing existing appropriations or state or local government fiscal liability or revenues shall, before any vote is taken thereon by either house of the legislature, or before any public hearing is held before any standing committee or, if no public hearing is held, before any vote is taken by the committee, incorporate as a note a reliable estimate of the anticipated change in appropriation authority or state or local government fiscal liability or revenues under the bill, including to the extent possible a projection of such changes for the next five (5) years. Except as otherwise provided by joint rules of the legislature, such estimates shall be made by the department or agency administering the appropriation or collecting the revenue, and shall be reviewed by the division of the budget and reported on separately.

(2) Bills appropriating moneys for established programs contained in the executive budget shall normally be exempt from the fiscal note requirement contained in subsection (1) above, but may be required to have a note prepared at the request of the joint committee considering the appropriation measure.

SECTION 2. This act shall be in full force and effect on and after July 1, 1971.

Approved March 25, 1971.
accept, receive, receipt for, disburse, and expend federal monies, made available to accomplish in whole or in part, any of the purposes of the laws enforced by the Idaho department of labor. All monies accepted under this section shall be accepted and expended by the commissioner of labor upon such terms and conditions as are prescribed by the United States. All monies received by the commissioner of labor pursuant to this section shall be deposited in the state treasury, and, unless otherwise prescribed by the authority in which said monies were received, shall be kept in separate funds designated according to the purpose for which the monies were made available, and held by the state in trust for such purposes. All such monies are hereby appropriated for the purpose of which the same were made available, and the commissioner of labor is empowered to disburse or expend said monies in accordance with the terms and conditions upon which they were made available.

Approved March 25, 1971.

CHAPTER 250
(S. B. No. 1179)

AN ACT
AMENDING CHAPTER 8, TITLE 19, IDAHO CODE, TO PROVIDE FOR THE ADDITION OF A NEW SECTION TO BE KNOWN AND DESIGNATED AS SECTION 19-815A, IDAHO CODE; PROVIDING FOR THE FILING OF A MOTION TO DISMISS IN THE DISTRICT COURT TO CHALLENGE THE SUFFICIENCY OF THE EVIDENCE PRESENTED AT THE PRELIMINARY HEARING TO HOLD THE DEFENDANT TO ANSWER FOR A CRIMINAL CHARGE IN DISTRICT COURT AND PROVIDING THAT THE DISTRICT JUDGE SHALL DISMISS THE COMPLAINT, COMMITMENT, OR INFORMATION UPON A FINDING OF LACK OF PROBABLE CAUSE.

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

SECTION 1. That Chapter 8, Title 19, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 19-815A, Idaho Code, and to read as follows:

19-815A. CHALLENGING SUFFICIENCY OF EVIDENCE OF
PRELIMINARY EXAMINATION. — A defendant once held to answer to a criminal charge under this chapter may challenge the sufficiency of evidence educed at the preliminary examination by a motion to dismiss the commitment, signed by the magistrate, or the information filed by the prosecuting attorney. Such motion to dismiss shall be heard by a district judge.

If the district judge finds that the magistrate has held the defendant to answer without reasonable or probable cause to believe that the defendant has committed the crime for which he was held to answer, or finds that no public offense has been committed, he shall dismiss the complaint, commitment or information and order the defendant discharged.

Approved March 25, 1971.

CHAPTER 251
(S. B. No. 1144)

AN ACT
AMENDING SECTION 30-139, IDAHO CODE, TO PERMIT A CORPORATION TO HAVE LESS THAN THREE DIRECTORS IF ALL OF THE SHARES OF STOCK OF SUCH CORPORATION ARE OWNED BENEFICIALLY AND OF RECORD BY LESS THAN THREE STOCKHOLDERS.

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

SECTION 1. That Section 30-139, Idaho Code, be, and the same is hereby amended to read as follows:

30-139. DIRECTORS. I. The business of every corporation shall be managed by a board of at least three (3) directors, except that in cases where all of the shares of the corporation are owned beneficially and of record by either one (1) or two (2) stockholders, the number of directors may be less than three (3) but not less than the number of stockholders. Directors need not be shareholders unless the articles of incorporation so require. A director shall hold office for the term for which he was named or elected and until his successor is elected and qualified.

2. The number, qualifications, terms of office, manner of election, time and place, manner of calling of meeting, and the powers and duties of the directors may, subject to the provisions of this act, be prescribed by the
articles or by-laws. Except as otherwise prescribed in the articles or by-laws:

a. A director shall be elected for a term of one (1) year;

b. Vacancies in the board of directors shall be filled by the remaining members of the board, and each person so elected shall be a director until his successor is elected. The shareholders may elect his successor at the next annual meeting of the shareholders, or at any special meeting duly called for that purpose and held prior thereto;

c. The meetings of the board of directors may be held at such place, whether in this state or elsewhere, as a majority of the directors may from time to time appoint;

d. A majority of the board of directors shall be necessary to constitute a quorum for the transaction of business, and the acts of a majority of the directors present at a meeting at which a quorum is present shall be the acts of the board of directors;

e. The board of directors may, by resolution passed by a majority of the whole board, designate two (2) or more of their number to constitute an executive committee, who, to the extent provided in said resolution, shall have and exercise the authority of the board of directors in the management of the business of the corporation.

3. In the absence of by-law provisions written notice of directors' meetings shall be given each director at his last known address at least three (3) days before the meeting and shall specify the purposes of the meeting. Such notice may be waived by a director in writing at the meeting or shall be conclusively deemed given if he be present at the meeting.

4. A director may be removed by two-thirds (2/3) vote of the shareholders or members at a special meeting for that purpose called in the manner provided in subdivision 2 of section 30-133, Idaho Code.

5. Unless otherwise restricted by the certificate of incorporation or by-laws, any action required or permitted to be taken at any meeting of the board of directors or of any committee thereof may be taken without a meeting, if prior to such action a written consent thereto is signed by all members of the board or of such committee as the case may be, and such written consent is filed with the minutes of proceedings of the board or committee.

Approved March 25, 1971.
CHAPTER 252
(S. B. No. 1059)

AN ACT
AMENDING SECTION 41-3401, IDAHO CODE, TO SUBSTITUTE THE TERM "LICENSEE" FOR THE TERM "PHYSICIAN" WHEREVER THE SAME APPEARS AND TO CORRECT A TYPOGRAPHICAL ERROR; AMENDING SECTION 41-3403, IDAHO CODE, BY PROVIDING THAT A PROFESSIONAL SERVICE CORPORATION MAY PROVIDE HEALTH CARE SERVICES BY ONE OR MORE CATEGORIES OF LICENSEES, INCLUDING CHIROPRACTORS, DENTISTS, OPTOMETRISTS, OSTEOPATHS, PHARMACISTS, PHYSICIANS AND SURGEONS, OF EITHER MEDICINE OR SURGERY OR OF OSTEOPATHIC MEDICINE AND SURGERY, AND PODIATRISTS; AMENDING SECTION 41-3406, IDAHO CODE, BY REQUIRING THE ARTICLES OF INCORPORATION OF A PROFESSIONAL SERVICE CORPORATION TO SPECIFY THE CATEGORIES OF PARTICIPANT LICENSEE SERVICES TO BE PROVIDED; AMENDING SECTION 41-3408, IDAHO CODE, BY REQUIRING A PROFESSIONAL SERVICE CORPORATION TO HAVE IN FORCE SERVICE AGREEMENTS WITH PARTICIPATING LICENSEES SUFFICIENT TO FURNISH THE CATEGORIES OF HEALTH CARE SERVICES TO BE PROVIDED TO ITS SUBSCRIBERS, AND PROVIDING THAT THE CORPORATION BE READY AND WILLING TO ENTER INTO SERVICE AGREEMENTS WITH ALL LICENSEES OF EACH CATEGORY SPECIFIED IN ITS ARTICLES OF INCORPORATION WHO DESIRE TO BECOME PARTICIPANTS AND WHO PRACTICE WITHIN THE AREA SERVED BY THE CORPORATION; AMENDING SECTION 41-3409, IDAHO CODE, BY REQUIRING THAT IN APPLYING FOR A CERTIFICATE OF AUTHORITY A PROFESSIONAL SERVICE CORPORATION SHALL FILE WITH THE COMMISSIONER OF INSURANCE A COPY OF EACH PROPOSED SERVICE AGREEMENT WITH PARTICIPANT LICENSEES AND LIST OF NAMES AND ADDRESSES, AND SERVICE AGREEMENT DATES, OF SUCH LICENSEES; AMENDING SECTION 41-3410, IDAHO CODE, BY PROVIDING FOR ISSUANCE OF CERTIFICATE OF AUTHORITY TO A PROFESSIONAL SERVICE CORPORATION
WHEN ITS APPLICATION IS COMPLETED AND THE COMMISSIONER FINDS IT QUALIFIED THEREFOR; AMENDING SECTION 41-3411, IDAHO CODE, BY PROVIDING FOR THE CONTINUATION AND EXPIRATION OF CERTIFICATE OF AUTHORITY OF PROFESSIONAL SERVICE CORPORATION; AMENDING SECTION 41-3413, IDAHO CODE, BY PROVIDING THAT A PROFESSIONAL SERVICE CORPORATION MAY PROVIDE ITS SUBSCRIBERS WITH SERVICES OF ONE OR MORE PARTICIPANT LICENSEE CATEGORIES, WITH INDEMNITY FOR PROFESSIONAL SERVICES RENDERED BY LICENSEES OF CATEGORIES SPECIFIED IN THE SUBSCRIBER'S CONTRACT, INCLUDING ANY CATEGORY OF PARTICIPANT LICENSEES, AND FOR SERVICES OF OTHER PERSONS DULY LICENSED TO ENGAGE IN ANY HEALTH CARE PROFESSION OR PRACTICE, AND LIMITING THE CHARGE FOR SUCH INDEMNITY SERVICES TO NOT EXCEEDING ONE-THIRD OF THE TOTAL CHARGES TO SUBSCRIBERS FOR ALL SERVICES AND BENEFITS IN ANY CALENDAR YEAR; AMENDING SECTION 41-3415, IDAHO CODE, BY REQUIRING PROFESSIONAL SERVICE CORPORATIONS TO ENTER INTO SERVICE AGREEMENTS ONLY WITH LICENSEES DULY LICENSED BY THE STATE, PROVIDING THAT EACH SERVICE AGREEMENT SHALL REQUIRE THE PARTICIPANT LICENSEE TO FURNISH THE PARTICIPANT LICENSEE SERVICE TO BE PROVIDED UNDER THE SUBSCRIBER'S CONTRACT AS A DIRECT OBLIGATION OF THE LICENSEE TO THE SUBSCRIBER, THAT A PARTICIPANT LICENSEE BE COMPENSATED FOR HIS SERVICES UNDER FORMULA OR FEE SCHEDULE CONTAINED IN THE SERVICE AGREEMENT AND NOT OTHERWISE BY THE PROFESSIONAL SERVICE CORPORATION, AND THAT WITHDRAWAL OF A PARTICIPANT LICENSEE FROM THE SERVICE AGREEMENT NOT BE EFFECTIVE AS TO SUBSCRIBERS' CONTRACTS CURRENTLY IN FORCE UNTIL THE EARLIER OF SUCH CONTRACT'S NEXT ANNIVERSARY OR ITS EXPIRATION AND PROVIDING THAT THIS SECTION SHALL NOT APPLY AS TO PARTICIPANT PHARMACISTS; AMENDING SECTION 41-3415A, IDAHO CODE, BY MAKING CHANGES OF LANGUAGE NECESSARY FOR CORRELATION WITH PRECEDING
AMENDING SECTIONS, AND WITHOUT CHANGE OF SUBSTANCE; AMENDING SECTION 41-3417, IDAHO CODE, TO PROVIDE THAT A SUBSCRIBER’S CONTRACT SHALL CONSTITUTE A DIRECT OBLIGATION OF THE PARTICIPANT LICENSEE TO RENDER THE PROFESSIONAL SERVICES AGREED TO BE RENDERED BY THE PARTICIPANT IN THE SUBSCRIBER’S CONTRACT, THAT THE SUBSCRIBER’S CONTRACT SET FORTH THE SERVICES TO WHICH THE SUBSCRIBER IS ENTITLED FROM PARTICIPANT LICENSEES, AND THAT NO SUCH CONTRACT RESTRICT SUBSCRIBER’S RIGHT TO FREE CHOICE OF LICENSEE, WITHIN THE CATEGORIES PROVIDED FOR IN THE CONTRACT, BUT THAT THE CONTRACT MAY RESTRICT BENEFITS FOR SERVICES OF NONPARTICIPANT LICENSEES AND NONPARTICIPANT HOSPITALS; AMENDING SECTION 41-3418, IDAHO CODE, TO REQUIRE SERVICE AGREEMENTS AND SUBSCRIBERS’ CONTRACTS ISSUED BY A SERVICE CORPORATION ON A SERVICE BASIS TO PROVIDE FOR HEALTH CARE SERVICES OF SUBSTANTIAL AND BROAD CHARACTER TO BE RENDERED ON SERVICE BASIS BY PARTICIPANT LICENSEES, WITHIN SCOPE OF HEALTH CARE SERVICES WHICH MAY OTHERWISE LAWFULLY BE PROVIDED BY SUCH LICENSEES, AND AUTHORIZING COMMISSIONER TO ESTABLISH REASONABLE MINIMUMS OF SERVICE BENEFITS TO BE SO PROVIDED, AND PROVIDING FOR MASTER CONTRACTS WITH GREATER OR LESSER SERVICE OR INDEMNITY BENEFITS UPON WRITTEN REQUEST BY THE GROUP WHEN BENEFITS AND RATES ARE CLEARLY DEFINED AND FILED WITH THE COMMISSIONER OF INSURANCE; AMENDING SECTION 41-3422, IDAHO CODE, BY REQUIRING SURPLUS FUNDS OF $50,000 FOR A PROFESSIONAL SERVICE CORPORATION OR $100,000 FOR A COMBINATION PROFESSIONAL-HOSPITAL SERVICE CORPORATION; AMENDING SECTION 41-3428, IDAHO CODE, BY AUTHORIZING JOINT MANAGEMENT OF HOSPITAL SERVICE CORPORATION AND PROFESSIONAL SERVICE CORPORATION TO REDUCE OPERATING COSTS; AMENDING SECTION 41-3429, IDAHO CODE, BY PROVIDING FOR COMBINED PROFESSIONAL
SERVICE AND HOSPITAL SERVICE CORPORATION, REQUIRING
PROFESSIONAL SERVICES OF SUCH COMBINED CORPORATION
TO COMPLY WITH PROVISIONS OTHERWISE APPLICABLE TO
PROFESSIONAL SERVICE CORPORATIONS, AND PERMITTING
SUCH A COMBINED CORPORATION TO ISSUE SUBSCRIBERS' CONTRACTS PROVIDING FOR BOTH PROFESSIONAL AND HOSPITAL SERVICES; AMENDING SECTION 41-3430, IDAHO CODE, RELATING TO SUBSCRIBERS' CONTRACTS COVERING WORKMEN'S COMPENSATION RISKS BY SUBSTITUTE THE TERM "LICENSEES" FOR THE TERM "PHYSICIANS" WHEREVER THE SAME APPEARS; AMENDING SECTION 41-3431, IDAHO CODE, TO PROVIDE FOR ANNUAL SETTLEMENTS BY SERVICE CORPORATIONS WITH PARTICIPANT LICENSEES WHOSE BILLS DURING PRECEDING CALENDAR YEARS HAVE NOT BEEN PAID IN FULL; AND REPEALING SECTIONS 41-3404A, 41-3404B AND 41-3414A, IDAHO CODE.

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

SECTION 1. That Section 41-3401, Idaho Code, be, and the same is hereby amended to read as follows:

41-3401. SCOPE OF CHAPTER. - (1) This chapter shall apply to every individual, person, firm, corporation, association, or organization of any kind hereafter engaging or purporting to engage in the provision of all or part of any health care service, as hereinafter defined, for its subscribers in exchange for periodic prepayments in identifiable amount by or as to such subscribers.

(2) This chapter does not apply as to:
(a) Insurers or fraternal benefit societies authorized to transact the kind of insurance involved pursuant to other chapters of this code.
(b) Fraternal and other organizations exempted under section 41-3242, Idaho Code, from the provisions of chapter 32 of this code.
(c) Health care services provided by an employer to his employees and their dependents, with or without contribution to the costs thereof by such employees, through health care service facilities owned, employed, or controlled by the employers.
(d) Contracts between employers and physicians or hospitals, relative to the care and treatment of employees of such employers, which contracts are subject to the jurisdiction of the industrial accident board of Idaho.
(e) Infrequent instances of prepayment by or for the patient direct to the 
physician licensee or hospital for specific services thereafter 
rendered to such patient by such 
physician licensee or hospital.

SECTION 2. That Section 41-3403, Idaho Code, be, and the same is 
hereby amended to read as follows:

41-3403. DEFINITIONS. — For the purposes of this chapter:

(1) "Health care service" means any service rendered to an individual 
for diagnosis, relief, or treatment of any injury, ailment or bodily condition.

(2) "Service corporation" means a corporation providing all or part of 
one or more health care services for subscribers thereto in exchange for 
periodic prepayments in identifiable amount by or as to such subscribers.

(3) A "medical professional service corporation" is one so providing 
principally medical and/or surgical health care services by one or more 
categories of participant licensees, as defined in subsection (9) of this 
section. Such a service corporation may also provide for materials 
customarily dispensed or furnished in connection with the services of the 
licensee.

(4) A "hospital service corporation" is one so providing principally 
hospital services.

(5) "Service agreement" is a contract between a service corporation 
and a physician licensee or hospital, or pharmacist under which the 
physician licensee or hospital, or pharmacist agrees to render all or part of 
one or more health care services to subscribers of the service corporation.

(6) "Subscriber's contract" is that between the service corporation and 
its subscriber under which all or part of one or more health care services is to 
be rendered to or on behalf of the subscriber by a physician licensee or 
hospital, or pharmacist that has entered into a service agreement with such 
corporation covering such services.

(7) "Participant hospital" is one which has entered into a service 
agreement with a service corporation.

(8) "Participant physician licensee" is one who has entered into a 
service agreement with a service corporation and shall include medical 
doctors, pediatricians, and optometrists duly licensed to practice under the laws 
of the state of Idaho.

(9) "Physician" includes also "surgeon." "Licensee" is an individual 
while duly licensed by the state of Idaho to practice in any one or more of 
the following categories of health care service professions:

(a) Chiropractor;
(b) Dentist;
(c) Optometrist;
(d) Osteopath;
(e) Pharmacist;
(f) Physician and surgeon, of either medicine and surgery or of osteopathic medicine and surgery; and
(g) Podiatrist.

(10) "Participant pharmacist" is one who has entered into a service agreement with a service corporation.

(11) A "pharmaceutical service corporation" is one so providing principally pharmaceutical services.

(12) "Pharmaceutical services" includes the furnishing of drugs and other substances necessary to the filling of prescription orders and also the professional service rendered by the pharmacist in preparing, compounding and filling the prescription order.

(13) An "optometric service corporation" is one so providing solely optometric services, including ophthalmic materials furnished incidental to such services whenever specified by particular service agreements and subscriber's contracts.

(14) A "dental service corporation" is one providing principally dental services.

(15) "Participant dentist" is one duly licensed to practice dentistry under the laws of the State of Idaho who has entered into a service agreement with a service corporation.

SECTION 3. That Section 41-3406, Idaho Code, be, and the same is hereby amended to read as follows:

41-3406. INCORPORATION LAWS APPLICABLE — APPROVAL OF ARTICLES OF INCORPORATION — AMENDMENT. — (1) A service corporation shall be formed as a nonprofit, nonstock medical professional service corporation or hospital service corporation, or pharmaceutical service corporation, or dental service corporation or a combination medical professional and hospital service corporation, consistent with the applicable requirements of this chapter under the statutes of Idaho governing the formation of nonprofit, nonstock corporations in general. The articles of incorporation shall specify the category or categories of participant licensee services to be provided by a professional service corporation.

(2) Before the articles of incorporation of any such proposed corporation hereafter formed are filed with the secretary of state, they shall be submitted to the commissioner, and the secretary of state shall not file
the articles unless the commissioner’s approval is indorsed thereon. The commissioner shall so approve the articles unless he finds, after reference of such articles to the attorney general, that they do not comply with law. If not so approved, the commissioner shall return the proposed articles of incorporation to the incorporators together with his written statement of the particulars of the reasons for nonapproval.

(3) No amendment of the articles of incorporation of any service corporation shall be filed with the secretary of state unless it is first submitted to and approved by the commissioner, and bears the commissioner’s approval indorsed thereon. The commissioner shall so approve the amendment unless he finds, after reference of such amendment to the attorney general, that it was not lawfully adopted or that the articles of incorporation as so amended would be unlawful. If not so approved, the commissioner shall return the proposed amendment to the corporation together with his written statement of the particulars of the reasons for nonapproval.

SECTION 4. That Section 41-3408, Idaho Code, be, and the same is hereby amended to read as follows:

41-3408. QUALIFICATIONS FOR CERTIFICATE OF AUTHORITY.
— The commissioner shall not issue or permit to exist a certificate of authority to be or act as a service corporation, as to any corporation not fulfilling the following qualifications:

1) Must be incorporated as provided in section 41-3406, Idaho Code, as a professional service corporation, or as a hospital service corporation, or a pharmaceutical service corporation, or a dental service corporation, or as a combined professional and hospital service corporation.

2) Must intend to and actually conduct its business in good faith as a nonprofit corporation.

3) If a hospital service corporation, it must have in force at all times while so authorized, service agreements with participant hospitals located in the areas of the subscribers’ residences, convenient as to location and sufficient as to capacity and facilities reasonably to furnish the hospital services provided or proposed to be provided by the corporation to its subscribers.

4) If a professional service corporation, it must have in force service agreements with participant physicians located in the areas of the subscribers’ residences convenient as to location and sufficient in
numbers, capacity and facilities reasonably to furnish the medical and surgical respective categories of health care services then provided or proposed to be provided by the corporation to its subscribers. Said medical professional service corporation shall be ready and willing at all times to enter into service agreements with all licensees of the category or categories specified in its articles of incorporation who are physicians (including optometrists, in the event such corporation provides or proposes to provide to its subscribers services that are within the lawful scope of practice of a duly licensed optometrist) qualified under the laws of the state of Idaho and who desire to become participant physicians licensees of said corporation and who practice within the general area served by said medical professional service corporation.

(5) If a newly formed corporation, it must possess sufficient available working funds to pay all reasonably anticipated cost of acquisition of new business and operating expenses, other than payment for hospital, medical, or pharmaceutical professional services, for a period of not less than the six months next following the date of issuance of the certificate of authority, if issued.

(6) Must fulfill all other applicable requirements of this chapter.

(7) If a pharmaceutical service corporation, it must have in force at all times while so authorized, service agreements with participant pharmacists located in areas of the subscribers' residences, convenient as to location and sufficient as to capacity and facilities reasonably to furnish the pharmaceutical services provided or proposed to be provided by the corporation to its subscribers.

SECTION 5. That Section 41-3409, Idaho Code, be, and the same is hereby amended to read as follows:

41-3409. APPLICATION FOR CERTIFICATE OF AUTHORITY. —
(1) Application for a certificate of authority to transact business as a service corporation shall be made to the commissioner, on forms as prepared and furnished by the commissioner and requiring such information relative to the applicant, its directors, officers, and affairs as the commissioner may reasonably require consistent with this chapter.

(2) The application shall be accompanied by such of the following documents as may not already be on file with the commissioner:

(a) One copy of the applicant's articles of incorporation and of all amendments thereto, certified by the secretary of state;

(b) One copy of the applicant's by-laws, certified by its corporate secretary;
(c) If a medical professional service corporation, a copy of each form of service agreement entered into or proposed to be entered into with participant physicians licensees, together with a list showing the name, residence and office addresses, and date of execution of the service agreement by each such physician licensee;
(d) If a hospital service corporation, a copy of each service agreement entered into with participant hospitals, certified by the applicant’s corporate secretary;
(e) A copy of each form of subscriber’s contract proposed to be offered;
(f) A schedule of the rates proposed to be charged subscribers;
(g) A financial statement of the applicant as of a date not more than 30 days before the filing of the application, showing among other things the amount of working funds available to the applicant, the source of such funds, and accompanied by a copy of the agreement under which any such funds were contributed to or provided for the applicant; and
(h) A copy of any other relevant document reasonably requested by the commissioner.
(i) If a pharmaceutical service corporation, a copy of each form of service agreement entered into or proposed to be entered into with participant pharmacists, together with a list showing the name and office address and date of execution of the service agreement by each such pharmacist.

(3) At time of filing the application the applicant shall pay to the commissioner the application fee and the fee for issuance of the certificate of authority as specified in section 41-3433, Idaho Code, (fee schedule).

SECTION 6. That Section 41-3410, Idaho Code, be, and the same is hereby amended to read as follows:

41-3410. ISSUANCE OR REFUSAL OF CERTIFICATE OF AUTHORITY. – (1) If after the application for certificate of authority is completed the commissioner finds that the applicant is fully qualified for a certificate of authority in accordance with the provisions of this chapter, and that the service agreements, subscriber’s contracts, and schedule of rates are in compliance with the applicable provisions of this chapter, he shall issue to the applicant a certificate of authority as a medical professional service corporation or as a hospital service corporation, or as a pharmaceutical service corporation, or as a combined medical professional and hospital service corporation, as the case may be.
(2) If the commissioner does not so find, he shall refuse to issue a certificate of authority and shall give the applicant written notice thereof setting forth the particulars of the reasons for such refusal, accompanied by return of the fee theretofore tendered for issuance of the certificate of authority.

(3) The commissioner shall either issue or refuse to issue the certificate of authority within a reasonable time after the filing and completion of application therefor.

SECTION 7. That Section 41-3411, Idaho Code, be, and the same is hereby amended to read as follows:

41-3411. CONTINUANCE OR EXPIRATION OF CERTIFICATE OF AUTHORITY. — (1) A certificate of authority issued to a service corporation shall continue in force as long as the corporation is entitled thereto under this chapter, and until suspended or revoked by the commissioner or terminated at the request of the corporation; subject, however, to continuance of the certificate by the corporation each year by:

(a) Payment prior to March 1 of the continuation fee provided in section 41-3433, Idaho Code, (fee schedule); and

(b) Due filing by the insurer service corporation of its annual statement for the calendar year preceding as required under section 41-3425, Idaho Code.

(2) If not so continued by the service corporation, its certificate of authority shall expire as at midnight on the May 31 next following such failure of the service corporation to continue it in force. The commissioner shall promptly notify the service corporation of the occurrence of any failure resulting in impending expiration of its certificate of authority.

SECTION 8. That Section 41-3413, Idaho Code, be, and the same is hereby amended to read as follows:

41-3413. SERVICES AND BENEFITS WHICH MAY BE PROVIDED — MEDICAL PROFESSIONAL SERVICE CORPORATIONS. — (1) A medical professional service corporation shall have the right to provide to its subscribers part or all of the following services and benefits only:

(a) Medical and surgical Professional services furnished to the subscriber by participant physicians one or more specified categories of participant licensees, as such categories are referred to in section 41-3403 (9), Idaho Code, and subject to the requirements of section 41-3408 (4), Idaho Code, (qualifications for authority) as to each such category;
(b) Indemnity in reasonable amount with respect to medical and surgical professional services and drugs (under subscribers' contracts providing for services of participant licensee pharmacists) furnished to the subscriber by nonparticipant physicians, licensees of the same category or categories as participant licensees of the service corporation, but subject to section 41-3408 (4), Idaho Code, (qualifications for authority); 

(c) Indemnity in reasonable amount with respect to hospital services furnished the subscriber while under the care and treatment of a participant physician licensee entitled to practice in such hospital; or under the care and treatment of another physician upon referral by a participant physician; and 

(d) Indemnity in reasonable amount with respect to applications, prosthetics, and similar devices and replacements, and ambulance, x-ray, physiotherapy, and similar services; and

(e) Indemnity in reasonable amounts with respect to services rendered to the subscriber by licensees of a category or categories specified in the subscriber's contract including any category of licensee defined in section 41-3403 (9), Idaho Code, or rendered by other persons specified in the subscriber's contract, duly licensed by the state to engage in any health care profession or practice. The portion of the total charges to subscribers for such coverage as is authorized by this subsection (e) shall not exceed one-third of the total charges to all subscribers made by the service corporation for all services and benefits rendered in any calendar year.

(2) This section shall not be deemed to prohibit such a corporation from acting as compensated servicing agent as to health care services to be provided by any public agency, or under agreements between other parties not solicited by such corporation.

SECTION 9. That Section 41-3415, Idaho Code, be, and the same is hereby amended to read as follows:

41-3415. MEDICAL PROFESSIONAL SERVICE AGREEMENTS. —

(1) A medical professional service corporation shall enter into service agreements with only physician licensees duly licensed by the state of Idaho.

(2) Each such service agreement shall require the participant physician licensees to furnish to subscribers of the service corporation the medical and/or surgical professional services which are, under the subscriber's
contract, to be furnished by participant physicians licensees; and this obligation so to furnish such service, as provided for in the subscriber's contract, shall be a direct obligation of the participant physicians licensees to the subscribers as well as to the service corporation.

(3) Each such service agreement shall further effectively provide in substance that:

(a) The participant physician licensee shall be compensated for services rendered to a subscriber in accordance with a prescribed formula or a schedule of fees contained in the agreement or attached to and made a part of the agreement, and that the physician licensee shall not request or receive from the service corporation any compensation for such services which is not in accord with such formula or schedule.

(b) Compensation for services may be prorated and settled under the circumstances and in the manner referred to in section 41-3431, Idaho Code.

(c) If the participant physician licensee withdraws from the service agreement, such withdrawal shall not be effective as to any subscriber's contract in force on the date of such withdrawal until the termination of such subscriber's contract or the next following anniversary of such subscriber's contract, whichever date is the earlier.

(4) The proposed form of any such service agreement shall be filed with the commissioner and be subject to his approval, as provided in section 41-3419, Idaho Code.

(5) This section shall not apply as to participant pharmacists.

SECTION 10. That Section 41-3415A, Idaho Code, be, and the same is hereby amended to read as follows:

41-3415A. PHARMACEUTICAL PHARMACISTS' SERVICE AGREEMENTS. — (1) A pharmaceutical service corporation shall enter into service agreements with only pharmacists duly licensed by the state of Idaho.

(2) Each such service agreement shall require the participant pharmacist to furnish to subscribers of the service corporation the pharmaceutical services and drugs which are, under the subscriber's contract, to be furnished by participant pharmacists; and this obligation so to furnish such services and drugs as provided for in the subscriber's contract, shall be a direct obligation of the participant pharmacist to the subscribers as well as to the service corporation.

(3) Each such service agreement shall further effectively provide in substance that:
(a) The participant pharmacist shall be compensated for services rendered and drugs furnished to a subscriber in accordance with a schedule of fees contained in the agreement or attached to and made a part of the agreement, and the pharmacist shall not request or receive from the service corporation or the subscriber any compensation for such services and drugs which is not in accord with such schedule. The subscriber may be required by the subscriber's contract to pay a fixed fee to the participant pharmacist for each prescription as a prerequisite to receiving drugs or services from the participant pharmacist.

(b) Compensation for services may be prorated and settled under the circumstances and in the manner referred to in section 41-3431, Idaho Code.

(c) If the participant pharmacist withdraws from the agreement, such withdrawal shall not be effective as to any subscriber's contract in force on the date of such withdrawal until the termination of such subscriber's contract or the next following anniversary of such subscriber's contract, whichever date is the earlier.

(4)(3) The proposed form of any such service agreement shall be filed with the commissioner and be subject to his approval, as provided in section 41-3419, Idaho Code.

SECTION 11. 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 physicians, and/or participant hospitals, or participant pharmacists of such service corporation to render the medical, professional or hospital, or pharmaceutical 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 physicians, and/or participant hospitals, or participant pharmacists, 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 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 physician, hospital or licensee, within the category or categories provided for in the contract. hospital, or pharmacist, but shall restrict such contract may provide lesser benefits to be provided on a service basis to for services rendered by nonparticipant physicians, licensees and/or nonparticipant hospitals, and participant pharmacists than those provided by participant licensees and/or participant hospitals.
(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 commissioner and be subject to his approval, as provided in section 41-3419, Idaho Code.

SECTION 12. That Section 41-3418, Idaho Code, be, and the same is hereby amended to read as follows:

41-3418. SERVICE AGREEMENTS AND SUBSCRIBER'S CONTRACTS MUST PROVIDE SUBSTANTIAL SERVICE BENEFITS. —
(1) Every service agreement and subscriber's contracts entered into or issued by a service corporation on a service basis shall provide for health care services of a substantial and broad character to be rendered to
subscribers on a service basis by participant physicians, licensees or
participant hospitals, as the case may be and, as to participant licensees,
within the scope of health care services which may otherwise lawfully be
provided by the respective categories of participant licensees under the laws
of Idaho, except that pharmaceutical service corporations shall furnish only
such services as may be authorized under this chapter.

(2) The commissioner may, after a hearing thereon, by rules and
regulations establish certain reasonable minimums of service benefits to be so
provided consistent with subsection (1) above.

(3) If any group for whom a master contract is to be issued desires to
enter into such contract providing either greater or lesser benefits either by
way of indemnity or service to the members of such group than the issuing
service corporation usually issues to similar groups, the service corporation
may enter into such contract, providing, however, (a) that the request of
such deviation from usual benefits and/or rates be in writing signed by the
proper person representing such group setting forth the benefits desired and
(b) that the master contract shall, as clearly as possible, describe in detail the
benefits and rates charged, and (c) that the provisions of section 41-3417
(5), Idaho Code, shall apply to such transaction. Should such group desire
benefits less than those that may have been established under subsection (2)
of this section a true copy of the executed request therefor and the master
contract issued shall be filed with the commissioner.

SECTION 13. That Section 41-3422, Idaho Code, be, and the same is
hereby amended to read as follows:

41-3422. SURPLUS FUND. — (1) Every service corporation shall set
aside into a “surplus fund” an amount of money equal to not less than two
per cent (2%) of all sums hereafter received by it on account of subscriber’s
contracts, until such surplus fund amounts to not less than $50,000.00 fifty
thousand dollars ($50,000) if a medical professional service corporation or
hospital service corporation or a pharmaceutical service corporation, or
$100,000.00 one hundred thousand dollars ($100,000) if a combination
medical professional-hospital service corporation.

(2) After such minimum surplus fund is established the service
corporation may in like manner increase it to an amount not to exceed the
total gross collections from subscribers during the seven (7) months next
preceding.

(3) That portion of the surplus fund referred to in subsection (1)
above, may be used by the service corporation, by express appropriation
therefrom by action of its board of directors, solely if necessary to pay the additional health care costs and expenses under its contracts, resulting from disease, epidemic or catastrophic occurrences in which numerous persons were injured in the same such occurrence.

(4) If at any time depleted below the minimum amount required under subsection (1) above, the service corporation shall replenish the fund by a resumption or continuance of allocations thereto from subscribers' payments, as provided for original accumulation of the fund under subsection (1), or by such other reasonable means as may be approved by the commissioner.

SECTION 14. That Section 41-3428, Idaho Code, be, and the same is hereby amended to read as follows:

41-3428. JOINT OPERATIONS. - (1) A hospital service corporation and a medical-professional service corporation may operate under joint management for the purpose of reducing operating costs.

(2) Separate records and accounts shall be kept for each such corporation, and the funds and assets of one shall not be commingled with those of the other; except that funds received from a joint billing to subscribers may be deposited in a common bank account for purposes of collection, if the records of each corporation at all times show the amount of such funds belonging to each and if final distribution of the funds is made to each corporation within thirty (30) days from receipt of payment of such joint billing.

SECTION 15. That Section 41-3429, Idaho Code, be, and the same is hereby amended to read as follows:

41-3429. COMBINED CORPORATION. - (1) A service corporation may be formed as, or may by suitable amendment of its articles of incorporation become, a combined medical-professional service and hospital service corporation. As to its medical-professional services each such combined service corporation shall fully comply with those provisions of this chapter especially applicable as to medical-professional service corporations; and as to its hospital services the corporation shall fully comply with those provisions of this chapter especially applicable as to hospital service corporations.

(2) Subject to subsection (1) above, nothing in this chapter shall be deemed to prohibit such a combined service corporation from issuing subscriber's contracts providing for both medical-professional services and hospital services.
SECTION 16. That Section 41-3430, Idaho Code, be, and the same is hereby amended to read as follows:

41-3430. CONTRACTS COVERING WORKMEN'S COMPENSATION RISKS. — (1) No service corporation shall issue any subscriber's contract covering, or otherwise insure, any industrial injury or illness with respect to which health care service or indemnity benefits are provided by either federal or state law, or covered under the provisions of the Idaho workmen's compensation act.

(2) The restriction set forth in subsection (1) above, shall not be construed as prohibiting hospitals or physicians licenses, either as individuals, partnerships, or as a separate corporation, from contracting directly with employers, in their own right, with respect to such health care services as are provided for in the Idaho workmen's compensation act.

(3) A service corporation may act as agent for such hospitals or physicians licenses as may so contract, as referred to in subsection (2) above, for the purpose and to the extent only of the collection of moneys from the employers, the payment of claims therefrom to the hospitals or physicians licenses, the keeping of such records as may be necessarily related thereto, and the rendering of reports to the hospitals or physicians licenses and the Idaho industrial accident board. The service corporation shall charge and receive payment of reasonable compensation for such services.

(4) The service corporation acting as agent as provided in subsection (3) above, shall not at any time be liable as to any claim arising against any employer, except to disburse on behalf of the contracting hospitals or physicians licenses responsible as to such liability, such sums, out of the funds available, as may be awarded or payable under the workmen's compensation act. The service corporation shall keep all such funds in separate accounts in the names of the respective hospitals or physicians licenses, and shall not commingle them with the funds of the service corporation.

SECTION 17. That Section 41-3431, Idaho Code, be, and the same is hereby amended to read as follows:

41-3431. ANNUAL ADJUSTMENT OF SERVICE PAYMENTS — DISPOSITION OF EXCESS FUNDS. — (1) Annually on or before March 1 every service corporation shall make a special accounting, at which time any prorated settlements for any bills submitted by participant physicians licenses or hospitals, or pharmacists for services rendered during the
preceding calendar year shall be adjusted, and any deficits thereon made up on a uniform basis as to all such participants to the extent of funds available therefor.

(2) Any funds of the service corporation remaining after such annual accounting, and after adequate provision for all its liabilities and reserves, and for the surplus fund required under section 41-3422, Idaho Code, may be used by the corporation, upon express authorization by its board of directors, for any of the following purposes:

(a) To liquidate on a uniform and prorata basis any charges for services by participant physicians, licensees or participant hospitals, or participant pharmacists, not paid in full upon the settlement of bills in previous years;
(b) To pay off any part or the whole of any outstanding contribution of working capital to the corporation, any such payment to be prorated on a uniform basis among all such outstanding contributions; or
(c) To reduce the rates thereafter to be charged subscribers, or to expand the services or benefits thereafter to be provided under subscription contracts.

SECTION 18. That Sections 41-3404A, 41-3404B and 41-3414A, Idaho Code, be, and the same are hereby repealed.

Approved March 25, 1971.

CHAPTER 253

(S. B. No. 1051, As Amended in House)

AN ACT

AMENDING SECTION 36-402, IDAHO CODE, RELATING TO THE ENUMERATED EXCEPTIONS FROM THE PURCHASE OF HUNTING, TRAPPING AND FISHING LICENSES, STRIKING REFERENCES TO VETERANS OF THE CIVIL AND SPANISH-AMERICAN WAR, PROVIDING THAT ELDERLY PERSONS MUST HAVE BEEN RESIDENTS OF THE STATE TEN YEARS CONTINUOUSLY PRECEDING EXEMPTION, BY FORMALLY PROVIDING FOR FREE SENIOR RESIDENT PERMITS TO BE ISSUED TO SUCH PERSONS; PROVIDING PROCEDURE FOR APPLICATION AND ISSUANCE OF SUCH
PERMITS; AND PROVIDING THAT EVERY SENIOR RESIDENT PERMIT ISSUED ON A COURTESY BASIS PRIOR TO THE EFFECTIVE DATE OF THIS ACT SHALL BE VALID UNTIL THE EXPIRATION DATE SHOWN ON EACH OF SAID PERMITS; AMENDING SECTION 36-407, IDAHO CODE, RELATING TO RESIDENT FISH AND GAME LICENSES AND FEES, BY PROVIDING FOR A SENIOR RESIDENT FISH AND GAME LICENSE AT AGE SIXTY-FIVE FOR A FEE OF ONE DOLLAR; PROVIDING A REQUIREMENT OF TEN YEARS CONTINUOUS PRIOR RESIDENCY FOR SUCH A LICENSE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 36-402, Idaho Code, be, and the same is hereby amended to read as follows:

36-402. HUNTING, TRAPPING OR FISHING LICENSE REQUIRED — EXCEPTIONS. — It shall be unlawful for any person or persons to hunt any game whatever or trap fur-bearing animals in the state of Idaho or to fish in any of the public waters of the state without first procuring a license therefor, (unless otherwise specifically provided) and except as expressly permitted by this act as follows:

1. All children under the age of fourteen (14) years, residents of the state of Idaho may take fish during the open season and muskrats from irrigation ditches or the property upon which they live during such open season as the law provides, without procuring a license as provided by this chapter, provided that nonresident children under the age of fourteen (14) years may take fish without procuring a license as provided by this chapter if they are accompanied by a valid fishing license holder, and provided further that any fish caught by such nonresident children shall be included in the bag and possession limit of the accompanying valid license holder.

2. All Civil War veterans, Spanish American War veterans, and persons over the age of 70 who are seventy (70) years of age or older and who have resided in the state of Idaho ten (10) years continuously preceding application shall be eligible for a senior resident permit. Application shall be made in accordance with the provisions of section 36-410, Idaho Code, and said senior resident permits shall expire five (5) years from date of issuance or shall become null and void if the holder fails to maintain continuous bona
fide Idaho residency. All those free senior resident permits issued informally prior to the effective date of this act shall be valid until the expiration date shown on each of said permits.

3. All blind persons who are residents of the state of Idaho may take fish during open seasons as the law provides without procuring a license as provided in this chapter.

4. Any inmate of the State Hospital North, State Hospital South, Idaho State School and Colony, and Soldiers' Veterans' Home may take fish during open seasons as the law provides without procuring a license as provided in this chapter, provided said inmate has a permit therefor from the director of the fish and game department. The director of the fish and game department 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.

5. All persons who are residents of the state of Idaho engaged in the military services of the United States, while on temporary furlough, or leave, shall be entitled upon application to the local conservation officer of the fish and game department to a temporary permit to fish and hunt for which no fee shall be charged.

6. Any person granted permission by the director of the fish and game department to kill any fur-bearing animals which are doing damage to or destroying any property, or are likely to damage or destroy any property, of such person, is exempted from the necessity of procuring such license.

7. Resident students of the Idaho Industrial Training School, under the supervision of an officer or officers of said school, during open seasons and as provided by law, shall be allowed to fish without the procuring of an Idaho fishing license.

8. All residents and nonresident Boy Scouts who are official participants in attendance at the 1967 Boy Scout World Jamboree or at subsequent national or international encampments at Farragut State Park shall be entitled, without a license, to catch fish during the encampment period from Lake Pend Oreille in such areas and such numbers as may be designated by the Idaho fish and game commission.

SECTION 2. That Section 36-407, Idaho Code, be, and the same is hereby amended to read as follows:

36-407. RESIDENT FISH AND GAME LICENSES — FEE — RIGHTS UNDER. — A license of the first class mentioned in section 36-406, Idaho
may be had by a person possessing the qualifications therein described on payment of six dollars ($6.00) for a combined fish and game license, four dollars ($4.00) for a fish license, three dollars ($3.00) for a game license, and five dollars ($5.00) for a license to trap fur-bearing animals, and one dollar ($1.00) for a senior resident fish and game license. Notwithstanding, the residency provisions of sections 36-404 and 36-410, Idaho Code, relative to other classes of resident licenses, only those persons over age sixty-five (65) who have been bona fide residents of the state of Idaho for a continuous period of not less than ten (10) years last preceding application shall be eligible for a senior resident license. Application therefor shall be made in accordance with the provisions of section 36-420, Idaho Code. The licenses mentioned in this section shall entitle the person to whom issued to pursue, hunt, kill and take, in the manner provided by this chapter title, game animals, game birds, game fish and fur-bearing animals mentioned in this chapter title, and as provided by said license, during the time when it shall be lawful to hunt and take the same in any of the counties of this state, subject to the limitations and to the number of each kind of game animals, game birds or fur-bearing animals as provided herein, and the number or quantity of fish as limited by this chapter title.

SECTION 3. This act shall be in full force and effect on and after January 1, 1972.

Approved March 25, 1971.
WILL BE EXCLUDED FROM THE DISTRICT AND PROVIDING THAT NO HEARING WILL BE HELD WHEN THE BOARD OF THE IRRIGATION DISTRICT ISSUES AN ORDER EXCLUDING THE LAND PRIOR TO THE DATE OF THE HEARING.

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

SECTION 1. That Section 43-1102, Idaho Code, be, and the same is hereby amended to read as follows:

43-1102. SURVEY OF LAND TO BE EXCLUDED. — The board of directors may require a competent engineer, at the expense of the petitioner or petitioners, to survey so much of the irrigation district as is found necessary to reestablish the boundaries thereof by reason of any land being excluded therefrom which is described in said petition, and, in case where the land is excluded on the ground that it is too high to receive any benefit from the irrigation works of said district, the cost of all surveys shall be borne by the irrigation district. **The board may not, however, require a survey when the land sought to be excluded lies entirely within a subdivision as defined in section 50-1301, Idaho Code.**

SECTION 2. That Section 43-1103, Idaho Code, be, and the same is hereby amended to read as follows:

43-1103. HEARING ON PETITION — ORDER OF EXCLUSION. — Such petition must be heard by the board of directors of such irrigation district at the first regular meeting of the board after the filing of such petition unless for good cause shown the hearing be postponed within one hundred eighty (180) days of filing of the petition. If no hearing is held within one hundred eighty (180) days, the land described in the petition is excluded from the district. As many parties owning separate tracts or parcels of lands in any irrigation district or are united in interest to which the same state of facts apply, may unite in the same petition. Upon the hearing, the petitioner or petitioners must establish by competent evidence the allegations of the petition, and the chairman or presiding member of the board is hereby empowered to administer oaths for the purpose of such hearing.

When the allegations of such petition are established, the board must make an order forthwith changing the boundaries of such district so as to exclude the lands described in such petition which the proof has established to be entitled to exclusion, and thereafter the lands so excluded shall not form a part of such irrigation district for any purpose except as hereinafter provided: provided, however, that the lands so ordered excluded shall not be
relieved of their obligation to pay their proportionate share already created and existing of any bonded indebtedness of such irrigation district, and such lands shall remain a part of such irrigation district for the purpose of discharging such bonded indebtedness.

No hearing shall be held when, prior to the date set for the hearing, the board issues an order excluding the land described in the petition from the district.

Approved March 25, 1971.

CHAPTER 255
(S. B. No. 1146)

AN ACT
AMENDING SECTION 1-105, IDAHO CODE, RELATING TO PROCEDURES IN CRIMINAL CASES WITHIN THE FORMER JURISDICTION OF PROBATE COURTS, JUSTICE COURTS OR POLICE COURTS, BY PROVIDING THAT SUCH PROCEDURES SHALL BE GOVERNED BY THE SUPREME COURT RULES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1-105, Idaho Code, be, and the same is hereby amended to read as follows:

1-105. CRIMINAL PROCEDURE EXISTING STATUTES GOVERN. SUPREME COURT RULES GOVERN. — Procedures in the district court or magistrate’s division of the district court involving criminal actions which, prior to the effective date of this act January 11, 1971, were triable in the probate court, justice court or police court, shall be governed by existing statutes relating to criminal procedures in probate court or justice court rules of the supreme court.

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

Approved March 25, 1971.
CHAPTER 256
(S. B. No. 1165)

AN ACT
AMENDING CHAPTER 26, TITLE 49, IDAHO CODE, RELATING TO SNOWMOBILES, BY THE ADDITION OF A NEW SECTION 49-2608A; CREATING A COUNTY SNOWMOBILE ADVISORY COMMITTEE AND SETTING FORTH THEIR FUNCTIONS.

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

SECTION 1. That Chapter 26, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 49-2608A, Idaho Code, and to read as follows:

49-2608A. 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 board of county commissioners is hereby authorized, upon advisement of the special advisory committee, to use and expend said special fund created by section 49-2608, Idaho Code, outside the county.

Approved March 25, 1971.

CHAPTER 257
(S. B. No. 1177, As Amended)

AN ACT
TO PROVIDE FOR LABELING OF SOIL CONDITIONERS TO BE ENFORCED BY THE DEPARTMENT OF AGRICULTURE; PROVIDING A SHORT TITLE; PROVIDING FOR ADMINISTRATION; DEFINING TERMS AND EXCLUSIONS; PROVIDING FOR LABELS AND REQUIRING THAT SUCH PRODUCTS BE LABELED "NOT A PLANT FOOD PRODUCT"; PROVIDING FOR MANDATORY SUBMISSION OF LABELS OR FORMS TO THE IDAHO DEPARTMENT OF AGRICULTURE FOR APPROVAL; PROVIDING FOR FALSE ADVERTISING;
Providing for stop sale orders; providing for inspection and sampling of soil conditioners, entry to premises and vehicles for inspection, sampling and weights, access to records and books relating to soil conditioners and that the official sample and analysis shall be prima facie evidence in court; providing for seizure and condemnation by court action; providing misdemeanor penalties for violations; providing for civil enforcement in court and for warnings for minor violations; providing for rules and regulations; providing an inspection fee of one-half of one percent of the sales price charged by the manufacturer and providing that such funds are to be dedicated to the purpose of enforcing this act and are to be kept in the "commercial feed and fertilizer fund."

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

SECTION 1. This act shall be known as the "Idaho Soil Conditioner Law."

SECTION 2. This act shall be administered by the department of agriculture of the state of Idaho, hereinafter referred to as the "department."

SECTION 3. As used in this chapter, soil conditioners, aggregates, or additives are any synthetic organic chemical substances, or chemically or physically modified natural substances, or manufacturing byproducts, mixed or unmixed, which are represented as having a primary function of forming or stabilizing soil aggregates in soil to which they or any of them are to be applied, thereby improving the resistance of such soil to the slaking action of water, increasing its water and air permeability, improving the resistance of its surface to crusting, improving its ease of cultivation, or otherwise favorably modifying its structural or physical properties.

The term "soil conditioners, aggregates, or additives" excludes products registered under the commercial fertilizer law of 1967.

The commissioner of agriculture may by regulation establish a list of soil conditioners which shall not exclude any product falling within the definition which is not listed.

SECTION 4. Any soil conditioner offered for sale or sold or otherwise distributed in this state in bags, barrels, or other containers shall have placed
on or affixed to the container the weight or volume, brand name, name and address of manufacturer, ingredient list using the common or usual English name, if there is one, of each component in the soil conditioner product at the time of blending or mixing, including reference to weight or percentage which each component bears to the whole, and the statement, “NOT A PLANT FOOD PRODUCT” printed either on the bag or container, the label or on the form in type that is plainly legible. The statement “NOT A PLANT FOOD PRODUCT” shall be in a prominent location on the label and shall be printed in easily legible type of the same size used in the brand and product name, and which is in contrast by typography, layout, or color with other printed matter on the label. If offered for sale, sold, otherwise distributed or transported in bulk, the net weight and data in written or printed form, as required by this section, shall accompany delivery and be supplied to each and every purchaser.

Labels or forms describing use for all soil conditioners offered for sale, sold or otherwise distributed in Idaho shall be submitted to the Idaho department of agriculture. As to soil conditioners being offered for sale, sold or otherwise distributed at the time that this act becomes effective, the labels or forms describing use shall be submitted to the Idaho department of agriculture for approval within sixty (60) days after the effective date of this act, providing that manufacturers shall be allowed to use up existing inventories of labeled bags. As to all new soil conditioners offered for sale, sold or otherwise distributed in this state after the effective date of this act, labels or forms describing use for such products shall be submitted to the Idaho department of agriculture for approval before such products are offered for sale, sold or otherwise distributed in Idaho. Violation of this provision shall be unlawful.

SECTION 5. The soil conditioner is misbranded if the label does not comply with section 4 of this act. It shall be unlawful to distribute a misbranded soil conditioner or to falsely advertise a soil conditioner.

SECTION 6. The department may issue and enforce a written or printed “stop sale, use, or removal” order to the owner or custodian of any lot of soil conditioner and an order to hold at a designated place when the department finds said soil conditioner is being offered or exposed for sale in violation of any of the provisions of this act until the law has been complied with and said soil conditioner is released in writing by the department or said violation has been otherwise legally disposed of by written authority. The department shall release the soil conditioner so withdrawn when the
requirements of the provisions of this act have been complied with and all
costs and expenses incurred in connection with the withdrawal have been
paid. Upon issuance of a stop sale order the commissioner of agriculture shall
immediately provide opportunity for a hearing as provided by section 9(1)
of this act.

SECTION 7. (1) It shall be the duty of the department to inspect,
sample, make analysis of, and test soil conditioners distributed within this
state at such time and place and to such an extent as it may deem necessary
to determine whether such soil conditioners are in compliance with the
provisions of this act.

(2) The methods of sampling and analysis shall be those adopted by
the department from officially recognized sources, after consultation with
the industry and after due notice and public hearing.

(3) The department, in determining for administrative purposes
whether a soil conditioner is deficient in any component as represented by
the label or form, shall be guided solely by the official sample obtained and
analyzed as provided for in this section.

(4) When the inspection and analysis of an official sample has been
made, the results of analysis shall be forwarded by the department to the
distributor and manufacturer, and to the purchaser on request. If requested
and within thirty (30) days the department shall furnish to the distributor
and/or manufacturer a portion of the sample concerned.

(5) Analysis of an official sample by the department shall be accepted
as prima facie evidence by any court of competent jurisdiction.

SECTION 8. Any lot of soil conditioner not in compliance with the
provisions of sections 4 or 5 of this act shall be subject to seizure on
complaint of the department to the district court having jurisdiction. In the
event the court finds the said soil conditioner to be in violation of sections 4
or 5 of this act and orders the condemnation of said soil conditioner, it shall
be disposed of in any manner consistent with the laws of the state; provided,
that in no instance shall the disposition of said soil conditioner be ordered
by the court without first giving the claimant an opportunity to apply to the
court for release of said soil conditioner or for permission to process or
relabel said soil conditioner to bring it into compliance with this act.

SECTION 9. (1) If it shall appear from the examination of any soil
conditioner that any of the provisions of this act or the rules and regulations
issued thereunder have been violated, the department shall cause notice of
the violation to be given to the manufacturer, distributor, or possessor from
whom said sample was taken; any person so notified shall be given opportunity to be heard under such rules and regulations as may be prescribed by the department. If it appears after such hearing, either in the presence or absence of the person so notified, that any of the provisions of this act or rules and regulations issued thereunder have been violated, the department shall issue an order requiring compliance with this act and serve a copy of the order on the person by certified mail, return receipt requested.

(2) If said person fails to comply with the order within ten (10) days of such service, he shall be guilty of a misdemeanor. In all prosecutions under this act involving the composition of a lot of soil conditioner, a certified copy of the official analysis shall be accepted as prima facie evidence of the composition.

(3) Nothing in this act shall be construed as requiring the department or its representative to report for prosecution or for the institution of seizure proceedings for minor violations of the act when it believes that the public interests will be best served by a suitable notice of warning in writing.

(4) It shall be the duty of each prosecuting attorney to whom any violation is reported to cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.

(5) The department is hereby authorized to apply for and the courts to grant a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this act or any rule or regulation promulgated under the act notwithstanding the existence of other remedies at law.

SECTION 10. To carry out the purposes of this act, the department may adopt rules and regulations in compliance with chapter 52, title 67, Idaho Code.

SECTION 11. (1) Every person, firm or corporation engaged in the manufacture and/or sale of any soil conditioner in this state shall pay to the commissioner of agriculture of the state of Idaho an inspection fee of one-half of one percent (0.5%) of the sales price charged by the manufacturer of soil conditioner manufactured for sale, offered for sale, sold or otherwise distributed by the manufacturer within the state of Idaho to defray the expenses incurred under this act. The commissioner of agriculture may promulgate all necessary rules and forms requiring that the manufacturers of any soil conditioner report and remit all inspection fees.

(2) In computing the sales upon which the inspection fee must be paid, sales and exchanges of soil conditioners to soil conditioner manufacturers,
and sales of soil conditioners for shipment to points outside this state may be excluded.

SECTION 12. All funds derived from enforcement of this act shall be deposited to the "commercial feed and fertilizer fund" and such funds are hereby dedicated to and continuously appropriated for the purpose of carrying out the provisions of the Idaho soil conditioner act.

Approved March 25, 1971.

CHAPTER 258
(S. B. No. 1182)

AN ACT
RELATING TO THIRD PARTY CLAIMS ON PROPERTY SUBJECT TO EXECUTION, AMENDING SECTION 11-203, IDAHO CODE, BY PROVIDING THAT IF A THIRD PARTY IS CLAIMING PROPERTY BY REASON OF A SECURITY INTEREST THEREIN OTHERWISE SUBJECT TO EXECUTION, HE MUST SET FORTH THE DOLLAR AMOUNT OF THE CLAIM.

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

SECTION 1. That Section 11-203, Idaho Code, be, and the same is hereby amended to read as follows:

11-203. CLAIM OF PROPERTY BY THIRD PERSON OR AS EXEMPT. — If the property levied on be claimed by a third party as his property, or by the defendant as exempt property, by a written claim verified by the oath of said claimant, setting out his title thereto, his right to the possession thereof, and stating the grounds of such title or of such claim of exemption, and in the case of a third party claimant who has a security interest in the property setting forth the dollar amount of said claim, and served upon the sheriff, the sheriff is not bound to keep the property, unless the plaintiff, or the person in whose favor the writ of execution runs, on demand, indemnify the sheriff against such claim by an undertaking qualifying in the state of Idaho.

Provided, however, that if plaintiff or the person in whose favor the attachment or execution runs, by failure to so indemnify the sheriff, or otherwise, releases said claimed property, the sheriff shall release the property to the defendant, or his agent, from whom the property was taken;
Provided, however, if a security agreement to the third party claimant is in default, rendering said claimant the legal right to possession, the claimant may file with the sheriff an affidavit of release to the claimant executed by the defendant-debtor, or his agent; or, in lieu of said affidavit of release, the third party claimant may file an affidavit setting forth the defendant-debtor's default and claiming possession under default and a hold harmless agreement in favor of the sheriff, supported by an undertaking qualifying in the state of Idaho, indemnifying the sheriff and said defendant-debtor in double the actual value of the property as stated in said third party claim. Upon receipt of either of the foregoing, the sheriff shall release said property to the third party claimant, taking receipt therefor; these proceedings to be reported to the court by sheriff's return in the action.

Approved March 25, 1971.

CHAPTER 259
(S. B. No. 1189, As Amended)

AN ACT
RELATING TO HORSE RACING; AMENDING SECTION 54-2503, IDAHO CODE, BY PROVIDING THAT ALL APPOINTMENTS TO THE IDAHO STATE HORSE RACING COMMISSION SHALL BE APPROVED BY THE SENATE; AMENDING SECTION 54-2504, IDAHO CODE, BY PROVIDING COMPENSATION TO MEMBERS OF THE COMMISSION FOR EACH DAY'S ATTENDANCE AT OFFICIAL BUSINESS AND THAT SUCH COMPENSATION SHALL BE DRAWN FROM COMMISSION FUNDS; AMENDING SECTION 54-2508, IDAHO CODE, RELATING TO THE NUMBER OF RACES PER DAY, BY INCREASING FROM TEN TO TWELVE THE NUMBER OF RACES THAT MAY BE HELD PER DAY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 54-2503, Idaho Code, be, and the same is hereby amended to read as follows:

54-2503. HORSE RACING COMMISSION CREATED — APPOINTMENT — REMOVAL — CLAIMS. — There is hereby created the
Idaho state horse racing commission, to consist of three (3) members, who shall be citizens, residents, and qualified electors of the state of Idaho.

The members of said commission shall be appointed by the governor within thirty (30) days after this act takes effect, one for a term to expire on the Thursday following the second Monday in January, 1965, and one for a term to expire on the Thursday following the second Monday in January, 1967, and one for a term to expire on the Thursday following the second Monday in January, 1969, and upon the expiration of the term of any member of said commission, the governor shall appoint a successor for a term of six (6) years. All appointments to the Idaho state horse racing commission shall be subject to the approval of the senate.

Each member shall hold office until his successor is appointed and qualified. Vacancies on the commission shall be filled by appointment to be made by the governor for the unexpired term.

Any member may be removed from office by the governor for cause after a public hearing. Notice of said hearing shall fix the time and place of hearing and shall specify the charges. Copy of the notice of hearing shall be served on the member by mailing the same to the member at his last known address at least ten (10) days before the date fixed for said hearing.

SECTION 2. 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 of its members chairman. Two members of the commission shall constitute a quorum for the transaction of any and all business of the commission.

Each member of the board shall receive compensation of twenty-five dollars ($25) per day, for each day while in attendance at official business of the commission. Moneys used for the compensation of members shall be drawn from commission funds.

The commission may incur all such costs, charges and expenses as are reasonably necessary in carrying out the intent and purposes of this act.

All claims and expenditures under this act shall be first audited and passed upon by the commission, and, when approved, shall be paid in the manner provided by law for the payment of claims against the state of Idaho.

SECTION 3. That Section 54-2508, Idaho Code, be, and the same is hereby amended to read as follows:

54-2508. LICENSE — APPLICATION THEREFOR — TYPE AND
NUMBER OF RACES – FEE PER DAY – REFUND – CANCELATION – HEARING. – It shall be unlawful for any person to hold any race meet in this state without having first obtained and having in force and effect a license issued by the commission as in this act provided. Every person making application for a license to hold a race meet, under the provisions of this act, shall file an application with the commission which shall set forth the time, place and number of days such will continue, and such other information as the commission may require.

No person who has been convicted of any crime involving moral turpitude shall be issued a license of any kind, nor shall any license be issued to any person who has violated the terms or provisions of this act, or any of the rules and regulations of the commission, or who has failed to pay any of the fees, taxes or moneys required under the provisions of this act.

All applications to hold race meets shall be submitted to the commission which shall act upon such applications within thirty (30) days. The commission shall be the sole judge of whether or not the race meet shall be licensed and the number of days the meet shall continue.

The license issued shall specify the kind and character of the race meets to be held, the number of days the race meet shall continue and the number of races per day, which shall not be less than six (6) nor more than ten (10) twelve (12). The licensee shall pay in advance of the scheduled race meet to the state treasurer a fee of not less than twenty-five dollars ($25.00) for each day of racing, which fees shall be placed in the public school endowment fund of the state of Idaho. Provided, that if unforeseen obstacles arise, which prevent the holding, or completion of any race meet, the license fee held may be refunded the licensee, if the commission deems the reason for failure to hold or complete the race meet sufficient. Any unexpired license held by any person who violates any of the provisions of this act, pursuant thereto, or who fails to pay to the commission any and all sums required under the provisions of this act, shall be subject to cancelation and revocation by the commission. Such cancelation shall be made only after a summary hearing before the commission, of which three (3) days' notice in writing shall be given the licensee, specifying the grounds for the proposed cancelation, and at which hearing the licensee shall be given an opportunity to be heard in opposition to the proposed cancelation.

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 25, 1971.
CHAPTER 260
(S. B. No. 1193, As Amended)

AN ACT

REPEALING SECTIONS 39-2909, 39-2910, 39-2915, 39-2916, 39-2917, 
AND 39-2918, IDAHO CODE; AMENDING CHAPTER 29, TITLE 39, 
IDAHO CODE, BY ADDING A NEW SECTION TO BE KNOWN AS 
SECTION 39-2901A, IDAHO CODE, PROVIDING A STATEMENT 
OF PURPOSE; AMENDING SECTION 39-2902, IDAHO CODE, BY 
CHANGING THE DEFINITION OF AIR POLLUTION AND PERSON; 
AMENDING CHAPTER 29, TITLE 39, IDAHO CODE, BY ADDING A 
NEW SECTION TO BE KNOWN AS SECTION 39-2909, IDAHO 
CODE, PROVIDING FOR THE FILING OF REPORTS WITH THE 
COMMISSION BY PERSONS ENGAGED IN OPERATIONS WHICH 
MAY RESULT IN AIR POLLUTION; AMENDING CHAPTER 29, 
TITLE 39, IDAHO CODE, BY ADDING A NEW SECTION TO BE 
KNOWN AS SECTION 39-2910, IDAHO CODE, PROVIDING FOR 
INVESTIGATIONS BY THE AIR POLLUTION CONTROL 
COMMISSION; AMENDING SECTION 39-2911, IDAHO CODE, BY 
PROVIDING THAT HEARINGS BEFORE THE AIR POLLUTION 
CONTROL COMMISSION MAY BE HELD BEFORE ANY TWO 
MEMBERS OF THE COMMISSION AND THE COMMISSION'S 
DESIGNATED HEARING OFFICER; AMENDING CHAPTER 29, 
TITLE 39, IDAHO CODE, BY ADDING A NEW SECTION TO BE 
KNOWN AS SECTION 39-2915, IDAHO CODE, DECLARING IT 
UNLAWFUL FOR ANY PERSON TO CAUSE OR CONTRIBUTE TO 
A CONDITION OF AIR POLLUTION; AMENDING SECTION 
39-2920, IDAHO CODE, BY PROVIDING THAT APPEALS FROM 
FINAL DECISIONS AND ORDERS OF THE AIR POLLUTION 
CONTROL COMMISSION SHALL BE IN ACCORDANCE WITH THE 
PROVISIONS FOR APPEAL IN THE IDAHO ADMINISTRATIVE 
PROCEDURE ACT, CHAPTER 52, TITLE 67, IDAHO CODE, AND 
NOT AS PROVIDED BY THIS SECTION; AMENDING CHAPTER 29, 
TITLE 39, IDAHO CODE, BY ADDING A NEW SECTION TO BE 
KNOWN AS SECTION 39-2925, IDAHO CODE, AUTHORIZING THE 
AIR POLLUTION CONTROL COMMISSION TO ENTER 
COMPLIANCE ORDERS; AMENDING CHAPTER 29, TITLE 39, 
IDAHO CODE, BY ADDING A NEW SECTION TO BE KNOWN AS

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


SECTION 2. That Chapter 29, 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 39-2901A, Idaho Code, and to read as follows:
39-2901A. STATEMENT OF PURPOSE. — It is hereby declared to be the public policy of this state and the purpose of this act to achieve and maintain such levels of air quality as will protect human health and safety, and to the greatest degree practicable, prevent injury to plant and animal life and property, foster the comfort and convenience of the people, promote the economic and social development of this state and facilitate the enjoyment of the natural attractions of this state.

SECTION 3. That Section 39-2902, Idaho Code, be, and the same is hereby amended to read as follows:

39-2902. DEFINITIONS. The following words shall have the following meanings:

"Person" means any person, corporation, firm, or partnership or any state or local governmental entity.

"Commission" means the Idaho air pollution control commission created under this act.

"Board" means the state board of health and any division thereof designated by the state board of health.

"Air pollution", as used in this act, shall mean the presence in the outdoor atmosphere of substances put there by man in concentration sufficient to cause an unreasonable interference with human, plant or animal life, or the reasonable use of property.

There is excluded herefrom all aspects of employer-employee relationships as to health and safety hazards.

SECTION 4. That Chapter 29, 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 39-2909, Idaho Code, and to read as follows:

39-2909. REGISTRATION — FILING OF REPORTS. — The commission may require the registration of persons engaged in operations which may result in air pollution and the filing of reports by them with the commission relating to locations, size of outlet, height of outlet, rate and period of emission and composition of effluent, and such other information as the commission shall prescribe relative to air pollution. The requirement for the filing of the report shall be conditional upon either the consent of the person engaged in operations which may result in air pollution, or the direction of the commission, which direction shall be granted only after hearing upon notice to the person engaged in such operations.

SECTION 5. That Chapter 29, 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 39-2910, Idaho Code, and to read as follows:

39-2910. INVESTIGATION BY COMMISSION. — The commission and its agents and staff shall have the power and authority to enter upon any private or public property for the purpose of investigating an actual source of air pollution and ascertaining the compliance or noncompliance with any code, rule or regulation of the commission. The entering upon any private or public property for the purpose of such inspections and investigations shall be in accordance with constitutional limitations.

SECTION 6. That Section 39-2911, Idaho Code, be, and the same is hereby amended to read as follows:

39-2911. HEARINGS. — Any hearing required by this act to be held before the commission shall be held before the commission’s designated hearing officer and any (3) or more members of the commission designated by the chairman and any member of the commission shall have power to subpoena witnesses and compel their attendance, administer oaths and require the production for examination of any books or papers relating to any matter under investigation in any such hearing. The commission, at the request of any respondent to a complaint made by it, or to it, pursuant to this act, shall subpoena and compel the attendance of such witnesses as the respondent may designate and require the production for examination of any books or papers relating to any matter under investigation in any such hearing. The rendering of any decision, the entry of any order, the adoption of any code, rule or regulation by the commission shall not be effective until it receives the affirmative vote of at least three (3) members of the commission. Any information as to secret processes or methods of manufacture or production shall not be disclosed in public hearing before the commission, insofar as practicable, and shall be kept confidential.

SECTION 7. That Chapter 29, 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 39-2915, Idaho Code, and to read as follows:

39-2915. AIR POLLUTION UNLAWFUL. — It shall be unlawful for any person to cause or contribute to a condition of air pollution as defined in this act or in the commission’s rules and regulations.

SECTION 8. That Section 39-2920, Idaho Code, be, and the same is hereby amended to read as follows:

39-2920. APPEALS. — Any person whose interest is substantially affected by the adoption or repeal of any rule or regulation or by the entry
of any order of the commission, including without limitation orders creating or dissolving county air pollution control divisions as herein provided, shall have the right to have the same reviewed in the manner provided in sections 67-5215 and 67-5216, Idaho Code, by the district court exercising jurisdiction over the major portion of the area where the property of the person so affected lies, or in which the county air pollution control division is located, by filing notice of appeal with the secretary of the commission within 30 days after the adoption of any such rule or regulation or entry of the order by the commission.

(2) Within 30 days from the receipt of appeal, the secretary of the commission shall prepare or have prepared and forwarded to the appellant or his attorney a transcript containing copies of the complaint, answer, and findings of fact and conclusions, and a copy of the order or decision of the commission and a copy of the notice of appeal. All documents shall be certified by the secretary.

(3) Within 30 days from the filing of the notice of appeal, as provided in subsection (2) of this section, the appellant shall file the documents listed in subsection (2) hereof with the clerk of the proper district court. Said court shall thereafter have complete jurisdiction of the matter.

(4) The proceedings in the district court shall be by trial de novo. The provisions for appeal herein shall not preclude any person, natural or artificial, aggrieved by any action of the commission or board from instituting and prosecuting other appropriate proceedings in law or equity, whereby the validity of any action of the commission or board may be determined.

(5) An appeal may be taken to the Supreme Court from a final order or decree of the district court entered under the provisions of this chapter; said appeal to be taken within the time and in the manner provided for appeals from final judgments.

SECTION 9. That Chapter 29, 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 39-2925, Idaho Code, and to read as follows:

39-2925. COMMISSION MAY ORDER COMPLIANCE. - Whenever the commission has reason to believe any person is engaged in an activity which constitutes a violation of any provision of the air pollution control act, or any rule or regulation adopted by the commission, the commission may issue, and it is hereby authorized to issue, an order requiring said person to comply with the air pollution control act, and/or the commission's rules
and regulations. The commission in so ordering compliance may, (1) require said person to immediately cease such unlawful activity, (2) establish a schedule whereby said person is required to cease said unlawful activity over a specified period of time, and/or (3) impose certain conditions not inconsistent with the purposes and intent of this act under which such unlawful activity shall cease.

SECTION 10. That Chapter 29, 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 39-2926, Idaho Code, and to read as follows:

39-2926. HEARINGS. — Prior to the issuance by the commission of any compliance order referred to in section 39-2925, Idaho Code, the person alleged to be conducting the unlawful activity shall be afforded an opportunity for a hearing before the commission and its designated hearing officer. Such hearing shall be for the purpose of determining whether the person's activities are in violation of the air pollution control act and/or the commission's rules and regulations. For purpose of this section, the commission shall be the complaining party. All hearings, as in this section provided, shall be conducted by the commission and its designated hearing officer. The commission shall serve reasonable notice of such hearing on all interested parties in accordance with section 67-5209, Idaho Code, and said hearings shall be conducted in accordance with sections 67-5209, 67-5210, 67-5211, 67-5212 and 67-5213, Idaho Code.

SECTION 11. That Chapter 29, 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 39-2927, Idaho Code, and to read as follows:

39-2927. COMPELLING ATTENDANCE. — The commission, in furtherance of its duties under this act and under its rules and regulations, shall have the power to administer oaths, certify to official acts, and to issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents and testimony. The commission members before whom the testimony is to be given, in case of the refusal of any witnesses to attend or testify or produce any papers required by such subpoena, may report to the district court in and for the county in which the proceeding is pending, by petition, setting forth that due notice has been given of the time and place of attendance of said witness, or the production of said papers, and 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 commission, in the cause or proceeding named
in the notice and subpoena, or has refused to answer questions propounded to him in the course of said proceeding, and ask an order of said court compelling the witness to attend and testify and produce said papers before the commission.

The court, upon the petition of the commission, shall enter an order directing the witnesses to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than ten (10) days from the date of the order, and then and there show cause why he has not attended and testified or produced said papers before the commission. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the commission, and regularly served, the court shall thereupon order that said witness appear before the commission at the time and place fixed in said order and testify or produce the required papers. Upon failure to obey said order, said witness shall be dealt with as for contempt of court.

SECTION 12. That Chapter 29, 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 39-2928, Idaho Code, and to read as follows:

39-2928. DISCOVERY PROCEDURES. The commission or any party may in any investigation or hearing before the commission, after application to and approval by the commission, cause the deposition or interrogatory of witnesses or parties residing within or without the state to be taken in the manner prescribed by law for like depositions and interrogatories in civil actions in the district court of this state, and to that end may compel the attendance of said witnesses and production of books, documents, papers and accounts.

SECTION 13. That Chapter 29, 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 39-2929, Idaho Code, and to read as follows:

39-2929. RESCISSION OR CHANGE OF ORDERS. The commission may at any time, upon notice to the person or party affected, and after opportunity to be heard as provided in the case of complaints by the commission, rescind, alter or amend any order or decision made by it. Any order rescinding, altering or amending a prior order or decision shall, when served upon the person affected, have the same effect as is herein provided for original decisions.

SECTION 14. That Chapter 29, 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 39-2930, Idaho Code, and to read as follows:

39-2930. ACTION FOR MANDAMUS OR INJUNCTION. – Whenever the commission shall be of the opinion that a person has failed to comply with its lawful order, it shall direct the attorney general to commence an action or proceeding in the appropriate district court for the purpose of having such violation stopped and prevented either by a mandamus or injunction. The attorney general shall thereupon begin such action or proceeding by petition to such district court, alleging the violation complained of and praying for the appropriate relief by way of mandamus or injunction. Said person in the meantime may be restrained. In case of default in answer, or after answer, the court shall immediately inquire into the facts and circumstances. Such persons as the court may deem necessary or proper to be joined as parties in order to make its judgment, order or writ effective, may be joined as parties. The final judgment in such action or proceeding shall either dismiss the action or proceeding or direct that the writ of mandamus or injunction issue or be made permanent as prayed for in the petition, or in such modified or other form as will afford appropriate relief. An appeal may be taken to the supreme court from such final judgment in the same manner and in the same effect, subject to the provisions of this act, as appeals are taken from judgments of district courts in other actions for mandamus or injunction.

SECTION 15. That Chapter 29, 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 39-2931, Idaho Code, and to read as follows:

39-2931. EMERGENCY AIR POLLUTION ABATEMENT PROCEDURES. – (a) Any other provision of law to the contrary notwithstanding, if the commission finds that a generalized condition of air pollution exists and that it creates an emergency requiring immediate action to protect human health or safety, the commission, with the concurrence of the governor, shall order persons causing or contributing to the air pollution to reduce or discontinue immediately the emission of air contaminants, and such order shall fix a time and place, not later than twenty-four (24) hours thereafter, for a hearing to be held before the commission. Not more than twenty-four (24) hours after the commencement of such hearing, and without adjournment thereof, the commission shall affirm, modify or set aside its order.

(b) In the absence of a generalized condition of air pollution of the type referred to in subsection (a), if the commission finds that emissions
from the operation of one (1) or more air contaminant sources is causing imminent danger to human health or safety, it may order the person or persons responsible for the operation or operations in question to reduce or discontinue emissions immediately without regard to the provisions of section 39-2926, Idaho Code, of this act. In such event, the requirements for hearing and affirmance, modification or setting aside of an order set forth in subsection (a) shall apply.

(c) Nothing in this section shall be construed to limit any power which the governor or any other officer may have to declare an emergency and act on the basis of such declaration, if such power is conferred by statute or constitutional provision, or inheres in the office.

SECTION 16. That Chapter 29, 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 39-2932, Idaho Code, and to read as follows:

39-2932. VARIANCES MAY BE GRANTED. The commission may grant individual variances beyond the limitations prescribed in this act and in the commission's rules and regulations, whenever it is found, upon presentation of adequate proof, that compliance with any rule or regulation, requirement or order of the commission would impose an arbitrary or unreasonable hardship. In granting or denying a variance, the commission shall file and publish a written opinion stating the facts and reasons leading to its decision.

In granting a variance, the commission may impose such conditions as the policies of this act may require. If the hardship complained of consists solely of the need for a reasonable delay in which to correct a violation of this act or of the commission's rules and regulations, the commission shall condition the grant of such variance upon the posting of a sufficient performance bond or other security to assure the correction of such violation within the time prescribed.

Any variance granted pursuant to the provisions of this section shall be granted for such period of time, not exceeding one (1) year, as shall be specified by the commission at the time of the grant of such variance, and upon the condition that the person who receives such variance shall make such periodic progress reports as the commission shall specify. Such variance may be extended from year to year by affirmative action of the commission, but only if satisfactory progress has been shown.

Any person seeking a variance shall do so by filing a petition for variance with the commission. The commission shall promptly give written
notice of such petition to any person in the county in which the installation
or property for which a variance is sought is located, who has in writing
requested notice of variance petitions, and shall publish notice of such
petitions in a newspaper of general circulation in such county. The
commission's staff shall promptly investigate such petition, consider the
views of persons who might be adversely affected by the grant of a variance
and make the recommendation to the commission as to the disposition of
the petition. If the commission, in its discretion, concludes that a hearing
would be advisable, or if the commission files a written objection to the
grant of such variance within twenty-one (21) days, then a hearing shall be
held. Such hearing shall be conducted by the commission and its designated
hearing officer after reasonable notice has been given the petitioner. Such
hearing shall be conducted in accordance with the commission's rules of
practice and procedure, and the burden of proof at such hearing shall be on
the petitioner.

If the commission fails to take final action upon a variance request
within ninety (90) days after the filing of the petition, the petitioner may
deam the request granted under this act. If any person files a petition for a
variance from a rule or regulation within twenty (20) days after the effective
date of such rule or regulation, the operation of such rule or regulation shall
be stayed as to such person pending the disposition of the petition.

SECTION 17. That Chapter 29, 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 39-2933, Idaho Code, and to read as follows:

39-2933. ENFORCEMENT AUTHORITY OF ATTORNEY
GENERAL. – If the commission fails to enforce this act or the rules and
regulations of the commission within thirty (30) days after receiving
notification of a violation thereof, or if the commission fails to enforce an
administrative order requiring compliance with this act or with the rules and
regulations of the commission, the attorney general shall thereupon have
authority to maintain an action in the name of the state of Idaho under the
Idaho rules of civil procedure to enjoin such violation. The exhaustion of
administrative remedies shall not be a prerequisite to the institution and
maintenance of any such action. No existing civil or criminal remedy for any
act in violation of any law of this state or any code, rule, regulation or order
of the commission shall be excluded or impaired by this section.

Approved March 25, 1971.
CHAPTER 261
(S. B. No. 1195)

AN ACT

RELATING TO HEARING AID DEALERS AND FITTERS; PROVIDING DEFINITIONS; PROHIBITING THE SALE OR FITTING OF HEARING AIDS WITHOUT A STATE LICENSE; REQUIRING THE FURNISHING OF RECEIPTS TO PERSONS PATRONIZING LICENSEES; DESIGNATING PERSONS AND PRACTICES NOT AFFECTED BY THIS ACT; PROVIDING FOR LICENSING OF PREVIOUSLY PRACTICING FITTERS OR DEALERS; PROVIDING FOR THE LICENSING OF FITTERS AND DEALERS; PROVIDING FOR EXAMINATIONS OF APPLICANTS FOR LICENSES; PROVIDING FOR TEMPORARY PERMIT; PROVIDING FOR CONTENT OF APPLICANT EXAMINATIONS; REQUIRING THAT LICENSEES NOTIFY THE DEPARTMENT OF LAW ENFORCEMENT OF THEIR PLACES OF BUSINESS; PROVIDING FOR ANNUAL RENEWAL OF LICENSES; PROVIDING GROUNDS FOR SUSPENSION OF LICENSE; ENUMERATING ACTS AND PRACTICES PROHIBITED OF LICENSEES; PROVIDING CERTAIN POWERS AND DUTIES OF THE DEPARTMENT OF LAW ENFORCEMENT; ESTABLISHING A BOARD OF HEARING AID DEALERS AND FITTERS; PROVIDING THE DUTIES OF THE BOARD; PROVIDING FOR MEETINGS OF THE BOARD; PROVIDING FOR DISPOSITION OF RECEIPTS RECEIVED PURSUANT TO THIS ACT; PROVIDING PENALTY FOR VIOLATION OF THIS ACT; AND PROVIDING FOR SEVERABILITY.

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

SECTION 1. As used in this act, except as the context may require otherwise:

(a) "Department" means the department of law enforcement.

(b) "License" means a license issued by the state under this act to hearing aid dealers and fitters.

(c) "Temporary permit" means a permit issued while the applicant is in training to become a licensed hearing aid dealer and fitter.

(d) "Board" means the board of hearing aid dealers and fitters.

(e) "Hearing aid" means any wearable electronic instrument or device
designed for the purpose of aiding or compensating for impaired human hearing and any parts, attachments, or accessories, including earmolds, but excluding batteries and cords.

(f) "Practice of fitting and dealing in hearing aids" means the selection, adaptation, and 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.

(g) "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.

SECTION 2. (a) No person shall engage in the sale of or practice of fitting hearing aids or display a sign or in any other way advertise or represent himself as a person who practices the fitting and sale of hearing aids after January 2, 1972, unless he holds an unsuspended, unrevoked license issued by the department as provided in this act. The license shall be posted in licensee's office or established place of business. A pocket identification card shall be issued by the department to each licensee. A license under this act shall confer upon the holder the right to select, fit and sell hearing aids.

(b) Nothing in this act shall prohibit a corporation, partnership, trust, association or other like organization maintaining an established business address from engaging in the business of selling or offering for sale hearing aids at retail without a license, provided that it employs only properly licensed natural persons in the direct sale and fitting of such products. Such corporations, partnerships, trusts, associations or other like organizations shall file annually with the board a list of all licensed hearing aid dealers and fitters directly or indirectly employed by it. Such organization shall also file with the board a statement on a form approved by the board that they submit themselves to the rules and regulations of the board and the provisions of this act which the board shall deem applicable to them.

SECTION 3. (a) Any person who practices the fitting and sale of hearing aids shall deliver to each person supplied with a hearing aid a receipt which shall contain the licensee's signature and show his business address and the number of his license, together with specifications as to the make, model and serial number of the hearing aid furnished, full terms of sale clearly stated. If an aid which is not new is sold, the receipt shall be clearly marked as "used" or "reconditioned," whichever is applicable, with terms of guarantee, if any.
(b) Any person engaging in the fitting and sale of hearing aids will, 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.

SECTION 4. (a) This act is not intended to prevent any person from engaging in the practice of measuring human hearing for the purpose of selection of hearing aids provided such person or organization employing such person does not sell hearing aids or accessories thereto, except in the case of earmolds to be used only for the purpose of audiologic evaluation.

(b) This act does not apply to a person who is a physician licensed to practice in Idaho and an audiologist holding the certificate of clinical competence provided such person or organization employing such person does not engage in the sale of hearing aids.

SECTION 5. For a period of six (6) months following the effective date of this act, an applicant for license shall be issued a license without examination provided the applicant:

(a) Has been principally engaged as a hearing aid dealer or fitter for a total period of at least two (2) years within a period of three (3) years immediately prior to the effective date of this act.

(b) Is a person of good moral character.

(c) Is twenty-one (21) years of age or older.

(d) Is free of contagious or infectious disease.

SECTION 6. (a) The department shall register each applicant without discrimination or examination who satisfactorily passes the experience requirement as provided in section 5 of this act, or passes an examination as provided in section 7 of this act and upon the applicant's payment of at least twenty dollars ($20) but not to exceed one hundred dollars ($100) (fee to be established by board regulations) shall issue to the applicant a license signed by the department. The license shall be effective until June 30 of the year following the year in which issued.

(b) Whenever the board determines that another state has requirements substantially equivalent to or higher than those in effect pursuant to this act and that such state has a program equivalent to or stricter than the program for determining whether applicants pursuant to this act are qualified to dispense and fit hearing aids, and provided such other state will license without examination and upon substantially the same conditions as applicant holding license issued under this chapter pursuant to sections 6 and
11 of this act, the department 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 will be at least twenty dollars ($20) but not to exceed one hundred dollars ($100) and will be established by board regulations.

SECTION 7. (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 applicant:

(1) Is at least twenty-one (21) years of age.
(2) Is of good moral character.
(3) Has an education equivalent to a four (4) year course in an accredited high school.
(4) Is free of contagious or infectious disease.

(b) Applicant 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 qualified to practice the fitting and sale of hearing aids. The examination 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 applicant shall possess the degree of medical competence normally expected of physicians.

(c) 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 8. (a) An applicant who fulfills the requirements regarding age, character, education and health as set forth in subsection (a) of section 7 of this act, and who is under the direction and supervision of a person holding a valid hearing aid dealers and fitters license, may obtain a temporary permit upon application to the department. 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 fee of at least twenty dollars ($20) but not to exceed one hundred dollars ($100), the department shall issue a temporary permit which shall entitle the applicant to engage in the fitting and sale of hearing aids for a period of one (1) year. A person holding a valid hearing aid dealers and fitters license shall be responsible for the supervision 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 until the next qualifying examination upon payment of at least twenty dollars ($20) but not to exceed one hundred dollars ($100).

SECTION 9. The qualifying examination provided in section 7 of this act shall be designed 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.
(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.

SECTION 10. (a) A person who holds a license shall notify the department in writing of any change of address of office or established place of business.

(b) The department shall keep a record of the place of business of licensees.

(c) Any notice required to be given by the department 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 department.

SECTION 11. Each person who engages in the fitting and sale of hearing aids shall annually, on or before June 30, pay to the department a fee of at least twenty dollars ($20) but not to exceed one hundred dollars ($100) (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.
business at all times. 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 department. After expiration of the grace period, the department may renew such license upon payment of a reinstatement fee of twenty-five dollars ($25) together with all delinquent renewal fees. 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.

SECTION 12. (a) Any person wishing to make a complaint against a licensee under this act shall reduce the same to writing and file this complaint to the department within one (1) year from the date 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 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 at least twenty (20) days before the date set for hearing, either personally or by registered mail sent to licensee's last known address. Continuances or adjournment of hearing date shall be made if for good cause. At the hearing the licensee complained against may be represented by counsel. The licensee complained against and the board shall have the right to take depositions in advance of hearing and after service of the complaint and either may compel the attendance of witnesses by subpoenas issued by the department 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.

(b) Any person registered under this act may have his license revoked or suspended for a fixed period by the department for any of the following causes:

(1) The conviction of a 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 department;

(3) Unethical conduct, including:

(A) The obtaining of any fee or the making of any sale by fraud or misrepresentation.

(B) Knowingly 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 matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation, however disseminated or published, which is misleading, deceptive or untruthful.

(D) 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", "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.

(F) Habitual intemperance.

(G) Gross immorality.

(H) Permitting another's use of a license.

(I) Advertising a manufacturer's product or using a manufacturer's name or trademark which implies a relationship with the manufacturer that does not exist.

(J) 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 fitting and sale of hearing aids under a false name or alias with fraudulent intent;

(5) Selling a hearing aid to a person who has not been given tests utilizing appropriate established procedures and instrumentation in fitting of hearing aids;

(6) Gross incompetence or negligence in fitting and selling hearing aids;

(7) Violating any provisions of this act.

SECTION 13. 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 hearing aids by mail order in any form is prohibited.

SECTION 14. The powers and duties of the department 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 department and who are qualified to engage in the fitting and sale of hearing aids.

(c) To make available audiomeric equipment and other facilities necessary to carry out the examination of applicants as provided in section 7 of this act.

(d) To issue and renew licenses.

(e) To suspend or revoke licenses in the manner provided.

SECTION 15. (a) There shall be established a board of hearing aid dealers and fitters which shall guide, advise and make recommendations to the department and shall exercise such other functions as may be required under the act.

(b) Members of the board shall be residents of the state. The board shall consist of three (3) hearing aid dealers and fitters, one (1) otolaryngologist or otologist, and one (1) audiologist holding the certificate
of clinical competence. Each hearing aid dealer and fitter on the board shall have no less than two (2) years of experience and shall hold a valid license as a hearing aid dealer and fitter, as provided under this act. Exception shall be the hearing aid dealers and fitters of the first board appointed, who shall have no less than five (5) years of experience and shall fulfill all qualifications for licensure as provided by section 5 of this act.

(c) The members of the board shall be appointed by the governor to serve at his pleasure. Within thirty (30) days after July 1, 1971, the governor shall select three (3) members who are hearing aid dealers and fitters from a list of nine (9) persons recommended by the Idaho hearing aid dealers association; one (1) member who is either an otolaryngologist or an otologist from a list of three (3) persons recommended by the Idaho medical association; and one (1) member who is an audiologist from a list of three (3) persons recommended by the Idaho speech and hearing association.

The members of the board shall be appointed to serve the following terms: one (1) member who is a hearing aid dealer and fitter shall serve for a term ending July 30, 1972; one (1) member who is a hearing aid dealer and fitter shall serve for a term ending July 30, 1973; one (1) member who is a hearing aid dealer and fitter shall serve for a term ending July 30, 1974; one (1) member who is an otolaryngologist or otologist shall serve for a term ending July 30, 1973; and one (1) member who is an audiologist shall serve for a term ending July 30, 1974. Upon the expiration of the term of any member, the governor shall appoint a successor for a term of three (3) years. A vacancy in the office of a member shall be filled by appointment for the unexpired term.

The members of the board shall annually designate one (1) member to serve as chairman, another to serve as vice-chairman and another to serve as secretary. No member of the board who has served two (2) consecutive terms may be reappointed to the board for at least one (1) year following the expiration of his term of office.

(d) Members of the board shall serve without remuneration but shall receive reimbursement for actual and necessary travel and other expenses, reimbursement to be paid from appropriations made for this purpose. Expenses of members shall not exceed the limit established by standard travel regulations of the department or administration in effect at the time of the expenditures.

SECTION 16. (a) The board shall advise the department in all matters relating to this act, shall prepare the examinations required by this act for
the department and shall assist the department in carrying out the provisions of this act.

(b) The department shall be guided by the recommendations of the board in all matters relating to this act.

(c) To supervise issuance of licenses as provided by section 5 of this act and administer qualifying examinations to test the knowledge and proficiency of applicants licensed by examination.

(d) To designate the time and place for examining applicants.

(e) To appoint representatives to conduct or supervise the examination.

(f) 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 act.

(g) To appoint or employ subordinate employees.

SECTION 17. The board shall meet not less than once each year at a place, day and hour determined by the board. The board shall also meet at such other times and places as may be requested by the department.

SECTION 18. All monies received pursuant to the provisions of this act shall be deposited to the occupational license fund. All expenses incurred pursuant to the provisions of this act shall be paid from the occupational fund.

SECTION 19. Violation of any provisions of this act 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.

SECTION 20. If any section, sentence, clause, phrase, or word of this act is for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions; and it shall be construed to have been the legislative intent to pass this act without such unconstitutional, invalid, or inoperative part therein; and the remainder of this act, after the exclusion of such part or parts shall be deemed and held to be valid as if such parts had not been included herein.

Approved March 25, 1971.
CHAPTER 262
(S. B. No. 1204)

AN ACT
AMENDING CHAPTER 7, TITLE 57, IDAHO CODE, BY THE ADDITION
OF A NEW SECTION TO BE KNOWN AS SECTION 57-727, IDAHO
CODE, RELATING TO THE INVESTMENT OF PERMANENT
FUNDS BY ADDING AUTHORIZATION TO THE ENDOWMENT
FUND INVESTMENT BOARD TO EMPLOY AN INVESTMENT
TRUSTEE, EMPLOY A STAFF NECESSARY FOR
ADMINISTRATION OF THE BOARD'S BUSINESS, AUTHORIZE
THE COMMISSIONER OF FINANCE ACCESS TO BOOKS AND
RECORDS, ARRANGE FOR LEGAL ADVICE, PAY CURRENT
EXPENSES, CAPITAL OUTLAY, AND TRAVEL EXPENSES; AND
DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 7, Title 57, Idaho Code, be, and the same is
hereby amended by the addition thereto of a new section, to be known and
designated as Section 57-727, Idaho Code, and to read as follows:

57-727. INVESTMENT TRUSTEE – STAFF – LEGAL ADVISORS. –
(1) With the approval of two-thirds (2/3) of the members of the board, an
investment trustee may be employed who shall perform such managerial
activities and functions as the board may direct. The investment trustee shall
serve at the pleasure of the board in an exempt position. The investment
trustee shall be employed by the board and shall not be subject to
supervision by the department of finance. The commissioner of finance may
recommend dismissal of the investment trustee only in the event of conflict
of interest, self-dealing, or dishonesty. The salary of the investment trustee
shall be set by the board and be paid from income earned from the
investment of the endowment funds. The investment trustee shall be bonded
in an amount established by the board and subject to the approval of the
commissioner of insurance.

(2) The board may authorize the employment of whatever staff it
deems necessary for the administration of the board's business. The
investment trustee shall hire such authorized staff who shall hold their
respective positions subject to the rules and regulations of the Idaho
personnel commission. The salaries of all staff members shall be paid from
income earned from the investment of the endowment funds as the board
may direct.
(3) The commissioner of finance shall have access to any and all books and records maintained by the investment trustee and his staff as the board may deem necessary.

(4) The board shall be furnished adequate and qualified legal advisors by the attorney general's office.

(5) All current expenses, capital outlay, and travel expenses shall be paid from income earned from investment of the endowment funds as the board may direct.

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

Approved March 25, 1971.

CHAPTER 263
(S. B. No. 1207)

AN ACT
AMENDING SECTION 27-414, IDAHO CODE, RELATING TO THE EXAMINATION OF ENDOWMENT FUNDS AND EXPENSES THEREOF BY PROVIDING THAT THE CEMETERY BOARD MAY MAKE EXAMINATIONS OR DELEGATE EXAMINATION AUTHORITY, THAT BOOKS AND RECORDS SHALL BE TRANSMITTED TO THE IDAHO OFFICE UPON NOTICE, AND THAT EXPENSE MONEYS SHALL BE PAID TO THE CREDIT OF THE CEMETERY FUND OR THE DEPARTMENT OF FINANCE; AMENDING SECTION 27-420, IDAHO CODE, RELATING TO THE CEMETERY FUND BY PROVIDING THAT FUND MONEYS APPROPRIATED BY THE LEGISLATURE SHALL BE USED BY THE DEPARTMENT OF FINANCE TO CARRY OUT THE PROVISIONS OF THIS ACT; AMENDING CHAPTER 4, TITLE 27, IDAHO CODE, BY ADDING A NEW SECTION THERETO, TO BE KNOWN AND DESIGNATED AS SECTION 27-423A, PROVIDING AUTHORITY TO THE ATTORNEY GENERAL TO INSTITUTE LEGAL PROCEEDINGS IN THE EVENT OF THE VIOLATIONS OF THIS ACT; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 27-414, Idaho Code, be, and the same is hereby amended to read as follows:

27-414. EXAMINATION OF ENDOWMENT FUNDS — EXPENSE. — The board shall examine the endowment care funds of a cemetery authority: (1) within one (1) year from the effective date of this act, and whenever it otherwise deems necessary, but at least once every three (3) years after the original examination; (2) whenever the cemetery authority in charge of endowment funds fails to file the report required by this chapter; and (3) the expense of the examination as provided herein shall not exceed $25.00 twenty-five dollars ($25.00) per day for each examiner engaged in the examination. The board may make the examinations or may delegate the examination authority to the department of finance or its personnel. Whenever the examination requires more than two (2) days, the expenses shall be paid by the cemetery authority. The examination shall be privately conducted in the principal office of the cemetery authority. If books and records are maintained outside the state of Idaho, the cemetery authority shall transmit their books and records to their Idaho office upon receipt of thirty (30) days written notice. All examination expense moneys shall be paid into the state treasury to the credit of the cemetery fund if the board conducts the examination. Expense moneys shall be paid into the state treasury to the credit of the department of finance if the department of finance has conducted the examinations.

In lieu of examination as herein set forth, the board may accept, at its sole discretion, a certified audit report of a certified public accountant licensed in the state of Idaho.

SECTION 2. That Section 27-420, Idaho Code, be, and the same is hereby amended to read as follows:

27-420. CEMETERY FUND. — There shall be in the office of the state treasurer a fund to be known and designated as the “cemetery fund.” All regulatory fees or other moneys to be paid under this act, unless provision be made otherwise, shall be paid at least once a month to the state treasurer to be credited to the cemetery fund. All moneys credited to the cemetery fund shall be used, when appropriated by the legislature, by the cemetery board, department of finance to carry out the provisions of this chapter.

SECTION 3. That Chapter 4, Title 27, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 27-423A, Idaho Code, and to read as follows:

27-423A. INJUNCTIVE POWER. — The attorney general of the state
of Idaho is authorized to institute appropriate legal proceedings to enjoin violations of this act.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 25, 1971.

CHAPTER 264
(S. B. No. 1211)

AN ACT
AMENDING SECTION 58-305, IDAHO CODE, RELATING TO THE EXTENSION OF TIME IN WHICH RENTAL PAYMENT ON STATE LAND MAY BE MADE, BY INCREASING THE INTEREST CHARGED ON THE PAYMENT FROM FOUR TO SIX PER CENT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 58-305, Idaho Code, be, and the same is hereby amended to read as follows:

58-305. PAYMENT OF RENTAL IN ADVANCE—EXTENSION OF TIME. — All leases of state land, except mineral leases, shall be conditional upon the payment of rental annually, in advance, and a violation of this condition shall work a forfeiture of the lease, at the option of the state board of land commissioners, after thirty (30) days' notice to the lessee, such notice being sent to the post-office of the lessee, as given by himself to the state land commissioner when the lease is issued: provided, however, that upon the application of any person, firm, corporation or association from whom such rent is or will be owing, the state board of land commissioners is hereby given authority and power to, in its discretion, extend the time of payment of such moneys for said leases for not to exceed two (2) successive years: provided, that the applicant enters into an agreement with the said state board of land commissioners to pay the interest on said amount of rent money from January first of the year which the same is otherwise due, to the date of payment, at the rate of six per cent (6%) per annum; that this authority shall extend to amounts due on outstanding leases, leases renewed and new applications for leases.
SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 25, 1971.

CHAPTER 265
(S. B. No. 1212)

AN ACT
RELATING TO THE DEVELOPMENT OF WATER RESOURCES IN SOUTHWEST IDAHO; AUTHORIZING THE IDAHO WATER RESOURCE BOARD TO PLAN, FINANCE, CONSTRUCT, ACQUIRE, OPERATE, OWN, AND MAINTAIN A WATER PROJECT IN THE GRANDVIEW-GUFFEY REACH OF THE SNAKE RIVER, TO ISSUE REVENUE BONDS THEREFOR, AND TO ENTER INTO POWER SALES CONTRACTS OR JOINT VENTURES UNDER CERTAIN CONDITIONS WITH PRIVATELY OWNED ELECTRIC UTILITIES AND PROVIDING FOR THE CONSTRUCTION AND INSTALLATION AS PART OF SUCH WATER PROJECT OF ELECTRIC POWER FACILITIES; SUBORDINATING POWER RIGHTS TO UPSTREAM DEPLETIONARY USE; PROVIDING FOR APPROVAL BY AN INTERIM COMMITTEE IF ANY SUCH COMMITTEE IS APPOINTED AND VETO BY AFFIRMATIVE ACTION OF THE SECOND REGULAR SESSION OF THE FORTY-FIRST LEGISLATURE; EXEMPTING THE PROJECT FROM THE POLICY EXPRESSED IN THE LAST SENTENCE OF SECTION 42-1738, IDAHO CODE, PROVIDING FOR THE CREATION OF THE IDAHO WATER RESOURCE DEVELOPMENT FUND AND MAKING LEGISLATIVE DECLARATIONS AND FINDINGS AS TO THE PUBLIC PURPOSE OF SUCH PROJECT.

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

SECTION 1. The legislature finds and declares that the development of the Grandview-Guffey Reach of the Snake River by the Idaho water resource board is in the public interest and that it is a public purpose that the Idaho water resource board exercise the powers authorized in sections 2, 3, 4, 5 and 6 of this act to:
(a) maximize the recreational potential, development of fish and wildlife habitat, and uses of the water resources of Idaho;

(b) facilitate irrigation of the arid lands of Idaho by providing means of utilizing the water resources of Idaho; and

(c) by contributing to the development of necessary electrical energy for use in the Ada-Canyon County area of southwest Idaho, achieve economy in the generation of electricity through the use of water resources thereby meeting the future power needs of the state of Idaho and its inhabitants.

SECTION 2. That the Idaho water resource board is authorized to plan, finance, construct, acquire, operate, own, and maintain a water project in the Grandview-Guffey Reach of the Snake River consisting of a dam or dams at sites known as Guffey and Swan Falls, or at such other sites in the Grandview-Guffey Reach of the Snake River as may be approved by the federal power commission, together with all necessary related structures and equipment, and to negotiate for sale of power to or as an alternative to enter into joint ventures with one (1) or more privately owned electric utility companies for the construction and installation in or adjacent to such dams by such privately owned electric utility company of works and facilities necessary to the generation of electric power and for the transmission thereof, and to make such plans and enter into such contracts and agreements as are necessary or appropriate for such construction or such joint ventures, including the acquisition of all necessary real and personal property in connection therewith, in joint, several, or segregated ownership, and, in addition to the powers elsewhere conferred on the Idaho water resource board, to issue and sell revenue bonds under the provisions of sections 42-1739 through 42-1749, Idaho Code, pledging thereto the revenues which the board shall derive from such water project, in order to pay its respective share of the costs of planning, financing, acquisition and construction, operation and maintenance of such water project, provided that the state or the state and the joint venturer shall petition the federal power commission for insertion of a license condition subordinating the project power right to future upstream depletionary use. All monies paid or property supplied by the Idaho water resource board for the purpose of carrying out the provisions of this section are hereby declared to be for a public purpose.

SECTION 3. In carrying out the powers granted by this act, if exercised in a joint venture with a privately owned electric utility company,
the Idaho water resource board shall be liable only for its own acts with regard to the financing, planning, construction, acquisition, operation, ownership, or maintenance of the water project, including jointly owned facilities, and in the event of a joint venture, any such agreement or contract providing for such joint venture shall so provide. No monies or other contributions to the joint venture supplied by the Idaho water resource board for the planning, financing, construction, acquisition, operation, or maintenance of jointly owned facilities shall be credited or applied otherwise to the account of any other participant in the joint venture.

SECTION 4. Any contractual agreement for power sale or joint venture shall be submitted to an interim committee for approval by a majority of such committee, if such committee is appointed and, in any event, subject to veto by action by the second regular session of the forty-first legislature; provided that, if no such veto takes place, the contract or contracts shall be in full force and effect according to the terms at the end of such second regular session of the forty-first legislature.

SECTION 5. The development of the water project authorized in section 2 of this act is hereby declared not to be subject to the policy expressed in the last sentence of section 42-1738, Idaho Code.

SECTION 6. Each resolution authorizing the issuance of revenue bonds of the Idaho water resource board for the purpose of planning, financing, acquiring, and constructing the water project authorized in section 2 of this act, and each agreement or contract if any there be, providing for a joint venture in the planning, financing, construction, acquisition, ownership, operation, and maintenance of the facilities of the water project with a privately owned electric utility company shall provide that all surplus revenues of the Idaho water resource board derived from the facilities constituting the water project, after the payment of the costs of operation and maintenance expenses of the water project, the establishment and maintenance of a fund for the payment of the principal of and interest on the revenue bonds as the same shall become due, the establishment and maintenance of adequate reserves therefor, and the establishment and maintenance of such contingency or other funds as the board deems desirable, shall in each year be paid by the Idaho water resource board into a fund to be established and held in the custody of the Idaho water resource board, to be known as the “Idaho Water Resource Development Fund” and shall, together with monies accruing to or earned thereon, be appropriated continuously, set aside, and made available until expended, to be used by the
board in the administration of such fund and in the development of water
and related land resources in the state of Idaho.

SECTION 7. This act and the provisions hereof shall be construed
liberally to effectuate the purposes set out in section 1 of this act.
Approved March 25, 1971.

CHAPTER 266
(S. B. No. 1213)

AN ACT
AMENDING SECTION 16-2002, IDAHO CODE, RELATING TO
DEFINITIONS UNDER THE ACT PROVIDING FOR TERMINATION
OF PARENT-CHILD RELATIONSHIPS, BY AMENDING THE
DEFINITION OF "COURT" TO MEAN THE DISTRICT COURT
INSTEAD OF THE PROBATE COURT; AMENDING SECTION
16-2005, IDAHO CODE, RELATING TO CONDITIONS UNDER
WHICH TERMINATION OF PARENT-CHILD RELATIONSHIPS
MAY BE GRANTED, BY PROVIDING THAT PARENTAL
CONSENTS TO SUCH TERMINATION MUST BE WITNESSED
BEFORE A JUDGE OR MAGISTRATE OF A DISTRICT COURT OF
THE STATE AND BY AMENDING THE APPROVED FORM OF
SUCH CONSENTS ACCORDINGLY; AND DECLARING AN
EMERGENCY.

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

SECTION 1. That Section 16-2002, Idaho Code, be, and the same is
hereby amended to read as follows:

16-2002. DEFINITIONS. — When used in this act, unless the text
otherwise requires:

a. "Court" means the probate district court.

b. "Child" or "minor" means a person less than eighteen (18) years of
age.

c. The singular includes the plural, the plural the singular, and the
masculine the feminine, when consistent with the intent of the act.

d. "Neglected" used with respect to a child refers to those situations in
which the child lacks proper support or parental care necessary for his
health, morals, and well-being.
e. "Abuse" used with respect to a child refers to those situations in which physical cruelty in excess of that required for reasonable disciplinary purposes has been inflicted by a parent or other person in whom legal custody of the child has been vested.

f. "Legal custody" means status created by court order embodying the following rights and responsibilities:

(1) the right to physical possession of the child,
(2) the right and duty to protect, train and discipline the child, and
(3) the responsibility to provide the child with food, shelter, education and medical care,

provided that such rights and responsibilities shall be exercised subject to the powers, rights, duties and responsibilities of the guardian of the person.

g. "Guardianship of the person" means those rights and duties imposed upon a person appointed as guardian of a minor under the laws of Idaho. It includes but is not necessarily limited either in number or kind to:

(1) the authority to consent to marriage, to enlistment in the armed forces of the United States, and to major medical, psychiatric and surgical treatment; to represent the minor in legal actions; and to make other decisions concerning the child of substantial legal significance;
(2) the authority and duty of reasonable visitation, except to the extent that such right of visitation has been limited by court order;
(3) the rights and responsibilities of legal custody except where legal custody has been vested in another individual or in an authorized child placement agency;
(4) when the parent and child relationship has been terminated by judicial decree with respect to the parents, or only living parent, or when there is no living parent, the authority to consent to the adoption of the child and to make any other decision concerning the child which the child's parents could make.

h. "Guardian ad litem" means a person appointed as such pursuant to law, by the court to protect the interest of a minor or an incompetent in a case before the court.

i. "Authorized agency" means the state department of public assistance or a voluntary child placement agency licensed to care for and place children by the state department of public assistance.

j. "Parent" means (1) the mother, (2) a father as to whom a child is legitimate, (3) a person as to whom a child is presumed to be a legitimate child, or (4) an adoptive parent; but such term does not include a parent as
to whom the parent and child relationship has been terminated by judicial decree.

k. "Parent and child relationship" includes all rights, privileges, duties and obligations existing between parent and child, including inheritance rights, and shall be construed to include adoptive parents.

l. "Protective supervision" means a legal status created by court order in proceedings not involving violations of the law but where the legal custody of the child is subject to change, whereby the child is permitted to remain in his home under the supervision of an authorized agency designated by the court and is subject to return to the court during the period of protective supervision.

m. "Parties" includes the child and the petitioners.

SECTION 2. That Section 16-2005, Idaho Code, be, and the same is hereby amended to read as follows:

16-2005. CONDITIONS UNDER WHICH TERMINATION MAY BE GRANTED. — The court may grant an order terminating the relationship where it finds one or more of the following conditions exist:

a. The parent has abandoned the child by having failed to maintain a normal parental relationship, including but not limited to reasonable support or regular personal contact; failure of the parent to maintain this relationship without just cause for a period of one (1) year shall constitute prima facie evidence of abandonment under this section.

b. The parent has neglected or abused the child. Neglect as used herein shall mean a situation in which the child lacks parental care necessary for his health, morals and well-being.

c. The presumptive parent is not the natural parent of the child.

d. The parent is unable to discharge parental responsibilities because of mental illness or mental deficiency, and there are reasonable grounds to believe the condition will continue for a prolonged indeterminate period and will be injurious to the health, morals or well-being of the child.

e. If termination is found to be in the best interest of the parent and child, where the petition has been filed by a parent or through an authorized agency, or interested party.

f. Where a consent to termination in the manner and form prescribed by this act has been filed by the parents of the child, no subsequent hearing on the merits of the petition shall be held. Consents required by this act must be witnessed by the probate judge of the county wherein the petition is filed or before any magistrate or district judge or magistrate of a district court.
of the state, whether within or without the county, and shall be substantially in the following form:

IN THE PROBATE COURT OF
COUNTY, STATE OF IDAHO
IN THE DISTRICT COURT OF THE
JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF

In the Matter of the termination of parental rights of

I (we), the undersigned, being the of , do hereby give my (our) full and free consent to the complete and absolute termination of my (our) parental right(s), to the said , who was born , unto , hereby relinquishing completely and forever, all legal rights, privileges, duties and obligations, including all rights of inheritance to and from the said , and I (we) do hereby expressly waive my (our) right(s) to hearing on the petition to terminate my (our) parental relationship with the said , and respectfully request the petition be granted.

DATED: , 19__.

STATE OF IDAHO )
) ss.
COUNTY OF )

On this day of , 19__, before me, the undersigned , , (Judge of the Probate Court of County) , , (Magistrate) , , (Judge or magistrate) of the District court of the Judicial District of the state of Idaho, in and for the county of , personally appeared , known to me (or proved to me on the oath of ) to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he (she, they) executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.
SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 25, 1971.

CHAPTER 267
(S. B. No. 1226)

AN ACT
AMENDING SECTION 36-408, IDAHO CODE, RELATING TO NONRESIDENT FISH AND GAME LICENSES AND FEES THEREFOR, BY LIMITING THE VALID PERIOD OF THE NONRESIDENT LICENSE PROVIDED FOR IN SUBSECTION 5 OF JANUARY 1 TO AUGUST 31; BY LIMITING THE PRIVILEGES UNDER THE NONRESIDENT LICENSE PROVIDED FOR IN SUBSECTION 9 TO THE TAKING OF BUCK, ANTLERED DEER ONLY AND BY INCREASING THE FEE FOR SAID LICENSE FROM FIFTY TO SEVENTY-FIVE DOLLARS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 36-408, Idaho Code, be, and the same is hereby amended to read as follows:

36-408. NONRESIDENT FISH AND GAME LICENSES — KINDS. — Licenses of the second class mentioned in section 36-406, Idaho Code, shall be issued in the several kinds and for fees as follows:

1. A license entitling the person to whom issued to hunt, pursue, kill and take any game or game animals (not including fur-bearing animals), game birds and fish in this state subject to the limitations prescribed under this title as to the manner and time of taking, and the kind and number of birds, and the kind and quantity of game and fish permitted to be taken. A license of this kind may be had by any person who is not a resident of the state of Idaho upon payment of one hundred thirty-five dollars ($135).

2. A license entitling the person to whom issued to pursue, hunt, or kill game birds, cottontail rabbits, unprotected birds and animals and predatory birds and animals in accordance with laws of this state, but such license shall not entitle such person to fish in the public waters of the state, nor to hunt
big game animals. A license of this kind may be had by any person who is not a resident of the state of Idaho upon payment of thirty-five dollars ($35.00).

3. A license entitling the person to catch fish from the public waters of the state in accordance with the laws thereof, but which license does not entitle such person to pursue, hunt or kill game birds or game animals or fur-bearing animals and limits said person to the catching of fish only. A license of this kind may be had by any person who is not a resident of the state of Idaho upon payment of fifteen dollars ($15.00).

4. A license entitling the person to whom issued to trap fur-bearing animals but which does not entitle such person to pursue, hunt or kill game birds or game animals other than fur-bearing animals, nor to fish. A license of this kind may be had by a person who is not a resident of the state of Idaho upon payment of seventy-five dollars ($75.00).

5. A license entitling the person to whom issued to carry a shotgun or rifle for the protection of livestock, or to pursue, hunt and kill unprotected birds and animals and predatory birds and animals of this state. Such license does not entitle such person to pursue, hunt or kill game birds or game animals or to fish in the public waters of the state. A license of this kind may be had by any person who is not a resident of the state of Idaho upon payment of five dollars ($5.00). This license shall be valid only during the period of January 1 to August 31 of the calendar year in which issued, unless verified by the director of the Idaho fish and game department, or his representative, that the licensee requires such a license to authorize him to carry a shotgun or rifle for the protection of livestock, in which case said license shall be valid until December 31 of the year in which issued.

6. A license entitling the person to whom issued to pursue, hunt and kill a bear only during the open season therefor after having also purchased a bear tag. One (1) license of this kind may be had during any calendar year by any person who is not a resident of the state of Idaho upon payment of twenty-five dollars ($25.00).

7. A license entitling the person to whom issued to fish for and catch fish from the public waters of the state, in accordance with the laws thereof, for a period of seven (7) consecutive days only. Such a license does not entitle such person to pursue, hunt or kill game birds or game animals or to trap fur-bearing animals and limits said person to the catching of fish only. A license of this kind may be had by any person who is not a resident of the state of Idaho upon payment of five dollars ($5.00).
8. A license entitling the person to whom issued to fish for and catch fish from the public waters of the state in accordance with the laws thereof on a day-to-day basis, but does not entitle such person to pursue, hunt or kill any game birds or game animals or to trap fur-bearing animals and limits said person to the catching of fish only. A license of this kind may be had by any resident or nonresident person (the provisions of section 36-406, Idaho Code, notwithstanding) upon payment of two dollars ($2.00) per day for each effective day thereof.

9. A license entitling the person to whom issued to pursue, hunt and kill one (1) buck, antlered deer only during the open deer season therefor after having also purchased a deer tag. One (1) license of this kind may be had during any calendar year by any person who is not a resident of the state of Idaho for a fee of fifty seventy-five dollars ($50.00) ($75.00).

Any person to whom a license has been issued as provided in paragraph 1 of this section may, upon payment of the fees prescribed in section 36-404, Idaho Code, be entitled to receive from the officer or any authorized agent to whom such payment is made, a tag to hunt and kill deer, pronghorn antelope, mountain sheep, moose, elk, or goats or mountain lion in accordance with the laws of this state and regulations adopted by the commission.

SECTION 2. This act shall be in full force and effect on and after January 1, 1972.

Approved March 25, 1971.

CHAPTER 268
(S. B. No. 1227)

AN ACT
REPEALING CHAPTER 1, TITLE 17, IDAHO CODE, RELATING TO APPEALS FROM PROBATE AND JUSTICE COURTS TO DISTRICT COURTS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 1, Title 17, Idaho Code, be, and the same is hereby repealed.

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

Approved March 25, 1971.
CHAPTER 269
(S. B. No. 1230)

AN ACT
AMENDING SECTION 17-201, IDAHO CODE, RELATING TO APPEALS TO THE DISTRICT COURT FROM PROBATE MATTERS BY STRIKING PROBATE COURT AND SUBSTITUTING THEREFOR "MAGISTRATES DIVISION OF THE DISTRICT COURT";
AMENDING SECTION 17-204, IDAHO CODE, RELATING TO THE MANNER OF TAKING AN APPEAL BY STRIKING THE REFERENCE TO THE PROBATE COURT AND SUBSTITUTING THEREFOR "MAGISTRATES DIVISION OF THE DISTRICT COURT", STRIKING THE REFERENCE TO CLERK OF THE PROBATE COURT AND SUBSTITUTING THEREFOR "CLERK OF THE DISTRICT COURT", AND CHANGING THE TIME FOR APPEAL FROM SIXTY DAYS TO THIRTY DAYS AFTER THE ORDER, DECREE OR JUDGMENT IS ENTERED; REPEALING SECTION 17-206, IDAHO CODE, RELATING TO THE HEARING ON APPEAL; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 17-201, Idaho Code, be, and the same is hereby amended to read as follows:

17-201. APPEALABLE JUDGMENTS AND ORDERS. – An appeal may be taken to the district court of the county from a judgment, or order of the magistrates division of the district court in probate matters:

1. Granting, refusing or revoking, or refusing to revoke, letters testamentary, or of administration, or of guardianship.
2. Admitting, or refusing to admit, a will to probate.
3. Against or in favor of the validity of a will, or revoking or refusing to revoke the probate thereof.
4. Against or in favor of setting apart property, or making an allowance for a widow or child.
5. Against or in favor of directing the partition, lease, mortgage, sale or conveyance of real property.
6. Settling an account of an executor, administrator or guardian.
7. Refusing, allowing or directing the distribution or partition of an estate, or any part thereof, or the payment of a debt, claim, legacy or distributive share.
C. 270 '71

8. Confirming report of appraiser setting apart the homestead.

SECTION 2. That Section 17-204, Idaho Code, be, and the same is hereby amended to read as follows:

17-204. MANNER OF TAKING APPEAL. - An appeal from the probate magistrates division of the district court in probate matters is taken by filing with the clerk of the probate district court in which the judgment or order appealed from is made or entered, a notice stating the appeal from the same, or some specific part thereof, and serving a similar notice upon the administrator, administratrix, executor or executrix (unless they be the appellants), and upon all other parties interested who appeared upon the motion or proceeding which the appellant desires to have reviewed, or upon their attorneys. The notice of appeal must be filed and served within thirty (30) days after the order, decree or judgment is entered. The order of service is immaterial, but the appeal is ineffectual for any purpose unless within ten (10) days after service of the notice of appeal an undertaking be filed, or a deposit of money be made with the clerk, as hereinafter provided, or the undertaking be waived by the adverse party in writing.

SECTION 3. That Section 17-206, Idaho Code, 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 its passage and approval.

Approved March 25, 1971.

CHAPTER 270
(S. B. No. 1254)

AN ACT
AMENDING SENATE BILL NO. 1212 OF THE FIRST REGULAR SESSION OF THE FORTY-FIRST LEGISLATURE OF THE STATE OF IDAHO RELATING TO DEVELOPMENT OF WATER RESOURCES IN SOUTHWEST IDAHO BY AMENDING SECTION 2 TO INCLUDE REFERENCE TO CONSTRUCTION OF FACILITIES FOR GENERATION OF POWER BY THE IDAHO WATER RESOURCE BOARD SUBJECT TO THE CONSTITUTIONAL LIMITATION REQUIRING WHOLESALING OF SUCH POWER AT
THE SITE OF PRODUCTION AND PERMITTING NEGOTIATIONS AND EXECUTION OF SUCH CONTRACTS WITH PRIVATE COMPANIES OR OTHER ENTITIES, PUBLIC OR PRIVATE AND BY AMENDING SECTION 3 TO CONFORM.

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

SECTION 1. That Section 2 of Senate Bill 1212 of the First Regular Session of the Forty-first Legislature of the state of Idaho, be, and the same is hereby amended to read as follows:

SECTION 2. That the Idaho water resource board is authorized to plan, finance, construct, acquire, operate, own, and maintain a water project in the Grandview-Guffey Reach of the Snake River consisting of a dam or dams at sites known as Guffey and Swan Falls, or at such other sites in the Grandview-Guffey Reach of the Snake River as may be approved by the federal power commission, together with all necessary works and facilities for the generation and wholesale of hydroelectric power at the site of production in connection with such water project and together with all other necessary related structures and equipment, and subject to the provisions of this act, to negotiate and to enter into contracts for the wholesale of hydroelectric power at the site of production for sale of power to, or as an alternative, to enter into joint ventures with one (1) or more privately owned electric utility companies or other entities, public or private for the construction and installation in or adjacent to such dams by such privately owned electric utility company or other entities of works and facilities necessary to the generation of electric power and for the transmission thereof, and to make such plans and enter into such contracts and agreements as are necessary or appropriate for such construction or such joint ventures, including the acquisition of all necessary real and personal property in connection therewith, in joint, several, or segregated ownership, and, in addition to the powers elsewhere conferred on the Idaho water resource board, to issue and sell revenue bonds under the provisions of sections 42-1739 through 42-1749, Idaho Code, pledging thereto the revenues which the board shall derive from such water project, in order to pay its respective share of the costs of planning, financing, acquisition and construction, operation and maintenance of such water project, provided that the state or the state and the joint venturer shall petition the federal power commission for insertion of a license condition subordinating the project power right to future upstream depletionary use. All monies paid or property supplied by the Idaho water resource board for the purpose of
carrying out the provisions of this section are hereby declared to be for a public purpose.

SECTION 2. That Section 3 of Senate Bill 1212 of the First Regular Session of the Forty-first Legislature of the state of Idaho, be, and the same is hereby amended to read as follows:

SECTION 3. In carrying out the powers granted by this act, if exercised in a joint venture with a privately owned electric utility company, or other entity, the Idaho water resource board shall be liable only for its own acts with regard to the financing, planning, construction, acquisition, operation, ownership, or maintenance of the water project, including jointly owned facilities, and in the event of a joint venture, any such agreement or contract providing for such joint venture shall so provide. No monies or other contributions to the joint venture supplied by the Idaho water resource board for the planning, financing, construction, acquisition, operation, or maintenance of jointly owned facilities shall be credited or applied otherwise to the account of any other participant in the joint venture.

Approved March 25, 1971.

CHAPTER 271
(H. B. No. 263)

AN ACT

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

SECTION 1. That Chapter 4, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 67-451, Idaho Code, and to read as follows:

67-451. It is the declared policy of the legislature of the state of Idaho that individuals seeking the office of legislator shall be fully informed of the
rate of remuneration which is paid for service in the legislature. In order to effect this policy, no law may be enacted on or after the last day on which an individual may file for the office of legislator which reduces or increases the rate of remuneration of expense and legislative allowances for the term for which he is filing.

Approved March 25, 1971.

CHAPTER 272
(H. B. No. 192)

AN ACT
RELATING TO INSURANCE; AMENDING SECTION 41-734, IDAHO CODE, BY PROVIDING THAT RESERVES FOR GUARANTEED BENEFITS AND FUNDS SHALL NOT BE MAINTAINED IN A SEPARATE ACCOUNT, EXCEPT WITH THE APPROVAL OF THE COMMISSIONER; AMENDING SECTION 41-1936, IDAHO CODE, BY ALLOWING DOMESTIC INSURERS TO ESTABLISH SEPARATE ACCOUNTS TO PROVIDE SPECIFICALLY FOR VARIABLE LIFE INSURANCE IN ADDITION TO ANNUITIES; AND AMENDING SECTION 41-1937, IDAHO CODE, BY REVISING THE REQUIREMENTS FOR VARIABLE CONTRACTS.

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

SECTION 1. That Section 41-734, Idaho Code, be, and the same is hereby amended to read as follows:

41-734. SEPARATE ACCOUNT FUNDS. — (1) The amounts allocated to each separate account established by the insurer pursuant to any provision of the Idaho Insurance Code (separate accounts), together with accumulations thereon may be invested and reinvested in any class of investments which may be authorized in the written contract or agreement without regard to any requirements or limitations prescribed by this chapter, except that to the extent that the insurer's reserve liability with regard to:(1) benefits guaranteed as to amount and duration and (2) funds guaranteed as to principal amount or stated rate of interest, is maintained in any separate account, a portion of the assets of such separate account at least equal to such reserve liability shall, except as the commissioner may otherwise approve, be invested in accordance with the applicable provisions.
of this chapter. The investments in such separate account or accounts shall not be taken into account in applying the investment limitations applicable to other investments of the insurer.

(2) Except with the approval of the commissioner and under such conditions as to investments and other matters as he may prescribe, which shall recognize the guaranteed nature of the benefits provided, reserves for (a) benefits guaranteed as to dollar amount and duration and (b) funds guaranteed as to principal amount or stated rate of interest shall not be maintained in a separate account.

SECTION 2. That Section 41-1936, Idaho Code, be, and the same is hereby amended to read as follows:

41-1936. SEPARATE ACCOUNTS — OPERATION AND MANAGEMENT. — (1) A domestic life insurer may, by or pursuant to resolution of its board of directors, establish one (1) or more separate accounts, and may allocate thereto amounts to provide for life insurance or annuities, retirement plans, profit-sharing plans and annuities (and benefits incidental thereto), payable in fixed or in variable amounts or in both.

(2) The amounts allocated to each such account and accumulations thereon may be invested as provided in section 41-734 of this act (special investments of separate account funds).

(3) The income, if any, and gains and losses, realized or unrealized, from assets allocated to a separate account shall be credited to or charged against the account without regard to other income, gains or losses of the insurer.

(4) Unless otherwise approved by the commissioners, assets allocated to a separate account shall be valued at their market value on the date of valuation, or if there is no readily available market, then as provided under the terms of the contract or the rules or other written agreement applicable to such separate account; except, that unless otherwise approved by the commissioner, a portion of the assets of such separate account equal to the insurer’s reserve liability with regard to the guaranteed benefits and funds, if any, referred to in section 41-734, Idaho Code, (special investments of separate account funds), shall be valued in accordance with the rules otherwise applicable to the insurer’s assets.

(5) Amounts allocated to a separate account in the exercise of the power granted by this section shall be owned by the insurer, and the insurer shall not be, nor hold itself out to be, a trustee with respect to such amounts. If and to the extent so provided under the applicable contracts,
that portion of the assets of any such separate account equal to the reserves and other contract liabilities with respect to such account shall not be chargeable with liabilities arising out of any other business the insurer may conduct.

(6) No sale, exchange or other transfer of assets may be made by an insurer between any of its separate accounts or between any other investment account and one or more of its separate accounts unless, in case of a transfer into a separate account, such transfer is made solely to establish the account or to support the operation of the contracts with respect to the separate account to which the transfer is made, and unless such transfer, whether into or from a separate account, is made (a) by a transfer of cash, or (b) by a transfer of securities having a readily determinable market value, provided that such transfer of securities is approved by the commissioner. The commissioner may approve other transfers among such accounts if, in his opinion, such transfers would not be inequitable.

(7) To the extent that the insurer deems it necessary to comply with any applicable federal or state laws, the insurer, with respect to any separate account, including without limitation any separate account which is a management investment company or a unit investment trust, may provide for persons having an interest therein, appropriate voting and other rights and special procedures for the conduct of the business of such account, including without limitation special rights and procedures relating to investment policy, investment advisory services, selection of independent public accountants, and the selection of a committee, the members of which need not be otherwise affiliated with the insurer, to manage the business of such account.

SECTION 3. That Section 41-1937, Idaho Code, be, and the same is hereby amended to read as follows:

41-1937. VARIABLE CONTRACTS — STATEMENT OF ESSENTIAL FEATURES. — (1) Any variable contract providing benefits payable in variable amounts delivered or issued for delivery in this state shall contain a statement of the essential features of the procedures to be followed by the insurer in determining the dollar amount of such variable benefits. Any such contract under which the benefits vary to reflect investment experience, including a group contract and any certificate in evidence of variable benefits issued thereunder, shall state that such dollar amount will vary to reflect investment experience and shall contain on its first page a statement to the
effect that the benefits thereunder are on a variable basis.

(2) Variable annuity contracts delivered or issued for delivery in this state may include as an incidental benefit provision for payment on death during the deferred period of an amount not in excess of the greater of the sum of the premiums or stipulated payments paid under the contract or the value of the contract at time of death. Any such provision shall not be deemed to be life insurance and shall not be subject to the provisions of this code governing life insurance contracts. A provision for any other benefit on death during the deferred period shall be subject to such life insurance provisions.

Approved March 25, 1971.

CHAPTER 273
(H. B. No. 274)

AN ACT
PROVIDING FOR A SPECIAL ELECTION, IN COUNTIES WITH POPULATION OF 75,000 OR MORE, TO DETERMINE THE QUESTION WHETHER THE COUNTY SHALL BE SERVED BY ONE COUNTY-WIDE HIGHWAY DISTRICT FOR ALL CITY STREETS AND COUNTY SECONDARY ROADS; PROVIDING THAT LAWS OF THE STATE OF IDAHO RELATING TO THE HOLDING OF ELECTIONS AT THE COUNTY LEVEL SHALL APPLY TO SPECIAL ELECTIONS PROVIDED IN THIS ACT, AND SPECIFICALLY REQUIRING NOTICE OF THE ISSUE TO BE VOTED, NOTICE OF POLLING PLACES AND QUALIFIED VOTERS, AND CANVASSING OF THE VOTE, AND PROVIDING THAT THE COSTS OF THE ELECTION SHALL BE PAID BY THE COUNTY; PROVIDING THAT IF AN ELECTION ON THE QUESTION FAILS OF ADOPTION, A SUBSEQUENT ELECTION SHALL BE HELD NOT OFTENER THAN EVERY TWO YEARS UPON THE PETITION OF FIVE PER CENT OF THE QUALIFIED VOTERS; PROVIDING THAT IF A COUNTY-WIDE HIGHWAY DISTRICT IS ADOPTED, THE COUNTY COMMISSIONERS SHALL APPOINT THE ORIGINAL COMMISSION AND SHALL PROVIDE FOR SUBDISTRICTS AND AN ELECTED HIGHWAY COMMISSIONER MUST BE A RESIDENT OF THE
SUBDISTRICT OF WHICH HE IS A REPRESENTATIVE, PROVIDING FOR THE ELECTION OF COMMISSIONERS, AND PROVIDING PER DIEM; PROVIDING THAT COMMISSIONERS OF COUNTY-WIDE HIGHWAY DISTRICTS EXERCISE THE POWERS AND DUTIES PROVIDED IN CHAPTER 16, TITLE 40, IDAHO CODE, PROVIDING THAT NO CITY SHALL MAINTAIN OR SUPERVISE ANY ROADS OR STREETS OR LEVY ANY AD VALOREM TAXES FOR CITY ROADS OR STREETS, PROVIDING THAT NO GOOD ROAD DISTRICT OR HIGHWAY DISTRICT SHALL MAINTAIN SECONDARY ROADS OR LEVY ANY AD VALOREM TAXES FOR ROADS, PROVIDING THAT THIS ACT SHALL CONTROL AND SUPERSEDE ALL LAWS IN CONFLICT; PROVIDING THAT ANY CITY WHICH MAINTAINS ROADS AND STREETS ON THE EFFECTIVE DATE OF THIS ACT SHALL CONTINUE TO RECEIVE THEIR PROPORTIONATE SHARE OF MONIES DISTRIBUTED UNDER SECTION 40-405(a), IDAHO CODE, BUT SUCH MONIES SHALL BE PAID TO THE COUNTY AUDITOR FOR THE BENEFIT OF THE COUNTY-WIDE HIGHWAY DISTRICT; REQUIRING COUNTY COMMISSIONERS TO INITIATE DISSOLUTION OF EXISTING DISTRICTS; REQUIRING EXPENSES OF DISSOLUTION TO BE BORNE BY DISSOLVED DISTRICTS; PROVIDING THAT EXPENSES OF ELECTION BE APPORTIONED AMONG DISSOLVED DISTRICTS, WITH AN APPEAL THEREFROM; PROVIDING FOR TRANSFER OF ASSETS AND CERTAIN LIABILITIES FROM DISSOLVED DISTRICTS TO COUNTY-WIDE HIGHWAY DISTRICT; PROVIDING APPORTIONMENT OF FUNDS FOR PAYMENT OF LIABILITIES OF DISSOLVED DISTRICTS; AUTHORIZING LEVY TO PAY CLAIMS OF DISSOLVED DISTRICT; GIVING CONTROL AND CERTAIN POWERS TO COUNTY-WIDE HIGHWAY DISTRICT OVER ROADS, BRIDGES, STREETS, AND HIGHWAYS SITUATE IN DISSOLVED DISTRICT; PROVIDING FOR TRANSFER OF UNEXPENDED FUNDS TO COUNTY-WIDE HIGHWAY DISTRICT; PROVIDING FOR TRANSITION OF EMPLOYEES OF DISSOLVED DISTRICT TO COUNTY-WIDE HIGHWAY DISTRICT AS NEEDED; PROVIDING THAT DISSOLVED DISTRICTS CONTINUE UNTIL COUNTY-WIDE HIGHWAY DISTRICT IS ORGANIZED AND EXISTING; AND DECLARING AN EMERGENCY.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. The provisions of this section apply to any county which has, on the effective date of this act, a population, as reported by the most recent census of the United States, of seventy-five thousand (75,000) or more persons. Within one hundred eighty (180) days of the effective date of this act, any county with a population of seventy-five thousand (75,000) or more persons shall hold an election at which the following question shall be submitted to the electorate: “Shall this county be served by one county-wide highway district for all city streets and county secondary roads?” Any county which reaches a population of seventy-five thousand (75,000) as indicated by a regular United States census, after the effective date of this act, shall hold such special election at the next general election.

SECTION 2. All laws of the state of Idaho relating to the holding of elections at the county level shall apply to the holding of special elections provided for in this act, except as may be specifically modified herein. In addition to other requirements:

(a) The notice of election shall notify the electors of the issue to be voted upon at said election, and publication of such notice shall be as required for elections at the county level.

(b) The county commissioners in the notice of election shall designate such polling places in each precinct as shall adequately provide for the vote at such election. Every qualified elector of the precinct who was registered to vote at the last general election, or who has subsequently registered to vote, may vote thereat.

(c) The vote shall be canvassed by the board of county commissioners within five (5) days of the election.

The cost of holding special elections shall be paid by the county.

SECTION 3. In any county where an election is held pursuant to the provisions of this act, and the question fails of adoption, another election may be called and held by the submission of petitions as hereinabove provided, and such subsequent election shall be held not oftener than two (2) years after the holding of any elections submitting this question to the vote of the county.

SECTION 4. If there is a majority affirmative vote at special election held pursuant to this act, the county commissioners, at the next meeting of the board, shall organize the county-wide highway district. The county commissioners shall appoint the highway commissioners. The county shall be subdivided by the county commissioners into three (3) subdistricts,
designated subdistricts number one, two and three, as nearly equal in population as practicable, and one (1) highway commissioner shall represent each subdistrict and be a resident thereof. The originally appointed commissioners shall serve until the next general election when two (2) members shall be elected for two (2) years and one (1) member shall be elected for a term of four (4) years, it being further provided that at the occasion of the first election, the commissioner from subdistrict number one shall be elected for a term of four (4) years and that the four (4) year term shall be allotted thereafter in rotation to subdistricts number two, three and one. A qualified voter of the county-wide highway district shall be eligible to vote for each of the county-wide highway district commissioners, and such election shall be conducted as provided by Idaho statutes relating to holding elections at the county level.

The highway commissioners shall each receive twenty-five dollars ($25) per day of actual meeting.

SECTION 5. The highway commissioners of a county-wide highway district shall exercise all of the powers and duties provided in chapter 16, title 40, Idaho Code; provided, however, that it is the intent of this act that only one (1) county-wide highway district shall be operative within a county where the electorate has voted affirmatively on the question posed in the special election provided in this act, and such district shall specifically be responsible for all county secondary roads and city streets. No city included within a county-wide highway district shall maintain or supervise any city roads or streets, or levy any ad valorem taxes for the construction, repair or maintenance of city roads or streets. No good road district, as provided in chapter 15, title 40, Idaho Code, or highway district, as provided in chapter 16, title 40, Idaho Code, included within a county-wide highway district, shall maintain any secondary roads or levy any ad valorem taxes for the construction, repair or maintenance of roads. Wherever any provisions of the existing laws of the state of Idaho are in conflict with the provisions of this act, the provisions of this act shall control and supersede all such laws.

SECTION 6. Any city which maintains roads and streets on the effective date of this act shall continue to receive their proportionate share of monies distributed under section 40-405(a), Idaho Code, but such monies shall be paid to the county auditor for the benefit of the county-wide highway district.

SECTION 7. In any county where the electorate adopts a county-wide highway district under this act in which, at the time of reorganization under
the provisions of this act, there already exist city street systems, highway or
good road districts, the county commissioners shall take all such steps as are
required to dissolve such districts or systems and transfer all funds.

SECTION 8. The expense of all notices and proceedings in relation to
the dissolution of a city street system, highway or good roads district shall
be chargeable to and borne by each respective city street system, highway or
good roads district dissolved.

SECTION 9. In all counties where elections are held under the
provisions of this act, county commissioners shall, in the first instance, pay
expenses of such elections from the general fund of county, the expense
thereof shall then be prorated by the county commissioners according to the
mileage, assessed valuation, and the population to city street systems,
highway districts, good roads districts, and the county, and upon
certification of this pro rata share by the county commissioners the same
shall be paid to the county forthwith. Any appeals shall follow the appeals
procedure set forth in section 40-2708, Idaho Code, for appeals from
readjustment of district borders.

SECTION 10. Upon the election being held under this act where the
electorate adopts a county-wide highway district all city street systems,
highway districts, or good roads districts shall prepare and file with the
county commissioner an inventory and financial statement to be filed not
later than ten (10) days subsequent to the canvass of such election.

Title to all machinery, buildings, lands and property of every kind and
nature, belonging to each said district shall immediately upon the dissolution
of the district and without further conveyance, be vested in the board of
county commissioners as custodians thereof, and immediately thereafter, as
soon as may be practical, delivered to the succeeding county-wide highway
district and such district shall be liable for any and all unliquidated
obligations of said dissolved city street system, highway or good roads
districts.

SECTION 11. Each year after its dissolution and until all indebtedness
including outstanding warrants of a dissolved district shall have been fully
paid, it shall be the duty of the succeeding county-wide highway district in
which said districts were situated, to apportion for the benefit of any such
dissolved city street system or highway district such portion of monies
arising out of highway users' fund and the monies from all other sources as
such system or district would be entitled to receive, had the same not been
dissolved, and the treasurer of the succeeding county-wide highway district
wherein the proceedings to dissolve such system or district and wind up its affairs are had, said funds to be used for payment of the system’s or district’s bonded or funded indebtedness as in this act or otherwise provided by law.

SECTION 12. After dissolution of a city street system, highway or good roads district and at the next regular annual meeting of the county-wide highway district when levies for state and county purposes are fixed, the commissioners shall in addition to all other tax levies, including general road and bridge levies, levy a special tax upon all of the property situated within the former boundaries of such dissolved system or highway district, sufficient to raise, by taxation, funds for the payment of all remaining, unpaid current claims against or debts of such system or district, together with funds for payment of current and accruing terms and conditions of outstanding bonds and warrants of such system or district, and shall each year thereafter continue such levy, or make such other or additional levies as may be required, to fully pay and retire the indebtedness of such dissolved city street system, highway or good roads district according to the terms and conditions thereof; and such taxes must be collected as are other county taxes and shall be turned over to the treasurer of the county-wide highway district, who must redeem, or post for redemption, all warrants and bonds as the same mature and in order of their line, and for which he has funds arising from such dissolved city street system, highway or good roads district for the payment of the same; provided, however, that the county-wide highway district whenever it may deem it necessary or expedient, shall have the power, and it shall be its duty, to issue highway users’ fund bonds for and on behalf of such dissolved city street system, highway or good roads district and of the same force and effect as if validly issued by the board of commissioners of such system or district during its existence. All such bonds shall be in form and shall be issued, registered, sold or exchanged and redeemed in accordance with the provisions of chapter 2, title 57, Idaho Code, known as the “municipal bond law” of the state of Idaho, and of general law relating to bond issues, except where different provision is here made.

SECTION 13. After the dissolution of any city street system, highway or good roads district, the county-wide highway district of the county or counties wherein such dissolved system or district was situate, shall have the same control over all roads, bridges, and highways of such system or district, situate in such county, as was or is vested in such commissioners in other territory of the county and as provided for in section 40-2709, Idaho Code.
SECTION 14. After final payment of all expenses of proceedings in relation to dissolution and of all legal claims, liabilities, bonded and other indebtedness of the dissolved city street system, highway or good roads district, and after liquidation and winding up of the affairs of such system or district, all surplus monies of such dissolved city street system, highway or good roads districts remaining in the special fund of such dissolved system or district shall immediately be delivered to the treasurer of the county-wide highway district.

No municipality or municipalities whose incorporated limits lie wholly or partially within the boundaries of a dissolved highway or good roads district shall be entitled to receive any share of the monies of such dissolved highway or good roads district.

SECTION 15. All persons in the employ of any dissolved city street system, highway or good roads district, may be continued in service so far as their services may be required by the county-wide highway district.

SECTION 16. No city street system, highway or good roads districts dissolved under the terms and provisions of this act shall be deemed to have been dissolved and shall not cease to operate and perform its duties and obligations hereunder until there shall have been organized and existing a county-wide highway district as provided for in this act.

SECTION 17. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 25, 1971.

CHAPTER 274
(H. B. No. 291)

AN ACT
AMENDING SECTION 67-3516, IDAHO CODE, RELATING TO APPROPRIATION ACTS DEEMED FIXED BUDGETS AND RATE OF EXPENDITURE, BY PROVIDING THAT THE RATE OF EXPENDITURE SHOULD NOT EXCEED FIFTY PERCENT OF THE APPROPRIATION FOR EACH SIX MONTH PERIOD OF ANY FISCAL YEAR; AMENDING SECTION 67-3517, IDAHO CODE, RELATING TO REQUESTS FOR ALLOTMENT OF FUNDS BY PROVIDING
THAT ALLOTMENT OF FUNDS MAY BE MADE AVAILABLE ON A SIX MONTH BASIS; REPEALING SECTION 2, CHAPTER 65, LAWS OF 1970; AMENDING SECTION 67-3613, IDAHO CODE, RELATING TO LIMITATION ON AMOUNT OF ALLOTMENTS, BY PROVIDING THAT NO MORE THAN ONE-HALF OF THE APPROPRIATION SHALL BE ALLOTTED FOR EXPENDITURE PRIOR TO JANUARY 1 OF THE FISCAL YEAR; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-3516, Idaho Code, be, and the same is hereby amended to read as follows:

67-3516. APPROPRIATION ACTS DEEMED FIXED BUDGETS — RATE OF EXPENDITURE. — Appropriation acts when passed by the legislature of the state of Idaho, and allotments made thereunder, whether the appropriation is fixed or continuing, are fixed budgets beyond which state officers, departments, bureaus and institutions may not expend. It is assumed that the rate of expenditure from said appropriations, as a general rule, should not exceed approximately 25% fifty percent (50%) of such appropriations each three (3) six (6) months of the fiscal year.

SECTION 2. That Section 67-3517, Idaho Code, be, and the same is hereby amended to read as follows:

67-3517. REQUESTS FOR ALLOTMENT BY OFFICIALS, DEPARTMENTS, BUREAUS AND INSTITUTIONS.— In order to guard against excessive expenditure of appropriations, and as an act of economy, efficiency and control relating to said appropriations, it is hereby made the duty of each officer, department, bureau and institution, to file with the budget bureau, a request for allotment of funds to be made available on a three month six (6) month basis, from the appropriation to said officer, department, bureau or institution. Said requests for allotment shall be submitted to the budget bureau not later than forty-five (45) days prior to the time of expiration of the current allotment and shall be in such form as prescribed by the state board of examiners.

SECTION 3. That Section 2, Chapter 65, Laws of 1970, be, and the same is hereby repealed.

SECTION 4. That Section 67-3613, Idaho Code, be, and the same is hereby amended to read as follows:

67-3613. LIMITATION ON AMOUNT OF ALLOTMENTS. — Not more than three fourths one-half (%) of the total of any single appropriation
may be allotted for expenditure or encumbrance prior to January first of the second fiscal year of any biennium, except as provided in section 67-3612 hereof.

SECTION 5. This act shall be in full force and effect on and after July 1, 1971.

Approved March 25, 1971.

CHAPTER 275
(H. B. No. 330)

AN ACT

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

SECTION 1. There is hereby appropriated out of the funds enumerated the following amount to the Idaho State Board of Correction for the State Penitentiary for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

- Confining and rehabilitating inmates: $1,819,565
- Activate farm dormitory: 73,744

TOTAL: $1,893,309

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

- Salaries & Wages: $1,212,561
- Travel: 15,400
- Other Current Expense: 636,167
- Capital Outlay: 29,181

TOTAL: $1,893,309

FROM:

- General Fund: $1,570,054
- Federal Funds: 100,000
- Receipts to Appropriation: 60,000
- Endowment Funds: 163,255

TOTAL: $1,893,309

Approved March 25, 1971.
AN ACT
APPROPRIATING MONEYS FROM THE FUND ENUMERATED TO THE
ATHLETIC COMMISSION AND PRESCRIBING MAJOR PROGRAMS
AND EXPENDITURE CLASSIFICATIONS OF THE
APPROPRIATION FOR THE PERIOD JULY 1, 1971 THROUGH
JUNE 30, 1972.

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

SECTION 1. There is hereby appropriated out of the fund enumerated
the following amount to the Athletic Commission for major programs and
the prescribed expenditure classifications for the period July 1, 1971
through June 30, 1972.

FOR MAJOR PROGRAMS:

Supervising professional boxing
and wrestling in Idaho $5,000
TOTAL $5,000

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

Salaries & Wages $2,800
Travel 1,800
Other Current Expense 400
TOTAL $5,000

FROM:

Dedicated Funds:

Athletic Fund $5,000
TOTAL $5,000

Approved March 25, 1971.

AN ACT
APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO
THE STATE BOARD FOR VOCATIONAL EDUCATION FOR
VOCATIONAL REHABILITATION AND PRESCRIBING MAJOR
Be It Enacted by the Legislature of the State of Idaho:

SECTION I. There is hereby appropriated out of the funds enumerated the following amount to the State Board for Vocational Education for Vocational Rehabilitation for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

Providing vocational rehabilitation services for handicapped individuals of Idaho

Kidney program

TOTAL

$3,043,817

100,000

$3,143,817

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

Salaries & Wages

$ 785,042

Travel

79,488

Other Current Expense

167,295

Capital Outlay

27,840

Payment as Agent

586,000

Relief and Pension

1,498,152

TOTAL

$3,143,817

FROM:

General Fund

$ 427,446

Federal Funds

2,716,371

TOTAL

$3,143,817

Approved March 25, 1971.

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

SECTION 1. There is hereby appropriated out of the fund enumerated the following amount to the Secretary of State for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

- Printing election laws, pamphlets, etc. $25,000
- Advertising constitutional amendments and printing session laws 10,000
- Administration of the office 141,953
  TOTAL $176,953

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

- Salaries & Wages $98,928
- Travel 6,300
- Other Current Expense 69,225
- Capital Outlay 2,000
- Refunds of Erroneous Receipts 500
  TOTAL $176,953

FROM:

- General Fund $176,953
  TOTAL $176,953

Approved March 25, 1971.

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CHAPTER 279

(H. B. No. 334)

AN ACT


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

SECTION 1. There is hereby appropriated out of the funds
enumerated the following amount to the Department of Agriculture for major programs and prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General support</td>
<td>$111,375</td>
</tr>
<tr>
<td>Inspection and licensing food products</td>
<td>2,567,089</td>
</tr>
<tr>
<td>Animal health program</td>
<td>428,634</td>
</tr>
<tr>
<td>Plant pest control</td>
<td>113,440</td>
</tr>
<tr>
<td>Provide regulations</td>
<td>378,971</td>
</tr>
<tr>
<td>Agriculture statistics</td>
<td>24,521</td>
</tr>
<tr>
<td>Prune, honey promotion</td>
<td>40,102</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$3,664,132</strong></td>
</tr>
</tbody>
</table>

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

<table>
<thead>
<tr>
<th>Line Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries &amp; Wages</td>
<td>$2,444,627</td>
</tr>
<tr>
<td>Travel</td>
<td>370,535</td>
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<tr>
<td>Other Current Expense</td>
<td>629,431</td>
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<tr>
<td>Capital Outlay</td>
<td>102,539</td>
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<tr>
<td>Refunds of Erroneous Receipts</td>
<td>2,000</td>
</tr>
<tr>
<td>Payment as Agent</td>
<td>115,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$3,664,132</strong></td>
</tr>
</tbody>
</table>

FROM:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$837,856</td>
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<tr>
<td>Federal Funds</td>
<td>321,525</td>
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<tr>
<td>Receipts to Appropriation</td>
<td>8,000</td>
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<tr>
<td>Dedicated Funds:</td>
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<tr>
<td>Agricultural Inspection Fund</td>
<td>113,094</td>
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<tr>
<td>Bee Inspection Fund</td>
<td>8,000</td>
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<tr>
<td>Fresh Fruit &amp; Vegetable Fund</td>
<td>1,744,350</td>
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<tr>
<td>Public Livestock Market Board Fund</td>
<td>8,000</td>
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<tr>
<td>Sheep Commission Fund</td>
<td>25,000</td>
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<tr>
<td>Commercial Feed &amp; Fertilizer Fund</td>
<td>110,638</td>
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<tr>
<td>Prune Advertising Commission Fund</td>
<td>30,000</td>
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<td>Economic Poison Fund</td>
<td>39,226</td>
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<tr>
<td>Livestock Disease Control Fund</td>
<td>235,700</td>
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<tr>
<td>Dairy Industry &amp; Inspection Fund</td>
<td>118,105</td>
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<tr>
<td>Honey Advertising Commission Fund</td>
<td>10,102</td>
</tr>
<tr>
<td>Inspection &amp; Compliance Fund</td>
<td>54,536</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$3,664,132</strong></td>
</tr>
</tbody>
</table>

Approved March 25, 1971.
AN ACT
AMENDING SECTION 33-1008A, IDAHO CODE, TO PROVIDE A CHANGE IN THE DATE FOR PROVIDING ATTENDANCE FIGURES, TO PROVIDE FOR STATE BOARD OF EDUCATION DETERMINATION OF HARDSHIP AND SCHOOL DISTRICT QUALIFICATION FOR ADDITIONAL FUNDS, TO PROVIDE FOR THE REPORTING OF FIRST SEMESTER ATTENDANCE, TO PROVIDE FOR ADJUSTMENTS IN ALLOWANCE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-1008A, Idaho Code, be, and the same is hereby amended to read as follows:

33-1008A. APPORTIONMENTS FOR INCREASED AVERAGE DAILY ATTENDANCE. -- Before the second Monday of September October in each year, the board of trustees of any school district may certify to the state board of education the average daily attendance in the separate attendance unit or units as of each date the preceding Friday. If the total average daily attendance of the school district in the then current school year shows a five per cent (5%) increase, but not less than twenty-five (25) students, over the total full term average daily attendance on the last annual report, the state board of education shall then determine if the increased average daily attendance for the school district provides a financial hardship which could not have been met by a mill levy without a vote of the district patrons. If the state board of education determines that the district qualifies for additional funds, the state board of education shall then weigh the increased average daily attendance for each respective separate attendance unit by the appropriate factors and multiply the total weighted average daily attendance by the state average costs as determined pursuant to paragraph 5 of section 33-1002, Idaho Code.

The product so determined will be added to the total foundation educational program allowance as computed prior to October 15 with adjustments as needed. School districts which qualify for the increased average daily attendance allowance shall report attendance by separate attendance units for the first semester not later than April 1 of each year. The allowable increase in the average daily attendance allowance of any
attendance unit shall be adjusted on the basis of the increase of the first semester average daily attendance over the immediately prior year average daily attendance, but such increase shall not exceed that reported as of the Friday prior to the first Monday in October. However, for the 1970-71 school year, the first semester average daily attendance shall be compared to that reported prior to the second Monday in September 1970, with the qualifying requirement being a five per cent (5%) increase, but not less than twenty-five (25) students, over the 1969-70 average daily attendance. Any school district which qualifies for apportionment for increased average daily attendance on either the second Monday of September in 1970 or the first Monday of October thereafter shall not be totally disallowed apportionments if the average daily attendance for the first semester failed to maintain the percentage increase needed to qualify but did have an increase. If the state and county allowance for the foundation educational program after the yield from twenty-two (22) mills on the adjusted assessed valuation has been subtracted is less than the guaranteed amount pursuant to subsection (7)a of section 33-1002, Idaho Code, then the average daily attendance increase will be multiplied by the guaranteed amount per pupil in average daily attendance.

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

Approved March 25, 1971.

CHAPTER 281
(H. B. No. 335)

AN ACT

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

SECTION 1. There is hereby appropriated out of the funds enumerated the following amount to the Water Resource Board for major
programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

Developing a state water plan $668,200
TOTAL $668,200

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

Salaries & Wages $322,632
Travel 28,000
Other Current Expense 95,268
Capital Outlay 2,800
Payment as Agent 219,500
TOTAL $668,200

FROM:

General Fund $482,500
Federal Funds 185,700
TOTAL $668,200

Approved March 25, 1971.

CHAPTER 282
(H. B. No. 184)

AN ACT
THE ALLOTMENT OF APPROPRIATED FUNDS TO THE APPOINTING AUTHORITY, LIMITING THE APPLICATION OF THIS ACT TO POSITIONS IN THE CLASSIFIED SERVICE AS ESTABLISHED BY TITLE 67, CHAPTER 53, IDAHO CODE, EXCEPT EXEMPT POSITIONS PROVIDED FOR IN SECTION 67-5303, IDAHO CODE, LIMITING THE AUTHORITY OF ANY APPOINTING AUTHORITY TO THE PROVISIONS OF THIS ACT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 57, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 67-5752A, Idaho Code, and to read as follows:

67-5752A. ADDITIONAL POWERS, DUTIES, FUNCTIONS AND RESPONSIBILITIES OF THE DIVISION OF THE BUDGET. — In addition to any powers, duties, functions and responsibilities of the division of the budget expressed elsewhere in this code, the division of the budget shall establish a list of classified 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 shall fill a new position without first obtaining the approval of the division of the budget and then obtaining proper classification from the personnel commission. No appointing authority 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 of the budget for sufficiency of funds in the allotment of the appointing authority to meet the proposed change. This provision applies only to positions in the classified service established by chapter 53, title 67, Idaho Code, and nothing herein shall be construed to apply to exempt positions provided for in section 67-5303, Idaho Code. 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.

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

Approved March 25, 1971.
CHAPTER 283
(H. B. No. 343)

AN ACT
APPROPRIATING ADDITIONAL MONEYS OUT OF THE GENERAL FUND TO THE DEPARTMENT OF PUBLIC ASSISTANCE FOR THE PURPOSE SPECIFIED FOR THE FISCAL PERIOD ENDING JUNE 30, 1971; AND DECLARING AN EMERGENCY.

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

SECTION 1. (1) In addition to the appropriation made by Chapter 397, Laws of 1969, and by Chapter 164, Laws of 1970, there is hereby appropriated out of the general fund the sum of $56,000 to the department of public assistance for the fiscal period ending June 30, 1971.

(2) The appropriation made herein shall be expended only for the purpose of meeting increased nursing home personnel costs resulting from mandatory increases in the minimum wage schedule.

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

Approved March 30, 1971.

CHAPTER 284
(H. B. No. 316)

AN ACT
APPROPRIATING $500,000 FROM THE SALES TAX FUND TO THE GENERAL FUND FOR THE PERIOD JULY 1, 1971 THROUGH JUNE 30, 1972.

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

SECTION 1. The sum of $500,000 from the $1,000,000 per biennium created by section 63-3638(c), Idaho Code, is hereby appropriated from the sales tax fund to the general fund for the period July 1, 1971 through June 30, 1972.

Approved March 30, 1971.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-3513, Idaho Code, be, and the same is hereby amended to read as follows:

67-3513. COMMITTEES OF LEGISLATURE TO CONSIDER BUDGET. - The standing committees of the house of representatives and of the senate in charge of appropriation measures shall sit jointly in open sessions while considering the budget, and shall begin such joint meetings within five (5) days after the budget has been submitted to the legislature by the governor. Such committee may resolve itself into executive session upon the vote of two-thirds (2/3) of the membership of the committee, at which time persons who are not members of the legislature may be excluded; provided, however, that during such executive session, no votes or any official action may be taken. The director of budget shall attend all meetings of the joint committee and shall present to the committee the recommendations of the governor for amounts to be appropriated for each department, office and institution, including the elective officers, the judicial department, the legislative department and the state board of education, such presentation to include all information necessary to substantiate the recommendations of the governor. The joint committee at its discretion may cause the attendance of heads or responsible representatives of said departments, offices and institutions. The joint committee may increase or decrease items in the budget as it may deem to be in the interests of greater economy and efficiency in the public service.

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

Approved March 30, 1971.

CHAPTER 286
(H. B. No. 321)

AN ACT
RELATING TO THE SPECIAL TAX ON AIRCRAFT ENGINE FUEL; AMENDING SECTION 49-1227A, IDAHO CODE, BY EXTENDING THE PERIOD THE TAX IS IMPOSED BY FOUR YEARS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-1227A, Idaho Code, be, and the same is hereby amended to read as follows:

49-1227A. AIRCRAFT ENGINE FUEL — SPECIAL PRIVILEGE TAX FOR AIRPORT CONSTRUCTION AND UPGRADING. — In order to provide funds for the construction and upgrading of airports in the state of Idaho, a special privilege tax of one cent (1¢) per gallon to be paid into the state of Idaho aeronautics fund is hereby imposed in addition to the privilege tax imposed by section 49-1227 on all aircraft engine fuel received within the meaning of the term “received” as defined in section 49-1201, which is sold or used in producing power for propelling aircraft in the state of Idaho, except that which is used by scheduled airlines and military aircraft. Each dealer shall state separately the special privilege tax imposed by this chapter in each monthly report in the same manner as the existing privilege tax is reported under section 49-1227. The proceeds of this special privilege tax shall be placed in the state aeronautics fund and used only for the purpose of matching funds on an equal basis appropriated from the general funds of the state of Idaho for the construction, improvement, upgrading or reconstruction of airports within the state of Idaho. This special privilege tax shall terminate at the end of the fourth eighth full year following the effective date of this act.

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

Approved March 30, 1971.
CHAPTER 287
(H. B. No. 324)

AN ACT
APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO
THE DIVISION OF BUILDING SERVICES AND PRESCRIBING
MAJOR PROGRAMS AND EXPENDITURE CLASSIFICATIONS OF
THE APPROPRIATION FOR THE PERIOD JULY 1, 1971
THROUGH JUNE 30, 1972.

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

SECTION 1. There is hereby appropriated out of the funds
enumerated the following amount to the Division of Building Services for
major programs and the prescribed expenditure classifications for the period
July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

Providing building services and
related activities $497,768

TOTAL $497,768

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

Salaries & Wages $225,016
Travel 856
Other Current Expense 267,696
Capital Outlay 4,200
TOTAL $497,768

FROM:

General Fund $421,000
Receipts to Appropriation 11,040
Dedicated Funds:
Capitol Mall Fund 65,728
TOTAL $497,768

Approved March 30, 1971.
CHAPTER 288
(H.B. No. 337)

AN ACT

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

SECTION 1. There is hereby appropriated out of the funds enumerated the following amount to the State Board of Land Commissioners for the State Land Department for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

- Developing and administering public lands policy $ 176,061
- Providing public lands programs support 187,493
- Providing fire protection 2,127,722
- Managing Idaho's forest resources 858,683
- Managing Idaho's range resources 197,342
- Administering public lands 80,648
- Managing Idaho's other natural resources 12,612
- Developing recreational facilities 33,076

TOTAL $3,673,637

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

- Salaries & Wages $1,513,515
- Travel 67,600
- Other Current Expense 1,190,056
- Capital Outlay 220,950
- Payment as Agent 681,516

TOTAL $3,673,637
FROM:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$1,417,171</td>
</tr>
<tr>
<td>Federal Funds</td>
<td>175,930</td>
</tr>
<tr>
<td>Receipts to Appropriation</td>
<td>73,300</td>
</tr>
<tr>
<td>Dedicated Funds:</td>
<td></td>
</tr>
<tr>
<td>Foresters' Special Fund</td>
<td>383,514</td>
</tr>
<tr>
<td>Forest Range Protection Fund</td>
<td>6,700</td>
</tr>
<tr>
<td>Land Commissioners Scale Trust Fund</td>
<td>114,927</td>
</tr>
<tr>
<td>Forest Management Fund</td>
<td>1,150,000</td>
</tr>
<tr>
<td>Endowment Land Suspense Fund</td>
<td>352,095</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$3,673,637</strong></td>
</tr>
</tbody>
</table>

Approved March 30, 1971.

### CHAPTER 289

(H. B. No. 338)

AN ACT


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

SECTION 1. There is hereby appropriated out of the funds enumerated the following amount to the Public Utilities Commission for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

- Regulating utilities and transportation in Idaho: $342,780

**TOTAL** $342,780

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

- Salaries & Wages: $234,613
- Travel: 26,100
- Other Current Expense: 81,167
- Capital Outlay: 900

**TOTAL** $342,780
FROM:
General Fund $ 85,695
Dedicated Funds:
Public Utilities Commission Fund 257,085
TOTAL 342,780
Approved March 30, 1971.

CHAPTER 290
(H. B. No. 339)

AN ACT

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

SECTION 1. That Section 67-432, Idaho Code, be, and the same is hereby amended to read as follows:

67-432. BUDGET AND FISCAL COMMITTEE — CREATION — MEMBERS — APPOINTMENT — TERMS — VACANCIES. — There is hereby created a legislative budget and fiscal committee of the legislative council which shall consist of the members of the senate finance committee and the members of the house appropriations committee. chairman of the senate finance committee, the chairman of the house appropriations committee and two (2) majority and two (2) minority party members from each house appointed by the legislative council, with the advice of the chairman of the senate finance and house appropriations committees.
Members of the committee who are not selected by reason of their chairmanship shall be selected prior to the end of each regular biennial session. Members of the committee shall serve from the end of the biennial legislative session at which they were selected until the end of the next regular biennial legislative session. If any member of the committee shall cease to be a member of the legislature, his membership on the committee shall terminate. Vacancies on the committee shall be filled by the remaining members thereof, but any member thus selected shall be from the same house and the same political party as the member whose seat was vacated, and shall serve until the next regular legislative session.

SECTION 2. That Section 67-433, Idaho Code, be, and the same is hereby amended to read as follows:

67-433. OFFICERS – ADOPTION OF RULES OF PROCEDURE – SUBCOMMITTEES – MEETINGS. – The committee shall select a chairman, a vice-chairman and such other officers as it may deem to be necessary from among its members and it shall adopt its own rules of procedure. The committee, with the approval of the legislative council, may create such subcommittees, which may include other members of the legislature, as may be necessary for the performance of its duties. The committee shall function during legislative sessions and during the interim between sessions. The committee shall meet as often as may be necessary for the proper performance of its duties, but shall meet at least once every three months during the interim when the legislature is not in session.

SECTION 3. That Section 67-435, Idaho Code, be, and the same is hereby amended to read as follows:

67-435. POWERS AND DUTIES. – The legislature budget and fiscal committee shall have the following powers and duties:

(1) To make a continuing study and review of the management, operations, programs and fiscal needs of the departments, agencies and institutions of the state government of Idaho and of any units of local government and other agencies and institutions receiving state funds.

(2) To review the executive budget and the budget requests of each state department, agency and institution, including requests for construction of capital improvements, as well as other requests for appropriations submitted to the legislature.

(3) To conduct such audit as it may deem necessary and proper of the accounts of the state government and all units of government and other agencies and institutions receiving state funds, including school districts; to
conduct such audit, the committee may request the cooperation of the bureau division of public accounts, or may appoint a certified public accountant, public accountant, or other person whom it deems qualified.

(4) To make and examine estimates of revenues available for appropriations from existing and proposed taxes and to make a continuing study and review of the state revenue structure.

(5) To make a continuing study and review of the state's financial condition, fiscal organization and procedures for budgeting, accounting, reporting, personnel management and purchasing and the procedures for accounting for, controlling and providing the safe custody of and verifying the existence and condition of property of the state of Idaho and of property charged to or held in the custody of any department, agency or institution of state government.

(6) To conduct such hearings as it may deem necessary and proper.

(7) To submit a report to each session of the legislature covering its activities during the preceding period and setting forth its findings and recommendations and to make such recommendations to the appropriate legislative committees as it may deem proper concerning the budget and other proposed legislation.

(8) To coordinate other agencies in the design, installation and continuing review of a uniform modern accounting system for all state agencies and all other agencies receiving state funds.

(9) To require copies of all audit reports issued by the bureau division of public accounts, whether the audits are initiated by the committee or the bureau division of public accounts, and to require access to all audit working papers and other records of the bureau division of public accounts.

(10) To perform such other duties as the legislature or legislative council may by appropriate resolution direct.

(11) To appoint a legislative auditor and such other employees and engage the services of such persons and agencies as may be necessary or desirable in the performance of its duties.

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 30, 1971.
CHAPTER 291
(H. B. No. 340)

AN ACT
AMENDING SECTION 1 OF CHAPTER 343, LAWS OF 1969, AS AMENDED BY CHAPTER 55, LAWS OF 1970, RELATING TO THE APPROPRIATION FROM THE FUNDS ENUMERATED TO THE DEPARTMENT OF EDUCATION, BY INCREASING THE AMOUNT OF THE APPROPRIATION BY $245,106 FOR THE PURPOSE OF PAYING FOR INSTRUCTIONAL SERVICES TO OPERATE THE DRIVER TRAINING PROGRAM; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1 of Chapter 343, Laws of 1969, as amended by Chapter 55, Laws of 1970, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated out of the funds enumerated the following moneys, to be expended as indicated, for the operating costs and expenses of the programs proposed, unless specifically excepted, in the Executive Budget for 1969-1971, for the period July 1, 1969, to June 30, 1971, of the Department of Education.

FOR MAJOR AND MINOR PROGRAMS:

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADMINISTRATION</td>
<td>$731,218</td>
</tr>
<tr>
<td>FINANCIAL SERVICES</td>
<td>1,461,266</td>
</tr>
<tr>
<td>INSTRUCTIONAL SERVICES</td>
<td>24,277,829-24,522,935</td>
</tr>
<tr>
<td>GENERAL SERVICES</td>
<td>8,082,465</td>
</tr>
</tbody>
</table>

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>SALARIES AND WAGES</td>
<td>$2,338,604</td>
</tr>
<tr>
<td>TRAVEL</td>
<td>284,600</td>
</tr>
<tr>
<td>OTHER CURRENT EXPENSES</td>
<td>735,000</td>
</tr>
<tr>
<td>CAPITAL OUTLAY</td>
<td>94,574</td>
</tr>
<tr>
<td>PAYMENT AS AGENT</td>
<td>31,517,068</td>
</tr>
</tbody>
</table>

FROM:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>GENERAL FUND</td>
<td>$937,666</td>
</tr>
<tr>
<td>DRIVER EDUCATION FUNDS</td>
<td>2,098,044</td>
</tr>
<tr>
<td>FEDERAL FUNDS</td>
<td>31,517,068</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 30, 1971.

CHAPTER 292
(H. B. No. 341)

AN ACT

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

SECTION 1. There is hereby appropriated out of the funds enumerated the sum of $32,730,457 to the State Board of Education and the board of regents of the University of Idaho for higher education programs at Boise State College, Idaho State University, Lewis-Clark State College and the University of Idaho for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

| Educational programs | $32,730,457 |

FROM:

| General Fund | $27,729,918 |
| Receipts to Appropriation | 3,535,118 |
| Lewis-Clark State College — Endowment Fund | 181,638 |
| Idaho State University — Endowment Funds | 263,524 |
| University of Idaho — Endowment Funds | 1,020,259 |
| TOTAL | $32,730,457 |

Approved March 30, 1971.
CHAPTER 293
(H. B. No. 345)

AN ACT


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

SECTION 1. There is hereby appropriated out of the fund enumerated the following amount to the Idaho Potato Commission for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advertising and promoting Idaho potatoes</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,500,000</td>
</tr>
</tbody>
</table>

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries &amp; Wages</td>
<td>$ 50,000</td>
</tr>
<tr>
<td>Travel</td>
<td>26,000</td>
</tr>
<tr>
<td>Other Current Expense</td>
<td>1,421,500</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>2,000</td>
</tr>
<tr>
<td>Refunds of Erroneous Receipts</td>
<td>500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,500,000</td>
</tr>
</tbody>
</table>

FROM:

<table>
<thead>
<tr>
<th>Funds</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dedicated Funds:</td>
<td></td>
</tr>
<tr>
<td>Idaho Potato Fund</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,500,000</td>
</tr>
</tbody>
</table>

Approved March 30, 1971.

CHAPTER 294
(H. B. No. 346)

AN ACT

APPROPRIATING MONEYS FROM THE FUND ENUMERATED TO THE STATE AUDITOR AND PRESCRIBING MAJOR PROGRAMS AND
EXPENDITURE CLASSIFICATIONS OF THE APPROPRIATION

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

SECTION 1. There is hereby appropriated out of the fund enumerated
the following amount to the State Auditor for major programs and the
prescribed expenditure classifications for the period July 1, 1971 through
June 30, 1972.

FOR MAJOR PROGRAMS:

Superintending the fiscal
concerns of Idaho

TOTAL

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

Salaries & Wages
Travel
Other Current Expense
Capital Outlay

TOTAL

FROM:

General Fund

TOTAL

Approved March 30, 1971.

CHAPTER 295
(H. B. No. 303, As Amended in Senate)

AN ACT

RELATING TO THE SALARIES OF PROSECUTING ATTORNEYS;
REPEALING SECTION 31-3113, IDAHO CODE; PRESCRIBING THE
ANNUAL SALARY IN EACH COUNTY; PROVIDING FOR
AMENDING THE COUNTY BUDGET TO CORRESPOND TO THE
SALARY PRESCRIBED IN THIS ACT; AND DECLARING AN
EMERGENCY AND PROVIDING FOR RETROACTIVE
APPLICATION.

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

SECTION 1. That Section 31-3113, Idaho Code, be, and the same is
hereby repealed.
SECTION 2. The annual salaries of the prosecuting attorneys in the various counties shall be set forth as follows:

<table>
<thead>
<tr>
<th>County</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ada</td>
<td>$14,000</td>
</tr>
<tr>
<td>Adams</td>
<td>$3,200</td>
</tr>
<tr>
<td>Bannock</td>
<td>$10,000</td>
</tr>
<tr>
<td>Bear Lake</td>
<td>$5,000</td>
</tr>
<tr>
<td>Benewah</td>
<td>$5,850</td>
</tr>
<tr>
<td>Bingham</td>
<td>$10,000</td>
</tr>
<tr>
<td>Blaine</td>
<td>$4,800</td>
</tr>
<tr>
<td>Boise</td>
<td>$3,000</td>
</tr>
<tr>
<td>Bonner</td>
<td>$9,000</td>
</tr>
<tr>
<td>Bonneville</td>
<td>$10,500</td>
</tr>
<tr>
<td>Boundary</td>
<td>$6,000</td>
</tr>
<tr>
<td>Butte</td>
<td>$4,800</td>
</tr>
<tr>
<td>Camas</td>
<td>$4,400</td>
</tr>
<tr>
<td>Canyon</td>
<td>$11,000</td>
</tr>
<tr>
<td>Caribou</td>
<td>$5,000</td>
</tr>
<tr>
<td>Cassia</td>
<td>$10,500</td>
</tr>
<tr>
<td>Clark</td>
<td>$3,600</td>
</tr>
<tr>
<td>Clearwater</td>
<td>$7,500</td>
</tr>
<tr>
<td>Custer</td>
<td>$6,000</td>
</tr>
<tr>
<td>Elmore</td>
<td>$9,000</td>
</tr>
<tr>
<td>Franklin</td>
<td>$5,000</td>
</tr>
<tr>
<td>Fremont</td>
<td>$4,400</td>
</tr>
<tr>
<td>Gem</td>
<td>$4,800</td>
</tr>
<tr>
<td>Gooding</td>
<td>$5,400</td>
</tr>
<tr>
<td>Idaho</td>
<td>$7,500</td>
</tr>
<tr>
<td>Jefferson</td>
<td>$5,000</td>
</tr>
<tr>
<td>Jerome</td>
<td>$4,990</td>
</tr>
<tr>
<td>Kootenai</td>
<td>$12,000</td>
</tr>
<tr>
<td>Latah</td>
<td>$8,400</td>
</tr>
<tr>
<td>Lemhi</td>
<td>$5,200</td>
</tr>
<tr>
<td>Lewis</td>
<td>$6,500</td>
</tr>
<tr>
<td>Lincoln</td>
<td>$5,000</td>
</tr>
<tr>
<td>Madison</td>
<td>$5,500</td>
</tr>
<tr>
<td>Minidoka</td>
<td>$8,500</td>
</tr>
<tr>
<td>Nez Perce</td>
<td>$9,500</td>
</tr>
<tr>
<td>Oneida</td>
<td>$4,000</td>
</tr>
</tbody>
</table>
Owyhee $4,800
Payette $4,800
Power $2,700
Shoshone $10,020
Teton $3,200
Twin Falls $10,000
Valley $4,200
Washington $6,000

SECTION 3. The board of county commissioners of the several counties of the state, at the first meeting after the passage and approval of this act, shall, without notice, adopt a resolution amending the budget of the office of prosecuting attorney in each of the counties to provide for the payment therein of the salary provided for in this act, and the resolution shall be lawful authorization for the payment of the salaries so fixed and provided by this act.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect immediately upon its passage and approval and retroactively to January 1, 1971.

Approved March 30, 1971.

CHAPTER 296
(H. B. No. 313)

AN ACT

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

SECTION 1. There is hereby appropriated out of the funds enumerated the following amount to the Legislative Budget and Fiscal Committee for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.
FOR MAJOR PROGRAMS:

Performing legislative auditor functions $144,050
Performing public accounts functions 150,233
TOTAL $294,283

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

Salaries & Wages $214,600
Travel 41,458
Other Current Expense 34,970
Capital Outlay 3,255
TOTAL $294,283

FROM:

General Fund $274,283
Receipts to Appropriation 20,000
TOTAL $294,283

Approved March 30, 1971.

CHAPTER 297
(H. B. No. 315, As Amended in Senate)

AN ACT

AMENDING PART 72-432, SECTION 3 OF HOUSE BILL 73, AS AMENDED, AS AMENDED, FIRST REGULAR SESSION OF THE FORTY-FIRST IDAHO LEGISLATURE, TO PROVIDE THAT NOTHING IN CHAPTER 4 OF THE ACT SHALL BE CONSTRUED TO REQUIRE A WORKMAN WHO IN GOOD FAITH RELIES ON CHRISTIAN SCIENCE TREATMENT BY A DULY ACCREDITED CHRISTIAN SCIENCE PRACTITIONER TO UNDERGO MEDICAL OR SURGICAL TREATMENT OR TO DENY SUCH WORKMAN OR HIS DEPENDENTS COMPENSATION PAYMENTS.

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

SECTION I. That Part 72-432, Section 3 of House Bill 73, First Regular Session of the Forty-first Idaho Legislature, be, and the same is hereby amended to read as follows:

72-432. MEDICAL SERVICES, APPLIANCES AND SUPPLIES. 
(1) The employer shall provide for an injured employee such reasonable medical, surgical or other attendance or treatment, nurse and hospital
service, medicines, crutches and apparatus, as may be required or be requested by the employee immediately after an injury or disability from an occupational disease, and for a reasonable time thereafter. If the employer fails to provide the same, the injured employee may do so at the expense of the employer.

(2) The employer shall also furnish necessary replacements or repairs of appliances and prostheses, but no oftener than once every five (5) years unless the need thereof within any five (5) year period is due to lack of proper care by the employee. If the appliance or prostheses is damaged or broken in an industrial accident, the employer, for whom the employee was working at the time of accident, will be liable for replacement or repair.

(3) In addition to the income benefits otherwise payable, the employee who is entitled to income benefits shall be paid an additional sum in an amount as may be determined by the commission as by it deemed necessary, as a medical service, when the constant service of an attendant is necessary by reason of total blindness of the employee or the loss of both hands or both feet or the loss of use thereof, or by reason of being paralyzed and unable to walk, or by reason of other disability resulting from the injury or disease actually rendering him so helpless as to require constant attendance. The commission shall have authority to determine the necessity, character and sufficiency of any medical services furnished or to be furnished and shall have authority to order a change of physician, hospital or rehabilitation facility when in its judgment such change is desirable or necessary.

(4) The employee upon reasonable grounds, may petition the commission for a change of physician to be provided by the employer.

(5) An employee shall not be responsible for charges of physicians to whom he has been referred for treatment of his injury or occupational disease by an employer designated physician.

(6) Nothing in this chapter shall be construed to require a workman who in good faith relies on Christian Science treatment by a duly accredited Christian Science practitioner to undergo any medical or surgical treatment, providing that neither he nor his dependents shall be entitled to income benefits of any kind beyond those reasonably expected to have been paid had he undergone medical or surgical treatment, and the employer or insurance carrier may pay for such spiritual treatment.

Approved March 30, 1971.
CHAPTER 298
(H. B. No. 159, As Amended in Senate)

AN ACT
AMENDING SECTION 63-605, IDAHO CODE, BY STRIKING THE WORD "RECLASSIFICATION" AND ADDING THE WORDS "IDENTIFICATION AND REAPPRAISAL", BY STRIKING THE WORD "CLASSES" AND ADDING THE WORD "CATEGORIES", BY STRIKING THE WORD "CLASS" AND ADDING THE WORD "CATEGORY", BY STRIKING THE TERM "FULL CASH VALUE" AND ADDING "MARKET VALUE", BY STRIKING THE WORD "FULL" PERTAINING TO MARKET VALUE, BY STRIKING REQUIREMENT TO RECLASSIFY AND COMPEL RECLASSIFICATION BY CATEGORIES TO PROVIDE FOR PROPER IDENTIFICATION OF PROPERTY FOR APPRAISAL PURPOSES AND COMPEL REAPPRAISAL OF IMPROPERLY ASSESSED PROPERTY BY COUNTY ASSESSOR.

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

SECTION 1. That Section 63-605, Idaho Code, be, and the same is hereby amended to read as follows:

63-605. EQUALIZATION BY CLASSES CATEGORIES - RECLASSIFICATION IDENTIFICATION AND REAPPRAISAL. - The state tax commission shall publish rules and regulations establishing and defining categories in which various properties will be placed for appraisal purposes. The state tax commission shall equalize the assessments of property throughout the state, by classes categories, as shown by the abstracts transmitted by the several county auditors, county by county. In such equalization, the commission shall have power to increase the total value of any class category of property in any county as shown by the abstract from that county when, in the opinion of the commission, the value of that class category appearing in such abstract is not just and equal as compared with the value of other classes categories of property in that county, or the value of similar categories of property in other counties, because of its being less than the full cash value market value, as determined by such comparisons, and the commission shall have power to decrease the total value of any class category of property in any county as shown by the abstract from that county when, in the opinion of the commission, the value of that class category appearing in such abstract is not just and equal as
compared with the value of other classes of property in that county, or the value of similar classes of property in other counties, because of its being in excess of market value as determined by such comparison. Upon receiving information from any source that any property in any county of the state has been omitted from the assessment roll, or has been improperly assessed, the commission shall have the power to compel the assessor of such county to assess such property and place it upon the assessment roll forthwith, and to compel the reassessment of all property improperly assessed. The commission is also empowered to reclassify or order and compel a reclassification of property by categories for appraisal purposes in any county, and to create new classifications categories for any taxable property, and to order and compel reappraisal by the county assessor of any classes of property within the county.

Approved March 30, 1971.

CHAPTER 299
(H. B. No. 219, As Amended in Senate)
(See also Chapter 316)

AN ACT
TO BE KNOWN AS THE UNIFORM CONSUMER CREDIT CODE RELATING TO CERTAIN CONSUMER AND OTHER CREDIT TRANSACTIONS; CONSOLIDATING AND REVISIONS ASPECTS OF THE LAW RELATING TO CONSUMER AND OTHER LOANS, CONSUMER AND OTHER SALES OF GOODS AND SERVICES; REVISING THE LAW RELATING TO USURY; REGULATING CERTAIN PRACTICES RELATING TO INSURANCE AND CONSUMER CREDIT TRANSACTIONS; PROVIDING FOR ADMINISTRATIVE REGULATION OF CERTAIN CONSUMER CREDIT TRANSACTIONS; DESIGNATING THE COMMISSIONER OF FINANCE OF THE STATE OF IDAHO TO BE THE ADMINISTRATOR OF THE UNIFORM CONSUMER CREDIT CODE; MAKING UNIFORM THE LAW WITH RESPECT THERETO; PROVIDING SEVERABILITY; FIXING EFFECTIVE DATES; AMENDING SECTION 26-1932, IDAHO CODE, TO PROVIDE THAT ADDITIONAL CHARGES IN CONNECTION WITH CONSUMER
LOANS SHALL BE SUBJECT TO THE PROVISIONS OF SECTION 3.202 OF THIS ACT (UNIFORM CONSUMER CREDIT CODE); AMENDING SECTION 26-1931, IDAHO CODE, TO PROVIDE THAT PREPAYMENT OF CONSUMER LOANS SHALL BE CONTROLLED BY THE PROVISIONS OF THE UNIFORM CONSUMER CREDIT CODE; AMENDING SECTION 28-9-203, IDAHO CODE, TO PROVIDE THAT A TRANSACTION SUBJECT TO UNIFORM COMMERCIAL CODE IS SUBJECT TO THE UNIFORM CONSUMER CREDIT CODE; REPEALING CHAPTER 20, TITLE 26, IDAHO CODE; REPEALING SECTION 26-2114, IDAHO CODE; AND PROVIDING A NEW SECTION 9.108, RELATING TO CONSTRUCTION OF CHAPTER 22, TITLE 26, IDAHO CODE.

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

ARTICLE I—GENERAL PROVISIONS AND DEFINITIONS

PART I—SHORT TITLE, CONSTRUCTION, GENERAL PROVISIONS

SECTION 1.101. SHORT TITLE.—This act shall be known and may be cited as Uniform Consumer Credit Code.

SECTION 1.102. PURPOSES — RULES OF CONSTRUCTION. —

(1) This act shall be liberally construed and applied to promote its underlying purposes and policies.

(2) The underlying purposes and policies of this act are:

(a) to simplify, clarify and modernize the law governing retail instalment sales, consumer credit, small loans and usury;

(b) to provide rate ceilings to assure an adequate supply of credit to consumers;

(c) to further consumer understanding of the terms of credit transactions and to foster competition among suppliers of consumer credit so that consumers may obtain credit at reasonable cost;

(d) to protect consumer buyers, lessees, and borrowers against unfair practices by some suppliers of consumer credit, having due regard for the interests of legitimate and scrupulous creditors;

(e) to permit and encourage the development of fair and economically sound consumer credit practices;

(f) to conform the regulation of consumer credit transactions to the policies of the Federal Consumer Credit Protection Act; and

(g) to make uniform the law, including administrative rules, among the various jurisdictions.

(3) A reference to a requirement imposed by this act includes reference
to a related rule of the administrator adopted pursuant to this act.

SECTION 1.103. SUPPLEMENTARY GENERAL PRINCIPLES OF LAW APPLICABLE.—Unless displaced by the particular provisions of this act, the Uniform Commercial Code and the principles of law and equity, including the law relative to capacity to contract, principal and agent, estoppel, fraud, misrepresentation, duress, coercion, mistake, bankruptcy, or other validating or invalidating cause supplement its provisions.

SECTION 1.104. CONSTRUCTION AGAINST IMPLICIT REPEAL.—This act being a general act intended as a unified coverage of its subject matter, no part of it shall be deemed to be impliedly repealed by subsequent legislation if such construction can reasonably be avoided.

SECTION 1.105. SEVERABILITY.—If any provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SECTION 1.106. ADJUSTMENT OF DOLLAR AMOUNTS.—(1) From time to time the dollar amounts in this act designated as subject to change shall change, as provided in this section, according to and to the extent of changes in the Consumer Price Index for Urban Wage Earners and Clerical Workers: U. S. City Average, All Items, 1957-59=100, compiled by the Bureau of Labor Statistics, United States Department of Labor, and hereafter referred to as the index. The index for December, 1967, is the Reference Base Index.

(2) The designated dollar amounts shall change on July 1 of each even numbered year if the percentage of change, calculated to the nearest whole percentage point, between the index at the end of the preceding year and the reference base index is 10 per cent or more, except that

(a) the portion of the percentage change in the index in excess of a multiple of 10 per cent shall be disregarded and the dollar amounts shall change only in multiples of 10 per cent of the amounts appearing in this act on the date of enactment;
(b) the dollar amounts shall not change if the amounts required by this section are those currently in effect pursuant to this act as a result of earlier application of this section; and
(c) in no event shall the dollar amounts be reduced below the amounts appearing in this act on the date of enactment.

(3) If the index is revised after December, 1967, the percentage of
change pursuant to this section shall be calculated on the basis of the revised index. If the revision of the index changes the reference base index, a revised reference base index shall be determined by multiplying the reference base index then applicable by the ratio of the revised index to the current index, as each was for the first month in which the revised index is available. If the index is superseded, the index referred to in this section is the one represented by the Bureau of Labor Statistics as reflecting most accurately changes in the purchasing power of the dollar for consumers.

(4) The administrator shall issue a rule announcing

(a) on or before April 30 of each year in which dollar amounts are to change, the changes in dollar amounts required by subsection (2); and
(b) promptly after the changes occur, changes in the Index required by subsection (3) including, when applicable, the numerical equivalent of the reference base index under a revised reference base index and the designation or title of any index superseding the index.

(5) No person violates this act if with respect to a transaction otherwise complying with this act he relies on dollar amounts either determined according to subsection (2) or appearing in the last rule of the administrator announcing the then current dollar amounts.

(6) If the percentage of change between the index at the end of the odd numbered year preceding the effective date of this act and the reference base index would require change in the designated dollar amounts pursuant to subsection (2), the designated dollar amounts shall change upon the effective date of this act and, on or before that date, the administrator shall issue a rule announcing the changes required by this subsection. Subsection (5) also applies if the transaction is based on dollar amounts appearing in the act and the administrator has issued no rule as required by this subsection.

SECTION 1.107. WAIVER—AGREEMENT TO FOREGO RIGHTS—SETTLEMENT OF CLAIMS.—(1) Except as otherwise provided in this act, a buyer, lessee, or debtor may not waive or agree to forego rights or benefits under this act.

(2) A claim by a buyer, lessee, or debtor against a creditor for an excess charge, other violation of this act, or civil penalty, or a claim against a buyer, lessee, or debtor for default or breach of a duty imposed by this act, if disputed in good faith, may be settled by agreement.

(3) A claim, whether or not disputed, against a buyer, lessee, or debtor may be settled for less value than the amount claimed.

(4) A settlement in which the buyer, lessee, or debtor waives or agrees
to forego rights or benefits under this act is invalid if the court as a matter of law finds the settlement to have been unconscionable at the time it was made. The competence of the buyer, lessee, or debtor, any deception or coercion practiced upon him, the nature and extent of the legal advice received by him, and the value of the consideration are relevant to the issue of unconscionability.

SECTION 1.108. EFFECT OF ACT ON POWERS OF ORGANIZATIONS.—(1) This act prescribes maximum charges for all creditors, except lessors and those excluded (section 1.202), extending consumer credit including consumer credit sales (section 2.104), consumer loans (section 3.104), and consumer related sales and loans (section 2.602 and section 3.602), and displaces existing limitations on the powers of those creditors based on maximum charges, except in insurance matters as prescribed by rule or regulation of the department of insurance.

(2) With respect to sellers of goods or services, small loan companies, licensed lenders, consumer and sales finance companies, industrial banks and loan companies, and commercial banks and trust companies, this act displaces existing limitations on their powers based solely on amount or duration of credit, except in insurance matters as prescribed by rule or regulation of the department of insurance.

(3) Except as provided in subsection (1), this act does not displace limitations on powers of credit unions, savings banks, savings and loan associations, or other thrift institutions whether organized for the profit of shareholders or as mutual organizations.

(4) Except as provided in subsections (1) and (2), this act does not displace

(a) limitations on powers of supervised financial organizations (subsection (17) of section 1.301) with respect to the amount of a loan to a single borrower, the ratio of a loan to the value of collateral, the duration of a loan secured by an interest in land, or other similar restrictions designed to protect deposits, or
(b) limitations on powers an organization is authorized to exercise under the laws of this state or the United States.

PART 2—SCOPE AND JURISDICTION

SECTION 1.201. TERRITORIAL APPLICATION.—(1) Except as otherwise provided in this section, this act applies to sales, leases, and loans made in this state and to modifications, including refinancings, consolidations, and deferrals, made in this state, of sales, leases, and loans,
wherever made. For purposes of this act

(a) a sale or modification of a sale agreement is made in this state if the buyer's agreement or offer to purchase or to modify is received by the seller in this state;

(b) a lease or modification of a lease agreement is made in this state if the lessee's agreement or offer to lease or to modify is received by the lessor in this state; and

(c) a loan or modification of a loan agreement is made in this state if a writing signed by the debtor and evidencing the debt is received by the lender in this state.

(2) With respect to sales made pursuant to a revolving charge account (section 2.108), this act applies if the buyer's communication or indication of his intention to establish the account is received by the seller in this state. If no communication or indication of intention is given by the buyer before the first sale, this act applies if the seller's communication notifying the buyer of the privilege of using the account is mailed or personally delivered in this state.

(3) With respect to loans made pursuant to a lender credit card or similar arrangement (subsection (9) of section 1.301), this act applies if the debtor's communication or indication of his intention to establish the arrangement with the lender is received by the lender in this state. If no communication or indication of intention is given by the debtor before the first loan, this act applies if the lender's communication notifying the debtor of the privilege of using the arrangement is mailed or personally delivered in this state.

(4) The part on limitations on creditors' remedies (part 1) of the article on remedies and penalties (article 5) applies to actions or other proceedings brought in this state to enforce rights arising from consumer credit sales, consumer leases, or consumer loans, or extortionate extensions of credit, wherever made.

(5) If a consumer credit sale, consumer lease, or consumer loan, or modification thereof, is made in another state to a person who is a resident of this state when the sale, lease, loan, or modification is made, the following provisions apply as though the transaction occurred in this state:

(a) a seller, lessor, lender, or assignee of his rights, may not collect charges through actions or other proceedings in excess of those permitted by the article on credit sales (article 2) or by the article on loans (article 3); and
(b) a seller, lessor, lender, or assignee of his rights, may not enforce rights against the buyer, lessee, or debtor, with respect to the provisions of agreements which violate the provisions on limitations on agreements and practices (part 4) of the article on credit sales (article 2) or of the article on loans (article 3).

(6) Except as provided in subsection (4), a sale, lease, loan, or modification thereof, made in another state to a person who was not a resident of this state when the sale, lease, loan, or modification was made is valid and enforceable according to its terms to the extent that it is valid and enforceable under the laws of the state applicable to the transaction.

(7) For the purposes of this act, the residence of a buyer, lessee, or debtor is the address given by him as his residence in any writing signed by him in connection with a credit transaction. Until he notifies the creditor of a new or different address, the given address is presumed to be unchanged.

(8) Notwithstanding other provisions of this section
(a) except as provided in subsection (4), this act does not apply if the buyer, lessee, or debtor is not a resident of this state at the time of a credit transaction and the parties then agree that the law of his residence applies; and
(b) this act applies if the buyer, lessee, or debtor is a resident of this state at the time of a credit transaction and the parties then agree that the law of this state applies.

(9) Except as provided in subsection (8), the following agreements by a buyer, lessee, or debtor are invalid with respect to consumer credit sales, consumer leases, consumer loans, or modifications thereof, to which this act applies:
(a) that the law of another state shall apply;
(b) that the buyer, lessee, or debtor consents to the jurisdiction of another state; and
(c) that fixes venue.

(10) The following provisions of this act specify the applicable law governing certain cases:
(a) applicability (section 6.102) of the part on powers and functions of administrator (part 1) of the article on administration (article 6); and
(b) applicability (section 6.201) of the part on notification and fees (part 2) of the article on administration (article 6).

SECTION 1.202. EXCLUSIONS.--This act does not apply to
(1) Extensions of credit to government or governmental agencies or instrumentalities;
(2) The sale of insurance by an insurer, except as otherwise provided in the article on insurance (article 4);

(3) Transactions under public utility or common carrier tariffs if a subdivision or agency of this state or of the United States regulates the charges for the services involved, the charges for delayed payment, and any discount allowed for early payment; or

(4) The rates and charges and the disclosure of rates and charges of a licensed pawnbroker established in accordance with a statute or ordinance concerning these matters.

PART 3—DEFINITIONS

SECTION 1.301. GENERAL DEFINITIONS.—In addition to definitions appearing in subsequent articles, in this act

(1) "Actuarial method" means the method, defined by rules adopted by the administrator, of allocating payments made on a debt between principal or amount financed and loan finance charge or credit service charge pursuant to which a payment is applied first to the accumulated loan finance charge or credit service charge and the balance is applied to the unpaid principal or unpaid amount financed.

(2) "Administrator" means the administrator designated in the article (article 6) on administration (section 6.103).

(3) "Agreement" means the bargain of the parties in fact as found in their language or by implication from other circumstances including course of dealing or usage of trade or course of performance.

(4) "Agricultural purpose" means a purpose related to the production, harvest, exhibition, marketing, transportation, processing, or manufacture of agricultural products by a natural person who cultivates, plants, propagates, or nurtures the agricultural products. "Agricultural products" includes agricultural, horticultural, viticultural, and dairy products, livestock, wildlife, poultry, bees, forest products, fish and shellfish, and any products thereof, including processed and manufactured products, and any and all products raised or produced on farms and any processed or manufactured products thereof.

(5) "Closing costs" with respect to a debt secured by an interest in land includes:

(a) fees or premiums for title examination, title insurance, or similar purposes including surveys,

(b) fees for preparation of a deed, settlement statement, or other documents,
(c) escrows for future payments of taxes and insurance,
(d) fees for notarizing deeds and other documents,
(e) appraisal fees, and
(f) credit reports.

(6) "Conspicuous" means a term or clause is conspicuous when it is so written that a reasonable person against whom it is to operate ought to have noticed it. Whether a term or clause is conspicuous or not is for decision by the court.

(7) "Credit" means the right granted by a creditor to a debtor to defer payment of debt or to incur debt and defer its payment.

(8) "Earnings" means compensation paid or payable to an individual or for his account for personal services rendered or to be rendered by him, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension, retirement, or disability program.

(9) "Lender credit card or similar arrangement" means an arrangement or loan agreement, other than a seller credit card, pursuant to which a lender gives a debtor the privilege of using a credit card, letter of credit, or other credit confirmation or identification in transactions out of which debt arises
(a) by the lender's honoring a draft or similar order for the payment of money drawn or accepted by the debtor;
(b) by the lender's payment or agreement to pay the debtor's obligations; or
(c) by the lender's purchase from the obligee of the debtor's obligations.

(10) "Official fees" means
(a) fees and charges prescribed by law which actually are or will be paid to public officials for determining the existence of or for perfecting, releasing, or satisfying a security interest related to a consumer credit sale, consumer lease, or consumer loan; or
(b) premiums payable for insurance in lieu of perfecting a security interest otherwise required by the creditor in connection with the sale, lease, or loan, if the premium does not exceed the fees and charges described in paragraph (a) which would otherwise be payable.

(11) "Organization" means a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.

(12) "Payable in instalments" means that payment is required or permitted by agreement to be made in (a) two or more periodic payments,
excluding a down payment, with respect to a debt arising from a consumer credit sale pursuant to which a credit service charge is made, (b) four or more periodic payments, excluding a down payment, with respect to a debt arising from a consumer credit sale pursuant to which no credit service charge is made, or (c) two or more periodic payments with respect to a debt arising from a consumer loan. If any periodic payment other than the down payment under an agreement requiring or permitting two or more periodic payments is more than twice the amount of any other periodic payment, excluding the down payment, the consumer credit sale, consumer lease, or consumer loan is "payable in instalments."

(13) "Person" includes a natural person or an individual, and an organization.

(14) "Person related to" with respect to an individual means (a) the spouse of the individual, (b) a brother, brother-in-law, sister, sister-in-law of the individual, (c) an ancestor or lineal descendant of the individual or his spouse, and (d) any other relative, by blood or marriage, of the individual or his spouse who shares the same home with the individual. "Person related to" with respect to an organization means (a) a person directly or indirectly controlling, controlled by or under common control with the organization, (b) an officer or director of the organization or a person performing similar functions with respect to the organization or to a person related to the organization, (c) the spouse of a person related to the organization, and (d) a relative by blood or marriage of a person related to the organization who shares the same home with him.

(15) "Presumed" or "presumption" means that the trier of fact must find the existence of the fact presumed unless and until evidence is introduced which would support a finding of its non-existence.

(16) "Seller credit card" means an arrangement pursuant to which a person gives to a buyer or lessee the privilege of using a credit card, letter of credit, or other credit confirmation or identification primarily for the purpose of purchasing or leasing goods or services from that person, a person related to that person, or others licensed or franchised to do business under his business or trade name or designation, or from that person and any other person.

(17) "Supervised financial organization" means a person, other than an insurance company or other organization primarily engaged in an insurance business,

(a) organized, chartered, or holding an authorization certificate under
the laws of this state or of the United States which authorize the person
to make loans and to receive deposits, including a savings, share,
certificate or deposit account, and
(b) subject to supervision by an official or agency of this state or of the
United States.

SECTION 1.302. DEFINITION: "FEDERAL CONSUMER CREDIT
PROTECTION ACT".—In this act "Federal Consumer Credit Protection
Act" means the Consumer Credit Protection Act (Public Law 90-321; 82
Stat. 146), as amended, and includes regulations issued pursuant to that act.

SECTION 1.303. INDEX OF DEFINITIONS IN ACT.—Definitions in
this act and the sections in which they appear are:

"Actuarial method"—Section 1.301(1)
"Administrator"—Section 1.301(2)
"Administrator"—Section 6.103
"Agreement"—Section 1.301(3)
"Agricultural purpose"—Section 1.301(4)
"Amount financed"—Section 2.111
"Annual percentage rate" (sale)—Section 2.304
"Annual percentage rate" (loan)—Section 3.304
"Cash price"—Section 2.110
"Closing costs"—Section 1.301(5)
"Conspicuous"—Section 1.301(6)
"Consumer credit insurance"—Section 4.102(1)
"Consumer credit sale"—Section 2.104
"Consumer lease"—Section 2.106
"Consumer loan"—Section 3.104
"Consumer related loan"—Section 3.602
"Consumer related sale"—Section 2.602
"Contested case"—Section 6.402(1)
"Corresponding nominal annual percentage rate" (sale)—Section 2.304
"Corresponding nominal annual percentage rate" (loan)—Section 3.304
"Credit"—Section 1.201(7)
"Credit Insurance Act"—Section 4.103(2)
"Credit service charge"—Section 2.109
"Earnings"—Section 1.301(8)
"Federal Consumer Credit Protection Act"—Section 1.302
"Goods"—Section 2.105(1)
"Home solicitation sale"—Section 2.501
"Lender"—Section 3.107(1)
"Lender credit card or similar arrangement"—Section 1.301(9)
"License"—Section 6.402(2)
"Licensing"—Section 6.402(3)
"Loan"—Section 3.106
"Loan finance charge"—Section 3.109
"Loan primarily secured by an interest in land"—Section 3.105
"Merchandise certificate"—Section 2.105(2)
"Official fees"—Section 1.301(10)
"Organization"—Section 1.301(11)
"Party"—Section 6.402(4)
"Payable in instalments"—Section 1.301(12)
"Person"—Section 1.301(13)
"Person related to"—Section 1.301(14)
"Precomputed (loan)"—Section 3.107(2)
"Precomputed (sale)"—Section 2.105(7)
"Presumed" or "presumption"—Section 1.301(15)
"Principal"—Section 3.107(3)
"Regulated lender"—Section 3.501(2)
"Regulated loan"—Section 3.501(1)
"Revolving charge account"—Section 2.108
"Revolving loan account"—Section 3.108
"Rule"—Section 6.402(5)
"Sale of goods"—Section 2.105(4)
"Sale of an interest in land"—Section 2.105(6)
"Sale of services"—Section 2.105(5)
"Seller"—Section 2.107
"Seller credit card"—Section 1.301(16)
"Services"—Section 2.105(3)
"Supervised financial organization"—Section 1.301(17)
"Supervised lender"—Section 3.501(4)
"Supervised loan"—Section 3.501(3)

ARTICLE 2 – CREDIT SALES
PART 1 – GENERAL PROVISIONS

SECTION 2.101. SHORT TITLE.—This article shall be known and may be cited as Uniform Consumer Credit Code—Credit Sales.

SECTION 2.102. SCOPE.—This article applies to consumer credit sales, including home solicitation sales, and consumer leases; in addition part 6 applies to consumer related sales.
SECTION 2.103. DEFINITIONS IN ARTICLE. — The following definitions apply to this act and appear in this article as follows:

"Amount financed" Section 2.111
"Annual percentage rate" Section 2.304(2)
"Cash price" Section 2.110
"Consumer credit sale" Section 2.104
"Consumer lease" Section 2.106
"Consumer related sale" Section 2.602
"Corresponding nominal annual percentage rate" Section 2.304(3)
"Credit service charge" Section 2.109
"Goods" Section 2.105(1)
"Home solicitation sale" Section 2.501
"Merchandise certificate" Section 2.105(2)
"Precomputed" Section 2.105(7)
"Revolving charge account" Section 2.108
"Sale of goods" Section 2.105(4)
"Sale of an interest in land" Section 2.105(6)
"Sale of services" Section 2.105(5)
"Seller" Section 2.107
"Services" Section 2.105(3)

SECTION 2.104. DEFINITION: "CONSUMER CREDIT SALE". —

(1) Except as provided in subsection (2), "consumer credit sale" is a sale of goods or services in which

(a) credit is granted by a person who regularly engages as a seller in credit transactions of the same kind,

(b) the buyer is a person other than an organization,

(c) the goods or services are purchased primarily for a personal, family, household, or agricultural purpose,

(d) either the debt is payable in instalments or a credit service charge is made, and

(e) the amount financed does not exceed $25,000.

(2) Unless the sale is made subject to this act by agreement (section 2.601), "consumer credit sale" does not include

(a) a sale in which the seller allows the buyer to purchase goods or services pursuant to a lender credit card or similar arrangement, or

(b) except as provided with respect to disclosure (section 2.301) and debtors' remedies (section 5.201), a sale of an interest in land.
(3) The amount of $25,000 in subsection (1) is subject to change pursuant to the provisions on adjustment of dollar amounts (section 1.106).

SECTION 2.105. DEFINITIONS: "GOODS" – "MERCHANDISE CERTIFICATE" – "SERVICES" – "SALE OF GOODS" – "SALE OF SERVICES" – "SALE OF AN INTEREST IN LAND" – "PRECOMPUTED". – (1) "Goods" includes goods not in existence at the time the transaction is entered into and merchandise certificates, but excludes money, chattel paper, documents of title, and instruments.

(2) "Merchandise certificate" means a writing issued by a seller not redeemable in cash and usable in its face amount in lieu of cash in exchange for goods or services.

(3) "Services" includes (a) work, labor, and other personal services, (b) privileges with respect to transportation, hotel and restaurant accommodations, education, entertainment, recreation, physical culture, hospital accommodations, funerals, cemetery accommodations, and the like, and (c) insurance provided by a person other than the insurer.

(4) "Sale of goods" includes any agreement in the form of a bailment or lease of goods if the bailee or lessee agrees to pay as compensation for use a sum substantially equivalent to or in excess of the aggregate value of the goods involved and it is agreed that the bailee or lessee will become, or for no other or a nominal consideration has the option to become, the owner of the goods upon full compliance with his obligations under the agreement.

(5) "Sale of services" means furnishing or agreeing to furnish services and includes making arrangements to have services furnished by another.

(6) "Sale of an interest in land" includes a lease in which the lessee has an option to purchase the interest and all or a substantial part of the rental or other payments previously made by him are applied to the purchase price.

(7) A sale, refinancing, or consolidation is "Precomputed" if the debt is expressed as a sum comprising the amount financed and the amount of the credit service charge computed in advance.

SECTION 2.106. DEFINITION: "CONSUMER LEASE". –

(1) "Consumer lease" means a lease of goods

(a) which a lessor regularly engaged in the business of leasing makes to a person, other than an organization, who takes under the lease primarily for a personal, family, household, or agricultural purpose.

(b) in which the amount payable under the lease does not exceed $25,000, and

(c) which is for a term exceeding four months.
(2) "Consumer lease" does not include a lease made pursuant to a lender credit card or similar arrangement.

(3) The amount of $25,000 in subsection (1) is subject to change pursuant to the provisions on adjustment of dollar amounts (section 1.106).

SECTION 2.107. DEFINITION: "SELLER". — Except as otherwise provided, "seller" includes an assignee of the seller's right to payment but use of the term does not in itself impose on an assignee any obligation of the seller with respect to events occurring before the assignment.

SECTION 2.108. DEFINITION: "REVOLVING CHARGE ACCOUNT". — "Revolving charge account" means an arrangement between a seller and a buyer pursuant to which (1) the seller may permit the buyer to purchase goods or services on credit either from the seller or pursuant to a seller credit card, (2) the unpaid balances of amounts financed arising from purchases and the credit service and other appropriate charges are debited to an account, (3) a credit service charge if made is not precomputed but is computed on the outstanding unpaid balances of the buyer's account from time to time, and (4) the buyer has the privilege of paying the balances in instalments.

SECTION 2.109. DEFINITION: "CREDIT SERVICE CHARGE". — "Credit service charge" means the sum of (1) all charges payable directly or indirectly by the buyer and imposed directly or indirectly by the seller as an incident to the extension of credit, including any of the following types of charges which are applicable: time price differential, service, carrying or other charge, however denominated, premium or other charge for any guarantee or insurance protecting the seller against the buyer's default or other credit loss; and (2) charges incurred for investigating the collateral or credit-worthiness of the buyer or for commissions or brokerage for obtaining the credit, irrespective of the person to whom the charges are paid or payable, unless the seller had no notice of the charges when the credit was granted. The term does not include charges as a result of default, additional charges (section 2.202), delinquency charges (section 2.203), or deferral charges (section 2.204).

SECTION 2.110. DEFINITION: "CASH PRICE". — Except as the administrator may otherwise prescribe by rule, the "cash price" of goods, services, or an interest in land means the price at which the goods, services, or interest in land are offered for sale by the seller to cash buyers in the ordinary course of business, and may include (1) applicable sales, use, and excise and documentary stamp taxes, (2) the cash price of accessories or
related services such as delivery, installation, servicing, repairs, alterations, and improvements, and (3) amounts actually paid or to be paid by the seller for registration, certificate of title, or license fees. The cash price stated by the seller to the buyer pursuant to the provisions on disclosure (part 3) of this article is presumed to be the cash price.

SECTION 2.111. DEFINITION: “AMOUNT FINANCED”.

“Amount financed” means the total of the following items to the extent that payment is deferred:

1. The cash price of the goods, services, or interest in land, less the amount of any down payment whether made in cash or in property traded in,

2. The amount actually paid or to be paid by the seller pursuant to an agreement with the buyer to discharge a security interest in or a lien on property traded in, and

3. If not included in the cash price
   (a) any applicable sales, use, excise, or documentary stamp taxes,
   (b) amounts actually paid or to be paid by the seller for registration, certificate of title, or license fees, and
   (c) additional charges permitted by this article (section 2.202).

PART 2 – MAXIMUM CHARGES

SECTION 2.201. CREDIT SERVICE CHARGE FOR CONSUMER CREDIT SALES OTHER THAN REVOLVING CHARGE ACCOUNTS. –

1. With respect to a consumer credit sale, other than a sale pursuant to a revolving charge account, a seller may contract for and receive a credit service charge not exceeding that permitted by this section.

2. The credit service charge, calculated according to the actuarial method, may not exceed the equivalent of the greater of either of the following:

   a. the total of
      (i) 36 per cent per year on that part of the unpaid balances of the amount financed which is $300 or less;
      (ii) 21 per cent per year on that part of the unpaid balances of the amount financed which is more than $300 but does not exceed $1,000; and
      (iii) 15 per cent per year on that part of the unpaid balances of the amount financed which is more than $1,000; or
      (iv) 18 per cent per year on the unpaid balances of the amount financed.
(3) This section does not limit or restrict the manner of contracting for the credit service charge, whether by way of add-on, discount, or otherwise, so long as the rate of the credit service charge does not exceed that permitted by this section. If the sale is precomputed,

(a) the credit service charge may be calculated on the assumption that all scheduled payments will be made when due, and

(b) the effect of prepayment is governed by the provisions on rebate upon prepayment (section 2.210).

(4) For the purposes of this section, the term of a sale agreement commences with the date the credit is granted or, if goods are delivered or services performed 10 days or more after that date, with the date of commencement of delivery or performance. Differences in the lengths of months are disregarded and a day may be counted as 1/30th of a month. Subject to classifications and differentiations the seller may reasonably establish, a part of a month in excess of 15 days may be treated as a full month if periods of 15 days or less are disregarded and that procedure is not consistently used to obtain a greater yield than would otherwise be permitted.

(5) Subject to classifications and differentiations the seller may reasonably establish, he may make the same credit service charge on all amounts financed within a specified range. A credit service charge so made does not violate subsection (2) if

(a) when applied to the median amount within each range, it does not exceed the maximum permitted by subsection (2), and

(b) when applied to the lowest amount within each range, it does not produce a rate of credit service charge exceeding the rate calculated according to paragraph (a) by more than 8 per cent of the rate calculated according to paragraph (a).

(6) Notwithstanding subsection (2), the seller may contract for and receive a minimum credit service charge of not more than $5 when the amount financed does not exceed $75, or $7.50 when the amount financed exceeds $75.

(7) The amounts of $300 and $1,000 in subsection (2) are subject to change pursuant to the provisions on adjustment of dollar amounts (section 1.106).

SECTION 2.202. ADDITIONAL CHARGES. — (1) In addition to the credit service charge permitted by this part, a seller may contract for and receive the following additional charges in connection with a consumer credit sale:
(a) official fees and taxes;
(b) charges for insurance as described in subsection (2); and
(c) charges for other benefits, including insurance, conferred on the buyer, if the benefits are of value to him and if the charges are reasonable in relation to the benefits, are of a type which is not for credit, and are excluded as permissible additional charges from the credit service charge by rule adopted by the administrator.

(2) An additional charge may be made for insurance written in connection with the sale, other than insurance protecting the seller against the buyer's default or other credit loss, provided the seller is properly licensed or regulated as prescribed by the Idaho insurance department,
(a) with respect to insurance against loss of or damage to property, or against liability, if the seller furnishes a clear and specific statement in writing to the buyer, setting forth the cost of the insurance if obtained from or through the seller, and stating that the buyer may choose the person through whom the insurance is to be obtained; and
(b) with respect to consumer credit insurance providing life, accident, or health coverage, if the insurance coverage is not a factor in the approval by the seller of the extension of credit and this fact is clearly disclosed in writing to the buyer, and if, in order to obtain the insurance in connection with the extension of credit, the buyer gives specific affirmative written indication of his desire to do so after written disclosure to him of the cost thereof.

(3) For the purposes of the part on disclosure and advertising (part 3), reasonable closing costs are additional charges.

SECTION 2.203. DELINQUENCY CHARGES. — (1) With respect to a precomputed consumer credit sale, refinancing, consolidation, or a revolving charge account upon which no credit service charge is made, the parties may contract for a delinquency charge on any instalment not paid in full within 10 days after its scheduled due date in an amount not exceeding the greater of
(a) an amount, not exceeding $5, which is 5 per cent of the unpaid amount of the instalment, or
(b) the deferral charge (subsection (1) of section 2.204) that would be permitted to defer the unpaid amount of the instalment for the period that it is delinquent.

(2) A delinquency charge under paragraph (a) of subsection (1) may be collected only once on an instalment however long it remains in default. No
delinquency charge may be collected if the instalment has been deferred and
a deferral charge (section 2.204) has been paid or incurred. A delinquency
charge may be collected at the time it accrues or at any time thereafter.

(3) No delinquency charge may be collected on an instalment which is
paid in full within 10 days after its scheduled instalment due date even
though an earlier maturing instalment or a delinquency charge on an earlier
instalment may not have been paid in full. For purposes of this subsection
payments are applied first to current instalments and then to delinquent
instalments.

(4) The amount of $5 in subsection (1) is subject to change pursuant
to the provisions on adjustment of dollar amounts (section 1.106).

SECTION 2.204. DEFERRAL CHARGES. — (1) With respect to a
precomputed consumer credit sale, refinancing, or consolidation, the parties
before or after default may agree in writing to a deferral of all or part of one
or more unpaid instalments, and the seller may make and collect a charge
not exceeding the rate previously stated to the buyer pursuant to the
provisions on disclosure (part 3) applied to the amount or amounts deferred
for a period of deferral calculated without regard to differences in lengths of
months, but proportionally for a part of a month, counting each day as
1/30th of a month. A deferral charge may be collected at the time it is
assessed or at any time thereafter.

(2) The seller, in addition to the deferral charge, may make appropriate
additional charges (section 2.202), and the amount of these charges which is
not paid in cash may be added to the amount deferred for the purpose of
calculating the deferral charge.

(3) The parties may agree in writing at the time of a precomputed
consumer credit sale, refinancing, or consolidation that if an instalment is
not paid within 10 days after its due date, the seller may unilaterally grant a
deferral and make charges as provided in this section. No deferral charge may
be made for a period after the date that the seller elects to accelerate the
maturity of the agreement.

(4) A delinquency charge made by the seller on an instalment may not
be retained if a deferral charge is made pursuant to this section with respect
to the period of delinquency.

SECTION 2.205. CREDIT SERVICE CHARGE ON
REFINANCING.—With respect to a consumer credit sale, refinancing, or
consolidation, the seller may by agreement with the buyer refinance the
unpaid balance and may contract for and receive a credit service charge
based on the amount financed resulting from the refinancing at a rate not exceeding that permitted by the provisions on credit service charge for consumer credit sales (section 2.201). For the purpose of determining the credit service charge permitted, the amount financed resulting from the refinancing comprises the following:

(1) If the transaction was not precomputed, the total of the unpaid balance and accrued charges on the date of refinancing, or, if the transaction was precomputed, the amount which the buyer would have been required to pay upon prepayment pursuant to the provisions on rebate upon prepayment (section 2.210) on the date of refinancing, except that for the purpose of computing this amount no minimum credit service charge (subsection (6) of section 2.201) shall be allowed; and

(2) Appropriate additional charges (section 2.202), payment of which is deferred.

SECTION 2.206. CREDIT SERVICE CHARGE ON CONSOLIDATION.—If a buyer owes an unpaid balance to a seller with respect to a consumer credit sale, refinancing, or consolidation, and becomes obligated on another consumer credit sale, refinancing, or consolidation with the same seller, the parties may agree to a consolidation resulting in a single schedule of payments pursuant to either of the following subsections:

(1) The parties may agree to refinance the unpaid balance with respect to the previous sale pursuant to the provisions on refinancing (section 2.205) and to consolidate the amount financed resulting from the refinancing by adding it to the amount financed with respect to the subsequent sale. The seller may contract for and receive a credit service charge based on the aggregate amount financed resulting from the consolidation at a rate not exceeding that permitted by the provisions on credit service charge for consumer credit sales (section 2.201).

(2) The parties may agree to consolidate by adding together the unpaid balances with respect to the two sales.

SECTION 2.207. CREDIT SERVICE CHARGE FOR REVOLVING CHARGE ACCOUNTS.—(1) With respect to a consumer credit sale made pursuant to a revolving charge account, the parties to the sale may contract for the payment by the buyer of a credit service charge not exceeding that permitted in this section.

(2) A charge may be made in each billing cycle which is a percentage of an amount no greater than

(a) the average daily balance of the account,
(b) the unpaid balance of the account on the same day of the billing cycle, or

(c) the median amount within a specified range within which the average daily balance of the account or the unpaid balance of the account on the same day of the billing cycle is included. A charge may be made pursuant to this paragraph only if the seller, subject to classifications and differentiations he may reasonably establish, makes the same charge on all balances within the specified range and if the percentage when applied to the median amount within the range does not produce a charge exceeding the charge resulting from applying that percentage to the lowest amount within the range by more than 8 per cent of the charge on the median amount.

(3) If the billing cycle is monthly, the charge may not exceed 1½ per cent of that part of the amount pursuant to subsection (2). If the billing cycle is not monthly, the maximum charge is that percentage which bears the same relation to the applicable monthly percentage as the number of days in the billing cycle bears to 30. For the purposes of this section, a variation of not more than four (4) days from month to month is the same day of the billing cycle.

(4) Notwithstanding subsection (3), if there is an unpaid balance on the date as of which the credit service charge is applied, the seller may contract for and receive a charge not exceeding 50¢ if the billing cycle is monthly or longer, or the pro rata part of 50¢ which bears the same relation to 50¢ as the number of days in the billing cycle bears to 30 if the billing cycle is shorter than monthly.

(5) The amounts of $500 in subsection (3) are subject to change pursuant to the provisions on adjustment of dollar amounts (section 1.106).

SECTION 2.208. ADVANCES TO PERFORM COVENANTS OF BUYER.—(1) If the agreement with respect to a consumer credit sale, refinancing, or consolidation contains covenants by the buyer to perform certain duties pertaining to insuring or preserving collateral and the seller pursuant to the agreement pays for performance of the duties on behalf of the buyer, the seller may add the amounts paid to the debt. Within a reasonable time after advancing any sums, he shall state to the buyer in writing the amount of the sums advanced, any charges with respect to this amount, and any revised payment schedule and, if the duties of the buyer performed by the seller pertain to insurance, a brief description of the insurance paid for by the seller including the type and amount of coverages.
No further information need be given.

(2) A credit service charge may be made for sums advanced pursuant to subsection (1) at a rate not exceeding the rate stated to the buyer pursuant to the provisions on disclosure (part 3) with respect to the sale, refinancing, or consolidation, except that with respect to a revolving charge account the amount of the advance may be added to the unpaid balance of the account and the seller may make a credit service charge not exceeding that permitted by the provisions on credit service charge for revolving charge accounts (section 2.207).

SECTION 2.209. RIGHT TO PREPAY.—Subject to the provisions on rebate upon prepayment (section 2.210), the buyer may prepay in full the unpaid balance of a consumer credit sale, refinancing, or consolidation at any time without penalty.

SECTION 2.210. REBATE UPON PREPAYMENT.—(1) Except as provided in subsection (2), upon prepayment in full of the unpaid balance of a precomputed consumer credit sale, refinancing, or consolidation, an amount not less than the unearned portion of the credit service charge calculated according to this section shall be rebated to the buyer. If the rebate otherwise required is less than $1, no rebate need be made.

(2) Upon prepayment in full of a consumer credit sale, refinancing, or consolidation, other than one pursuant to a revolving charge account, if the credit service charge then earned is less than any permitted minimum credit service charge (subsection (6) of section 2.201) contracted for, whether or not the sale, refinancing, or consolidation is precomputed, the seller may collect or retain the minimum charge, as if earned, not exceeding the credit service charge contracted for.

(3) The unearned portion of the credit service charge is a fraction of the credit service charge of which the numerator is the sum of the periodic balances scheduled to follow the computational period in which prepayment occurs, and the denominator is the sum of all periodic balances under either the sale agreement or, if the balance owing resulted from a refinancing (section 2.205) or a consolidation (section 2.206), under the refinancing agreement or consolidation agreement.

(4) In this section

(a) "periodic balance" means the amount scheduled to be outstanding on the last day of a computational period before deducting the payment, if any, scheduled to be made on that day;

(b) "computational period" means one month if one-half or more of
the intervals between scheduled payments under the agreement is one month or more, and otherwise means one week;
(c) the "interval" to the due date of the first scheduled instalment or the final scheduled payment date is measured from the date of a sale, refinancing, or consolidation, or any later date prescribed for calculating maximum credit service charges (subsection (4) of section 2.201), and includes either the first or last day of the interval;
(d) if the interval to the due date of the first scheduled instalment does not exceed one month by more than 15 days when the computational period is one month, or 11 days when the computational period is one week, the interval shall be considered as one computational period.
(5) This subsection applies only if the schedule of payments is not regular.
(a) If the computational period is one month and
   (i) if the number of days in the interval to the due date of the first scheduled instalment is less than one month by more than 5 days, or more than one month by more than 5 but not more than 15 days, the unearned credit service charge shall be increased by an adjustment for each day by which the interval is less than one month and, at the option of the seller, may be reduced by an adjustment for each day by which the interval is more than one month; the adjustment for each day shall be 1/30th of that part of the credit service charge earned in the computational period prior to the due date of the first scheduled instalment assuming that period to be one month; and
   (ii) if the interval to the final scheduled payment date is a number of computational periods plus an additional number of days less than a full month, the additional number of days shall be considered a computational period only if 16 days or more. This subparagraph applies whether or not subparagraph (i) applies.
(b) Notwithstanding paragraph (a), if the computational period is one month, the number of days in the interval to the due date of the first instalment exceeds one month by not more than 15 days, and the schedule of payments is otherwise regular, the seller at his option may exclude the extra days and the charge for the extra days in computing the unearned credit service charge; but if he does so and a rebate is required before the due date of the first scheduled instalment, he shall compute the earned charge for each elapsed day as 1/30th of the
amount the earned charge would have been if the first interval had been one month.

(c) If the computational period is one week and

(i) if the number of days in the interval to the due date of the first scheduled instalment is less than 5 days, or more than 9 days but not more than 11 days, the unearned credit service charge shall be increased by an adjustment for each day by which the interval is less than 7 days and, at the option of the seller, may be reduced by an adjustment for each day by which the interval is more than 7 days; the adjustment for each day shall be 1/7th of that part of the credit service charge earned in the computational period prior to the due date of the first scheduled instalment assuming that period to be one week; and

(ii) if the interval to the final scheduled payment date is a number of computational periods plus an additional number of days less than a full week, the additional number of days shall be considered a computational period only if 4 days or more. This subparagraph applies whether or not subparagraph (i) applies.

(6) If a deferral (section 2.204) has been agreed to, the unearned portion of the credit service charge shall be computed without regard to the deferral. The amount of deferral charge earned at the date of prepayment shall also be calculated. If the deferral charge earned is less than the deferral charge paid, the difference shall be added to the unearned portion of the credit service charge. If any part of a deferral charge has been earned but has not been paid, that part shall be subtracted from the unearned portion of the credit service charge or shall be added to the unpaid balance.

(7) This section does not preclude the collection or retention by the seller of delinquency charges (section 2.203).

(8) If the maturity is accelerated for any reason and judgment is obtained, the buyer is entitled to the same rebate as if payment had been made on the date judgment is entered.

(9) Upon prepayment in full of a consumer credit sale by the proceeds of consumer credit insurance (section 4.103), the buyer or his estate is entitled to the same rebate as though the buyer had prepaid the agreement on the date the proceeds of the insurance are paid to the seller, but no later than 10 business days after satisfactory proof of loss is furnished to the seller.
PART 3—DISCLOSURE AND ADVERTISING

SECTION 2.301. APPLICABILITY; INFORMATION REQUIRED.—(1) For purposes of this part, consumer credit sale includes the sale of an interest in land without regard to the rate of the credit service charge if the sale is otherwise a consumer credit sale (section 2.104).

(2) The seller shall disclose to the buyer to whom credit is extended with respect to a consumer credit sale the information required by either this part, or the Federal Consumer Credit Protection Act.

(3) For the purposes of subsection (2), information which would otherwise be required pursuant to the Federal Consumer Credit Protection Act is sufficient even though the transaction is one of a class of credit transactions exempted from the act pursuant to regulation of the board of governors of the Federal Reserve System.

(4) The lessor shall disclose to the lessee to whom credit is extended with respect to a consumer lease the information required by this part.

SECTION 2.302. GENERAL DISCLOSURE REQUIREMENTS AND PROVISIONS.—(1) The disclosures required by this part

(a) shall be made clearly and conspicuously;

(b) shall be in writing, a copy of which shall be delivered to the buyer or lessee;

(c) may use terminology different from that employed in this part if it conveys substantially the same meaning;

(d) except as the rules adopted by the administrator otherwise prescribe, need not be contained in a single writing or made in the order set forth in this part;

(e) may be supplemented by additional information or explanations supplied by the seller or lessor;

(f) need be made only to the extent applicable and only as to those items for which the seller or lessor makes a separate charge to the buyer or lessee;

(g) shall be made on the assumption that all scheduled payments will be made when due; and

(h) comply with this part although rendered inaccurate by any act, occurrence, or agreement subsequent to the required disclosure.

(2) Except with respect to sales made by telephone or mail (section 2.305),

(a) the disclosures required by this part shall be made before credit is extended, but may be made in the sale, refinancing, or consolidation
agreement, lease, or other evidence of indebtedness to be signed by the buyer or lessee if set forth conspicuously therein, and need be made only to one buyer or lessee if there are more than one, and
(b) if an evidence of indebtedness is signed by the buyer or lessee, the seller or lessor shall give him a copy when the writing is signed.
(3) Except as provided with respect to rescission by a buyer (section 5.204) and civil liability for violations of disclosure provisions (subsection (4) of section 5.203), written acknowledgment of receipt by a buyer or lessee to whom a statement is required to be given pursuant to this part
(a) in an action or proceeding by or against the original seller or lessor, creates a presumption that the statement was given, and
(b) in an action or proceeding by or against an assignee without knowledge to the contrary when he acquires the obligation, is conclusive proof of the delivery of the statement and, unless the violation is apparent on the face of the statement, of compliance with this part.

SECTION 2.303. OVERSTATEMENT.—The disclosure of an amount or percentage which is greater than the amount or percentage required to be disclosed under this part does not in itself constitute a violation of this part if the overstatement is not materially misleading and is not used to avoid meaningful disclosure.

SECTION 2.304. CALCULATION OF RATE TO BE DISCLOSED.—(1) Except as otherwise specifically provided, if a seller is required to give to a buyer a statement of the rate of the credit service charge he shall state the rate in terms of an annual percentage rate as defined in subsection (2) or in terms of a corresponding nominal annual percentage rate as defined in subsection (3), whichever is appropriate.
(2) “Annual percentage rate”
(a) with respect to a consumer credit sale other than one made pursuant to a revolving charge account, is either
(i) that nominal annual percentage rate which, when applied to the unpaid balances of the amount financed calculated according to the actuarial method, will yield a sum equal to the amount of the credit service charge, or
(ii) that rate determined by any method prescribed by rule by the administrator as a method which materially simplifies computation while retaining reasonable accuracy as compared with the rate determined pursuant to subparagraph (i);
(b) with respect to a consumer credit sale made pursuant to a revolving charge account, is the quotient expressed as a percentage of the total credit service charge for the period to which it relates divided by the amount upon which the credit service charge for that period is based, multiplied by the number of these periods in a year.

(3) "Corresponding nominal annual percentage rate" is the percentage or percentages used to calculate the credit service charge for one billing cycle or other period pursuant to a revolving charge account multiplied by the number of billing cycles or periods in a year.

(4) If a seller is permitted to make the same credit service charge for all amounts financed within a specified range (subsection (5) of section 2.201) or for all balances within a specified range (subsection (2) of section 2.207), he shall state the annual percentage rate or corresponding nominal annual percentage rate, whichever is appropriate, as applied to the median amount of the range within which the actual amount financed or balance is included.

(5) A statement of rate complies with this part if it does not vary from the accurately computed rate by more than the following tolerances:

(a) the annual percentage rate may be rounded to the nearest quarter of 1 per cent for consumer credit sales payable in substantially equal instalments when a seller determines the total credit service charge on the basis of a single add-on, discount, periodic, or other rate, and the rate is converted into an annual percentage rate under procedures prescribed by rule by the administrator;

(b) the administrator may authorize by rule the use of rate tables or charts which may provide for the disclosure of annual percentage rates which vary from the rate determined in accordance with paragraph (a) by not more than the tolerances the administrator may allow; the administrator may not allow a tolerance greater than 8 per cent of that rate except to simplify compliance where irregular payments are involved; and

(c) in case a seller determines the annual percentage rate in a manner other than as described in paragraph (a) or (b), the administrator may authorize by rule other reasonable tolerances.

SECTION 2.305. SALES MADE BY TELEPHONE OR MAIL.--(1) With respect to a consumer credit sale, other than a sale made pursuant to a revolving charge account, if the seller receives a purchase order or offer by mail or telephone without personal solicitation, the seller complies with this part if (a) he makes the disclosures at the time and in the
manner provided in the general disclosure requirements and provisions
(subsection (2) of section 2.302), or (b) the seller’s catalog or other printed
material distributed to the public sets forth the cash price, the method of
determining the deferred payment price, and the terms of financing,
including the annual percentage rate, and before the first payment is due on
the sale, he gives the information required by this part including the notice
prescribed in subsection (2).

(2) The notice shall be in writing and conspicuous and shall provide
that if the buyer does not wish to make the purchase on credit, he, within 15
days after receiving the notice, may prepay the obligation as to that purchase
for an amount stated or identified in the notice and avoid the payment of
any credit service charge as to that purchase. A prepayment under this
section is subject to the provisions of this act on prepayment, except that no
credit service charge shall be made if prepayment in full is made within the
period specified in the notice. Payment by mail is effective when posted.

SECTION 2.306. CONSUMER CREDIT SALES NOT PURSUANT TO
REVOLVING CHARGE ACCOUNT.—(1) This section applies to a
consumer credit sale not made pursuant to a revolving charge account
(section 2.310).

(2) The seller shall give to the buyer the following information:
(a) brief description or identification of the goods, services, or interest
in land;
(b) cash price of the goods, services, or interest in land, and any
applicable sales, use, excise, transfer, or documentary stamp taxes not
included in the cash price; if property and related services are sold as
part of one transaction, the price of the property and services may be
separately stated or combined;
(c) amount of the down payment and a statement of the portion paid
in money and the portion paid by an allowance for property traded in;
if there is a security interest in the property traded in which the seller
agrees to discharge, the seller shall also state the amount which the
seller agrees to pay to discharge the security interest and this amount
may be deducted from the allowance for property traded in;
(d) difference between the amount of cash price (paragraph (b)) and
the amount of down payment (paragraph (c));
(e) amount paid or payable for registration, certificate of title or
license fees, if not included in the cash price, and a description or
identification of the fees;
(f) amount of official fees and taxes if not included in the cash price and a description or identification of them;
(g) brief description of insurance to be provided or paid for by the seller including the type and amount of the coverages, and if a separate charge is made, the amount of the charge;
(h) amount of other additional charges (section 2.202), and a brief description or identification of them;
(i) amount financed (sum of amounts stated in paragraphs (d), (e), (f), (g), and (h));
(j) except in the case of a sale of a dwelling, the amount of the credit service charge and the amount of the unpaid balance (amount financed plus credit service charge);
(k) rate of the credit service charge as applied to the amount financed in accordance with the provisions on calculation of rate (section 2.304), except in the case of a credit service charge which does not exceed $5 when the amount financed does not exceed $75 or $7.50 when the amount financed exceeds $75;
(l) number of payments, amount of each payment, due date of first payment, and the due date of subsequent payments or interval between payments;
(m) default, delinquency, or similar charges payable in the event of late payments; and
(n) description of any security interest held or to be retained or acquired by the seller in connection with the extension of credit, and a clear identification of the property to which the security interest relates.

SECTION 2.307. REFINANCING.—If the seller refines the balance owing with respect to a consumer credit sale, refinancing, or consolidation pursuant to the provisions on refinancing (section 2.205), he shall state to the buyer the following:

(1) Unpaid balance before refinancing;

(2) Amount and brief itemization of rebates to which buyer would have been entitled if the debt had been prepaid pursuant to the provisions on rebate upon prepayment (section 2.210) on the date of refinancing, except that for the purpose of computing this amount no minimum credit service charge (subsection (6) or section 2.201) shall be allowed;

(3) Amount and brief itemization of additional charges in connection with the refinancing and a brief indication of any change in the type or terms of insurance;
(4) Amount financed resulting from the refinancing;
(5) Amount of credit service charge;
(6) Amount of unpaid balance;
(7) Number of payments, amount of each payment, due date of first payment, and the due date of subsequent payments or interval between payments; and
(8) Rate of the credit service charge as applied to the amount financed in accordance with the provisions on calculation of rate (section 2.304), except in the case of a credit service charge which does not exceed $5 when the amount financed does not exceed $75 or $7.50 when the amount financed exceeds $75.

SECTION 2.308. CONSOLIDATION.—(1) Except as provided in subsection (2), if the parties agree to consolidate an existing unpaid balance from a previous consumer credit sale, refinancing, or consolidation, with the amount financed from a subsequent consumer credit sale, refinancing, or consolidation, the seller shall state:
(a) with respect to the refinanced unpaid balance, the information required by the provisions on refinancing (subsections (1) through (4) of section 2.307);
(b) with respect to the subsequent sale, the information required by the provisions on consumer credit sales other than revolving charge accounts (paragraphs (a) through (j) of subsection (2) of section 2.306);
(c) the aggregate amount financed, the amount of the credit service charge, the amount of the unpaid balance, the number of payments, the amount of each payment, the due date of the first payment, and the due dates of subsequent payments or the interval between payments; and
(d) the rate of the credit service charge as applied to the aggregate amount financed in accordance with the provisions on calculation of rate (section 2.304), except in the case of a credit service charge which does not exceed $5 when the aggregate amount financed does not exceed $75 or $7.50 when the amount financed exceeds $75.
(2) If a consumer credit sale is made pursuant to an agreement providing for the addition of the unpaid balance resulting from a subsequent sale to an existing unpaid balance resulting from a previous sale, and the buyer has approved in writing both the annual percentage rate or rates and the method of computing the credit service charge or charges,
(a) the information required to be given with respect to the subsequent
sale (section 2.306) may be given on or before the due date of the first instalment under the consolidated schedule of payments; and

(b) with respect to the consolidation, the seller, on or before the due date of the first instalment under the consolidated schedule of payments, shall state to the buyer the amount of the consolidated unpaid balance, the number of payments, amount of each payment, the due date of the first payment, and the due dates of subsequent payments or the interval between payments.

SECTION 2.309. DEFERRAL.—If the seller makes a deferral pursuant to the provisions on deferral charges (section 2.204), he shall state to the buyer, at the time of or promptly after the deferral:

(1) Amount deferred;

(2) Any appropriate additional charges (section 2.202);

(3) Aggregate amount deferred, which is the sum of the amount in (1) and any unpaid amount included in (2);

(4) Time to which payment is deferred; and

(5) Amount and annual percentage rate of the deferral charge and when it is payable.

SECTION 2.310. REVOLVING CHARGE ACCOUNTS.—(1) Before making a consumer credit sale pursuant to a revolving charge account, the seller shall give to the buyer the following information:

(a) conditions under which a credit service charge may be made, including the time period, if any, within which any credit extended may be paid without incurring a credit service charge;

(b) method of determining the balance upon which a credit service charge will be computed;

(c) method of determining the amount of the credit service charge, including the periodic percentage or percentages used to calculate the credit service charge and the amount of any minimum credit service charge;

(d) corresponding nominal annual percentage rate (subsection (3) of section 2.304); if more than one corresponding nominal annual percentage rate may be used, the amount of a balance to which each corresponding nominal annual percentage rate applies shall also be stated;

(e) if the seller elects he may also state either

(i) the average effective annual percentage rate of return received from revolving charge accounts for a representative period of time; or
(ii) if circumstances are such that the computation of a rate under subparagraph (i) would not be feasible or practical, or would be misleading or meaningless, a projected rate of return to be received from revolving charge accounts; the administrator shall prescribe rules, consistent with commonly accepted standards for accounting or statistical procedures, to carry out the purposes of this paragraph (e);

(f) conditions under which additional charges may be made and the method by which they will be determined; and

(g) conditions under which the seller may retain or acquire a security interest in property to secure the balances resulting from sales made pursuant to the revolving charge account, and a description of the interest or interests which may be retained or acquired.

(2) If there is an outstanding balance owing at the end of the billing cycle or if a credit service charge is made with respect to the billing cycle, the seller shall give to the buyer the following information within a reasonable time after the end of the billing cycle;

(a) outstanding balance at the beginning of the billing cycle;

(b) cash price and date of each sale during the billing cycle and, unless previously furnished, a brief description or identification of the goods or services sold;

(c) amount credited to the account during the billing cycle;

(d) amount of credit service charge and additional charges debited during the billing cycle, with an itemization or explanation to show the total amount of credit service charge, if any, due to the application of one or more periodic percentages and the amount, if any, imposed as a minimum charge;

(e) the periodic percentage used to calculate the credit service charge; if more than one periodic percentage is used, each percentage and the amount of the balance to which each applies;

(f) the balance on which the credit service charge is computed and a statement of how the balance is determined; if the balance is determined without first deducting all amounts credited during the period, that fact and the amounts credited shall also be stated;

(g) if the credit service charge for the billing cycle exceeds 50¢ for a monthly or longer billing cycle, or the pro rata part of 50¢ for a billing cycle shorter than monthly, the credit service charge expressed as an annual percentage rate (paragraph (b) of subsection (2) of section
2.304); if more than one periodic percentage is used to calculate the credit service charge, the seller, in lieu of stating a single annual percentage rate, may state more than one annual percentage rate and the amount of the balance to which each annual percentage rate applies;

(h) if the credit service charge for the billing cycle does not exceed 50¢ for a monthly or longer billing cycle, or the pro rata part of 50¢ for a billing cycle shorter than monthly, the corresponding nominal annual percentage rate (subsection (3) of section 2.304);

(i) if the seller elects, the average effective annual percentage rate of return or the projected rate as prescribed in paragraph (e) of subsection (1);

(j) outstanding balance at the end of the billing cycle; and

(k) date by which or period within which payment must be made to avoid additional credit service charges.

SECTION 2.311. CONSUMER LEASES.—With respect to a consumer lease the lessor shall give to the lessee the following information:

(1) Brief description or identification of the goods;

(2) Amount of any payment required at the inception of the lease;

(3) Amount paid or payable for official fees, registration, certificate of title, or license fees or taxes;

(4) Amount of other charges not included in the periodic payments and a brief description of the charges;

(5) Brief description of insurance to be provided or paid for by the lessor, including the types and amounts of the coverages;

(6) Number of periodic payments, the amount of each payment, the due date of the first payment, the due dates of subsequent payments or interval between payments, and the total amount payable by the lessee;

(7) Statement of the conditions under which the lessee may terminate the lease prior to the end of the term; and

(8) Statement of the liabilities the lease imposes upon the lessee at the end of the term.

SECTION 2.312. CONTENT OF PERIODIC STATEMENTS.—A creditor who transmits periodic statements in connection with any consumer credit sale not made pursuant to a revolving charge account shall set forth in each statement each of the following items:

(1) The annual percentage rate of the credit service charge with respect to each consumer credit sale to which the statement relates;
(2) The date by which or the period, if any, within which payment must be made in order to avoid further credit service charges or other charges; and

(3) To the extent the administrator may require by rule as appropriate to the terms and conditions under which the consumer credit sale is made, the other items set forth in the provisions on disclosure with respect to revolving charge accounts (subsection (2) of section 2.310).

SECTION 2.313. ADVERTISING.—(1) No seller or lessor shall engage in this state in false or misleading advertising concerning the terms or conditions of credit with respect to a consumer credit sale or consumer lease.

(2) Without limiting the generality of subsection (1) and without requiring a statement of rate of credit service charge if the credit service charge is not more than $5 when the amount financed does not exceed $75, or $7.50 when the amount financed exceeds $75, an advertisement with respect to a consumer credit sale made by the posting of a public sign, or by catalog, magazine, newspaper, radio, television, or similar mass media, is misleading if

(a) it states the rate of credit service charge and the rate is not stated in the form required by the provisions on calculation of rate to be disclosed (section 2.304), or
(b) it states the dollar amounts of the credit service charge or instalment payments, and does not also state the rate of any credit service charge and the number and amount of the instalment payments.

(3) In this section a catalog or other multiple-page advertisement is considered a single advertisement if it clearly and conspicuously displays a credit terms table setting forth the information required by this section.

(4) This section imposes no liability on the owner or personnel, as such, of any medium in which an advertisement appears or through which it is disseminated.

(5) Advertising which complies with the Federal Consumer Credit Protection Act does not violate subsection (2).

PART 4—LIMITATIONS ON AGREEMENTS AND PRACTICES

SECTION 2.401. SCOPE.—This part applies to consumer credit sales and consumer leases.

SECTION 2.402. USE OF MULTIPLE AGREEMENTS.—A seller may not use multiple agreements with intent to obtain a higher credit service charge than would otherwise be permitted by this article or to avoid disclosure of an annual percentage rate pursuant to the provisions on
disclosure and advertising (part 3). The excess amount of credit service charge provided for in agreements in violation of this section is an excess charge for the purposes of the provisions on the effect of violations on rights of parties (section 5.202) and the provisions on civil actions by administrator (section 6.113).

SECTION 2.403. CERTAIN NEGOTIABLE INSTRUMENTS PROHIBITED. — With respect to a consumer credit sale or consumer lease, other than a sale or lease primarily for an agricultural purpose, the seller or lessor may not take a negotiable instrument other than a currently dated check as evidence of the obligation of the buyer or lessee.

SECTION 2.404. WHEN ASSIGNEE NOT SUBJECT TO DEFENSES. — (1) With respect to a consumer credit sale or consumer lease, (other than one primarily for an agricultural purpose,) an assignee of the rights of the seller or lessor is subject to all claims and defenses of the buyer or lessee against the seller or lessor arising out of the sale or lease notwithstanding that

(a) there is an agreement to the contrary, or
(b) the assignee is a holder in due course of a negotiable instrument issued in violation of the provisions on prohibition of certain negotiable instruments (section 2.403).

(2) The assignee’s liability under subsection (1) may not exceed the amount owing to the assignee with respect to the sale or lease at the time the assignee has notice of a claim or defense of the buyer or lessee. If debts arising from two or more consumer credit sales, other than pursuant to a revolving charge account, or consumer leases are consolidated, payments received after the consolidation are deemed, for the purpose of determining the amount owing the assignee with respect to a sale or lease, to have been first applied to the payment of debts arising from the sales or leases first made; if the debts consolidated arose from sales or leases made on the same day, payments are deemed to have been first applied to the smallest debt. Payments received upon a revolving charge account are deemed, for the purpose of determining the amount owing the assignee with respect to a sale, to have been first applied to the payment of credit service charges in the order of their entry to the account and then to the payment of debts in the order in which the entries to the account showing the debts were made.

(3) An agreement may not provide for greater rights for an assignee than this section permits.

SECTION 2.405. BALLOON PAYMENTS.—With respect to a
consumer credit sale, other than one primarily for an agricultural purpose or one pursuant to a revolving charge account, if any scheduled payment is more than twice as large as the average of earlier scheduled payments, the buyer has the right to refinance the amount of that payment at the time it is due without penalty. The terms of the refinancing shall be no less favorable to the buyer than the terms of the original sale. These provisions do not apply to the extent that the payment schedule is adjusted to the seasonal or irregular income of the buyer.

SECTION 2.406. RESTRICTION ON LIABILITY IN CONSUMER LEASE.—The obligation of a lessee upon expiration of a consumer lease, other than one primarily for an agricultural purpose, may not exceed twice the average payment allocable to a monthly period under the lease. This limitation does not apply to charges for damages to the leased property or for other default.

SECTION 2.407. SECURITY IN SALES OR LEASES.—(1) With respect to a consumer credit sale, a seller may take a security interest in the property sold. In addition, a seller may take a security interest in goods upon which services are performed or in which goods sold are installed or to which they are annexed, or in land to which the goods are affixed or which is maintained, repaired or improved as a result of the sale of the goods or services, if in the case of a security interest in land the debt secured is $1,000 or more, or, in the case of a security interest in goods the debt secured is $300 or more. The seller may also take a security interest in any property of the buyer to secure the debt arising from a consumer credit sale primarily for an agricultural purpose. Except as provided with respect to cross-collateral (section 2.408), a seller may not otherwise take a security interest in property of the buyer to secure the debt arising from a consumer credit sale.

(2) With respect to a consumer lease other than a lease primarily for an agricultural purpose, a lessor may not take a security interest in property of the lessee to secure the debt arising from the lease.

(3) A security interest taken in violation of this section is void.

(4) The amounts of $1,000 and $300 in subsection (1) are subject to change pursuant to the provisions on adjustment of dollar amounts (section 1.106).

SECTION 2.408. CROSS-COLLATERAL. — (1) In addition to contracting for a security interest pursuant to the provisions on security in sales or leases (section 2.407), a seller in a consumer credit sale may secure the debt arising from the sale by contracting for a security interest in other
property if as a result of a prior sale the seller has an existing security interest in the other property. The seller may also contract for a security interest in the property sold in the subsequent sale as security for the previous debt.

(2) If the seller contracts for a security interest in other property pursuant to this section, the rate of credit service charge thereafter on the aggregate unpaid balances so secured may not exceed that permitted if the balances so secured were consolidated pursuant to the provisions on consolidation involving a refinancing (subsection (1) of section 2.206). The seller has a reasonable time after so contracting to make any adjustments required by this section. "Seller" in this section does not include an assignee not related to the original seller.

SECTION 2.409. DEBT SECURED BY CROSS-COLLATERAL.—(1) If debts arising from two or more consumer credit sales, other than sales primarily for an agricultural purpose or pursuant to a revolving charge account, are secured by cross-collateral (section 2.408) or consolidated into one debt payable on a single schedule of payments, and the debt is secured by security interests taken with respect to one or more of the sales, payments received by the seller after the taking of the cross-collateral or the consolidation are deemed, for the purpose of determining the amount of the debt secured by the various security interests, to have been first applied to the payment of the debts arising from the sales first made. To the extent debts are paid according to this section, security interests in items of property terminate as the debts originally incurred with respect to each item is paid.

(2) Payments received by the seller upon a revolving charge account are deemed, for the purpose of determining the amount of the debt secured by the various security interests, to have been applied first to the payment of credit service charges in the order of their entry to the account and then to the payment of debts in the order in which the entries to the account showing the debts were made.

(3) If the debts consolidated arose from two or more sales made on the same day, payments received by the seller are deemed, for the purpose of determining the amount of the debt secured by the various security interests, to have been applied first to the payment of the smallest debt.

SECTION 2.410. NO ASSIGNMENT OF EARNINGS.—A seller or lessor may not take an assignment of earnings of the buyer or lessee for payment or as security for payment of a debt arising out of a consumer
credit sale or a consumer lease. An assignment of earnings in violation of this section is unenforceable by the assignee of the earnings and revocable by the buyer or lessee. This section does not prohibit an employee from authorizing deductions from his earnings if the authorization is revocable.

SECTION 2.411. REFERRAL SALES.—With respect to a consumer credit sale or consumer lease the seller or lessor may not give or offer to give a rebate or discount or otherwise pay or offer to pay value to the buyer or lessee as an inducement for a sale or lease in consideration of his giving to the seller or lessor the names of prospective purchasers or lessees, or otherwise aiding the seller or lessor in making a sale or lease to another person, if the earning of the rebate, discount or other value is contingent upon the occurrence of an event subsequent to the time the buyer or lessee agrees to buy or lease. If a buyer or lessee is induced by a violation of this section to enter into a consumer credit sale or consumer lease, the agreement is unenforceable by the seller or lessor and the buyer or lessee, at his option, may rescind the agreement or retain the goods delivered and the benefit of any services performed, without any obligation to pay for them.

SECTION 2.412. NOTICE OF ASSIGNMENT.—The buyer or lessee is authorized to pay the original seller or lessor until the buyer or lessee receives notification of assignment of the rights to payment pursuant to a consumer credit sale or consumer lease and that payment is to be made to the assignee. A notification which does not reasonably identify the rights assigned is ineffective. If requested by the buyer or lessee, the assignee must seasonably furnish reasonable proof that the assignment has been made and unless he does so the buyer or lessee may pay the seller or lessor.

SECTION 2.413. ATTORNEY’S FEES.—With respect to a consumer credit sale or consumer lease the agreement may provide for the payment by the buyer or lessee of reasonable attorney’s fees after default and referral to an attorney not a salaried employee of the seller, or of the lessor or his assignee.

SECTION 2.414. LIMITATION ON DEFAULT CHARGES.—Except for reasonable expenses incurred in realizing on a security interest, the agreement with respect to a consumer credit sale may not provide for any charges as a result of default by the buyer other than those authorized by this act. A provision in violation of this section is unenforceable.

SECTION 2.415. AUTHORIZATION TO CONFESS JUDGMENT PROHIBITED.—A buyer or lessee may not authorize any person to confess judgment on a claim arising out of a consumer credit sale or consumer lease.
An authorization in violation of this section is void.

SECTION 2.416. CHANGE IN TERMS OF REVOLVING CHARGE ACCOUNTS.—(1) If a seller makes a change in the terms of a revolving charge account without complying with this section any additional cost or charge to the buyer resulting from the change is an excess charge and subject to the remedies available to debtors (section 5.202) and to the administrator (section 6.113).

(2) A seller may change the terms of a revolving charge account whether or not the change is authorized by prior agreement. Except as provided in subsection (3), the seller shall give to the buyer written notice of any change at least three times, with the first notice at least six months before the effective date of the change.

(3) The notice specified in subsection (2) is not required if
(a) the buyer after receiving notice of the change agrees in writing to the change;
(b) the buyer elects to pay an amount designated on a billing statement (subsection (2) of section 2.310) as including a new charge for a benefit offered to the buyer when the benefit and charge constitute the change in terms and when the billing statement also states the amount payable if the new charge is excluded;
(c) the change involves no significant cost to the buyer;
(d) the buyer has previously consented in writing to the kind of change made and notice of the change is given to the buyer in two billing cycles prior to the effective date of the change; or
(e) the change applies only to purchases made or obligations incurred after a date specified in a notice of the change given in two billing cycles prior to the effective date of the change.

(4) The notice provided for in this section is given to the buyer when mailed to him at the address used by the seller for sending periodic billing statements.

PART 5—HOME SOLICITATION SALES

SECTION 2.501. DEFINITION: "HOME SOLICITATION SALE".—"Home solicitation sale" means a consumer credit sale of goods, other than farm equipment, or services in which the seller or a person acting for him engages in a personal solicitation of the sale at a residence of the buyer and the buyer's agreement or offer to purchase is there given to the seller or a person acting for him. It does not include a sale made pursuant to a preexisting revolving charge account, or a sale made pursuant to prior
negotiations between the parties at a business establishment at a fixed location where goods or services are offered or exhibited for sale.

SECTION 2.502. BUYER'S RIGHT TO CANCEL.—(1) Except as provided in subsection (5), in addition to any right otherwise to revoke an offer, the buyer has the right to cancel a home solicitation sale until midnight of the third business day after the day on which the buyer signs an agreement or offer to purchase which complies with this part.

(2) Cancellation occurs when the buyer gives written notice of cancellation to the seller at the address stated in the agreement or offer to purchase.

(3) Notice of cancellation, if given by mail, is given when it is deposited in a mailbox properly addressed and postage prepaid.

(4) Notice of cancellation given by the buyer need not take a particular form and is sufficient if it indicates by any form of written expression the intention of the buyer not to be bound by the home solicitation sale.

(5) The buyer may not cancel a home solicitation sale if the buyer requests the seller to provide goods or services without delay because of an emergency, and

(a) the seller in good faith makes a substantial beginning of performance of the contract before the buyer gives notice of cancellation, and

(b) in the case of goods, the goods cannot be returned to the seller in substantially as good condition as when received by the buyer.

(6) If a home solicitation sale is also subject to the provisions on debtor's right to rescind certain transactions (section 5.204), the buyer may proceed either under those provisions or under this part.

SECTION 2.503. FORM OF AGREEMENT OR OFFER — STATEMENT OF BUYER'S RIGHTS.—(1) In a home solicitation sale, unless the buyer requests the seller to provide goods or services without delay in an emergency, the seller must present to the buyer and obtain his signature to a written agreement or offer to purchase which designates as the date of the transaction the date on which the buyer actually signs and contains a statement of the buyer's rights which complies with subsection (2).

(2) The statement must

(a) appear under the conspicuous caption: “BUYER'S RIGHT TO CANCEL”, and

(b) read as follows: “If this agreement was solicited at your residence
and you do not want the goods or services, you may cancel this agreement by mailing a notice to the seller. The notice must say that you do not want the goods or services and must be mailed before midnight of the third business day after you sign this agreement. The notice must be mailed to: (insert name and mailing address of seller) If you cancel, the seller may keep all or part of your cash down payment."  

(3) Until the seller has complied with this section the buyer may cancel the home solicitation sale by notifying the seller in any manner and by any means of his intention to cancel.

SECTION 2.504. RESTORATION OF DOWN PAYMENT — RETENTION OF CANCELLATION FEE.—(1) Except as provided in this section, within 10 days after a home solicitation sale has been cancelled or an offer to purchase revoked the seller must tender to the buyer any payments made by the buyer and any note or other evidence of indebtedness.

(2) If the down payment includes goods traded in, the goods must be tendered in substantially as good condition as when received by the seller. If the seller fails to tender the goods as provided by this section, the buyer may elect to recover an amount equal to the trade-in allowance stated in the agreement.

(3) The seller may retain as a cancellation fee 5 per cent of the cash price but not exceeding the amount of the cash down payment. If the seller fails to comply with an obligation imposed by this section, or if the buyer avoids the sale on any ground independent of his right to cancel provided by the provisions on the buyer's right to cancel (subsection (1) of section 2.502) or revokes his offer to purchase, the seller is not entitled to retain a cancellation fee.

(4) Until the seller has complied with the obligations imposed by this section the buyer may retain possession of goods delivered to him by the seller and has a lien on the goods in his possession or control for any recovery to which he is entitled.

SECTION 2.505. DUTY OF BUYER — NO COMPENSATION FOR SERVICES PRIOR TO CANCELLATION. — (1) Except as provided by the provisions on retention of goods by the buyer (subsection (4) of section 2.504), within a reasonable time after a home solicitation sale has been cancelled or an offer to purchase revoked, the buyer upon demand must tender to the seller any goods delivered by the seller pursuant to the sale but
he is not obligated to tender at any place other than his residence. If the seller fails to demand possession of goods within a reasonable time after cancellation or revocation, the goods become the property of the buyer without obligation to pay for them. For the purpose of this section, 40 days is presumed to be a reasonable time.

(2) The buyer has a duty to take reasonable care of the goods in his possession before cancellation or revocation and for a reasonable time thereafter, during which time the goods are otherwise at the seller's risk.

(3) If the seller has performed any services pursuant to a home solicitation sale prior to its cancellation, the seller is entitled to no compensation except the cancellation fee provided in this part.

PART 6—SALES OTHER THAN CONSUMER CREDIT SALES

SECTION 2.601. SALES SUBJECT TO ACT BY AGREEMENT OF PARTIES.—The parties to a sale other than a consumer credit sale may agree in a writing signed by the parties that the sale is subject to the provisions of this act applying to consumer credit sales. If the parties so agree the sale is a consumer credit sale for the purposes of this act.

SECTION 2.602. DEFINITION: "CONSUMER RELATED SALE"—RATE OF CREDIT SERVICE CHARGE.—(1) A "consumer related sale" is a sale of goods or services which is not subject to the provisions of this act applying to consumer credit sales and in which the amount financed does not exceed $25,000 if

(a) the buyer is a person other than an organization; or

(b) the debt is secured primarily by a security interest in a one or two family dwelling occupied by a person related to the debtor.

(2) With respect to a consumer related sale not made pursuant to a revolving charge account, the parties may contract for the payment by the buyer of an amount comprising the amount financed and a credit service charge not in excess of 18 per cent per year calculated according to the actuarial method on the unpaid balances of the amount financed.

(3) With respect to a consumer related sale made pursuant to a revolving charge account, the parties may contract for the payment of a credit service charge not in excess of that permitted by the provisions on credit service charge for revolving charge accounts (section 2.207).

(4) The amount of $25,000 in subsection (1) is subject to change pursuant to the provisions on adjustment of dollar amounts (section 1.106).

SECTION 2.603. APPLICABILITY OF OTHER PROVISIONS TO CONSUMER RELATED SALES.—Except for the rate of the credit service
charge and the rights to prepay and to rebate upon prepayment, the provisions of part 2 of this article apply to a consumer related sale.

SECTION 2.604. LIMITATION ON DEFAULT CHARGES IN CONSUMER RELATED SALES.—(1) The agreement with respect to a consumer related sale may provide for only the following charges as a result of the buyer's default:

(a) reasonable attorney's fees and reasonable expenses incurred in realizing on a security interest;
(b) deferral charges not in excess of 18 per cent per year of the amount deferred for the period of deferral; and
(c) other charges that could have been made had the sale been a consumer credit sale.

(2) A provision in violation of this section in unenforceable.

SECTION 2.605. CREDIT SERVICE CHARGE FOR OTHER SALES.—With respect to a sale other than a consumer credit sale or a consumer related sale, the parties may contract for the payment by the buyer of any credit service charge.

ARTICLE 3—LOANS

PART 1—GENERAL PROVISIONS

SECTION 3.101. SHORT TITLE.—This article shall be known and may be cited as Uniform Consumer Credit Code—Loans.

SECTION 3.102. SCOPE.—This article applies to consumer loans, including regulated and supervised loans; in addition part 6 applies to consumer related loans.

SECTION 3.103. DEFINITIONS IN ARTICLE.—The following definitions apply to this act and appear in this article as follows:

"Annual percentage rate" Section 3.304(2)
"Consumer loan" Section 3.104
"Consumer related loan" Section 3.602(1)
"Corresponding nominal annual percentage rate" Section 3.304(3)
"Lender" Section 3.107(1)
"Loan" Section 3.106
"Loan finance charge" Section 3.109
"Loan primarily secured by an interest in land" Section 3.105
"Precomputed" Section 3.107(2)
"Principal" Section 3.107(3)
"Regulated lender" Section 3.501(2)
"Regulated loan" Section 3.501(1)
"Revolving loan account" Section 3.108
"Supervised lender" Section 3.501(4)
"Supervised loan" Section 3.501(3)

SECTION 3.104. DEFINITION: "CONSUMER LOAN".—Except with respect to a loan primarily secured by an interest in land (section 3.105), "consumer loan" is a loan made by a person regularly engaged in the business of making loans in which

(1) The debtor is a person other than an organization;
(2) The debt is incurred primarily for a personal, family, household, or agricultural purpose;
(3) Either the debt is payable in instalments or a loan finance charge is made; and
(4) The principal does not exceed $25,000. The amount of $25,000 is subject to change pursuant to the provisions on adjustment of dollar amount (section 1.106).

SECTION 3.105. DEFINITION: "LOAN PRIMARILY SECURED BY AN INTEREST IN LAND".—Unless the loan is made subject to this act by agreement (section 3.601), and except as provided with respect to disclosure (section 3.301) and debtors' remedies (section 5.201), "consumer loan" does not include a "loan primarily secured by an interest in land," if at the time the loan is made the value of this collateral is substantial in relation to the amount of the loan.

SECTION 3.106. DEFINITION: "LOAN".—"Loan" includes

(1) The creation of debt by the lender's payment of or agreement to pay money to the debtor or to a third party for the account of the debtor;
(2) The creation of debt by a credit to an account with the lender upon which the debtor is entitled to draw immediately;
(3) The creation of debt pursuant to a lender credit card or similar arrangement; and
(4) The forbearance of debt arising from a loan.

SECTION 3.107. DEFINITIONS: "LENDER" "PRECOMPUTED" "PRINCIPAL".—(1) Except as otherwise provided, "lender" includes an assignee of the lender's right to payment but use of the term does not in itself impose on an assignee any obligation of the lender with respect to events occurring before the assignment.

(2) A loan, refinancing, or consolidation is "precomputed" if the debt is expressed as a sum comprising the principal and the amount of the loan finance charge computed in advance.
(3) "Principal" of a loan means the total of:
   (a) the net amount paid to, receivable by, or paid or payable for the account of the debtor,
   (b) the amount of any discount excluded from the loan finance charge (subsection (2) of section 3.109), and,
   (c) to the extent that payment is deferred,
      (i) amounts actually paid or to be paid by the lender for registration, certificate of title, or license fees if not included in (a), and
      (ii) additional charges permitted by this article (section 3.202).

SECTION 3.108. DEFINITION: "REVOLVING LOAN ACCOUNT".—"Revolving loan account" means an arrangement between a lender and a debtor pursuant to which (1) the lender may permit the debtor to obtain loans from time to time, (2) the unpaid balances of principal and the loan finance and other appropriate charges are debited to an account, (3) a loan finance charge if made is not precomputed but is computed on the outstanding unpaid balances of the debtor's account from time to time, and (4) the debtor has the privilege of paying the balances in instalments.

SECTION 3.109. DEFINITION: "LOAN FINANCE CHARGE".—(1) "Loan finance charge" means the sum of (a) all charges payable directly or indirectly by the debtor and imposed directly or indirectly by the lender as an incident to the extension of credit, including any of the following types of charges which are applicable: interest or any amount payable under a point, discount, or other system of charges, however denominated, premium or other charge for any guarantee or insurance protecting the lender against the debtor's default or other credit loss; and (b) charges incurred for investigating the collateral or credit-worthiness of the debtor or for commissions or brokerage for obtaining the credit, irrespective of the person to whom the charges are paid or payable, unless the lender had no notice of the charges when the loan was made. The term does not include charges as a result of default, additional charges (section 3.202), delinquency charges (section 3.203), or deferral charges (section 3.204).

(2) If a lender makes a loan to a debtor by purchasing or satisfying obligations of the debtor pursuant to a lender credit card or similar arrangement, and the purchase or satisfaction is made at less than the face amount of the obligation, the discount is not part of the loan finance charge.
PART 2—MAXIMUM CHARGES

SECTION 3.201. LOAN FINANCE CHARGE FOR CONSUMER LOANS OTHER THAN SUPERVISED LOANS.—(1) With respect to a consumer loan other than a supervised loan (section 3.501), a lender may contract for and receive a loan finance charge, calculated according to the actuarial method, not exceeding 18 per cent per year on the unpaid balances of the principal except with respect to a consumer loan made pursuant to a revolving loan account (section 3.201 (4)).

(2) This section does not limit or restrict the manner of contracting for the loan finance charge, whether by way of add-on, discount, or otherwise, so long as the rate of the loan finance charge does not exceed that permitted by this section. If the loan is precomputed,

(a) the loan finance charge may be calculated on the assumption that all scheduled payments will be made when due, and

(b) the effect of prepayment is governed by the provisions on rebate upon prepayment (section 3.210).

(3) For the purposes of this section, the term of a loan commences with the date the loan is made. Differences in the lengths of months are disregarded and a day may be counted as 1/30th of a month. Subject to classifications and differentiations the lender may reasonably establish, a part of a month in excess of 15 days may be treated as a full month if periods of 15 days or less are disregarded and if that procedure is not consistently used to obtain a greater yield than would otherwise be permitted.

(4) With respect to a consumer loan made pursuant to a revolving loan account

(a) the loan finance charge shall not exceed 15 per cent per year and the loan finance charge contracted for and received shall not exceed a charge in each monthly billing cycle of 1¼ per cent of an amount no greater than

(i) the average daily balance of the debt,

(ii) the unpaid balance of the debt on the same day of the billing cycle, or

(iii) subject to subsection (5), the median amount within a specified range within which the average daily balance or the unpaid balance of the debt, on the same day of the billing cycle, is included; for the purposes of this subparagraph and subparagraph (ii), a variation of not more than 4 days from month to month is “the same day of the billing cycle”;
(b) if the billing cycle is not monthly, the loan finance charge shall be
demed not to exceed 15 per cent per year if the loan finance charge
contracted for and received does not exceed a percentage which bears
the same relation to 1¼ per cent as the number of days in the billing
cycle bears to 30; and
(c) notwithstanding subsection (1), if there is an unpaid balance on the
date as of which the loan finance charge is applied, the lender may
contract for and receive a charge not exceeding 50¢ if the billing cycle
is monthly or longer, or the pro rata part of 50¢ which bears the same
relation to 50¢ as the number of days in the billing cycle bears to 30 if
the billing cycle is shorter than monthly, but no charge may be made
pursuant to this paragraph if the lender has made an annual charge for
the same period as permitted by the provisions on additional charges
(paragraph (c) of subsection (1) of section 3.202).
(5) Subject to classifications and differentiations the lender may
reasonably establish, he may make the same loan finance charge on all
amounts financed within a specified range. A loan finance charge so made
does not violate subsection (1) if
(a) when applied to the median amount within each range, it does not
exceed the maximum permitted by subsection (1), and
(b) when applied to the lowest amount within each range, it does not
produce a rate of loan finance charge exceeding the rate calculated
according to paragraph (a) by more than 8 per cent of the rate
calculated according to paragraph (a).

SECTION 3.202. ADDITIONAL CHARGES.—(1) In addition to the
loan finance charge permitted by this part, a lender may contract for and
receive the following additional charges in connection with a consumer loan:
(a) official fees and taxes;
(b) charges for insurance as described in subsection (2);
(c) annual charges, payable in advance, for the privilege of using a
lender credit card or similar arrangement which entitles the user to
purchase goods or services from at least 100 persons not related to the
issuer of the lender credit card or similar arrangement, under an
arrangement pursuant to which the debts resulting from the purchaser
are payable to the issuer; and
(d) charges for other benefits, including insurance, conferred on the
debtor, if the benefits are of value to him and if the charges are
reasonable in relation to the benefits, are of a type which is not for
credit, and are excluded as permissible additional charges from the loan finance charge by rule adopted by the administrator.

(2) An additional charge may be made for insurance written in connection with the loan, other than insurance protecting the lender against the debtor's default or other credit loss, provided the lender is properly licensed by the Idaho insurance department,

(a) with respect to insurance against loss of or damage to property, or against liability, if the lender furnishes a clear and specific statement in writing to the debtor, setting forth the cost of the insurance if obtained from or through the lender, and stating that the debtor may choose the person through whom the insurance is to be obtained; and,

(b) with respect to consumer credit insurance providing life, accident, or health coverage, if the insurance coverage is not a factor in the approval by the lender of the extension of credit, and this fact is clearly disclosed in writing to the debtor, and if, in order to obtain the insurance in connection with the extension of credit, the debtor gives specific affirmative written indication of his desire to do so after written disclosure to him of the cost thereof.

(3) For the purposes of the part on Disclosure and Advertising (part 3), reasonable closing costs are additional charges.

SECTION 3.203. DELINQUENCY CHARGES.—(1) With respect to a precomputed consumer loan, refinancing, or consolidation, the parties may contract for a delinquency charge on any instalment not paid in full within 10 days after its scheduled due date in an amount not exceeding the greater of

(a) an amount, not exceeding $5, which is 5 per cent of the unpaid amount of the instalment, or

(b) the deferral charge (subsection (1) of section 3.204) that would be permitted to defer the unpaid amount of the instalment for the period that it is delinquent.

(2) A delinquency charge under paragraph (a) of subsection (1) may be collected only once on an instalment however long it remains in default. No delinquency charge may be collected if the instalment has been deferred and a deferral charge (section 3.204) has been paid or incurred. A delinquency charge may be collected at the time it accrues or at any time thereafter.

(3) No delinquency charge may be collected on an instalment which is paid in full within 10 days after its scheduled instalment due date even though an earlier maturing instalment or a delinquency charge on an earlier
instalment may not have been paid in full. For purposes of this subsection payments are applied first to current instalments and then to delinquent instalments.

(4) If two instalments or parts thereof of a precomputed loan are in default for 10 days or more, the lender may elect to convert the loan from a precomputed loan to one in which the loan finance charge is based on unpaid balances. In this event he shall make a rebate pursuant to the provisions on rebate upon prepayment (section 3.210) as of the maturity date of the first delinquent instalment, and thereafter may make a loan finance charge as authorized by the provisions on loan finance charge for consumer loans (section 3.201) or the provisions on loan finance charge for supervised loans (section 3.508), whichever is appropriate. The amount of the rebate shall not be reduced by the amount of any permitted minimum charge (section 3.210). If the lender proceeds under this subsection, any delinquency or deferral charges made with respect to instalments due at or after the maturity date of the first delinquent instalment shall be rebated, and no further delinquency or deferral charges shall be made.

(5) The amount of $5 in subsection (1) is subject to change pursuant to the provisions on adjustment of dollar amounts (section 1.106).

SECTION 3.204. DEFERRAL CHARGES.—(1) With respect to a precomputed consumer loan, refinancing, or consolidation, the parties before or after default may agree in writing to a deferral of all or part of one or more unpaid instalments, and the lender may make and collect a charge not exceeding the rate previously stated to the debtor pursuant to the provisions on disclosure (part 3) applied to the amount or amounts deferred for the period of deferral calculated without regard to differences in the lengths of months, but proportionally for a part of a month, counting each day as 1/30th of a month. A deferral charge may be collected at the time it is assessed or at any time thereafter.

(2) The lender, in addition to the deferral charge, may make appropriate additional charges (section 3.202), and the amount of these charges which is not paid in cash may be added to the amount deferred for the purpose of calculating the deferral charge.

(3) The parties may agree in writing at the time of a precomputed consumer loan, refinancing, or consolidation that if an instalment is not paid within 10 days after its due date, the lender may unilaterally grant a deferral and make charges as provided in this section. No deferral charge may be made for a period after the date that the lender elects to accelerate the
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maturity of the agreement.

(4) A delinquency charge made by the lender on an instalment may not be retained if a deferral charge is made pursuant to this section with respect to the period of delinquency.

SECTION 3.205. LOAN FINANCE CHARGE ON REFINANCING.—With respect to a consumer loan, refinancing, or consolidation, the lender may by agreement with the debtor refinance the unpaid balance and may contract for and receive a loan finance charge based on the principal resulting from the refinancing at a rate not exceeding that permitted by the provisions on loan finance charge for consumer loans (section 3.201) or the provisions on loan finance charge for supervised loans (section 3.508), whichever is appropriate. For the purpose of determining the loan finance charge permitted, the principal resulting from the refinancing comprises the following:

(1) If the transaction was not precomputed, the total of the unpaid balance and the accrued charges on the date of the refinancing, or, if the transaction was precomputed, the amount which the debtor would have been required to pay upon prepayment pursuant to the provisions on rebate upon prepayment (section 3.210) on the date of refinancing, except that for the purpose of computing this amount no minimum charge (section 3.210) shall be allowed; and

(2) Appropriate additional charges (section 3.202), payment of which is deferred.

SECTION 3.206. LOAN FINANCE CHARGE ON CONSOLIDATION.—(1) If a debtor owes an unpaid balance to a lender with respect to a consumer loan, refinancing, or consolidation, and becomes obligated on another consumer loan, refinancing, or consolidation with the same lender, the parties may agree to a consolidation resulting in a single schedule of payments. If the previous consumer loan, refinancing, or consolidation was not precomputed, the parties may agree to add the unpaid amount of principal and accrued charges on the date of consolidation to the principal with respect to the subsequent loan. If the previous consumer loan, refinancing, or consolidation was precomputed, the parties may agree to refinance the unpaid balance pursuant to the provisions on refinancing (section 3.205) and to consolidate the principal resulting from the refinancing by adding it to the principal with respect to the subsequent loan. In either case the lender may contract for and receive a loan finance charge based on the aggregate principal resulting from the consolidation at a rate
not in excess of that permitted by the provisions on loan finance charge for consumer loans (section 3.201) or the provisions on loan finance charge for supervised loans (section 3.508), whichever is appropriate.

(2) The parties may agree to consolidate the unpaid balance of a consumer loan with the unpaid balance of a consumer credit sale. The parties may agree to refinance the previous unpaid balance pursuant to the provisions on refinancing sales (section 2.205) or the provisions on refinancing loans (section 3.205), whichever is appropriate, and to consolidate the amount financed resulting from the refinancing or the principal resulting from the refinancing by adding it to the amount financed or principal with respect to the subsequent sale or loan. The aggregate amount resulting from the consolidation shall be deemed principal, and the creditor may contract for and receive a loan finance charge based on the principal at a rate not in excess of that permitted by the provisions on loan finance charge for consumer loans (section 3.201) or the provisions on loan finance charge for supervised loans (section 3.508), whichever is appropriate.

SECTION 3.207. CONVERSION TO REVOLVING LOAN ACCOUNT.—The parties may agree to add to a revolving loan account the unpaid balance of a consumer loan, not made pursuant to a revolving loan account, or a refinancing, or consolidation thereof, or the unpaid balance of a consumer credit sale, refinancing or consolidation. For the purpose of this section

(1) The unpaid balance of a consumer loan, refinancing, or consolidation is an amount equal to the principal determined according to the provisions on refinancing (section 3.205); and

(2) The unpaid balance of a consumer credit sale, refinancing, or consolidation is an amount equal to the amount financed determined according to the provisions on refinancing (section 2.205).

SECTION 3.208. ADVANCES TO PERFORM COVENANTS OF DEBTOR.—(1) If the agreement with respect to a consumer loan, refinancing, or consolidation contains covenants by the debtor to perform certain duties pertaining to insuring or preserving collateral and if the lender pursuant to the agreement pays for performance of the duties on behalf of the debtor, the lender may add the amounts paid to the debt. Within a reasonable time after advancing any sums, he shall state to the debtor in writing the amount of the sums advanced, any charges with respect to this amount, and any revised payment schedule and, if the duties of the debtor performed by the lender pertain to insurance, a brief description of the
insurance paid for by the lender including the type and amount of coverages. No further information need be given.

(2) A loan finance charge may be made for sums advanced pursuant to subsection (1) at a rate not exceeding the rate stated to the debtor pursuant to the provisions on disclosure (part 3) with respect to the loan, refinancing, or consolidation, except that with respect to a revolving loan account the amount of the advance may be added to the unpaid balance of the debt and the lender may make a loan finance charge not exceeding that permitted by the provisions on loan finance charge for consumer loans (section 3.201) or for supervised loans (section 3.508), whichever is appropriate.

SECTION 3.209. RIGHT TO PREPAY.—Subject to the provisions on rebate upon prepayment (section 3.210), the debtor may prepay in full the unpaid balance of a consumer loan, refinancing, or consolidation at any time without penalty.

SECTION 3.210. REBATE UPON PREPAYMENT.—(1) Except as provided in subsection (2), upon prepayment in full of the unpaid balance of a precomputed consumer loan, refinancing, or consolidation, an amount not less than the unearned portion of the loan finance charge calculated according to this section shall be rebated to the debtor. If the rebate otherwise required is less than $1, no rebate need be made.

(2) Upon prepayment in full of a consumer loan, other than one pursuant to a revolving loan account, a refinancing, or consolidation, whether or not precomputed, the lender may collect or retain a minimum charge within the limits stated in this subsection if the loan finance charge earned at the time of prepayment is less than any minimum charge contracted for. The minimum charge may not exceed the amount of loan finance charge contracted for, or $5 in a transaction which had a principal of $75 or less, or $7.50 in a transaction which had a principal of more than $75.

(3) The unearned portion of the loan finance charge is a fraction of the loan finance charge of which the numerator is the sum of the periodic balances scheduled to follow the computational period in which prepayment occurs, and the denominator is the sum of all periodic balances under either the loan agreement or, if the balance owing resulted from a refinancing (section 3.205) or a consolidation (section 3.206), under the refinancing agreement or consolidation agreement.

(4) In this section

(a) "periodic balance" means the amount scheduled to be outstanding
on the last day of a computational period before deducting the payment, if any, scheduled to be made on that day;
(b) "computational period" means one month if one-half or more of the intervals between scheduled payments under the agreement is one month or more, and otherwise means one week;
(c) the "interval" to the due date of the first scheduled instalment or the final scheduled payment date is measured from the date of a loan, refinancing, or consolidation, and includes either the first or last day of the interval;
(d) if the interval to the due date of the first scheduled instalment does not exceed one month by more than 15 days when the computational period is one month, or 11 days when the computational period is one week, the interval shall be considered as one computational period.
(5) This subsection applies only if the schedule of payments is not regular.
(a) If the computational period is one month and
   (i) if the number of days in the interval to the due date of the first scheduled instalment is less than one month by more than 5 days, or more than one month by more than 5 but not more than 15 days, the unearned loan finance charge shall be increased by an adjustment for each day by which the interval is less than one month and, at the option of the lender, may be reduced by an adjustment for each day by which the interval is more than one month; the adjustment for each day shall be 1/30th of that part of the loan finance charge earned in the computational period prior to the due date of the first scheduled instalment assuming that period to be one month; and
   (ii) if the interval to the final scheduled payment date is a number of computational periods plus an additional number of days less than a full month, the additional number of days shall be considered a computational period only if 16 days or more. This subparagraph applies whether or not subparagraph (i) applies.
(b) Notwithstanding paragraph (a), if the computational period is one month, the number of days in the interval to the due date of the first instalment exceeds one month by not more than 15 days, and the schedule of payments is otherwise regular, the lender at his option may exclude the extra days and the charge for the extra days in computing the unearned loan finance charge; but if he does so and a rebate is
required before the due date of the first scheduled instalment, he shall compute the earned charge for each elapsed day as $\frac{1}{30}$th of the amount the earned charge would have been if the first interval had been one month.

(c) If the computational period is one week and

(i) if the number of days in the interval to the due date of the first scheduled instalment is less than 5 days, or more than 9 days but not more than 11 days, the unearned loan finance charge shall be increased by an adjustment for each day by which the interval is less than 7 days and, at the option of the lender, may be reduced by an adjustment for each day by which the interval is more than 7 days; the adjustment for each day shall be $\frac{1}{7}$th of that part of the loan finance charge earned in the computational period prior to the due date of the first scheduled instalment assuming that period to be one week; and

(ii) if the interval to the final scheduled payment date is a number of computational periods plus an additional number of days less than a full week, the additional number of days shall be considered a computational period only if 4 days or more. This subparagraph applies whether or not subparagraph (i) applies.

(6) If a deferral (section 3.204) has been agreed to, the unearned portion of the loan finance charge shall be computed without regard to the deferral. The amount of deferral charge earned at the date of prepayment shall also be calculated. If the deferral charge earned is less than the deferral charge paid, the difference shall be added to the unearned portion of the loan finance charge. If any part of a deferral charge has been earned but has not been paid, that part shall be subtracted from the unearned portion of the loan finance charge or shall be added to the unpaid balance.

(7) This section does not preclude the collection or retention by the lender of delinquency charges (section 3.203).

(8) If the maturity is accelerated for any reason and judgment is obtained, the debtor is entitled to the same rebate as if the payment had been made on the date judgment is entered.

(9) Upon prepayment in full of a consumer loan by the proceeds of consumer credit insurance (section 4.103), the debtor or his estate is entitled to the same rebate as though the debtor had prepaid the agreement on the date the proceeds of the insurance are paid to the lender, but no later than 10 business days after satisfactory proof of loss is furnished to the lender.
PART 3—DISCLOSURE AND ADVERTISING

SECTION 3.301. APPLICABILITY—INFORMATION REQUIRED.—(1) For purposes of this part, consumer loan includes a loan secured primarily by an interest in land without regard to the rate of the loan finance charge if the loan is otherwise a consumer loan (section 3.104).

(2) The lender shall disclose to the debtor to whom credit is extended with respect to a consumer loan the information required by either this part, or the Federal Consumer Credit Protection Act.

(3) For the purposes of subsection (2), information which would otherwise be required pursuant to the Federal Consumer Credit Protection Act is sufficient even though the transaction is one of a class of credit transactions exempted from that act pursuant to regulation of the Board of Governors of the Federal Reserve System.

SECTION 3.302. GENERAL DISCLOSURE REQUIREMENTS AND PROVISIONS.—(1) The disclosures required by this part

(a) shall be made clearly and conspicuously;
(b) shall be in writing, a copy of which shall be delivered to the debtor;
(c) may use terminology different from that employed in this part if it conveys substantially the same meaning;
(d) except as the rules adopted by the administrator otherwise prescribe, need not be contained in a single writing or made in the order set forth in that part;
(e) may be supplemented by additional information or explanations supplied by the lender;
(f) need be made only to the extent applicable and only as to those items for which the lender makes a separate charge to the debtor;
(g) shall be made on the assumption that all scheduled payments will be made when due; and
(h) comply with this part although rendered inaccurate by any act, occurrence, or agreement subsequent to the required disclosure.

(2) Except with respect to loans made by telephone or mail (section 3.305), loans made pursuant to a binding commitment (subsection (3) of section 3.306), and loans made pursuant to a lender credit card (section 3.310),

(a) the disclosures required by this part shall be made before credit is extended, but may be made in the loan, refinancing, or consolidation agreement, or other evidence of indebtedness to be signed by the debtor if set forth conspicuously therein, and need be made only to one
debtor if there are more than one, and
(b) if an evidence of indebtedness is signed by the debtor, the lender
shall give him a copy when the writing is signed.
(3) Except as provided with respect to rescission by a debtor (section
5.204) and civil liability for violations of disclosure provisions (subsection
(4) of section 5.203), written acknowledgement of receipt by a debtor to
whom a statement is required to be given pursuant to this part
(a) in an action or proceeding by or against the original lender, creates
a presumption that the statement was given, and
(b) in an action or proceeding by or against an assignee without
knowledge to the contrary when he acquires the obligation, is
conclusive proof of the delivery of the statement and, unless the
violation is apparent on the face of the statement, of compliance with
this part.

SECTION 3.303. OVERSTATEMENT.—The disclosure of an amount
or percentage which is greater than the amount or percentage required to be
disclosed under this part does not in itself constitute a violation of this part
if the overstatement is not materially misleading and is not used to avoid
meaningful disclosure.

SECTION 3.304. CALCULATION OF RATE TO BE
DISCLOSED.—(1) Except as otherwise specifically provided, if a lender is
required to give to a debtor a statement of the rate of the loan finance
charge he shall state the rate in terms of an annual percentage rate as defined
in subsection (2) or in terms of a corresponding nominal annual percentage
rate as defined in subsection (3), whichever is appropriate.
(2) “Annual percentage rate”
(a) with respect to a consumer loan other than one made pursuant to a
revolving loan account, is either
(i) that nominal annual percentage rate which, when applied to
the unpaid balances of the principal calculated according to the
actuarial method, will yield a sum equal to the amount of the loan
finance charge, or
(ii) that rate determined by any method prescribed by rule by the
administrator as a method which materially simplifies
computation while retaining reasonable accuracy as compared
with the rate determined pursuant to subparagraph (i);
(b) with respect to a consumer loan made pursuant to a revolving loan
account, is the quotient expressed as a percentage of the total loan
finance charge for the period to which it relates divided by the amount
upon which the loan finance charge for that period is based, multiplied
by the number of these periods in a year.

(3) "Corresponding nominal annual percentage rate" is the percentage
or percentages used to calculate the loan finance charge for one billing cycle
or other period pursuant to a revolving loan account multiplied by the
number of billing cycles or periods in a year.

(4) If a lender is permitted to make the same loan finance charge for all
principal amounts within a specified range (subsection (5) of section 3.201)
or for all balances within a specified range (subsection (4) of section 3.201
and subsection (5) of section 3.508), he shall state the annual percentage
rate or corresponding nominal annual percentage rate, whichever is
appropriate, as applied to the median amount of the range within which the
actual principal amount or balance is included.

(5) A statement of rate complies with this part if it does not vary from
the accurately computed rate by more than the following tolerances:

(a) the annual percentage rate may be rounded to the nearest quarter
of 1 per cent for consumer loans payable in substantially equal
instalments when a lender determines the total loan finance charge on
the basis of a single add-on, discount, periodic, or other rate, and the
rate is converted into an annual percentage rate under procedures
prescribed by rule by the administrator;

(b) the administrator may authorize by rule the use of rate tables or
charts which may provide for the disclosure of annual percentage rates
which vary from the rate determined in accordance with paragraph (a)
by not more than the tolerances the administrator may allow; the
administrator may not allow a tolerance greater than 8 per cent of that
rate except to simplify compliance where irregular payments are
involved; and

(c) in case a lender determines the annual percentage rate in a manner
other than as described in paragraph (a) or (b), the administrator may
authorize by rule other reasonable tolerances.

SECTION 3.305. LOANS MADE BY TELEPHONE OR MAIL.—With
respect to a consumer loan, other than a loan made pursuant to a revolving
loan account, if the lender receives a request for an extension of credit by
mail or telephone without personal solicitation, the lender complies with this
part if the lender's printed material distributed to the public or the loan
agreement or other printed material delivered to the debtor sets forth the
terms of financing, including the annual percentage rate for representative amounts of credit, and if he gives the information required by this part on or before the date the first payment is due on the loan.

SECTION 3.306. CONSUMER LOANS NOT PURSUANT TO REVOLVING LOAN ACCOUNT.—(1) This section applies to a consumer loan not made pursuant to a revolving loan account (section 3.309).

(2) The lender shall give to the debtor the following information:

(a) net amount paid to, receivable by, or paid or payable for the account of the debtor or in the case of a loan resulting from a refinancing, the amount prescribed by the provisions on loan finance charge on refinancing (subsection (1) of section 3.205); if any amount is paid or payable to a third person, a brief itemization, which may be contained in a separate writing or writings, shall also be given;

(b) amount paid or payable for registration, certificate of title or license fees, if not included in (a), and a description or identification of the fees;

(c) amount of official fees and taxes and a description or identification of them;

(d) brief description of insurance to be provided or paid for by the lender including the type and the amount of the coverages, and if a separate charge is made, the amount of the charge;

(e) amount of other additional charges (section 3.202), and a brief description or identification of them;

(f) amount of principal (sum of amounts stated in paragraphs (a), (b), (c), (d), and (e));

(g) except in the case of a loan secured by a first lien on a dwelling, made to finance the purchase of that dwelling, the amount of the loan finance charge and the amount of the unpaid balance (principal plus loan finance charge);

(h) rate of the loan finance charge as applied to the principal in accordance with the provisions on calculation of rate (section 3.304), except in the case of a loan finance charge which does not exceed $5 when the principal does not exceed $75 or $7.50 when the principal exceeds $75;

(i) number of payments, amount of each payment, due date of first payment, and the due date of subsequent payments or interval between payments;

(j) default, delinquency, or similar charges payable in the event of late payments; and
(k) description of any security interest held or to be retained or acquired by the lender in connection with the extension of credit, and a clear identification of the property to which the security interest relates.

(3) If a lender makes a binding commitment to make a consumer loan by allowing the debtor to draw on the lender and at the time the commitment is made the amount of the loan has not been determined, the lender shall then give to the debtor a statement of the terms under which the loan will be made, including the rate of the loan finance charge calculated in accordance with the provisions on calculation of rate (section 3.304). If the rate of the loan finance charge varies according to the amount of the loan, the lender shall state the minimum and maximum annual percentage rates which would be applicable to the amounts which could be drawn pursuant to the commitment. If additional charges (section 3.202) may be made, the lender shall also state the conditions under which the charges may be made, the amount or method of computing the charges, and a brief description or identification of the charges. Within a reasonable time after the loan is made, and in any event on or before the due date of the first instalment, the lender shall give the information required by this section.

SECTION 3.307. CONSOLIDATION.—If the parties to a consumer loan or consumer credit sale agree to a consolidation (section 3.206), the creditor shall give to the debtor the information required with respect to consumer loans not pursuant to a revolving loan account (section 3.306). To comply with those provisions (paragraph (a) of subsection (2) of section 3.306), the amount with respect to the previous loan or sale to be consolidated shall be separately stated and shall be added to the net amount paid to, receivable by, or paid or payable for the account of the debtor in connection with the subsequent loan or sale.

SECTION 3.308. DEFERRAL.—If the lender makes a deferral pursuant to the provisions on deferral charges (section 3.204), he shall state to the debtor, at the time or promptly after the deferral:

(1) Amount deferred;
(2) Any appropriate additional charges (section 3.202);
(3) Aggregate amount deferred, which is the sum of the amount in (1) and any unpaid amount included in (2);
(4) Time to which payment is deferred; and
(5) Amount and annual percentage rate of the deferral charge and when it is payable.
SECTION 3.309. REVOLVING LOAN ACCOUNTS.—(1) Before making a consumer loan pursuant to a revolving loan account, the lender shall give to the debtor the following information:

(a) conditions under which a loan finance charge may be made, including the time period, if any, within which any credit extended may be repaid without incurring a loan finance charge;

(b) method of determining the balance upon which a loan finance charge will be computed;

(c) method of determining the amount of the loan finance charge, including the periodic percentage or percentages used to calculate the loan finance charge and the amount of any minimum loan finance charge;

(d) corresponding nominal annual percentage rate (subsection (3) of section 3.304); if more than one corresponding nominal annual percentage rate may be used, the amount of a balance to which each corresponding nominal annual percentage rate applies shall also be stated;

(e) if the lender elects he may also state either

(i) the average effective annual percentage rate of return received from revolving loan accounts for a representative period of time; or

(ii) if circumstances are such that the computation of a rate under subparagraph (i) would not be feasible or practical, or would be misleading or meaningless, a projected rate of return to be received from revolving loan accounts; the administrator shall prescribe rules, consistent with commonly accepted standards for accounting or statistical procedures, to carry out the purposes of this paragraph (e);

(f) conditions under which additional charges may be made and the method by which they will be determined; and

(g) conditions under which the lender may retain or acquire a security interest in property to secure the balances resulting from loans made pursuant to the revolving loan account, and a description of the interest or interests which may be retained or acquired.

(2) If there is an outstanding balance owing at the end of the billing cycle or if a loan finance charge is made with respect to the billing cycle, the lender shall give to the debtor the following information within a reasonable time after the end of the billing cycle:
(a) outstanding balance at the beginning of the billing cycle;
(b) brief description or identification of loans made during the billing cycle in a statement or in accompanying cancelled checks, memoranda or the like;
(c) amount credited to the account during the billing cycle;
(d) amount of loan finance charge and additional charges debited during the billing cycle, with an itemization or explanation to show the total amount of loan finance charge, if any, due to the application of one or more periodic percentages and the amount, if any, imposed as a minimum charge;
(e) the periodic percentage used to calculate the loan finance charge; if more than one periodic percentage is used, each percentage and the amount of the balance to which each applies;
(f) the balance on which the loan finance charge is computed and a statement of how the balance is determined; if the balance is determined without first deducting all amounts credited during the period, that fact and the amounts credited shall also be stated;
(g) if the loan finance charge for the billing cycle exceeds 50¢ for a monthly or longer billing cycle, or the pro rata part of 50¢ for a billing cycle shorter than monthly, the loan finance charge expressed as an annual percentage rate (paragraph (b) of subsection (2) of section 3.304); if more than one periodic percentage is used to calculate the loan finance charge, the lender, in lieu of stating a single annual percentage rate, may state more than one annual percentage rate and the amount of the balance to which each annual percentage rate applies;
(h) if the loan finance charge for the billing cycle does not exceed 50¢ for a monthly or longer billing cycle, or the pro rata part of 50¢ for a billing cycle shorter than monthly, the corresponding nominal annual percentage rate (subsection (3) of section 3.304);
(i) if the lender elects, the average effective annual percentage rate of return or the projected rate as prescribed in paragraph (e) of subsection (1);
(j) outstanding balance at the end of the billing cycle; and
(k) date by which or period within which payment must be made to avoid additional loan finance charges.

SECTION 3.310. LOANS PURSUANT TO LENDER CREDIT CARD OR SIMILAR ARRANGEMENT.—Before a consumer loan, other than one
made pursuant to a revolving loan account, is first made pursuant to a lender credit card or similar arrangement, the lender shall give to the debtor a statement of the annual percentage rate or rates at which loans will be made to the debtor and a brief description or identification of the additional charges that may be made. The lender shall give to the debtor the information required by this part with respect to consumer loans other than revolving loan accounts (section 3.306) within a reasonable time after a loan is made and in any event before the due date of the first instalment.

SECTION 3.311. CONTENT OF PERIODIC STATEMENTS.—A creditor who transmits periodic statements in connection with any consumer loan not made pursuant to a revolving loan account shall set forth in each statement each of the following items:

(1) The annual percentage rate of the loan finance charge with respect to each consumer loan to which the statement relates;

(2) The date by which or the period, if any, within which payment must be made in order to avoid further loan finance charges or other charges; and

(3) To the extent the administrator may require by rule as appropriate to the terms and conditions under which the consumer loan is made, the other items set forth in the provisions on disclosure with respect to revolving loan accounts (subsection (2) of section 3.309).

SECTION 3.312. ADVERTISING.—(1) No lender shall engage in this state in false or misleading advertising concerning the terms of conditions of credit with respect to a consumer loan.

(2) Without limiting the generality of subsection (1), and without requiring a statement of rate of loan finance charge if the loan finance charge is not more than $5 when the principal does not exceed $75, or $7.50 when the principal exceeds $75, an advertisement with respect to a consumer credit loan made by the posting of a public sign, or by catalog, magazine, newspaper, radio, television, or similar mass media, is misleading if

(a) it states the rate of the loan finance charge and the rate is not stated in the form required by the provisions on calculation of rate to be disclosed (section 3.304), or

(b) it states the dollar amounts of the loan finance charge or instalment payments, and does not also state the rate of any loan finance charge and the number and amount of the instalment payments.

(3) In this section a catalog or other multiple-page advertisement is considered a single advertisement if it clearly and conspicuously displays a
credit terms table setting forth the information required by this section.

(4) This section imposes no liability on the owner or personnel, as such, of any medium in which an advertisement appears or through which it is disseminated.

(5) Advertising which complies with the Federal Consumer Credit Protection Act does not violate subsection (2).

PART 4—LIMITATIONS ON AGREEMENTS AND PRACTICES

SECTION 3.401. SCOPE.—This part applies to consumer loans.

SECTION 3.402. BALLOON PAYMENTS.—With respect to a consumer loan, other than one primarily for an agricultural purpose or one pursuant to a revolving loan account, if any scheduled payment is more than twice as large as the average of earlier scheduled payments, the debtor has the right to refinance the amount of that payment at the time it is due without penalty. The terms of the refinancing shall be no less favorable to the debtor than the terms of the original loan. These provisions do not apply to the extent that the payment schedule is adjusted to the seasonal or irregular income of the debtor.

SECTION 3.403. NO ASSIGNMENT OF EARNINGS.—(1) A lender may not take an assignment of earnings of the debtor for payment or as security for payment of a debt arising out of a consumer loan. An assignment of earnings in violation of this section is unenforceable by the assignee of the earnings and revocable by the debtor. This section does not prohibit an employee from authorizing deductions from his earnings if the authorization is revocable.

(2) A sale of unpaid earnings made in consideration of the payment of money to or for the account of the seller of the earnings is deemed to be a loan to him secured by an assignment of earnings.

SECTION 3.404. ATTORNEY'S FEES.—Except as provided by the provisions on limitations on attorney's fees as to certain supervised loans (section 3.514), with respect to a consumer loan the agreement may provide for the payment by the debtor of reasonable attorney's fees not in excess of 15 per cent of the unpaid debt after default and referral to an attorney not a salaried employee of the lender. A provision in violation of this section is unenforceable.

SECTION 3.405. LIMITATION ON DEFAULT CHARGES.—Except for reasonable expenses incurred in realizing on a security interest, the agreement with respect to a consumer loan may not provide for charges as a result of default by the debtor other than those authorized by this act. A
provision in violation of this section is unenforceable.

SECTION 3.406. NOTICE OF ASSIGNMENT.—The debtor is authorized to pay the original lender until he receives notification of assignment of rights to payment pursuant to a consumer loan and that payment is to be made to the assignee. A notification which does not reasonably identify the rights assigned is ineffective. If requested by the debtor, the assignee must seasonably furnish reasonable proof that the assignment has been made and unless he does so the debtor may pay the original lender.

SECTION 3.407. AUTHORIZATION TO CONFESSION JUDGMENT PROHIBITED.—A debtor may not authorize any person to confess judgment on a claim arising out of a consumer loan. An authorization in violation of this section is void.

SECTION 3.408. CHANGE IN TERMS OF REVOLVING LOAN ACCOUNTS.—(1) If a lender makes a change in the terms of a revolving loan account without complying with this section any additional cost or charge to the debtor resulting from the change is an excess charge and subject to the remedies available to debtors (section 5.202) and to the administrator (section 6.113).

(2) A lender may change the terms of a revolving loan account whether or not the change is authorized by prior agreement. Except as provided in subsection (3), the lender shall give to the debtor written notice of any change at least three times, with the first notice at least six months before the effective date of the change.

(3) The notice specified in subsection (2) is not required if
(a) the debtor after receiving notice of the change agrees in writing to the change;
(b) the debtor elects to pay an amount designated on a billing statement (subsection (2) of section 3.309) as including a new charge for a benefit offered to the debtor when the benefit and charge constitute the change in terms and when the billing statement also states the amount payable if the new charge is excluded;
(c) the change involves no significant cost to the debtor;
(d) the debtor has previously consented in writing to the kind of change made and notice of the change is given to the debtor in two billing cycles prior to the effective date of the change; or
(e) the change applies only to debts incurred after a date specified in a notice of the change given in two billing cycles prior to the effective date of the change.
(4) The notice provided for in this section is given to the debtor when mailed to him at the address used by the lender for sending periodic billing statements.

SECTION 3.409. USE OF MULTIPLE AGREEMENTS.—A lender may not use multiple agreements with intent to avoid disclosure of an annual percentage rate pursuant to the provisions on disclosure and advertising (part 3). The excess amount of loan finance charge provided for in agreements in violation of this section is an excess charge for the purposes of the provisions on the effect of violations on rights of parties (section 5.202) and the provisions on civil actions by administrator (section 6.113).

PART 5—REGULATED AND SUPERVISED LOANS

SECTION 3.501. DEFINITIONS: "REGULATED LOAN" "REGULATED LENDER" "SUPERVISED LOAN" "SUPERVISED LENDER".—(1) "Regulated loan" means a consumer loan, including a loan made pursuant to a revolving loan account, in which the rate of the loan finance charge is in excess of 10 per cent per year calculated on the unpaid balances of the principal according to the actuarial method.

(2) "Regulated lender" means a person engaged in the business of making regulated loans.

(3) "Supervised loan" means a regulated loan in which the rate of the loan finance charge exceeds 18 per cent per year as determined according to the provisions on loan finance charge for consumer loans (section 3.201).

(4) "Supervised lender" means a person authorized to make or take assignments of supervised loans.

(5) Any supervised financial organization or other lending institution which does not obtain a license from the administrator authorizing him to make supervised loans pursuant to this act shall not receive deposits from state or public depositing units pursuant to chapter 1, title 57, Idaho Code, and chapter 27, title 67, Idaho Code.

SECTION 3.502. AUTHORITY TO MAKE SUPERVISED LOANS.—Unless a person has first obtained a license from the administrator authorizing him to make supervised loans, he shall not engage in the business of

(1) Making supervised loans, or

(2) Taking assignments of and undertaking direct collection of payments from or enforcement of rights against debtors arising from supervised loans; provided however, nothing in this section shall be
construed as authorizing the avoidance of, or an exemption from, any of the provisions of chapter 22, title 26, Idaho Code, as the same is now enacted or as it may be hereafter amended, re-enacted or substituted.

SECTION 3.503. LICENSE TO MAKE SUPERVISED LOANS. — (1) The administrator shall receive and act on all applications for licenses to make supervised loans under this act. Applications shall be filed in the same manner prescribed by the administrator and shall contain such information as the administrator may reasonably require.

(2) Upon receipt of an application with the required fee (section 6.203) the administrator shall notify all existing licensees in the community. Such licensee may file with the administrator any objections to the issuance of a license within 30 days of the date of mailing such notice.

(3) No license shall be issued unless the administrator, upon investigation, shall find that (a) the financial responsibility, character and fitness of the applicant, and of the members thereof (if the applicant is a co-partnership or association) and of the officers and directors thereof (if the applicant is a corporation) are such as to warrant belief that the business will be operated honestly and fairly within the purposes of this act; and (b) the applicant has available for the operation of the business at the specified location assets of at least $50,000. No license shall be issued if objections have been filed unless the applicant shall have requested a hearing thereon.

(4) Upon written request, the applicant is entitled to a hearing on the question of his qualifications for a license if (a) the administrator has notified the applicant in writing that his application has been denied, or objections filed or (b) the administrator has not issued a license within 60 days after the application for the license was filed. A request for a hearing may not be made more than 15 days after the administrator has mailed a writing to the applicant notifying him that the application has been denied and stating in substance the administrator's findings supporting denial of the application or that objections have been filed and the substance thereof.

(5) The administrator may issue additional licenses to the same licensee upon compliance with all the provisions of this act governing issuance of a single license. A separate license shall be required for each place of business. Each license shall remain in full force and effect until surrendered, suspended or revoked.

(6) No licensee shall change the location of any place of business without giving the administrator at least 15 days prior written notice. No licensee shall change the location of any of his places of business to a
location more than 5 miles from the original location or outside the original municipality, if any.

(7) A licensee shall not engage in the business of making supervised loans at any place of business for which he does not hold a license nor shall he engage in business under any other name than that in the license.

SECTION 3.504. REVOCATION OR SUSPENSION OF LICENSE.—(1) The administrator may issue to a person licensed to make supervised loans an order to show cause why his license should not be revoked or suspended for a period not in excess of 6 months. The order shall state the place for a hearing and set a time for the hearing that is no less than 10 days from the date of the order. After the hearing the administrator shall revoke or suspend the license if he finds that:

(a) the licensee has repeatedly and willfully violated this act or any rule or order lawfully made pursuant to this act; or
(b) facts or conditions exist which would clearly have justified the administrator in refusing to grant a license had these facts or conditions been known to exist at the time the application for the license was made.

(2) No revocation or suspension of a license is lawful unless prior to institution of proceedings by the administrator notice is given to the licensee of the facts or conduct which warrant the intended action, and the licensee is given an opportunity to show compliance with all lawful requirements for retention of the license.

(3) If the administrator finds that probable cause for revocation of a license exists and that enforcement of this act requires immediate suspension of the license pending investigation, he may, after a hearing upon 5 days written notice, enter an order suspending the license for not more than 30 days.

(4) Whenever the administrator revokes or suspends a license, he shall enter an order to that effect and forthwith notify the licensee of the revocation or suspension. Within five days after the entry of the order he shall deliver to the licensee a copy of the order and the findings supporting the order.

(5) Any person holding a license to make supervised loans may relinquish the license by notifying the administrator in writing of its relinquishment, but this relinquishment shall not affect his liability for acts previously committed.

(6) No revocation, suspension, or relinquishment of a license shall
impair or affect the obligation of any preexisting lawful contract between
the licensee and any debtor.

(7) The administrator may reinstate a license, terminate a suspension,
or grant a new license to a person whose license has been revoked or
suspended if no fact or condition then exists which clearly would have
justified the administrator in refusing to grant a license.

SECTION 3.505. RECORDS—ANNUAL REPORTS.—(1) Every
licensee shall maintain records in conformity with generally accepted
accounting principles and practices in a manner that will enable the
administrator to determine whether the licensee is complying with the
provisions of this act. The record keeping system of a licensee shall be
sufficient if he makes the required information reasonably available. The
records need not be kept in the place of business where supervised loans are
made, if the administrator is given free access to the records wherever
located. The records pertaining to any loan need not be preserved for more
than 2 years after making the final entry relating to the loan, but in the case
of a revolving loan account the 2 years is measured from the date of each
entry.

(2) On June 30, but no later than July 31 of each year, every licensee
shall file with the administrator a composite annual report in the form
prescribed by the administrator relating to all supervised loans made by him.
The administrator shall consult with comparable officials in other states for
the purpose of making the kinds of information required in annual reports
uniform among the states. Information contained in annual reports shall be
confidential and may be published only in composite form.

SECTION 3.506. EXAMINATIONS AND
INVESTIGATIONS.—(1) The administrator shall examine periodically at
intervals he deems appropriate, but at least annually, the loans, business, and
records of every licensee, and at least every 2 years he shall examine the
loans and business records of every regulated lender. In addition, for the
purpose of discovering violations of this act or securing information lawfully
required, the administrator may at any time investigate the loans, business,
and records of any regulated lender. For these purposes he shall have free
and reasonable access to the offices, places of business, and records of the
lender. The administrator, for purposes of examination of licensees herein,
shall be paid by the licensee, within 30 days of demand for payment, the
cost of examination. The administrator shall, on July 1 of each year, fix such
per diem examination cost.
(2) If the lender's records are located outside this state, the lender at his option shall make them available to the administrator at a convenient location within this state, or pay the reasonable and necessary expenses for the administrator or his representative to examine them at the place where they are maintained. The administrator may designate representatives, including comparable officials of the state in which the records are located, to inspect them on his behalf.

(3) For the purposes of this section, the administrator may administer oaths or affirmations, and upon his own motion or upon request of any party may subpoena witnesses, compel their attendance, adduce evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts, or any other matter reasonably calculated to lead to the discovery of admissible evidence.

(4) Upon failure without lawful excuse to obey a subpoena or to give testimony and upon reasonable notice to all persons affected thereby, the administrator may apply to the district court for an order compelling compliance.

(5) For purposes of investigation herein, each supervised lender applicant shall submit with his application the sum of $100.

SECTION 3.507. APPLICATION OF ADMINISTRATIVE PROCEDURE ACT TO PART.—Except as otherwise provided, the state administrative procedure act, title 67, chapter 52, Idaho Code, applies to and governs all administrative action taken by the administrator pursuant to this part.

SECTION 3.508. LOAN FINANCE CHARGE FOR SUPERVISED LOANS.—(1) With respect to a supervised loan, excluding a loan pursuant to a revolving loan account, a supervised lender may contract for and receive a loan finance charge not exceeding that permitted by this section.

(2) The loan finance charge, calculated according to the actuarial method, may not exceed the equivalent of the greater of either of the following:

(a) the total of

(i) 36 per cent per year on that part of the unpaid balances of the principal which is $300 or less;
(ii) 21 per cent per year on that part of the unpaid balances of the
principal which is more than $300 but does not exceed $1,000; and

(iii) 15 per cent per year on that part of the unpaid balances of
the principal which is more than $1,000; or

(b) 18 per cent per year on the unpaid balances of the principal.

(3) This section does not limit or restrict the manner of contracting for
the loan finance charge, whether by way of add-on, discount, or otherwise,
so long as the rate of the loan finance charge does not exceed that permitted
by this section. If the loan is precomputed,

(a) the loan finance charge may be calculated on the assumption that
all scheduled payments will be made when due, and

(b) the effect of prepayment is governed by the provisions on rebate
upon prepayment (section 3.210).

(4) The term of a loan for the purposes of this section commences on
the date the loan is made. Differences in the lengths of months are
disregarded and a day may be counted as 1/30th of a month. Subject to
classifications and differentiations the lender may reasonably establish, a
part of a month in excess of 15 days may be treated as a full month if
periods of 15 days or less are disregarded and that procedure is not
consistently used to obtain a greater yield than would otherwise be
permitted.

(5) Subject to classifications and differentiations the lender may
reasonably establish, he may make the same loan finance charge on all
principal amounts within a specified range. A loan finance charge so made
does not violate subsection (2) if

(a) when applied to the median amount within each range, it does not
exceed the maximum permitted in subsection (2), and

(b) when applied to the lowest amount within each range, it does not
produce a rate of loan finance charge exceeding the rate calculated
according to paragraph (a) by more than 8 per cent of the rate
calculated according to paragraph (a).

(6) The amounts of $300 and $1,000 in subsection (2) are subject to
change pursuant to the provisions on adjustment of dollar amounts (section
1.106).

SECTION 3.509. USE OF MULTIPLE AGREEMENTS.—With respect
to a supervised loan, no lender may permit any person, or husband and wife,
to become obligated in any way under more than one loan agreement with
the lender or with a person related to the lender, with intent to obtain a
higher rate of loan finance charge than would otherwise be permitted by the provisions on loan finance charge for supervised loans (section 3.508) or to avoid disclosure of an annual percentage rate pursuant to the provisions on disclosure and advertising (part 3). The excess amount of loan finance charge provided for in agreements in violation of this section is an excess charge for the purposes of the provisions on effect of violations on rights of parties (section 5.202) and the provisions on civil actions by administrator (section 6.113).

SECTION 3.510. RESTRICTIONS ON INTEREST IN LAND AS SECURITY.—(1) With respect to a supervised loan in which the principal is $1,000 or less, a lender may not contract for an interest in land as security. A security interest taken in violation of this section is void.

(2) The amount of $1,000 in subsection (1) is subject to change pursuant to the provisions on adjustment of dollar amounts (section 1.106).

SECTION 3.511. REGULAR SCHEDULE OF PAYMENTS — MAXIMUM LOAN TERM.—(1) Regulated loans, not made pursuant to a revolving loan account and in which the principal is $1,000 or less, shall be scheduled to be payable in substantially equal instalments at equal periodic intervals except to the extent that the schedule of payments is adjusted to the seasonal or irregular income of the debtor, and

(a) over a period of not more than 37 months if the principal is more than $300, or

(b) over a period of not more than 25 months if the principal is $300 or less.

(2) The amounts of $300 and $1,000 in subsection (1) are subject to change pursuant to the provisions on adjustment of dollar amounts (section 1.106).

SECTION 3.512. CONDUCT OF BUSINESS OTHER THAN MAKING LOANS.—(1) A licensee who is authorized to make supervised loans under this part shall not engage in the business of making sale of goods at any location where supervised loans are made, except the sale of insurance in connection with the making of loans. The word "location" as used in this section means the entire space in which supervised loans are made and said location must be separated from any location in which merchandise is sold or displayed by walls which may be broken only by a passageway to which the public is not admitted.

(2) A sale of goods or services pursuant to a lender credit card or similar arrangement made at a place of business other than that of a licensee
does not violate this section.

(3) An occasional sale of property used in the ordinary course of the business of the licensee does not violate this section.

(4) A sale of items repossessed by the licensee does not violate this section.

(5) No licensee shall conduct the business of making supervised loans under this act under any name, or at any place of business within this state, other than that stated in the license.

SECTION 3.513. APPLICATION OF OTHER PROVISIONS.—Except as otherwise provided, all provisions of this act applying to consumer loans apply to regulated loans.

SECTION 3.514. LIMITATION ON ATTORNEY FEES.—(1) With respect to a supervised loan in which the principal is $1,000 or less, the agreement may not provide for the payment by the debtor of attorney’s fees. A provision in violation of this section is unenforceable.

(2) The amount of $1,000 in subsection (1) is subject to change pursuant to the provisions on adjustment of dollar amounts (section 1.106).

PART 6—LOANS OTHER THAN CONSUMER LOANS

SECTION 3.601. LOANS SUBJECT TO ACT BY AGREEMENT OF PARTIES.—The parties to a loan other than a consumer loan may agree in a writing signed by the parties that the loan is subject to the provisions of this act applying to consumer loans. If the parties so agree, the loan is a consumer loan for the purposes of this act.

SECTION 3.602. DEFINITION: “CONSUMER RELATED LOAN”—RATE OF LOAN FINANCE CHARGE.—(1) A “consumer related loan” is a loan which is not subject to the provisions of this act applying to consumer loans and in which the principal does not exceed $25,000 if

(a) the debtor is a person other than an organization, or
(b) the debt is secured primarily by a security interest in a one or two family dwelling occupied by a person related to the debtor.

(2) With respect to a consumer related loan, including one made pursuant to a revolving loan account, the parties may contract for the payment by the debtor of a loan finance charge not in excess of that permitted by the provisions on loan finance charge for consumer loans other than supervised loans (section 3.201).

(3) The amount of $25,000 in subsection (1) is subject to change pursuant to the provisions on adjustment of dollar amounts (section 1.106).

SECTION 3.603. APPLICABILITY OF OTHER PROVISIONS TO
CONSUMER RELATED LOANS.—Except for the rate of the loan finance charge and the rights to prepay and to rebate upon prepayment, the provisions of part 2 of this article apply to a consumer related loan.

SECTION 3.604. LIMITATION ON DEFAULT CHARGES IN CONSUMER RELATED LOANS.—(1) The agreement with respect to a consumer related loan may provide for only the following charges as a result of the debtor's default:

(a) reasonable attorney's fees and reasonable expenses incurred in realizing on a security interest;
(b) deferral charges not in excess of 18 per cent per year of the amount deferred for the period of deferral; and
(c) other charges that could have been made had the loan been a consumer loan.

(2) A provision in violation of this section is unenforceable.

ARTICLE 4—INSURANCE

PART 1—INSURANCE IN GENERAL

SECTION 4.101. SHORT TITLE.—This article shall be known and may be cited as Uniform Consumer Credit Code—Insurance.

SECTION 4.102. SCOPE—RELATION TO CREDIT INSURANCE ACT—APPLICABILITY TO PARTIES.—(1) Except as provided in subsection (2), this article applies to insurance provided or to be provided in relation to a consumer credit sale (section 2.104), a consumer lease (section 2.106), or a consumer loan (section 3.104).

(2) The provision on cancellation by a creditor (section 4.304) applies to loans the primary purpose of which is the financing of insurance. No other provision of this article applies to insurance so financed.

(3) This article supplements and does not repeal the Credit Insurance Act (title 41, chapter 23, Idaho Code). The provisions of this act concerning administrative controls, liabilities, and penalties do not apply to persons acting as insurers, as defined by title 41, Idaho Code, or rules and regulations prescribed by the commissioner of insurance.

SECTION 4.103. DEFINITIONS: "CONSUMER CREDIT INSURANCE"—"CREDIT INSURANCE ACT".—(1) In this act "consumer credit insurance" means insurance, other than insurance on property, by which the satisfaction of debt in whole or in part is a benefit provided, but does not include

(a) insurance provided in relation to a credit transaction in which a payment is scheduled more than 5 years after the extension of credit;
(b) insurance issued as an isolated transaction on the part of the insurer not related to an agreement or plan for insuring debtors of the creditor; or
(c) insurance indemnifying the creditor against loss due to the debtor's default.

(2) "Credit Insurance Act" means title 41, chapter 23, Idaho Code.

SECTION 4.104. CREDITOR'S PROVISION OF AND CHARGE FOR INSURANCE—EXCESS AMOUNT OF CHARGE.—(1) Except as otherwise provided in this article and subject to the provisions on additional charges (section 2.202 and section 3.202) and maximum charges (part 2 of article 2 and article 3), a creditor may agree to provide insurance, and may contract for and receive a charge for insurance separate from and in addition to other charges. A creditor need not make a separate charge for insurance provided or required by him. This act does not authorize the issuance of any insurance prohibited under any statute, or rule thereunder, governing the business of insurance.

(2) The excess amount of a charge for insurance provided for in agreements in violation of this article is an excess charge for the purposes of the provisions of the article on remedies and penalties (article 5) as to effect of violations on rights of parties (section 5.202) and of the provisions of the article on administration (article 6) as to civil actions by the administrator (section 6.113).

SECTION 4.105. CONDITIONS APPLYING TO INSURANCE TO BE PROVIDED BY CREDITOR.—If a creditor agrees with a debtor to provide insurance

(1) The insurance shall be evidenced by an individual policy, certificate of insurance, application or notice of proposed insurance, disclosed to debtor pursuant to the provisions of section 41-2308, Idaho Code; or

(2) The creditor shall promptly notify the debtor of any failure or delay in providing the insurance.

SECTION 4.106. UNCONSCIONABILITY.—(1) In applying the provisions of this act on unconscionability (sections 5.108 and 6.111) to a separate charge for insurance, consideration shall be given, among other factors, to
(a) potential benefits to the debtor including the satisfaction of his obligations;
(b) the creditor's need for the protection provided by the insurance; and
(c) the relation between the amount and terms of credit granted and the insurance benefits provided.

(2) If consumer credit insurance otherwise complies with this article and other applicable law, neither the amount nor the term of the insurance nor the amount of a charge therefor is in itself unconscionable.

SECTION 4.107. MAXIMUM CHARGE BY CREDITOR FOR INSURANCE.—(1) Except as provided in subsection (2), if a creditor contracts for or receives a separate charge for insurance, the amount charged to the debtor for the insurance may not exceed the premium to be charged by the insurer, as computed at the time the charge to the debtor is determined, conforming to any rate filings required by law and made by the insurer with the commissioner of insurance.

(2) A creditor who provides consumer credit insurance in relation to a revolving charge account (section 2.108) or revolving loan account (section 3.108) may calculate the charge to the debtor in each billing cycle by applying the current premium rate to

(a) the average daily unpaid balance of the debt in the cycle;
(b) the unpaid balance of the debt or a median amount within a specified range of unpaid balances of debt on approximately the same day of the cycle. The day of the cycle need not be the day used in calculating the credit service charge (section 2.207) or loan finance charge (section 3.201 and section 3.508), but the specified range shall be the range used for that purpose; or
(c) the unpaid balances of principal calculated according to the actuarial method.

SECTION 4.108. REFUND OR CREDIT REQUIRED AMOUNT.—(1) Upon prepayment in full of a consumer credit sale or consumer loan by the proceeds of consumer credit insurance, the debtor or his estate is entitled to a refund of any portion of a separate charge for insurance which by reason of prepayment is retained by the creditor or returned to him by the insurer unless the charge was computed from time to time on the basis of the balances of the debtor's account.

(2) This article does not require a creditor to grant a refund or credit to the debtor if all refunds and credits due to the debtor under this article amount to less than $1, and except as provided in subsection (1) does not require the creditor to account to the debtor for any portion of a separate charge for insurance because

(a) the insurance is terminated by performance of the insurer's obligation;
(b) the creditor pays or accounts for premiums to the insurer in amounts and at times determined by the agreement between them; or (c) the creditor receives directly or indirectly under any policy of insurance a gain or advantage not prohibited by law, or regulations prescribed by the commissioner of insurance.

(3) Except as provided in subsection (2), the creditor shall promptly make or cause to be made an appropriate refund or credit to the debtor with respect to any separate charge made to him for insurance if

(a) the insurance is not provided or is provided for a shorter term than that for which the charge to the debtor for insurance was computed; or
(b) the insurance terminates prior to the end of the term for which it was written because of prepayment in full or otherwise.

(4) A refund or credit required by subsection (3) is appropriate as to amount if it is computed according to a method prescribed or approved by the commissioner of insurance or a formula filed by the insurer with the commissioner of insurance at least 30 days before the debtor's right to a refund or credit becomes determinable, unless the method or formula is employed after the commissioner of insurance notifies the insurer that he disapproves it.

SECTION 4.109. EXISTING INSURANCE — CHOICE OF INSURER.—If a creditor requires insurance, upon notice to the creditor the debtor, as provided in section 41-2313, Idaho Code, shall have the option of providing the required insurance through an existing policy of insurance owned or controlled by the debtor, or through a policy to be obtained and paid for by the debtor, but the creditor may for reasonable cause, as defined in section 41-1312, Idaho Code, decline the insurance provided by the debtor.

SECTION 4.110. CHARGE FOR INSURANCE IN CONNECTION WITH A DEFERRAL, REFINANCING, OR CONSOLIDATION — DUPLICATE CHARGES.—(1) A creditor may not contract for or receive a separate charge for insurance in connection with a deferral (section 2.204 or section 3.204), a refinancing (section 2.205 or section 3.205), or a consolidation (section 2.206 or section 3.206), unless

(a) the debtor agrees at or before the time of the deferral, refinancing, or consolidation that the charge may be made;
(b) the debtor is or is to be provided with insurance for an amount or a term, or insurance of a kind, in addition to that to which he would have been entitled had there been no deferral, refinancing, or consolidation;
(c) the debtor receives a refund or credit on account of any unexpired term of existing insurance in the amount that would be required if the insurance were terminated (section 4.108); and

d) the charge does not exceed the amount permitted by this article (section 4.107).

(2) A creditor may not contract for or receive a separate charge for insurance which duplicates insurance with respect to which the creditor has previously contracted for or received a separate charge.

SECTION 4.111. COOPERATION BETWEEN ADMINISTRATOR AND COMMISSIONER OF INSURANCE.—The administrator and the commissioner of insurance are authorized and directed to consult and assist one another in maintaining compliance with this article. They may jointly pursue investigations, prosecute suits, and take other official action, as may seem to them appropriate, if either of them is otherwise empowered to take the action. If the administrator is informed of a violation or suspected violation by an insurer of this article, or of the insurance laws, rules, and regulations of this state, he shall advise the commissioner of insurance of the circumstances.

PART 2—CONSUMER CREDIT INSURANCE

SECTION 4.201. TERM OF INSURANCE.—(1) Consumer credit insurance provided by a creditor may be subject to the furnishing of evidence of insurability satisfactory to the insurer. Whether or not such evidence is required, the term of the insurance shall commence no later than when the debtor becomes obligated to the creditor or when the debtor applies for the insurance, whichever is later, except as follows:

(a) if any required evidence of insurability is not furnished until more than 30 days after the term would otherwise commence, the term may commence on the date when the insurer determines the evidence to be satisfactory; or

(b) if the creditor provides insurance not previously provided covering debts previously created, the term may commence on the effective date of the policy.

(2) The originally scheduled term of the insurance shall extend at least until the due date of the last scheduled payment of the debt except as follows:

(a) if the insurance relates to a revolving charge account or revolving loan account, the term need extend only until the payment of the debt under the account and may be sooner terminated after at least 30 days notice to the debtor; or
(b) if the debtor is advised in writing that the insurance will be written for a specified shorter time, the term need extend only until the end of the specified time.

(3) The term of the insurance shall not extend more than 15 days after the originally scheduled due date of the last scheduled payment of the debt unless it is extended without additional cost to the debtor or as an incident to a deferral, refinancing, or consolidation.

SECTION 4.202. AMOUNT OF INSURANCE.—(1) Except as provided in subsection (2),

(a) in the case of consumer credit insurance providing life coverage, the amount of insurance may not initially exceed the debt and, if the debt is payable in instalments, may not at any time exceed the greater of the scheduled or actual amount of the debt; or

(b) in the case of any other consumer credit insurance, the total amount of periodic benefits payable may not exceed the total of scheduled unpaid instalments of the debt, and the amount of any periodic benefit may not exceed the original amount of debt divided by the number of periodic instalments in which it is payable.

(2) If consumer credit insurance is provided in connection with a revolving charge account or revolving loan account, the amounts payable as insurance benefits may be reasonably commensurate with the amount of debt as it exists from time to time. If consumer credit insurance is provided in connection with a commitment to grant credit in the future, the amounts payable as insurance benefits may be reasonably commensurate with the total from time to time of the amount of debt and the amount of the commitment. If the debt or the commitment is primarily for an agricultural purpose, and there is no regular schedule of payments, the amounts payable as insurance benefits may equal the total of the initial amount of debt and the amount of the commitment.

SECTION 4.203. FILING AND APPROVAL OF RATES AND FORMS.—(1) A creditor may not use a form or a schedule of premium rates or charges, the filing of which is required by this section, if the commissioner of insurance has disapproved the form or schedule and has notified the insurer of his disapproval. A creditor may not use a form or schedule unless

(a) the form or schedule has been on file with the commissioner of insurance for 30 days, or has earlier been approved by him; and

(b) the insurer has complied with this section with respect to the insurance.
(2) Except as provided in subsection (3), all policies, certificates of insurance, notices of proposed insurance, applications for insurance, endorsements and riders relating to consumer credit insurance delivered or issued for delivery in this state, and the schedules of premium rates or charges pertaining thereto, shall be filed by the insurer with the commissioner of insurance. Within 30 days after the filing of any form or schedule, he shall disapprove it if the premium rates or charges are unreasonable in relation to the benefits provided under the form, or if the form contains provisions which are unjust, unfair, inequitable, or deceptive, or encourage misrepresentation of the coverage, or are contrary to any provision of the Credit Insurance Act or of any rule or regulation promulgated thereunder.

(3) If a group policy has been delivered in another state, the forms to be filed by the insurer with the commissioner of insurance are the group certificates and notices of proposed insurance. He shall approve them if

(a) they provide the information that would be required if the group policy were delivered in this state; and

(b) the applicable premium rates or charges do not exceed those established by his rules or regulations.

PART 3—PROPERTY AND LIABILITY INSURANCE

SECTION 4.301. PROPERTY INSURANCE.—(1) A creditor may not contract for or receive a separate charge for insurance against loss of or damage to property unless the creditor qualifies under title 41, chapter 9, Idaho Code, or rule or regulation prescribed by the commissioner of insurance and

(a) the insurance covers a substantial risk of loss of or damage to property related to the credit transaction;

(b) the amount, terms, and conditions of the insurance are reasonable in relation to the character and value of the property insured or to be insured; and

(c) the term of the insurance is reasonable in relation to the terms of credit.

(2) The term of the insurance is reasonable if it is customary and does not extend substantially beyond a scheduled maturity.

(3) A creditor may not contract for or receive a separate charge for insurance against loss of or damage to property unless the amount financed or principal exclusive of charges for the insurance is $300 or more, and the value of the property is $300 or more.
(4) The amounts of $300 in subsection (3) are subject to change pursuant to the provisions on adjustment of dollar amounts (section 1.106).

SECTION 4.302. INSURANCE ON CREDITOR'S INTEREST ONLY.—If a creditor contracts for or receives a separate charge for insurance against loss of or damage to property, the risk of loss or damage not willfully caused by the debtor is on the debtor only to the extent of any deficiency in the effective coverage of the insurance, even though the insurance covers only the interest of the creditor.

SECTION 4.303. LIABILITY INSURANCE.—A creditor may not contract for or receive a separate charge for insurance against liability unless the insurance covers a substantial risk of liability arising out of the ownership or use of property related to the credit transaction.

SECTION 4.304. CANCELLATION BY CREDITOR.—A creditor shall not request cancellation of a policy of property or liability insurance except after the debtor's default or in accordance with a written authorization by the debtor, and in either case the cancellation does not take effect until written notice is delivered to the debtor or mailed to him at his address as stated by him. The notice shall state that the policy may be cancelled on a date not less than 10 days after the notice is delivered or, if the notice is mailed, not less than 13 days after it is mailed.

PART 4—INSURANCE PURSUANT TO A PREMIUM FINANCE LOAN

SECTION 4.401. CANCELLATION OF INSURANCE PURSUANT TO A PREMIUM FINANCE LOAN.—(1) With respect to a premium finance loan, the debtor may give the lender authority to cancel insurance contracts obtained for the debtor pursuant to the premium finance loan agreement.

(2) A lender may not cancel unless he gives the debtor 15 days written notice that cancellation of a specified insurance contract will become effective on a stated date and at a stated time unless the debtor before that date cures his default with respect to the premium finance loan. The debtor may cure his default by paying to the lender the amount of the instalment payments due, without acceleration of the unpaid balance of the principal, at the time notice is given, together with the amount of delinquency or deferral charges due at that time.

(3) Upon cancellation the lender shall rebate or refund to the debtor the amount of any unearned loan finance charge. The amount of the rebate shall be equal to the amount of the unearned loan finance charge that would have been rebated or refunded pursuant to section 3.210 if the loan had been prepaid in full at the date of cancellation.
(4) All laws of this state relating to cancellation of insurance contracts must be complied with when cancellation occurs pursuant to this section.

(5) If the insurance contract cancelled provides motor vehicle liability insurance,

(a) the notice of cancellation shall briefly inform the debtor of the consequences under the law of this state of operating a motor vehicle without liability insurance; and

(b) a copy of the notice of cancellation shall be sent to the department of motor vehicle safety responsibility.

ARTICLE 5—REMEDIES AND PENALTIES

PART I—LIMITATIONS ON CREDITORS' REMEDIES

SECTION 5.101. SHORT TITLE.—This article shall be known and may be cited as Uniform Consumer Credit Code—Remedies and Penalties.

SECTION 5.102. SCOPE.—This part applies to actions or other proceedings to enforce rights arising from consumer credit sales, consumer leases, and consumer loans; and, in addition, to extortionate extensions of credit (section 5.107).

SECTION 5.103. RESTRICTIONS ON DEFICIENCY JUDGMENTS IN CONSUMER CREDIT SALES.—(1) This section applies to a consumer credit sale of goods or services.

(2) If the seller repossesses or voluntarily accepts surrender of goods which were the subject of the sale and in which he has a security interest and the cash price of the goods repossessed or surrendered was $1,000 or less, the buyer is not personally liable to the seller for the unpaid balance of the debt arising from the sale of the goods, and the seller is not obligated to resell the collateral.

(3) If the seller repossesses or voluntarily accepts surrender of goods which were not the subject of the sale but in which he has a security interest to secure a debt arising from a sale of goods or services or a combined sale of goods and services and the cash price of the sale was $1,000 or less, the buyer is not personally liable to the seller for the unpaid balance of the debt arising from the sale.

(4) For the purpose of determining the unpaid balance of consolidated debts or debts pursuant to revolving charge accounts, the allocation of payments to a debt shall be determined in the same manner as provided for determining the amount of debt secured by various security interests (section 2.409).

(5) The buyer may be liable in damages to the seller if the buyer has
wrongfully damaged the collateral or if, after default and demand, the buyer has wrongfully failed to make the collateral available to the seller.

(6) If the seller elects to bring an action against the buyer for a debt arising from a consumer credit sale of goods or services, when under this section he would not be entitled to a deficiency judgment if he repossessed the collateral, and obtains judgment
   (a) he may not repossess the collateral, and
   (b) the collateral is not subject to levy or sale on execution or similar proceedings pursuant to the judgment.

(7) The amounts of $1,000 in subsection (2) and (3) are subject to change pursuant to the provisions on adjustment of dollar amounts (section 1.106).

SECTION 5.104. NO GARNISHMENT BEFORE JUDGMENT.—Prior to entry of judgment in an action against the debtor for debt arising from a consumer credit sale, a consumer lease, or a consumer loan, the creditor may not attach unpaid earnings of the debtor by garnishment or like proceedings.

SECTION 5.105. LIMITATION ON GARNISHMENT.—(1) For the purposes of this part
   (a) "disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of amounts required by law to be withheld; and
   (b) "garnishment" means any legal or equitable procedure through which the earnings of an individual are required to be withheld for payment of a debt.

(2) The maximum part of the aggregate disposable earnings of an individual for any workweek which is subjected to garnishment to enforce payment of a judgment arising from a consumer credit sale, consumer lease, or consumer loan may not exceed the lesser of
   (a) 25 per cent of his disposable earnings for that week, or
   (b) the amount by which his disposable earnings for that week exceed forty times the Federal minimum hourly wage prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938, U.S.C. title 29, section 206(a)(1), in effect at the time the earnings are payable.

(c) In the case of earnings for a pay period other than a week, the administrator shall prescribe by rule a multiple of the Federal minimum hourly wage equivalent in effect to that set forth in paragraph (b).

(3) No court may make, execute, or enforce an order or process in violation of this section.
SECTION 5.106. NO DISCHARGE FROM EMPLOYMENT FOR GARNISHMENT.—No employer shall discharge an employee for the reason that a creditor of the employee has subjected or attempted to subject unpaid earnings of the employee to garnishment or like proceedings directed to the employer for the purpose of paying a judgment arising from a consumer credit sale, consumer lease, or consumer loan.

SECTION 5.107. EXTORTIONATE EXTENSIONS OF CREDIT.—(1) If it is the understanding of the creditor and the debtor at the time an extension of credit is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person, the repayment of the extension of credit is unenforceable through civil judicial processes against the debtor.

(2) If it is shown that an extension of credit was made at an annual rate exceeding 45 per cent calculated according to the actuarial method and that the creditor then had a reputation for the use or threat of use of violence or other criminal means to cause harm to the person, reputation, or property of any person to collect extensions of credit or to punish the nonrepayment thereof, there is prima facie evidence that the extension of credit was unenforceable under subsection (1).

SECTION 5.108. UNCONSCIONABILITY.—(1) With respect to a consumer credit sale, consumer lease, or consumer loan, if the court as a matter of law finds the agreement or any clause of the agreement to have been unconscionable at the time it was made the court may refuse to enforce the agreement, or it may enforce the remainder of the agreement without the unconscionable clause, or it may so limit the application of any unconscionable clause as to avoid any unconscionable result.

(2) If it is claimed or appears to the court that the agreement or any clause thereof may be unconscionable the parties shall be afforded a reasonable opportunity to present evidence as to its setting, purpose, and effect to aid the court in making the determination;

(3) For the purpose of this section, a charge or practice expressly permitted by this act is not in itself unconscionable.

PART 2—DEBTORS' REMEDIES

SECTION 5.201. INTERESTS IN LAND.—For purposes of the provisions of this part on civil liability for violation of disclosure provisions (section 5.203) and on debtor's right to rescind certain transactions (section 5.204)
(1) Consumer credit sale includes a sale of an interest in land without regard to the rate of the credit service charge if the sale is otherwise a consumer credit sale (section 2.104); and

(2) Consumer loan includes a loan primarily secured by an interest in land without regard to the rate of the loan finance charge if the loan is otherwise a consumer loan (section 3.105).

SECTION 5.202. EFFECT OF VIOLATIONS ON RIGHTS OF PARTIES.—(1) If a creditor has violated the provisions of this act applying to collection of excess charges or enforcement of rights (subsection (5) of section 1.201), certain negotiable instruments prohibited (section 2.403), assignees subject to defenses (section 2.404), security in sales or leases (section 2.407), assignments of earnings (sections 2.410 and 3.403), attorney's fees (sections 2.413, 3.404, and 3.514), limitations on default charges (sections 2.414 and 3.405), authorizations to confess judgment (sections 2.415 and 3.407), restrictions on interests in land as security (section 3.510), or limitations on the schedule of payments or loan term for regulated loans (section 3.511), the debtor has a right in an action other than a class action to recover from the person violating this act a penalty in an amount determined by the court not less than $100 nor more than $1,000. With respect to violations arising from sales made pursuant to revolving charge accounts or from loans made pursuant to revolving loan accounts, no action pursuant to this subsection may be brought more than two years after the violations occurred. With respect to violations arising from other consumer credit sales and consumer loans and from consumer leases, no action pursuant to this subsection may be brought more than one year after the due date of the last scheduled payment of the agreement.

(2) If a creditor has violated the provisions of this act applying to authority to make supervised loans (section 3.502), the loan is void and the debtor is not obligated to pay either the principal or loan finance charge. If he has paid any part of the principal or of the loan finance charge, he has a right to recover the payment from the person violating this act or from an assignee of that person's rights who undertakes direct collection of payments or enforcement of rights arising from the debt. With respect to violations arising from loans made pursuant to revolving loan accounts, no action pursuant to this subsection may be brought more than two years after the violation occurred. With respect to violations arising from other loans, no action pursuant to this subsection may be brought more than one year after the due date of the last scheduled payment of the agreement pursuant to which the charge was paid.
(3) A debtor is not obligated to pay a charge in excess of that allowed by this act, and if he has paid an excess charge he has a right to a refund. A refund may be made by reducing the debtor's obligation by the amount of the excess charge. If the debtor has paid an amount in excess of the lawful obligation under the agreement, the debtor may recover the excess amount from the person who made the excess charge or from an assignee of that person's rights who undertakes direct collection of payments from or enforcement of rights against debtors arising from the debt.

(4) If a creditor has contracted for or received a charge in excess of that allowed by this act, or if a debtor is entitled to a refund and a person liable to the debtor refuses to make a refund within a reasonable time after demand, the debtor may recover from the creditor of the person liable in an action other than a class action a penalty in an amount determined by a court not less than $100 or more than $1,000. With respect to excess charges arising from sales made pursuant to revolving charge accounts or from loans made pursuant to revolving loan accounts, no action pursuant to this subsection may be brought more than two years after the time the excess charge was made. With respect to excess charges arising from other consumer credit sales or consumer loans, no action pursuant to this subsection may be brought more than one year after the due date of the last scheduled payment of the agreement pursuant to which the charge was made.

(5) Except as otherwise provided, no violation of this act impairs rights on a debt.

(6) If an employer discharges an employee in violation of the provisions prohibiting discharge (section 5.106), the employee may within 60 days bring a civil action for recovery of wages lost as a result of the violation and for an order requiring the reinstatement of the employee. Damages recoverable shall not exceed lost wages for six weeks.

(7) A creditor has no liability for a penalty under subsection (1) or subsection (4) if within 15 days after discovering an error, and prior to the institution of an action under this section or the receipt of written notice of the error, the creditor notifies the person concerned of the error and corrects the error. If the violation consists of a prohibited agreement, giving the debtor a corrected copy of the writing containing the error is sufficient notification and correction. If the violation consists of an excess charge, correction shall be made by an adjustment or refund.

(8) If the creditor establishes by a preponderance of evidence that a violation is unintentional or the result of a bona fide error notwithstanding
the maintenance of procedures reasonably adapted to avoid any such violation or error, no liability is imposed under subsections (1), (2), and (3) the validity of the transaction is not affected, and no liability is imposed under subsection (4) except for refusal to make a refund.

(9) In any action in which it is found that a creditor has violated this act, the court shall award the debtor the costs of the action together with reasonable attorney's fees. Reasonable attorney's fees shall be determined by the value of the time reasonable expended by the attorney and not by the amount of the recovery on behalf of the debtor.

SECTION 5.203. CIVIL LIABILITY FOR VIOLATION OF DISCLOSURE PROVISIONS. — (1) Except as otherwise provided in this section, a creditor who, in violation of the provisions on disclosure (part 3), other than the provisions on advertising (sections 2.313 and 3.312), of the article on credit sales (article 2) and the article on loans (article 3), fails to disclose information to a person entitled to the information under this act is liable to that person in an amount equal to the sum of

(a) twice the amount of the credit service or loan finance charge in connection with the transaction, but the liability pursuant to this paragraph shall be not less than $100 or more than $1,000; and
(b) in the case of a successful action to enforce the liability under paragraph (a), the costs of the action together with reasonable attorney's fees as determined by the court.

(2) A creditor has no liability under this section if within 15 days after discovering an error, and prior to the institution of an action under this section or the receipt of written notice of the error, the creditor notifies the person concerned of the error and makes whatever adjustments in the appropriate account are necessary to assure that the person will not be required to pay a credit service charge or loan finance charge in excess of the amount or percentage rate actually disclosed.

(3) A creditor may not be held liable in any action brought under this section for a violation of this act if the creditor shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid the error.

(4) Any action which may be brought under this section against the original creditor in any credit transaction involving a security interest in land may be maintained against any subsequent assignee of the original creditor where the assignee, its subsidiaries, or affiliates were in a continuing business
relationship with the original creditor either at the time the credit was extended or at the time of the assignment, unless the assignment was involuntary or the assignee shows by a preponderance of evidence that it did not have reasonable grounds to believe that the original creditor was engaged in violations of this act and that it maintained procedures reasonably adapted to apprise it of the existence of the violations.

(5) No action pursuant to this section may be brought more than one year after the date of the occurrence of the violation.

(6) In this section, creditor includes a person who in the ordinary course of business regularly extends or arranges for the extension of credit, or offers to arrange for the extension of credit.

SECTION 5.204. DEBTOR'S RIGHT TO RESCIND CERTAIN TRANSACTIONS. —(1) Except as otherwise provided in this section, in the case of a consumer credit sale or consumer loan with respect to which a security interest is retained or acquired in an interest in land which is used or expected to be used as the residence of the person to whom credit is extended, the debtor shall have the right to rescind the transaction until midnight of the third business day following the consummation of the transaction or the delivery of the disclosures required under this section and all other material disclosures required by this act, whichever is later, by notifying the creditor, in accordance with rules of the administrator, of his intention to do so. The creditor shall clearly and conspicuously disclose, in accordance with rules of the administrator, to the debtor in a transaction subject to this section the rights of the debtor under this section. The creditor shall also provide, in accordance with rules of the administrator, an adequate opportunity to the obligor to exercise his right to rescind any transaction subject to this section.

(2) When a debtor exercises his right to rescind under subsection (1), he is not liable for any credit service charge, loan finance charge, or other charge, and any security interest given by the debtor becomes void upon the rescission. Within 10 days after receipt of a notice of rescission, the creditor shall return to the debtor the money or property given as earnest money, down payment, or otherwise, and shall take any action necessary or appropriate to reflect the termination of any security interest created under the transaction. If the creditor has delivered property to the debtor, the debtor may retain possession of it. Upon the performance of the creditor's obligations under this section, the debtor shall tender the property to the creditor, except that if return of the property in kind would be impractical
or inequitable, the debtor shall tender its reasonable value. Tender shall be made at the location of the property or at the residence of the debtor, at the option of the debtor. If the creditor does not take possession of the property within 10 days after tender by the debtor, ownership of the property vests in the debtor without obligation on his part to pay for it.

3. Notwithstanding any rule of evidence, written acknowledgment of receipt of any disclosure required under this act by a person to whom a statement is required to be given pursuant to this section does no more than create a rebuttable presumption of delivery thereof.

4. The administrator, if he finds that the action is necessary in order to permit homeowners to meet bona fide personal financial emergencies, may prescribe rules authorizing the modification or waiver of any rights created under this section to the extent and under the circumstances set forth in those rules.

5. This section does not apply to the creation or retention of a first lien against a dwelling to finance the acquisition of that dwelling.

SECTION 5.205. REFUNDS AND PENALTIES AS SET-OFF TO OBLIGATION.—Refunds or penalties to which the debtor is entitled pursuant to this part may be set off against the debtor’s obligation, and may be raised as a defense to a suit on the obligation without regard to the time limitations prescribed by this part.

PART 3—CRIMINAL PENALTIES

SECTION 5.301. WILLFUL VIOLATIONS.—(1) A supervised lender who willfully makes charges in excess of those permitted by the provisions of the article on loans (article 3) applying to supervised loans (part 5) is guilty of a misdemeanor.

(2) A person, other than a supervised financial organization, who willfully engages in the business of making supervised loans without a license in violation of the provisions of this act applying to authority to make supervised loans (section 3.502) is guilty of a misdemeanor.

(3) A person who willfully engages in the business of making consumer credit sales, consumer leases, or consumer loans, or of taking assignments of rights against debtors arising therefrom and undertakes direct collection of payments or enforcement of these rights, without complying with the provisions of this act concerning notification (section 6.202) or payment of fees (section 6.203), is guilty of a misdemeanor.

SECTION 5.302. DISCLOSURE VIOLATIONS.—A person is guilty of a misdemeanor and upon conviction may be sentenced to pay a fine not
exceeding $5,000, or to imprisonment not exceeding one year, or both, if he willfully and knowingly

(1) Gives false or inaccurate information or fails to provide information which he is required to disclose under the provisions of this act on disclosure and advertising (part 3) of the article on credit sales (article 2) or of the article on loans (article 3), or of any related rule of the administrator adopted pursuant to this act,

(2) Uses any rate table or chart, the use of which is authorized by rule of the administrator adopted pursuant to the provisions on calculation of rate to be disclosed (section 2.304 and section 3.304), in a manner which consistently understates the annual percentage rate determined according to those provisions; or

(3) Otherwise fails to comply with any requirement of the provisions of this act on disclosure and advertising (part 3) of the article on credit sales (article 2) or of the article on loans (article 3), or of any related rule of the administrator adopted pursuant to this act.

ARTICLE 6—ADMINISTRATION

PART I—POWERS AND FUNCTIONS OF ADMINISTRATOR

SECTION 6.101. SHORT TITLE. This article shall be known and may be cited as Uniform Consumer Credit Code—Administration.

SECTION 6.102. APPLICABILITY. This part applies to persons who in this state

(1) Make or solicit consumer credit sales, consumer leases, consumer loans, consumer related sales (section 2.602) and consumer related loans (section 3.602); or

(2) Directly collect payments from or enforce rights against debtors arising from sales, leases, or loans specified in subsection (1), wherever they are made.

(3) Are designated in this act as supervised or regulated lenders.

SECTION 6.103. ADMINISTRATOR. “Administrator” means commissioner of finance of the state of Idaho.

SECTION 6.104. POWERS OF ADMINISTRATOR. HARMONY WITH FEDERAL REGULATIONS. RELIANCE ON RULES. DUTY TO REPORT. (1) In addition to other powers granted by this act, the administrator within the limitations provided by law may

(a) receive and act on complaints, take action designed to obtain voluntary compliance with this act, or commence proceedings on his own initiative;
(b) counsel persons and groups on their rights and duties under this act;
(c) establish programs for the education of consumers with respect to credit practices and problems;
(d) make studies appropriate to effectuate the purposes and policies of this act and make the results available to the public; and
(e) adopt, amend, and repeal substantive rules when specifically authorized by this act, and adopt, amend, and repeal procedural rules to carry out the provisions of this act.

(2) The administrator shall adopt rules not inconsistent with the Federal Consumer Credit Protection Act to assure a meaningful disclosure of credit terms so that a prospective debtor will be able to compare more readily the various credit terms available to him and to avoid the uninformed use of credit. These rules supersede any provisions of this act which are inconsistent with the Federal Consumer Credit Protection Act, may contain classifications, differentiations, or other provisions, and may provide for adjustments and exceptions for any class of transactions subject to this act which in the judgment of the administrator are necessary or proper to effectuate the purposes or to prevent circumvention or evasion of, or to facilitate compliance with, the provisions of this act relating to disclosure of credit terms.

(3) To keep the administrator's rules in harmony with the Federal Consumer Credit Protection Act and the regulations prescribed from time to time pursuant to that act by the board of governors of the Federal Reserve System and with the rules of administrators in other jurisdictions which enact the Uniform Consumer Credit Code, the administrator, so far as is consistent with the purposes, policies and provisions of this act, shall
(a) before adopting, amending, and repealing rules, advise and consult with administrators in other jurisdictions which enact the Uniform Consumer Credit Code; and
(b) in adopting, amending, and repealing rules, take into consideration:
   (i) the regulations so prescribed by the board of governors of the Federal Reserve System; and
   (ii) the rules of administrators in other jurisdictions which enact the Uniform Consumer Credit Code.

(4) Except for refund of an excess charge, no liability is imposed under this act for an act done or omitted in conformity with a rule of the administrator notwithstanding that after the act or omission the rule may be
amended or repealed or be determined by judicial or other authority to be invalid for any reason.

(5) The administrator shall report annually on or before January 1 to the governor and legislature on the operation of his office, on the use of consumer credit in the state, and on the problems of persons of small means obtaining credit from persons regularly engaged in extending sales or loan credit. For the purpose of making the report, the administrator is authorized to conduct research and make appropriate studies. The report shall include a description of the examination and investigation procedures and policies of his office, a statement of policies followed in deciding whether to investigate or examine the offices of credit suppliers subject to this act, a statement of the number and percentages of offices which are periodically investigated or examined, a statement of the types of consumer credit problems of both creditors and debtors which have come to his attention through his examinations and investigations and the disposition of them under existing law, a statement of the extent to which the rules of the administrator pursuant to this act are not in harmony with the regulations prescribed by the board of governors of the Federal Reserve System pursuant to the Federal Consumer Credit Protection Act or the rules of administrators in other jurisdictions which enact the Uniform Consumer Credit Code and the reasons for such variations, and a general statement of the activities of his office and of others to promote the purposes of this act. The report shall not identify the creditors against whom action is taken by the administrator.

SECTION 6.105. ADMINISTRATIVE POWERS WITH RESPECT TO SUPERVISED FINANCIAL ORGANIZATIONS. – (1) With respect to supervised financial organizations, the powers of examination and investigation (sections 3.506 and 6.106) and administrative enforcement (section 6.108) shall be exercised by the official or agency to whose supervision the organization is subject. All other powers of the administrator under this act may be exercised by him with respect to a supervised financial organization, including nationally chartered financial organizations.

(2) If the administrator receives a complaint or other information concerning non-compliance with this act by a supervised financial organization, he shall inform the official or agency having supervisory authority over the organization concerned. The administrator may request information about supervised financial organizations from the officials or agencies supervising them.

(3) The administrator and any official or agency of this state having
supervisory authority over a supervised financial organization are authorized and directed to consult and assist one another in maintaining compliance with this act. They may jointly pursue investigations, prosecute suits, and take other official action, as they deem appropriate, if either of them otherwise is empowered to take the action.

SECTION 6.106. INVESTIGATORY POWERS. (1) If the administrator has probable cause to believe that a person has engaged in an act which is subject to action by the administrator, he may make an investigation to determine if the act has been committed, and, to the extent necessary for this purpose, may administer oaths or affirmations, and, upon his own motion or upon request of any party, may subpoena witnesses, compel their attendance, adduce evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts, or any other matter reasonably calculated to lead to the discovery of admissible evidence.

(2) As to both in state and out of state records, the person at his option shall either make them available to the administrator at a convenient location within this state or pay the reasonable and necessary expenses for the administrator or his representative to examine them at the place where they are maintained. The administrator may designate representatives, including comparable officials of the state in which the records are located, to inspect them on his behalf.

(3) Upon failure without lawful excuse to obey a subpoena or to give testimony and upon reasonable notice to all persons affected thereby, the administrator may apply to the district court for an order compelling compliance.

(4) The administrator shall not make public the name or identity of a person whose acts or conduct he investigates pursuant to this section or the facts disclosed in the investigation, but this subsection does not apply to disclosures in actions or enforcement proceedings pursuant to this act.

SECTION 6.107. APPLICATION OF ADMINISTRATIVE PROCEDURE ACT.—Except as otherwise provided, the state administrative procedure act, title 67, chapter 52, Idaho Code, applies to and governs all administrative action taken by the administrator pursuant to this article or the part on regulated and supervised loans (part 5) of the article on loans (article 3).
SECTION 6.108. ADMINISTRATIVE ENFORCEMENT ORDERS. —
(1) After notice and hearing the administrator may order a creditor or a
person acting in his behalf to cease and desist from engaging in violations of
this act. A respondent aggrieved by an order of the administrator may obtain
judicial review of the order and the administrator may obtain an order of the
court for enforcement of its order in the district court. The proceeding for
review or enforcement is initiated by filing a petition in the court. Copies of
the petition shall be served upon all parties of record.

(2) Within 30 days after service of the petition for review upon the
administrator, or within any further time the court may allow, the
administrator shall transmit to the court the original or a certified copy of
the entire record upon which the order is based, including any transcript of
testimony, which need not be printed. By stipulation of all parties to the
review proceeding, the record may be shortened. After hearing, the court
may (a) reverse or modify the order if the findings of fact of the
administrator are clearly erroneous in view of the reliable, probative, and
substantial evidence on the whole record, (b) grant any temporary relief or
restraining order it deems just, and (c) enter an order enforcing, modifying,
and enforcing as modified, or setting aside in whole or in part the order of
the administrator, or remanding the case to the administrator for further
proceedings.

(3) An objection not urged at the hearing shall not be considered by
the court unless the failure to urge the objection is excused for good cause
shown. A party may move the court to remand the case to the administrator
in the interest of justice for the purpose of adducing additional specified and
material evidence and seeking findings thereon upon good cause shown for
the failure to adduce this evidence before the administrator.

(4) The jurisdiction of the court shall be exclusive and its final
judgment or decree shall be subject to review by the supreme court in the
same manner and form and with the same effect as in appeals from a final
judgment or decree. The administrator's copy of the testimony shall be
available at reasonable times to all parties for examination without cost.

(5) A proceeding for review under this section must be initiated within
30 days after a copy of the order of the administrator is received. If no
proceeding is so initiated, the administrator may obtain a decree of the
district court for enforcement of its order upon a showing that the order was
issued in compliance with this section, that no proceeding for review was
initiated within 30 days after copy of the order was received, and that the
respondent is subject to the jurisdiction of the court.

(6) With respect to unconscionable agreements or fraudulent or unconscionable conduct by the respondent, the administrator may not issue an order pursuant to this section but may bring a civil action for an injunction (section 6.111).

SECTION 6.109. ASSURANCE OF DISCONTINUANCE.—If it is claimed that a person has engaged in conduct subject to an order by the administrator (section 6.108) or by a court (sections 6.110 through 6.112), the administrator may accept an assurance in writing that the person will not engage in the conduct in the future. If a person giving an assurance of discontinuance fails to comply with its terms, the assurance is evidence that prior to the assurance he engaged in the conduct described in the assurance.

SECTION 6.110. INJUNCTIONS AGAINST VIOLATIONS OF ACT.—The administrator may bring a civil action to restrain a person from violating this act and for other appropriate relief.

SECTION 6.111. INJUNCTIONS AGAINST UNCONSCIONABLE AGREEMENTS AND FRAUDULENT OR UNCONSCIONABLE CONDUCT. —(1) The administrator may bring a civil action to restrain a creditor or a person acting in his behalf from engaging in a course of

(a) making or enforcing unconscionable terms or provisions of consumer credit sales, consumer leases, or consumer loans;

(b) fraudulent or unconscionable conduct in inducing debtors to enter into consumer credit sales, consumer leases, or consumer loans; or

(c) fraudulent or unconscionable conduct in the collection of debts arising from consumer credit sales, consumer leases, or consumer loans.

(2) In an action brought pursuant to this section the court may grant relief only if it finds

(a) that the respondent has made unconscionable agreements or has engaged or is likely to engage in a course of fraudulent or unconscionable conduct;

(b) that the agreements or conduct of the respondent has caused or is likely to cause injury to consumers; and

(c) that the respondent has been able to cause or will be able to cause the injury primarily because the transactions involved are credit transactions.

(3) In applying this section, consideration shall be given to each of the following factors, among others:

(a) belief by the creditor at the time consumer credit sales, consumer
leases, or consumer loans are made that there was no reasonable probability of payment in full of the obligation by the debtor;
(b) in the case of consumer credit sales or consumer leases, knowledge by the seller or lessor at the time of the sale or lease of the inability of the buyer or lessee to receive substantial benefits from the property or services sold or leased;
(c) in the case of consumer credit sales or consumer leases, gross disparity between the price of the property or services sold or leased and the value of the property or services measured by the price at which similar property or services are readily obtainable in credit transactions by like buyers or lessees;
(d) the fact that the creditor contracted for or received separate charges for insurance with respect to consumer credit sales or consumer loans with the effect of making the sales or loans, considered as a whole, unconscionable; and
(e) the fact that the respondent has knowingly taken advantage of the inability of the debtor reasonably to protect his interests by reason of physical or mental infirmities, ignorance, illiteracy or inability to understand the language of the agreement, or similar factors.
(4) In an action brought pursuant to this section, a charge or practice expressly permitted by this act is not in itself unconscionable.

SECTION 6.112. TEMPORARY RELIEF.—With respect to an action brought to enjoin violations of the act (section 6.110) or unconscionable agreements or fraudulent or unconscionable conduct (section 6.111), the administrator may apply to the court for appropriate temporary relief against a respondent, pending final determination of proceedings. If the court finds after a hearing held upon notice to the respondent that there is reasonable cause to believe that the respondent is engaging in or is likely to engage in conduct sought to be restrained, it may grant any temporary relief or restraining order it deems appropriate.

SECTION 6.113. CIVIL ACTIONS BY ADMINISTRATOR.
(1) After demand, the administrator may bring a civil action against a creditor for all amounts of money, other than penalties, which a debtor or class of debtors has a right explicitly granted by this act to recover. The court shall order amounts recovered or recoverable under this subsection paid to each debtor or set off against his obligation. A debtor's action, other than a class action, takes precedence over a prior or subsequent action by the administrator with respect to the claim of that debtor. A debtor's class
action takes precedence over a subsequent action by the administrator with respect to claims common to both actions but intervention by the administrator is authorized. An administrator's action on behalf of a class of debtors takes precedence over a debtor's subsequent class action with respect to claims common to both actions. When an action takes precedence over another action under this subsection, to the extent appropriate the other action may be stayed while the precedent action is pending and dismissed if the precedent action is dismissed with prejudice or results in a final judgment granting or denying the claim asserted in the precedent action.

(2) The administrator may bring a civil action against a creditor or a person acting in his behalf to recover a civil penalty for willfully violating this act, and if the court finds that the defendant has engaged in a course of repeated and willful violations of this act, it may assess a civil penalty of no more than $5,000. No civil penalty pursuant to this subsection may be imposed for violations of this act occurring more than two years before the action is brought or for making unconscionable agreements or engaging in a course of fraudulent or unconscionable conduct.

SECTION 6.114. JURY TRIAL.—In an action brought by the administrator under this act, he has no right to trial by jury.

SECTION 6.115. DEBTORS' REMEDIES NOT AFFECTED.—The grant of powers to the administrator in this article does not affect remedies available to debtors under this act or under other principles of law or equity.

SECTION 6.116. VENUE.—The administrator may bring actions or proceedings in a court in a county in which an act on which the action or proceeding is based occurred or in a county in which respondent resides or transacts business.

PART 2 – NOTIFICATION AND FEES

SECTION 6.201. APPLICABILITY.—This part applies to a person engaged in this state in making consumer credit sales, consumer leases, or consumer loans and to a person having an office or place of business in this state who takes assignments of and undertakes direct collection of payments from or enforcement of rights against debtors arising from these sales, leases, or loans.

SECTION 6.202. NOTIFICATION.—(1) Persons subject to this part shall file notification with the administrator within 10 days prior to commencing business in this state, and thereafter, on or before January 31 of each year. The notification shall state:

(a) name of the person;
(b) name in which business is transacted if different from (a);
(c) address of principal office, which may be outside this state;
(d) address of all offices or retail stores, if any, in this state at which consumer credit sales, consumer leases, or consumer loans are made, or in the case of a person taking assignments of obligations, the offices or places of business within this state at which business is transacted;
(e) if consumer credit sales, consumer leases, or consumer loans are made otherwise than at an office or retail store in this state, a brief description of the manner in which they are made;
(f) address of designated agent upon whom service of process may be made in this state (section 1.203); and
(g) whether regulated or supervised loans or both are made.

(2) If information in a notification becomes inaccurate after filing, no further notification is required until the following January 31.

SECTION 6.203. FEES.—(1) A person required to file notification shall on or before January 31 of each year pay to the administrator an annual fee to be fixed by the administrator, but not to exceed $50 per year.

(2) Persons required to file notification who are sellers, lessors, or lenders shall pay an additional fee at the time and in the manner stated in subsection (1) of $10 for each $100,000, or part thereof, in excess of $100,000, of the original unpaid balances arising from consumer credit sales, consumer leases, and consumer loans made in this state within the preceding calendar year and held either by the seller, lessor, or lender for more than 30 days after the inception of the sale, lease, or loan giving rise to the obligations, or by an assignee who has not filed notification. A refinancing of a sale, lease, or loan resulting in an increase in the amount of an obligation is considered a new sale, lease, or loan to the extent of the amount of the increase.

(3) Persons required to file notification who are assignees shall pay an additional fee at the time and in the manner stated in subsection (1) of $10 for each $100,000, or part thereof, of the unpaid balances at the time of the assignment of obligations arising from consumer credit sales, consumer leases, and consumer loans made in this state taken by assignment during the preceding calendar year, but an assignee need not pay a fee with respect to an obligation on which the assignor or other person has already paid a fee.

(4) The administrator may, in his discretion, allow an exemption from payment of the fees herein to supervised financial organizations which are already required to pay similar supervision and examination fees; provided
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any person holding a permit under chapter 22, title 26, Idaho Code, need
not pay such fees.

(5) All moneys received by the administrator pursuant to this act shall
be remitted to the state treasurer for the credit of the general fund.

ARTICLE 9—EFFECTIVE DATE AND REPEALER

SECTION 9.101. TIME OF TAKING EFFECT—PROVISIONS FOR
TRANSITION.—(1) Except as otherwise provided in this section, this act
takes effect at 12:01 a.m. on July 1, 1971.

(2) An emergency existing therefor, which emergency is hereby
declared to exist, this act shall be in full force and effect after its passage and
approval to the extent appropriate to permit the administrator to prepare for
operation of this act when it takes effect and to act on applications for
licenses to make supervised loans under this act (subsection (1) of section
3.503), the part on regulated and supervised loans (part 5) of the article on
loans (article 3) and the article on administration (article 6).

(3) Transactions entered into before this act takes effect and the rights,
duties, and interests flowing from them thereafter may be terminated,
completed, consummated, or enforced as required or permitted by any
statute, rule of law, or other law amended, repealed, or modified by this act
as though the repeal, amendment, or modification had not occurred, but this
act applies to

(a) refinancings, consolidations, and deferrals made after this act takes
effect of sales, leases, and loans whenever made;
(b) sales or loans made after this act takes effect pursuant to revolving
charge accounts (section 2.108) and revolving loan accounts (section
3.108) entered into, arranged, or contracted for before this act takes
effect; and
(c) all credit transactions made before this act takes effect insofar as
the article on remedies and penalties (article 5) limits the remedies of
creditors.

(4) With respect to revolving charge accounts (section 2.108) and
revolving loan accounts (section 3.108) entered into, arranged, or contracted
for before this act takes effect, disclosure pursuant to the provisions on
disclosure (section 2.310 and section 3.309), shall be made not later than 30
days after this act takes effect.

SECTION 9.102. CONTINUATION OF LICENSING.—All persons
licensed or otherwise authorized under the provisions of title 26, chapter 20,
Idaho Code, on the effective date of this act are licensed to make supervised
loans under this act pursuant to the part on regulated and supervised loans (part 5) of the article on loans (article 3), and all provisions of that part apply to the persons so previously licensed or authorized. The administrator may, but is not required to, deliver evidence of licensing to the persons so previously licensed or authorized.

SECTION 9.103. That Section 26-1932, Idaho Code, be, and the same is hereby amended to read as follows:

26-1932. LOAN EXPENSES.—(1) Subject to the provisions of (section 3.202) of the Uniform Consumer Credit Code relating to consumer loans, every association may require borrowing members to pay all reasonable expenses incurred in connection with the making, closing, disbursing, extending, readjusting or renewing of real estate loans. Without limiting the generality of the foregoing, such expenses may include appraisal, attorney, abstract, recording and registration fees, title examination, title insurance, loan insurance, credit report, survey, drawing of papers, escrow services, loan closing costs and taxes or charges imposed upon or in connection with the making and recording of any loan. Every association also may require borrowing members to pay the cost of all other necessary and incidental services rendered by the association or by others in connection with real estate and other loans in such reasonable amounts as may be fixed by the board of directors. Without limiting the generality of the foregoing, such costs may include the costs of services of inspectors, engineers and architects. Such initial charges may be collected by the association from the borrower and paid to any persons, including any director, officer or employee of the association rendering such services, or paid directly by the borrower. In lieu of such initial charges to cover such expenses and costs, an association may make a reasonable charge, part or all of which may be retained by the association which renders such service, or part or all of which may be paid to others who render such services. The fees and charges authorized by this and the preceding section shall be in addition to interest authorized by law, and shall not be deemed to be a part of the interest collected or agreed to be paid on such loans within the meaning of any law of this state which limits the rate of interest which may be exacted in any transaction. No director, officer or employee of an association shall receive any fee or other compensation of any kind in connection with procuring any loan for an association, except for services actually rendered as above provided.

(2) The association shall furnish a loan settlement statement to each
borrower upon the closing of the loan, indicating in detail the charges and fees such borrower has paid or obligated himself to pay to the association or to any other person in connection with such loan. A copy of such statement shall be retained in the records of the association.

SECTION 9.104. That Section 26-1931, Idaho Code, be, and the same is hereby amended to read as follows:

26-1931. REAL ESTATE LOAN PLANS.—Subject to the restrictions and limitations otherwise provided in this act, real estate loans eligible for investment by an association under this act may be written upon the following plan, or upon any other loan plan approved by the commissioner:

(1) No investment in a real estate loan shall be made until a qualified person or persons approved by the board of directors shall have made a physical inspection and submitted a signed appraisal of the value of the real estate securing such loan;

(2) Payments on real estate loans shall be applied first to the payments of interest on the unpaid balance of the loan and the remainder on the reduction of principal; provided that if the loan is in default in any manner, payments may be applied by the association as provided in the loan contract. Subject to the provisions of (sections 3.209 and 3.210) of the Uniform Consumer Credit Code relating to consumer loans, all real estate loans may be prepaid in part or in full, at any time, and the association shall not charge for such privilege of anticipatory payment an amount greater than two per cent (2%) of the amount of such anticipatory payment. Unless otherwise agreed in writing, any prepayment of principal may, at the option of the association, be applied on the final installment of the note or other obligation until fully paid; and thereafter on the installments in the inverse order of their maturity;

(3) Every loan shall be evidenced by a note or instrument of obligation for the amount of the loan. The note or instrument shall specify the amount, rate of interest and terms of repayment including any penalty or charge for late payment, and may contain all other terms of the loan contract;

(4) Every real estate loan shall be secured by a mortgage, deed of trust or other transaction or instrument constituting a first lien or claim, or the full equivalent thereof, upon the real estate securing the loan, according to any lawful and recognized practice which is suited to the transaction. Any such instrument or transaction constituting a first lien or claim is herein termed a “mortgage”. Such mortgage shall provide specifically for full protection to the association with respect to such loan and additional
advances and the usual insurance risks, ground rents, taxes, assessments, other governmental levies, maintenance and repairs. It may provide for an assignment of rents, and if such assignment is made, any such assignment shall be absolute upon the borrower's default, becoming operative upon written demand made by the association. All such mortgages shall be recorded in accordance with the law of this state;

(5) Lien of mortgage.—Any mortgage that can be made by an association under the provisions of this act may be made to secure existing debts or obligations, to secure debts or obligations created simultaneously with the execution of the mortgage, to secure future advances necessary to protect the security, and to secure future advances to be made at the option of the parties up to a total amount stated in the mortgage, and all such debts, obligations and future advances shall, from and as of the time the mortgage is filed for record as provided by the law of this state, be secured by such mortgage equally with, and have the same priority over the rights of all persons who subsequent to the recording of such mortgage acquire any rights in or liens upon the mortgaged real estate as, the debts and obligations secured thereby at the time of the filing of the mortgage for record; except that

(a) the mortgagor or his successor in title is hereby authorized to file for record, and the same shall be recorded, a notice limiting the amount of optional future advances secured by such mortgage to not less than the amount actually advanced at the time of such filing, provided a copy of such filing is also filed with the mortgagee, and

(b) if any optional future advance shall be made by the mortgagee to the mortgagor or his successor in title after written notice of any mortgage, lien or claim against such real property which is junior to such mortgage, then the amount of such advance shall be junior to such mortgage, lien or claim of which such written notice was given;

(6) Before making a construction loan on a home or primarily residential property, the association shall obtain a set of plans and specifications, a list of materials to be used, a breakdown of the estimated cost of construction, and a statement of the estimated market value of the completed structure.

No association shall make a construction loan for a term exceeding 18 months.

The association shall make inspections of the property before each draw by or disbursement to the contractor. The written reports of each
inspection, properly completed, dated, signed and accompanied by a photograph taken at the time of each inspection shall be made a permanent part of the credit file of the individual loan; provided that prior to any advance such reports shall contain a photograph of the interior and/or exterior of the home or residential property that is the subject of the loan indicating any additional work accomplished subsequent to the previous report.

On all construction loans, as construction of the improvements progresses, an association shall disburse funds in amounts equal to the labor performed and materials furnished in the improvements from the date of the initial or the preceding disbursement, as the case may be, to the date of the disbursement then to be made. The association shall be responsible to determine that any disbursement so made represents the value of labor performed and materials furnished in the said improvements. Any disbursement by the association may be made to the borrower or the contractor, materialmen and laborers or any of them, for materials furnished and/or labor performed in connection with such improvement as of the date of said disbursement.

In lieu of the foregoing, an association may adopt for its use with every construction loan, a construction loan agreement acceptable to the commissioner which shall be executed by the association, borrower and contractor.

(7) An association may pay taxes, assessments, ground rents, insurance premiums and other similar charges for the protection of its real estate loans. All such payments shall be added to the unpaid balance of the loan and shall be equally secured by the first lien on the property as provided above. An association may require life insurance to be assigned as additional collateral upon any real estate loan. In such event, the association shall obtain a first lien upon such policy and may advance premiums thereon, and such premium advances shall be added to the unpaid balance of the loan and shall be equally secured by the first lien on the property as provided above;

(8) An association may require the borrower to pay monthly in advance, in addition to interest or interest and principal payments, the equivalent of one twelfth (1/12) of the estimated annual taxes, assessments, insurance premiums, ground rents, and other charges upon the real estate securing a loan, or any of such charges, so as to enable the association to pay such charges as they become due from the funds so received. The amount of such monthly charges may be increased or decreased so as to
provide reasonably for the payment of the estimated annual taxes, assessments, insurance premiums and other charges. The association at its option may hold such funds in trust and commingle them with other such funds and use the same for such purposes, or place such funds in savings accounts and withdraw and use the same for such purposes, or hold such funds in open account and advance like amounts for such purposes, or credit such funds as received to the mortgage account and advance a like amount for the purposes stated. If such funds are held in trust or invested in savings accounts, the amounts shall be pledged to further secure the indebtedness and, if held in open account or credited to the loan account, the amounts when advanced for the purposes stated shall be secured by the mortgage with the same priority as the original amount advanced under the mortgage. The association shall have no obligation to pay interest, earnings or other increment to the borrower upon such monthly payments, nor to invest the same for the benefit of the borrower, unless such funds have been placed in a savings account or accounts. Every association shall keep a record of the status of taxes, assessments, insurance premiums, ground rents and other charges on all real estate securing its loans and on all real and other property owned by it.

SECTION 9.105. That Section 28-9-203, Idaho Code, be, and the same is hereby amended to read as follows:

28-9-203. ENFORCEABILITY OF SECURITY INTEREST—PROCEEDS, FORMAL REQUISITES.—(1) Subject to the provisions of section 28-4-208, Idaho Code, on the security interest of a collecting bank and section 28-9-113, Idaho Code, on a security interest arising under the chapter on Sales, a security interest is not enforceable against the debtor or third parties unless

(a) the collateral is in the possession of the secured party; or
(b) the debtor has signed a security agreement which contains a description of the collateral and in addition, when the security interest covers crops or oil, gas or minerals to be extracted or timber to be cut, a description of the land concerned. In describing collateral, the word "proceeds" is sufficient without further description to cover proceeds of any character.

(2) A transaction, although subject to this chapter, is also subject to the Small Loans Act (chapter 20 of title 26, Idaho Code, as amended), the Uniform Consumer Credit Code and the credit unions statute (chapter 21 of title 26, Idaho Code, as amended and as amended by this act) and usury
provisions (sections 28-22-105, 28-22-106 and 28-22-107, Idaho Code, as amended), and in the case of conflict between the provisions of this chapter and any such statute, the provisions of such statute control. Failure to comply with any applicable statute has only the effect which is specified therein.

SECTION 9.106. That Chapter 20, Title 26, Idaho Code, be, and the same is hereby repealed.

SECTION 9.107. That Section 26-2114, Idaho Code, be, and the same is hereby repealed.

SECTION 9.108. That no provision in this act shall be construed to amend or repeal any of the provisions of chapter 22, title 26, Idaho Code, as the same is now enacted or as it may be hereafter amended, re-enacted or substituted.

Approved March 30, 1971.

CHAPTER 300
(H. B. No. 215, As Amended)

AN ACT
PROVIDING A COMPREHENSIVE RECODIFICATION AND REVISION OF THE LAW RELATING TO FLOOD CONTROL DISTRICTS; PROVIDING A SHORT TITLE; DECLARING A POLICY; PROVIDING DEFINITIONS; PROVIDING FOR PUBLIC BODIES, CORPORATE AND POLITIC; PROVIDING A PETITION PROCEDURE; PROVIDING FOR THE EXAMINATION OF PETITIONS; PRESCRIBING NOTICE PROVISIONS; PROVIDING FOR A HEARING ON THE PETITION; PROVIDING FOR THE APPOINTMENT OF BOARD MEMBERS; PROVIDING FOR THE CONFIRMING OF PROCEEDINGS; PROVIDING FOR THE ORGANIZING OF THE BOARD; PROVIDING FOR FILLING VACANCIES; PROVIDING FOR MEETINGS; PROVIDING FOR REIMBURSEMENT OF COMMISSIONER'S EXPENSES; PROVIDING POWERS AND DUTIES OF BOARD; PROVIDING FOR ADVERTISING FOR SEALED COMPETITIVE BIDS; PROVIDING FOR AN ELECTION; PROVIDING QUALIFICATIONS FOR ELECTORS; PROVIDING FOR THE USE OF UNAPPROPRIATED
WATERS; PROVIDING FOR THE ENLARGING OF DISTRICTS; PROVIDING FOR THE CONSOLIDATION OF DISTRICTS; PROVIDING FOR THE INVESTIGATION OF PETITIONS FOR CONSOLIDATION; PROVIDING FOR A HEARING ON THE PETITION FOR CONSOLIDATION; PROVIDING FOR CONSOLIDATED DISTRICTS; PROVIDING FOR AN ELECTION ON CONSOLIDATION; PROVIDING FOR THE DISSOLVING OF THE DISTRICT; REPEALING SECTIONS 42-3101 THROUGH 42-3124, IDAHO CODE; PROVIDING THAT THIS ACT SHALL NOT IMPAIR ACTIONS TAKEN UNDER PRIOR LAW; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. This act may be known and cited as the "Flood Control District Act."

SECTION 2. It is hereby recognized by the legislature that the protection of life and property from floods is of great importance to this state. It is therefore declared to be the policy of the state to provide for the prevention of flood damage in a manner consistent with the conservation and wise development of our water resources and thereby to protect and promote the health, safety and general welfare of the people of this state.

SECTION 3. 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" or "board of commissioners" means the board of commissioners of the flood control district.

2. "Commissioner" means a member of the board of commissioners of the flood control district.

3. "Department" means the department of water administration, state of Idaho.

4. "Director" means the director of the department of water administration, state of Idaho.

5. "District" means any flood control district organized by authority of this act or prior acts of the Idaho legislature.

6. "State" means the state of Idaho.

SECTION 4. Flood control districts, composed of any portion of a county, or any county or counties requiring flood control, may be established pursuant to this act and when so established shall be
governmental subdivisions of this state and public bodies, corporate and politic. Districts shall be assigned a number by the department and shall have all of the powers and duties conferred by law upon such districts.

SECTION 5. A petition, signed by one-third (1/3) or more of the qualified voters residing within the territory of the proposed district may be filed with the director of the department of water administration asking that a district be organized in the territory described in the petition. Such petition shall set forth:

1. The object of the organization of the district.
2. The temporary boundaries of the proposed district.
3. That the establishment of said district, and the proposed method or system of flood control is a proper and advantageous method of accomplishing the relief sought or the benefits to be secured.
4. That the establishment of said district and the reservoirs, dams, levees, dikes, power plants, plans of irrigation and drainage improving, enlarging, widening, deepening, or straightening existing water courses or rivers or the removal of natural obstructions therefrom or any other thing to be done will be conducive to the public health and welfare or will increase the public revenue.

SECTION 6. The director shall examine said petition and, if it is found to be in accordance with the requirements here set forth, shall, without delay, proceed and examine all matters named and referred to in said petition and make such surveys of the territory to be effected by the proposed district, as will enable him to fully determine whether the same is necessary, practicable or feasible and shall prepare a report of his findings. For the purpose of making his findings, the director may advise and consult with any local governmental subdivision, including the officers and agents of any irrigation district, drainage district, canal company, or any individual water user who is not a member of any such company, who or which may be interested in, or affected by, the proposed district.

The director shall prepare a map of the proposed district and shall divide the proposed district into not less than three (3), nor more than nine (9) divisions so as to provide adequate representation to all of the interests within said district.

SECTION 7. Within a reasonable time after the filing of the petition the director shall give and publish notice that the party whose name first appears on said petition, and others, have filed a petition for organization of a district, giving the general boundaries of said district, the general outline of
work, plans or improvements contemplated, and shall further state the time and place where said petition will be considered by him, and any proponents and opponents desiring to be heard shall be heard at such time and place. Such notice shall be published three (3) weeks, in three (3) consecutive weekly issues, before the date upon which said hearing will be heard, in a newspaper of general circulation within each county in which any of the lands proposed to be included within the district are located.

SECTION 8. The director shall, at the hearing herein provided, permit any person or corporation interested in the formation of the proposed district, or any of its objects or purposes, to appear and make objections to the organization of the district. The petition shall be prima facie evidence of proponents of the formulation of the district, although such petitioners may withdraw their names at said hearings, or as is otherwise provided by law. The director shall make his findings upon facts alleged in the petition and any objections presented at such hearing, and any other facts necessary for the determination of the practicability and feasibility of said district.

If the director shall recommend that said district be organized, he shall make and enter an order and record the same in the office of the county recorder of each county wherein the lands of the said district thereof are located. The order shall set forth facts as found by him upon the hearing of the petition. Upon entering and recording the order, in the manner provided, the district shall be considered as organized.

Whenever the director shall recommend against the organization of the district at the hearing, but shall recommend the formulation of a district materially different from that prayed for in the petition filed with him, there shall be no further proceedings thereon, unless the director be requested so to do by one-third (1/3) of the qualified voters therein in the same manner as provided herein for the filing of the original petition, and upon the filing of such petition the director shall be required to comply with this act as if such petition had been filed with him in the first instance.

If the director shall recommend that said district not be organized at such hearing, nothing further shall be done unless a new petition shall be filed in the manner herein provided.

SECTION 9. The order of the director organizing said district shall name the members of the board without regard to political affiliation. Each division of the district shall be represented by one (1) commissioner who shall be a qualified voter within the division which he represents, and a resident and qualified elector of the county in which he resides.
The members of the board of the district, appointed as aforesaid, shall be entitled to enter upon the duties of their office upon qualification as county officers are required to qualify, and upon each commissioner giving a bond to the state for the benefit of said district for the faithful performance of his duties as such commissioner in the sum of five thousand dollars ($5,000) with one (1) or more sureties, or a surety bond, the premium for which shall be a lawful expenditure of the district, either of which shall be approved by the judge of the district court wherein the commissioner resides; provided, the judge of the district court, upon application and proper showing by the board may enter an order reducing the amount of the bond to such sum as may appear to him to be reasonable and adequate under the showing made. The commissioners shall take the oath of office and file their bonds within fifteen (15) days after they are appointed and they shall hold office until their successors are duly appointed and qualified as in this act provided. The bonds of the commissioners shall be filed with the clerk of the district court of the county in which the office of the district is located and kept in trust by said clerk of the district court.

Immediately after their appointment and the filing and approval of their bonds the commissioners shall organize themselves into a board, as in this act provided, and shall by lot determine the terms of their office, which shall be one (1), two (2) and three (3) years, respectively. Annually thereafter the director shall appoint the commissioner, or commissioners, to succeed those whose terms of office are expiring. Such appointments shall be for three (3) years, provided that each division of the district shall be represented by one (1) commissioner who shall be a qualified voter within the division which he represents, and a resident and qualified elector of the county in which he resides.

SECTION 10. The board, duly organized by order of the director shall within a reasonable time after their appointment, qualification and organization, file, in the district court of the county in which their office is located, a petition praying that all of the proceedings prior thereto may be examined and approved by the court.

The petition shall set forth in detail the proceedings taken prior to the entry of the order organizing the district, and the subsequent appointment and organization of the board. Upon the filing of the petition the court may require such notice to be given of the hearing on said petition as in his discretion he deems necessary and proper. At the hearing the court shall require that evidentiary proof be presented of all of such proceedings taken pursuant to the rules of evidence.
In the event that the court finds that all proceedings were in conformity with this act, and that all procedures were followed, and that said district was organized in conformity with this act, then the court shall make its findings of fact, conclusions of law and order confirming these proceedings.

The order of the court entered upon the hearing of any petition shall be conclusive as the regularity of the proceedings unless appealed from within thirty (30) days after the entry of such order, provided that upon such appeal no bond shall be required, except for costs of the appeal, and no stay shall be allowed pending the appeal.

SECTION 11. Annually on the same day the district was organized the director shall appoint a commissioner or commissioners whose term expires. Each commissioner thereafter who may be appointed shall qualify by taking the oath and filing a bond which shall be approved in the same manner as provided in section 9 of this act.

Upon the initial organization and annually thereafter on the same date, the board shall organize, by the election of one (1) of their number chairman, and one (1) of their number vice-chairman. They shall elect, or appoint a secretary, who may, or may not, be a member of the board. They shall elect, or appoint a treasurer, who may, or may not, be a member of the board.

The chairman shall preside at all meetings, sign all claims, except his own, which shall be signed by the vice-chairman, sign all warrants in payment of claims, after the submission of such claims and thus approved by the board, and such other duties as shall be required of him by law, or prescribed by the board.

The vice-chairman, in the absence of the chairman, shall have the same powers and duties as the chairman.

The secretary of the board shall have the duties as are prescribed by the board. He shall attend all meetings of the board, shall keep a record of the proceedings, and shall enter in said record all matters required by law, or by the board, so to be entered; and said record shall be open to inspection by any person at all reasonable times. In the absence of the secretary, the board shall appoint some person, who, as acting secretary, shall keep the record of the proceedings of the board and certify the same to the secretary, and the board. Whenever in the discretion of the board, it is deemed advisable to do so, the secretary may be placed under surety (fidelity) bond, in the manner and in the amount which shall be prescribed by the board.
The treasurer appointed, or elected, by the board shall have such duties as the board may prescribe. He shall be placed under a surety (fidelity) bond issued by a surety company authorized to do business in the state, in such an amount as the board from time to time may determine. The treasurer shall keep a complete and accurate record of all of the financial affairs of the district and shall deposit all monies of the district in the designated depository ordered by the board, and shall comply with the public depository law as now appearing, or as it may be amended.

SECTION 12. If vacancies occur in said board through death, resignation, or failure to qualify of one (1) or more of the commissioners, such vacancy shall be filled by appointment by the director and said appointee shall be from the same division of the district as the commissioner whom he is replacing, and shall serve for the unexpired term, or until his successor is appointed and qualified.

SECTION 13. The board shall designate the official location of their office, which shall be within said district.

Regular meetings of the board shall be held monthly on a uniform day of a uniform week as shall be determined by the board except that by and with the prior approval of the director monthly meetings may be suspended and meetings may be held quarterly. Such regular meetings shall be held at a time and place to be fixed by the board. The board shall send a certified true copy of their order fixing the official location of their office, and the time and place of their regular meetings to the department of water administration and to any agency of the United States with whom the district is cooperating.

Special meetings and adjourned meetings of the board may be called by the chairman, vice-chairman or secretary, or any quorum of the board, and may be held at any time. If the time and place of such special meeting shall not have been determined at a meeting of the board with all members being present, then notice of the time and place of such special, or adjourned meeting, shall be given each member of the board not less than three (3) days before such special meeting is to be convened; unless such notice is waived in writing, signed by all of the members of the board present and voting at such special or adjourned meeting, and the signed waiver made a part of the minutes of such meeting.

A quorum for the transaction of business of the board shall consist of a majority of the members of the board. Unless otherwise provided by law, all questions shall be determined by a majority of the vote cast. The chairman
may vote in all cases, and, in the event he elects not to vote and in the case of a tie, then he must cast the deciding vote.

All meetings, regular, special and adjourned, of the board, are declared to be public meetings open to the public. Nothing herein contained shall be construed to prevent any board from holding executive sessions from which the public may be excluded; provided that no rules, regulations, or any other official action, of any kind or character, shall be adopted at such executive sessions.

SECTION 14. The commissioners of the district shall each receive for their services the sum of fifteen dollars ($15) per day, and ten cents ($.10) per mile for travel and their necessary expenses for each day they shall be away from their place of residence and engaged in the business of their office. The commissioners shall present an itemized account under oath on forms prescribed by the board.

SECTION 15. The board of commissioners of flood control districts shall have the following powers and duties:

1. To annually fix and determine, the amount of money required to be raised by taxation to supply funds for costs of construction, costs of operation and maintenance of the work and equipment of the district, and to levy and cause to be collected assessments on real property within the district in an amount not to exceed three (3) mills for each dollar of assessed valuation, provided however that a higher levy may be approved and ratified by the qualified voters at an election to be held for that purpose in the same manner as provided for the approval and ratification of contracts, in section 17 of this act, and said levy shall be certified by the board to the board of county commissioners of the county, or counties, in which said district is located, with directions that at the time and in the manner required by law for levying taxes for county purposes, such board, or boards, of county commissioners shall levy such tax upon the assessed valuation of the real property within the boundaries of the district. Such certification of levies shall be prepared and forwarded by the board of the flood control district to the board, or boards, of county commissioners on or before September 1 of each year.

Such levies shall be levied and collected in the manner provided by law, and the monies collected shall be turned over to the treasurer or treasurers, of the county, or counties, in which said district is located.

Said monies shall be public funds and subject to the provisions of the public depository laws of the state.
2. To employ such personnel as may be necessary to carry out the purposes and objects of this act, with the full power to bind said district for the compensation of such personnel.

3. To sue and be sued in the name of the district; to have a seal, which seal shall be judicially noticed; to have perpetual succession unless terminated as hereinafter provided; to make and execute contracts and other instruments necessary or convenient to the exercise of its power, and to promulgate, amend and repeal rules and regulations not consistent with the provisions of this act.

4. To manage and conduct the business and affairs of the district, both within and without the district.

5. To construct, operate and maintain structural works of improvement for the prevention of floodwater and sediment damages, and the conservation, development, utilization, and disposal of water, whether within or without the boundaries of the district, and to enter into contract for the purposes set forth above, provided however, that the board shall not enter into contracts that necessitate an expenditure in excess of two thousand five hundred dollars ($2,500), without first advertising for sealed competitive bids as herein provided. However, where it is determined by order of the board that there is an existing emergency, or where it is determined that the district is in a flood fight resulting from unanticipated conditions, the requirement for sealed competitive bids shall not apply.

6. To prescribe the duties of officers, agents and employees as may be required.

7. To establish the fiscal year of the district and to keep records of all business transactions of the district.

8. To prepare a statement of the financial condition of the district at the end of each fiscal year, in a form to be prescribed by the director or by the legislative auditor, and publish in at least one (1) issue of some newspaper published, or in general circulation in, the county, or counties, in which such district is located and to file a certified copy of such financial report with the director and the legislative auditor on or before February 2 of each year.

9. To have an audit, by an independent public accounting firm, of the financial affairs of the district at the close of each fiscal year and to include a certification of said audit with the required financial reports.

10. To obtain options upon and acquire by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, any property, real or personal, and
improve any properties acquired; to receive income from such properties and to expend such income in carrying out the purposes and provisions of this act; to lease any of its property or interest therein in furtherance of the purposes and provisions of this act, provided that no contract or agreement for the acquisition, purchase or repair of personal property involving expenditure in excess of one thousand dollars ($1,000), shall be entered into without first advertising for sealed competitive bids as herein provided.

11. To have the power of eminent domain for the use of the district in the construction, operation, maintenance and upkeep of its structures, waterways, dikes, dams, basins, or any other use necessary in the carrying out of the provisions of this act.

12. To convey rights-of-way and easements for highways, public roads, public utilities, and for other purposes, over district property, as shall be determined by the board to be in the best interests of the district.

13. To convey, by deed, bill of sale, or other appropriate instrument, all of the estate and interest of the district, in any real or personal property. 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 minutes of the board. The property may be sold at public auction or at a private sale by sealed competitive bids, as the board shall determine, to the highest cash bidder, provided that in no case shall any property of a district be sold for less than its appraised value. All sales by sealed competitive bids shall be advertised as herein provided.

14. To use natural streams and to improve the same for use as a flood control structure. However, in the event that the use of the natural stream involves alteration of the stream channel, no such alteration shall be made by the district until such alteration is approved by the director.

15. To enter into contracts or agreements with the United States or any of its officers, agents, or subdivisions, or with the state or any of its officers, agents or political subdivisions, and to cooperate with such governments, persons or agencies in effectuating, promoting and accomplishing the purposes of this act, provided that the district has sufficient monies on hand, or in their budget for the year in which said contract is entered into, to defray the expenditure of funds called for in such contract without the creation of any indebtedness.

Whenever any such contract shall, by its terms, require the expenditure of funds by the district in excess of the monies on hand or the funds to be realized from their budget for the year in which said contract is entered into,
then such contract may not be entered into by the district until ratified by two-thirds (2/3) of the qualified voters voting at an election to be held for that purpose, according to the provisions of this act.

16. To bear its allocated share of the cost of any project resulting from any contract or agreement entered into as provided herein.

17. To take over, administer and maintain pursuant to any agreement or contract entered into in accordance with the provisions of this act, any flood control project within or without the boundaries of the district undertaken in cooperation with the United States or any of its agencies, or with the state of Idaho or any of its agencies, or any combinations thereof.

18. To accept donations, gifts and contributions in money, services, or materials, or otherwise, from the United States or any of its agencies, or the state of Idaho or any of its agencies or any combinations thereof, and to expend such monies, services, or materials in carrying on its operations.

19. To exercise all other powers necessary, convenient or incidental to carrying out the purposes and provisions of the act.

SECTION 16. 1. A district shall advertise for sealed competitive bids if it is:

(a) to construct, operate, and maintain water control structures, whether within or without the boundaries of the district, and the project involves an expenditure in excess of two thousand five hundred dollars ($2,500), advertise for sealed competitive bids;

(b) to contract for the acquisition, purchase or repair of personal property or equipment involving an expenditure in excess of one thousand dollars ($1,000);

(c) to convey the estate and interest of the district, in any real or personal property with a value in excess of one thousand dollars ($1,000).

2. The district shall advertise for bids by notice first being given in a newspaper of general circulation within the district. The notice inviting bids shall set a date, time and place for the opening of sealed competitive bids. The first publication of notice shall be at least twenty-one (21) days before the date of the opening of the bids. Notice shall be published three (3) times, in three (3) separate issues of said newspaper, not less than one (1) week apart.

The board may let the contract to the responsible bidder offering the best price or may reject any bid, or reject all bids, and republish notice for bids in the same manner and for the same time as the first bid. If, after
republishing, no satisfactory bid is presented, the board may proceed under its own direction, subject to the approval of the director.

The notice shall set forth the project to be done and shall incorporate by reference plans and specifications for such project, or shall set forth the property to be purchased and shall incorporate by reference the specifications of such personal property, equipment or the repair thereof, or shall set forth the property being sold.

SECTION 17. Whenever any contract with the United States or any agency thereof or, the state, is proposed to be entered into by any district which would create indebtedness in excess of the monies on hand or the funds to be realized from their budget for the year in which said contract is entered into, the board shall first submit the question to the qualified voters of the district at an election to be held for that purpose.

Notice of such election must be given by posting notices in three (3) public places in each of the divisions of the district for four (4) weeks before the said date of election, and the publication there for four (4) weeks prior to the date of said election by publishing in a newspaper, or newspapers, of general circulation within the district, as the board by its order shall determine, in four (4) separate issues of said newspaper, or newspapers, not less than one (1) week apart. The notice must specify the date of the holding of the election, the qualification of the voters, the nature of the contract set forth in general terms, and by reference shall give notice as to where a copy of such contract, proposed to be entered into, may be viewed by the qualified voters, one (1) of which places shall be with each of the commissioners of the district and such other places as the board may determine by their order. Said notice shall further set forth the amount of the contract, the amount of the funds, if any, which will be received from the United States, and/or the state, the amount that the district will be obligating itself to pay, the duration of construction and obligation of such contract, the estimate of the mill levy required for operation, maintenance and administrative expenses of the district, whether such obligation may be met, within the limitations imposed by the levy authorized by this act, or whether, in addition to voting upon the contract it will be necessary to vote upon an increase in the authorized levy.

The notice shall further state the hours between which the polls will be open, the definite place or places of holding the election, which shall be fixed by the board by its order, which order will require at least one (1) polling place in every division of the district, and the question to be voted upon.
The ballot shall contain the question to be voted upon and shall contain the words “Contract - Yes” and “Contract - No”, or other words equivalent.

In the event such contract requires the district to call for a mill levy beyond the limitations imposed in this act, then the ballot shall contain the question to be voted upon and shall contain the words “Contract and Levy - Yes” and “Contract and Levy - No” or other words equivalent.

In this election, the polling places shall be presided over by a board of election which shall be appointed by the board which shall consist of two (2) judges and a clerk, who shall be qualified voters of the division and the district. Before entering upon their duties each member of the board of election shall take an oath, which shall be administered by any qualified district voter before they shall perform their duties as such member of the board of election.

In such election the ballots used by the voters shall be kept in a sealed container until the polls are closed at the time specified in the notice of election and then shall be counted in open view.

It is intended that no informalities in the conduct of such election shall invalidate the same if the election shall have been otherwise fairly held.

The returns of such election shall be canvassed by the board which shall constitute the board of canvassers. All ballot boxes shall be returned to the board immediately upon the close of the polls and the counting of the ballots, and the ballots shall be canvassed not more than three (3) days thereafter.

If upon the canvass of the votes it appears that the contract was approved by two-thirds (2/3) of the qualified voters voting at the election, then the contract will be considered to be approved.

SECTION 18. No person shall be entitled to vote at an election for the purpose of raising the authorized maximum levy or the ratification of contracts by a flood control district, or for any other purpose in connection with said district, unless at the time of the election he is:

1. An elector within the meaning of article 6, section 2, of the constitution of the state of Idaho; and

2. A resident within the district.

SECTION 19. The commissioners of any flood control district may in the manner provided by law obtain title to any unappropriated waters which said district has developed, conserved, or stored and said commissioners may sell, dispose, or use said waters within or without the said district in any manner which the commissioners shall decide is of the greatest advantage to
the district. The powers herein granted to the commissioners shall not be
denied them by reason of contrary provisions of any other statute, except
that the district may not obtain title to any waters previously appropriated.

SECTION 20. An existing district may be enlarged in the same manner
as a district may be originally organized pursuant to the provisions of this
act, except that a petition for the enlargement of an existing district shall be
signed by at least one-third (1/3) of the qualified voters in the area of the
proposed extension to the existing district, as shall be determined by the
voters who voted in the last general election next preceding the filing of the
petition for enlargement; and shall bear the endorsement of the board of the
existing district certifying that the proposed enlargement is desirable.

SECTION 21. If the boards of commissioners of any two (2) or more
flood control districts which are contiguous deem it for the best interests of
their respective district that the same be consolidated into a single district,
such boards may petition the director of the department of water
administration, state of Idaho, for an order consolidating the said districts.

SECTION 22. Upon receiving a petition for the consolidation of two
(2) or more flood control districts, the director shall investigate the
condition of such districts, and all questions affecting such proposed
consolidation, and within a reasonable time shall give and publish a notice of
the proposed consolidation, which notice shall state a time and place where
said petition will be considered by him, and any proponents of objections
desiring to be heard shall be heard at such time and place. Such notice shall
be published two (2) weeks in three (3) consecutive weekly issues before the
date upon which the same is to be heard, in a newspaper of general
circulation within each county in which any of the lands within the said
proposed consolidation district are located.

SECTION 23. The director shall, at the hearing herein provided, permit
any person or corporation interested in the proposed consolidation or in any
of its objects or purposes, to appear and make objection to the consolidation
of said district.

The director shall make his findings upon facts alleged in the petition
and any objections presented at such hearing and any facts based on his own
investigation and any other facts necessary for the determination of the
practicability and feasibility and desirability of said consolidation.

SECTION 24. The director shall recommend for or against the
consolidation, basing his decision on his findings of facts and stating his
reasons. If the director shall recommend that the districts be not
consolidated, nothing further shall be done, unless a new petition shall be filed in the manner herein provided. If the director shall recommend that the districts be consolidated, he may make and enter an order consolidating the districts and record said order in the office of the county recorder of each county wherein the lands in said consolidated district are located. The order shall also divide the consolidated district into not less than three (3) nor more than nine (9) divisions, and shall name the commissioners appointed by him for the consolidated district. The consolidated district shall be known and described by the name and number of the largest district of those consolidated. In the case of the consolidation of two (2) or more districts which are contiguous and already existing and concerning each of which the confirmation of proceedings has already been obtained, procedure the same in all respects as herein specified for the creation of an original flood control district shall be followed by the board of the consolidated district for the purpose of procuring a like order, or orders, of the district court touching such consolidation.

SECTION 25. The director may upon receiving a petition for consolidation of two (2) or more flood control districts, order an election to be held in each district. If two-thirds (2/3) of the qualified voters in each district, voting at the election, shall vote in favor of consolidation, the director shall make and enter an order consolidating the districts as in the preceding section. If fewer than two-thirds (2/3) of the qualified voters in any district voting at the election shall vote in favor of the consolidation, nothing further shall be done, unless a new petition shall be filed in the manner herein provided.

SECTION 26. A district may be dissolved by the district court for the county in which the office of a district was last located, on complaint or petition of parties holding and owning:

1. Fifty per cent (50%) or more of the issued, outstanding, unpaid bonds of such district; or

2. Fifty per cent (50%) or more of all land located within the boundaries of such district; or

3. Claims, warrants, liens or other legal obligations of such district in an amount equal to not less than thirty per cent (30%) of the issued, outstanding and unpaid bonds of such district; or

4. Upon complaint of the director of the department of water administration.

It must be made to appear to the satisfaction of the court, by such
complaint or petition, that any one (1) or more of the following conditions exist in or as to said district:

1. That the district has been abandoned, or for two (2) or more years last past has ceased to function, and there is little or no possibility that it will ever function in the future.

2. That no useful purpose exists for the further continuance of the organization of the district.

3. That there are not sufficient qualified voters of such district to hold a legal election.

SECTION 27. That Sections 42-3101 through 42-3124, Idaho Code, inclusive, be, and the same are hereby repealed.

SECTION 28. This act shall not impair or affect any act done, offense committed, or right accrued or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time this act takes effect, but the same may be enjoyed, asserted, enforced, prosecuted, or inflicted as fully as to the same extent as if this act had not been passed. All districts heretofore incorporated under the laws of the state, repealed by this act, will continue to operate and will succeed to all of the rights, privileges and duties of the district under this act.

SECTION 29. If any section, subsection, subdivision, paragraph, sentence, part or provision of this act shall be found to be invalid or ineffective by the court, it shall be conclusively presumed that this act would have been passed by the legislature without such invalid section, subsection, subdivision, paragraph, sentence, part or provision, and this act, as a whole, shall not be declared invalid by reason of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, parts or provisions may be so found invalid.

SECTION 30. This act shall be in full force and effect on and after July 1, 1971.

Approved March 30, 1971.
CHAPTER 301
(H. B. No. 55, As Amended, As Amended in Senate)

AN ACT
RELATING TO THE REGULATION AND CONTROL OF THE
CONSTRUCTION AND USE OF WASTE DISPOSAL AND
INJECTION WELLS; PROVIDING A STATEMENT OF PURPOSE;
DEFINING CERTAIN TERMS; REQUIRING OWNERS WHO
PROPOSE TO CONSTRUCT, USE OR MODIFY WASTE DISPOSAL
AND INJECTION WELLS TO OBTAIN A PERMIT FROM THE
DEPARTMENT OF WATER ADMINISTRATION; REQUIRING THE
OWNERS OF SUCH WASTE DISPOSAL AND INJECTION WELLS
TO MAKE APPLICATION TO THE DEPARTMENT OF WATER
ADMINISTRATION FOR SUCH PERMITS; REQUIRING SUCH
APPLICATIONS TO BE SUBMITTED WITH FEES, MAKING SUCH
FEES NON-REFUNDABLE, AND REQUIRING THEIR DEPOSIT IN
THE WATER ADMINISTRATION FUND, ALLOWING THE USE OF
SUCH FEES BY THE DEPARTMENT OF WATER
ADMINISTRATION TO CARRY OUT ITS FUNCTION UNDER THIS
ACT; PROVIDING FOR THE REVIEW OF SUCH APPLICATIONS
BY THE DEPARTMENT OF HEALTH; REQUIRING THE
DEPARTMENT OF HEALTH TO MAKE RECOMMENDATIONS TO
THE DEPARTMENT OF WATER ADMINISTRATION, REQUIRING
THE DEPARTMENT OF WATER ADMINISTRATION TO
INVESTIGATE EACH APPLICATION, ALLOWING THE
DEPARTMENT OF WATER ADMINISTRATION TO CONDUCT
INVESTIGATIVE HEARINGS, GIVING CERTAIN SUBPOENA
POWERS TO THE DEPARTMENT OF WATER ADMINISTRATION,
REQUIRING THE DEPARTMENT OF WATER ADMINISTRATION
TO ISSUE SUCH PERMITS WHEN IT DETERMINES THE USE OF
THE PROPOSED OR EXISTING WASTE DISPOSAL AND
INJECTION WELLS WILL NOT AFFECT THE RIGHT OF OTHERS
TO USE WATER FOR BENEFICIAL PURPOSES, ALLOWING THE
DEPARTMENT OF WATER ADMINISTRATION TO PLACE
CERTAIN CONDITIONS AND REQUIREMENTS IN SUCH
PERMITS, ALLOWING THE DEPARTMENT OF WATER
ADMINISTRATION TO REJECT AN APPLICATION AND NOT
ISSUE A PERMIT UNDER CERTAIN CONDITIONS; PROVIDING
THE GENERAL PROCEDURE FOR A HEARING, ESTABLISHING THE METHODS OF JUDICIAL REVIEW; ALLOWING THE DEPARTMENT OF WATER ADMINISTRATION TO CANCEL SUCH PERMITS AFTER NOTICE AND HEARING, PROVIDING A GENERAL PROCEDURE FOR SUCH HEARING AND ESTABLISHING THE METHOD OF JUDICIAL REVIEW; MAKING THE FAILURE TO OBTAIN SUCH PERMITS A MISDEMEANOR; MAKING IT UNLAWFUL FOR ANY PERSON NOT A LICENSED WELL DRILLER TO CONSTRUCT OR MODIFY A WASTE DISPOSAL AND INJECTION WELL, REQUIRING LICENSED WELL DRILLERS TO OBTAIN A CERTIFIED COPY OF THE OWNER'S PERMIT FROM THE DEPARTMENT OF WATER ADMINISTRATION PRIOR TO THE CONSTRUCTION OR MODIFICATION OF ANY WASTE DISPOSAL AND INJECTION WELL; REQUIRING THE DEPARTMENT OF WATER ADMINISTRATION TO ADOPT STANDARDS FOR THE CONSTRUCTION OR ABANDONMENT OF WASTE DISPOSAL AND INJECTION WELLS, REQUIRING LICENSED DRILLERS TO COMPLY WITH SUCH STANDARDS; PROVIDING THAT THE PROVISIONS OF THIS BILL SHALL NOT PREVENT THE PRESENT OR FUTURE USE OF ANY EXISTING OR PROPOSED WASTE DISPOSAL AND INJECTION WELL WHICH IS USED EXCLUSIVELY FOR DISPOSAL OF IRRIGATION WASTE WATER OR OF SURFACE RUNOFF WATER WHERE SUCH DISPOSAL DOES NOT ADVERSELY AFFECT DOMESTIC WATER SOURCES; AND PROVIDING FOR SEVERABILITY.

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

SECTION 1. The legislature of the state of Idaho hereby declares the ground water of this state to be a public resource which must be protected against unreasonable contamination or deterioration of quality to preserve such waters for diversion to beneficial uses; that in order to protect such waters against contamination or deterioration in quality it is necessary that the drilling and use of waste disposal and injection wells be controlled as provided in this act.

SECTION 2. Whenever used in this act, the term:

(1) "Waste disposal and injection well" means any excavation or artificial opening into the ground more than eighteen (18) feet in vertical depth below land surface which is constructed by any percussion, rotary,
boring, digging, jetting, or augering machine and which is used for, or intended to be used for, the subsurface disposal of any liquid or solid material which may affect the ground waters of the state of Idaho.

(2) "Licensed driller" means any person holding a valid license to drill water wells in Idaho as provided and defined in section 42-238, Idaho Code.

(3) "Owner" means any individual, group of individuals, partnership, company, corporation, municipality, county, state agency, taxing district, or federal agency owning land on which any waste disposal and injection well exists or is proposed to be constructed.

SECTION 3. No new waste disposal and injection well shall be constructed after the effective date of this act unless a permit therefor has been issued by the department of water administration. No waste disposal and injection well existing on the effective date of this act shall be modified after the effective date of this act unless a permit therefor has been issued by the department of water administration. No waste disposal and injection well existing on the effective date of this act shall continue to be used and maintained after January 1, 1974 unless a permit therefor has been issued by the department of water administration.

SECTION 4. The owner shall make application to the department of water administration for such permit. For purposes of this section, an owner-landlord shall be responsible for making application and obtaining such permits for his tenant. Such application shall be upon forms furnished by the department of water administration which shall require information concerning the location and description of the waste disposal and injection well, the quantity, quality, and nature of the material being or proposed to be injected, the description of the underground formation and aquifer into which the material is proposed to be or is being injected, the availability of alternative sources of disposal, and such other information as will enable the department of water administration and the department of health to determine the effect of the injection of the material upon the quality of the ground water, the effect upon the beneficial uses of said ground water, the effect upon the public health and the effect upon public benefits derived therefrom, if any. Such application shall be submitted complete with fees as provided in this act.

SECTION 5. Fees provided for in this section shall accompany all applications. No such application shall be accepted unless accompanied by a filing fee of one hundred dollars ($100) per application, providing that for any such application covering more than one (1) well there shall be an
additional filing fee of ten dollars ($10) for each additional well. No fee shall be charged for modification of a well or for renewal or extension of a permit which has been previously issued under the provisions of this act. All fees received under the provisions of this act are deemed to be non-refundable and shall be transmitted to the state treasurer for deposit in the water administration fund as established under the provisions of section 42-238(a), Idaho Code. Fees collected may be used by the department of water administration to carry out the provisions of this act.

SECTION 6. Upon receipt of an application the department of water administration shall transmit a copy thereof to the department of health. The department of health shall review the application for the purpose of determining whether the use of the proposed or existing waste disposal and injection well will cause or is causing unreasonable contamination or deterioration of the quality of the water below the adopted ground water quality standards of the department of health. If the department of health determines further investigation, study, and information is necessary before such determination can be made, it shall so notify the department of water administration. If the department of health determines the proposed or existing waste disposal and injection well will be or is being used in such a manner as to cause unreasonable contamination or deterioration of the quality of the ground water below the adopted water quality standards of the department of health, it may recommend to the department of water administration that the application be disapproved. If the department of health determines the use of the proposed or existing waste disposal and injection well will not cause or is not causing unreasonable contamination or deterioration of the quality of the ground water below the adopted water quality standards of the department of health, it shall recommend to the department of water administration that the application be approved. Such recommendation by the department of health shall be submitted to the department of water administration together with a statement of justification in support thereof. If the department of health fails to act on the application within a reasonable time, or fails to submit an adequate statement of justification in support of its recommendation, the department of water administration may deem the application recommended for approval by the department of health.

SECTION 7. The department of water administration shall examine each application and shall make an investigation to determine what effect the use of the proposed or existing waste disposal and injection well will
have or is having upon the rights of others to use water for beneficial purposes. For purposes of such investigation, the department of water administration may conduct a fact finding or investigative hearing. It may issue subpoenas requiring the appearance of witnesses and production of books, records, and papers, administer oaths, and take testimony at any place and time. Employees and agents of the department of water administration or department of health may make reasonable entry upon any lands in the state for purposes of making investigations and surveys, or for other purposes necessary to carry out the intent of this act.

SECTION 8. If the department of water administration determines the use of the proposed or existing waste disposal and injection well will not affect the rights of others to use water for beneficial purposes and if the department of health recommends the application be approved, the department of water administration shall issue a permit approving the construction, modification or continued operation of such well. Such permit shall contain conditions, if any, determined to be necessary to protect the public interest in the ground water resource including, but not limited to, the method and manner of operation of the well, the period during which the well may be operated, a date when such permit shall expire, and periodic reports to the department of water administration of the quality and quantity of the material injected. No waste disposal and injection well shall be used subsequent to the expiration of the permit issued by the department of water administration unless and until a new permit is issued in accordance with this act.

If the department of water administration determines the use of the proposed or existing waste disposal and injection well will interfere or is interfering with the right of the public to withdraw water for beneficial uses, or if the department of health recommends the application be denied and the department finds there are no overriding needs existing to justify the use of the waste disposal and injection well, the department may reject the application and forward notice of such rejection to the owner by certified mail.

SECTION 9. Any owner aggrieved by the disapproval of an application or by the conditions imposed in a permit shall upon request therefor in writing within thirty (30) days after receipt of notice of such disapproval or conditional approval, be afforded an opportunity for a hearing before the director of the department of water administration and his designated hearing officer, such hearing to be conducted in accordance with chapter 52,
title 67, Idaho Code, at a place convenient to the owner. Such hearing shall be held for the purpose of determining whether the permit should issue or whether the conditions imposed in a permit are reasonable, or whether a change in circumstances warrants a change in the conditions imposed in a valid permit. For purposes of such hearing the director of the department of water administration and his designated hearing officer shall have power to administer oaths, examine witnesses, and issue in the name of the department of water administration subpoenas requiring testimony of witnesses and the production of evidence relevant to any matter in the hearing. Judicial review of a final determination by the department of water administration may be secured by the owner by filing a petition for review as prescribed by chapter 52, title 67, Idaho Code, in the district court of the county wherein the waste disposal and injection well is situated. The petition for review shall be served upon the department of water administration and upon the attorney general.

SECTION 10. When the department of water administration has reason to believe the operation and use of a waste disposal and injection well, for which a permit has been issued in accordance with this act, is interfering with the right of the public to withdraw water for beneficial uses, or is causing unreasonable contamination or deterioration of the quality of the ground water below the adopted water quality standards of the department of health, it may cancel such permit. Prior to the cancellation of such permit the department of water administration shall conduct a hearing for the purpose of determining whether or not the permit should be cancelled. At such hearing the department of water administration shall be the complaining party. The hearing shall be conducted by the director of the department of water administration and his designated hearing officer. For purposes of such hearing, the director of the department of water administration and his designated hearing officer shall have power to administer oaths, examine witnesses and issue subpoenas requiring testimony of witnesses and production of evidence relevant to any matter in the hearing. The hearing shall be conducted in accordance with chapter 52, title 67, Idaho Code, and the department of water administration shall provide the owner whose permit is proposed to be cancelled with reasonable notice and the opportunity to be heard in accordance with chapter 52, title 67, Idaho Code. Review of a final determination by the department of water administration may be secured by the owner by filing a petition for review as prescribed by chapter 52, title 67, Idaho Code, in the district court of the
county wherein the waste disposal and injection well is situated. The petition for review shall be served upon the department of water administration and upon the attorney general.

SECTION 11. Any owner who causes to be constructed or consents either expressly or impliedly to the construction of a new waste disposal and injection well without having first obtained a permit therefor from the department of water administration as provided in this act shall be guilty of a misdemeanor. Any owner who causes an existing waste disposal and injection well to be modified or consents either expressly or impliedly to the modification of an existing waste disposal and injection well without having first obtained a permit therefor from the department of water administration as provided in this act shall be guilty of a misdemeanor. From and after January 1, 1974, any owner who continues to use and maintain or consents either expressly or impliedly to the continued use and maintenance of an existing waste disposal and injection well without having first obtained a permit therefor from the department of water administration as provided in this act shall be guilty of a misdemeanor; provided, that no misdemeanor shall occur where an owner applied for a permit before January 1, 1974, and the department of water administration has not approved or rejected said application. Each and every day that such activity is carried on in violation of this section shall constitute a separate and distinct offense.

SECTION 12. It shall be unlawful for any person not a licensed driller to construct a new waste disposal and injection well or modify an existing waste disposal and injection well. All licensed drillers shall obtain a certified copy of the owner's permit from the department of water administration prior to construction of any new waste disposal and injection well or prior to the modification of any existing waste and injection well. Failure by a licensed driller to comply with this section shall constitute cause for revocation of a well driller's license in accordance with section 42-238, Idaho Code.

SECTION 13. The department of water administration shall adopt minimum standards for the construction or abandonment of waste disposal and injection wells in accordance with chapter 52, title 67, Idaho Code. Such standards shall require each well to be so constructed as to protect the ground water of this state from waste and unreasonable contamination. Each licensed well driller will be furnished with a copy of the adopted standards by the department of water administration, and will be required to construct each well drilled after the effective date of said rules and regulations in
compliance with the determined standards. Failure by a licensed driller to comply with such standards shall constitute cause for revocation of the well driller's license in accordance with section 42-238, Idaho Code.

SECTION 14. The provisions of this act shall not prevent the present or future use of any existing or proposed waste disposal and injection well which is used exclusively for disposal of irrigation waste water or of surface runoff water where such disposal does not adversely affect domestic water sources. The departments of health and water administration shall establish criteria and standards for disposal of irrigation waste waters under the provisions of this act which shall not become valid and enforceable until adopted under provisions of the administrative procedures act, chapter 52, title 67, Idaho Code.

SECTION 15. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

Approved March 30, 1971.

CHAPTER 302

(H. B. No. 309, As Amended in Senate)

AN ACT

AMENDING SECTION 63-3004, IDAHO CODE, RELATING TO THE INTERNAL REVENUE CODE, BY ALTERING THE DATE OF REFERENCE TO THE INTERNAL REVENUE CODE; AMENDING SECTION 63-3024, IDAHO CODE, BY PROVIDING THAT THE STATE TAX COMMISSION SHALL COMPUTE AND PUBLISH TAX LIABILITY IN STEPS TO TEN THOUSAND DOLLARS RATHER THAN FIVE THOUSAND DOLLARS, BY PROVIDING THAT RESIDENT TAXPAYERS HAVING ELECTED STANDARD DEDUCTIONS MANDATORILY SHALL FILE RETURNS BASED UPON SCHEDULES RATHER THAN ALLOWING SUCH TAXPAYERS TO ELECT TO USE SUCH SCHEDULES AND PROVIDING A CREDIT OF TEN DOLLARS FOR EACH PERSONAL EXEMPTION FOR WHICH A DEDUCTION IS PERMITTED UNDER SECTION 151(b) AND (e) OF THE INTERNAL REVENUE CODE
AND ALLOWING A REFUND TO PERSONS 65 AND OLDER IN AN AMOUNT EQUAL TO TEN DOLLARS PER EXEMPTION PERMITTED BY SECTION 151 OF THE INTERNAL REVENUE CODE; AMENDING SECTION 63-3030, IDAHO CODE, TO CONFORM WITH THE FILING REQUIREMENTS UNDER THE INTERNAL REVENUE CODE BY INCREASING THE AMOUNT OF GROSS INCOME WHICH REQUIRES RESIDENT SINGLE PERSONS AND RESIDENT MARRIED COUPLES FILING JOINTLY TO FILE RETURNS, BY STRIKING THE WORD "RESIDENT" AND SUBSTITUTING THE WORD "RESIDENCE"; AMENDING SECTION 63-3045, IDAHO CODE, BY PROVIDING THAT A TAXPAYER MUST FILE A PROTEST OR AN ACTION IN DISTRICT COURT WITHIN THIRTY DAYS OF MAILING OF NOTICE OF DEFICIENCY RATHER THAN SIXTY DAYS, AND PROVIDING THAT ASSESSMENT OF A DEFICIENCY MAY NOT BE MADE OR PROCEEDINGS FOR COLLECTION BEGUN WITHIN THIRTY DAYS OF MAILING OF NOTICE OF DEFICIENCY RATHER THAN SIXTY DAYS; AMENDING SECTION 63-3068, IDAHO CODE, TO CLARIFY SAID SECTION IN ACCORDANCE WITH PREVIOUS INTENT BY PROVIDING THAT THE RUNNING OF THE STATUTE OF LIMITATIONS SHALL BE SUSPENDED DURING THE PERIOD THE STATE TAX COMMISSION IS PROHIBITED FROM MAKING AN ASSESSMENT; AND DECLARING AN EMERGENCY AND MAKING THIS ACT RETROACTIVE TO JANUARY 1, 1971.

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:


SECTION 2. 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, 1965, 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 as set forth in section 63-3027, Idaho Code.
(a) The tax imposed upon individuals, trusts and estates shall be computed at the following rates:

1. On the first $1,000 of such taxable income or any part thereof, at the rate of 2.5 per centum;
2. On the second $1,000 of such taxable income or any part thereof, at the rate of 5.0 per centum;
3. On the third $1,000 of such taxable income or any part thereof, at the rate of 6.0 per centum;
4. On the fourth $1,000 of such taxable income or any part thereof, at the rate of 7.0 per centum;
5. On the fifth $1,000 of such taxable income, or any part thereof, at the rate of 8.0 per centum;
6. On any taxable income in excess of $5,000, at the rate of 9.0 per centum;

(b) In case a joint return is filed by husband and wife pursuant to the provisions of section 63-3031, Idaho Code, the tax imposed by this section shall be twice the tax which would be imposed on one half (½) of the aggregate taxable income. For the purposes of this section, a return of a surviving spouse, as defined in section 2(b) of the Internal Revenue Code, and a head of household, as defined in section 1(b), (2), (3), and (4) of the Internal Revenue Code, shall be treated as a joint return and the tax imposed shall be twice the tax which would be imposed on one half (½) of the taxable income.

(c) The state tax commission shall compute and publish Idaho income tax liability for resident taxpayers at the midpoint of each bracket of adjusted gross income (as defined in section 62 of the Internal Revenue Code), adjusted as required by section 63-3022, in $25.00 steps below $3,000 and $50.00 steps to $5,000, $10,000, rounding such calculations to the nearest dollar. Resident taxpayers having elected standard deductions with adjusted gross incomes within such brackets shall file returns based upon and pay taxes according to the schedule thus established. The state tax commission shall publish regulations defining the conditions upon which such returns shall be filed.

(d) A credit shall be allowed to persons other than corporations against taxes due under the Idaho Income Tax Act. This credit shall be in the amount of ten dollars ($10.00) for each personal exemption for which a deduction is permitted by section 151(b) and (e) of the Internal Revenue Code, as that section appeared on December 31, 1964, if such deduction is
claimed on the taxpayer’s Idaho income tax return. If the credit is not claimed for the year for which the individual income tax return is filed, the right thereafter to claim such credit shall be forfeited. No credit may be claimed for an exemption which represents a person who has himself filed an Idaho income tax return claiming a deduction for his own personal exemption, and in no event shall more than one (1) taxpayer be allowed a credit for the same exemption. A resident individual of the state of Idaho who has reached his sixty-fifth (65th) birthday before the end of his taxable year and has been allowed none, or less than all, of the credit provided by this subsection shall, shall be entitled to a refund equal to the amount of ten dollars ($10) for each personal exemption for which a deduction is permitted by section 151 of the Internal Revenue Code, as that section appeared on December 31, 1964, and upon making application therefor at such time and in such manner as may be prescribed by the state tax commission, be entitled to a payment out of the state refund fund in the amount of the credit, or portion of the credit, not otherwise allowed by this section.

SECTION 3. That Section 63-3030, Idaho Code, be, and the same is hereby amended to read as follows:

63-3030. PERSONS REQUIRED TO MAKE RETURNS OF INCOME.

(a) Returns with respect to taxes measured by income in this act shall be made by the following:

(1)(A) Every resident individual having for the current taxable year a gross income, as defined by section 61(a) of the Internal Revenue Code, of $600 or more (except an individual who has attained the age of 65 before the close of the current taxable year shall be required to make a return only if he has gross income of $1,200 or more), except that a return shall not be required of an individual (other than an individual referred to in section 142(b) of the Internal Revenue Code) —

(i) who is not married (determined by applying section 143(a) of the Internal Revenue Code) and for the taxable year has a gross income of less than $1,700, or

(ii) who is entitled to make a joint return under section 6013 of the Internal Revenue Code and whose gross income, when combined with the gross income of his spouse is, for the taxable year, less than $2,300 but only if such individual and his spouse, at the close of the taxable year, had the same household as their home.
Clause (ii) shall not apply if for the taxable year such spouse makes a separate return or any other taxpayer is entitled to an exemption for such spouse under section 151(e) of the Internal Revenue Code.

(B) The $1,700 amount specified in subparagraph (A)(i) shall be increased to $2,300 in the case of an individual entitled to an additional personal exemption under section 151(c)(1) of the Internal Revenue Code, and the $2,300 amount specified in subparagraph (A)(ii) shall be increased by $600 for each additional personal exemption to which the individual or his spouse is entitled under section 151(c) of the Internal Revenue Code.

(2) Any nonresident or part-year resident individual having for the current taxable year a gross income (as defined in section 61(a) of the Internal Revenue Code) from Idaho sources in excess of the prorated exemption determined under section 63-3027(t), Idaho Code;

(3) Every corporation subject to taxation by this act; any corporation reporting as a subchapter S corporation pursuant to Internal Revenue Code sections 1371 through 1377 to the federal government and having business situs in this state or with one or more of its shareholders residing in this state must report to the state of Idaho as a subchapter S corporation for and during the same period or periods in which its election to report as such a corporation is effective for federal tax purposes and must identify itself as a subchapter S corporation on its income tax return filed with this state;

(4) Every estate, the residence of which estate is in Idaho, having a gross income (as defined in section 61(a) of the Internal Revenue Code) of $600 or more for the current taxable year;

(5) Every estate, the residence of which is in a state other than Idaho, having a gross income (as defined in section 61(a) of the Internal Revenue Code) from Idaho sources in excess of the prorated exemption determined under section 63-3027(t), Idaho Code;

(6) Every trust, the residence of which trust is in Idaho, having gross income (as defined in section 61(a) of the Internal Revenue Code) of $100 or more for the current taxable year;

(7) Every trust, the residence of which is in a state other than Idaho, having a gross income (as defined in section 61(a) of the Internal Revenue Code) from Idaho sources in excess of the prorated exemption determined under section 63-3027(t), Idaho Code;
(8) Every partnership having a resident partner and every partnership having a business situs in the state of Idaho. Such return shall be a supplemental information return and shall include the names and addresses of the individuals who would be entitled to share in the net income of the partnership if distributed and the amount of the distributive share of each individual. Such return shall be signed by one of the partners.

(b) Returns of fiduciaries and receivers:

(1) Fiduciaries and receivers shall file returns with the state tax commission in accordance with the provisions of section 6012(b) of the Internal Revenue Code.

SECTION 4. 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. Within thirty (30) days after such notice is mailed (not counting Sunday as the thirty-first 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 sixty (60) 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 six per centum (6%) 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 5. That Section 63-3068, Idaho Code, be, and the same is hereby amended to clarify said section in accordance with previous intent to read as follows:

63-3068. PERIOD OF LIMITATION UPON ASSESSMENT AND COLLECTION OF TAX. -- Except as provided in section 63-3070: (a) The amount of income taxes imposed by this act shall be assessed within three (3) years after the return was filed, and no proceeding in court without assessment for the collection of such taxes shall be begun after the expiration of such period; provided, however, if an assessment has been made within the prescribed time, such tax may be collected by levy or by a proceeding in court within a period of six (6) years after assessment of the tax and provided, further, that this shall not be in derogation of any of the remedies elsewhere herein provided. The running of the period of limitations provided by this section shall be suspended for the period during which the state tax commission is prohibited from making the assessment or from collecting by levy or a proceeding in court, and for thirty (30) days thereafter.

(b) In the case of income received during the lifetime of a decedent, the tax shall be assessed, and any proceeding in court without assessment for the collection of such tax shall be begun, within six (6) months after written request therefor (filed after the return is made) by the executor, administrator, or other fiduciary representing the estate of such decedent.

(c) When taxable income for any year has been adjusted by federal internal revenue action or by voluntary action on the part of the taxpayer, and no corresponding adjustment has been reported by the taxpayer to the state of Idaho, the limitation upon assessment shall be one (1) year from the delivery by the taxpayer to the state tax commission of notice of final determination thereof together with copies of schedules supplied the taxpayer by the Internal Revenue Service. All items of income and deduction which were adjusted in the federal determination and all allocations and apportionments shall be subject to adjustment for Idaho tax purposes.
(d) Where, before the expiration of the time prescribed in this section for the assessment of any tax imposed by this act, both the state tax commission or its delegate or deputy and the taxpayer have consented in writing to its assessment after such time, the tax may be assessed at any time prior to the expiration of the period agreed upon. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

SECTION 6. An emergency existing therefore, 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, 1971.

Approved March 30, 1971.

CHAPTER 303
(H. B. No. 348)

AN ACT

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

SECTION 1. There is hereby appropriated out of the fund enumerated the following amount to the Horse Racing Commission for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

Administering the Horse Racing Act $60,440

TOTAL $60,440

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

Salaries & Wages $36,800
Travel 4,950
Other Current Expense 18,415
Capital Outlay 275

TOTAL $60,440
CHAPTER 304
(H. B. No. 350)

AN ACT

APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO
THE DIVISION OF COMMUNICATIONS AND PRESCRIBING
MAJOR PROGRAMS AND EXPENDITURE CLASSIFICATIONS OF
THE APPROPRIATION FOR THE PERIOD JULY 1, 1971
THROUGH JUNE 30, 1972.

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

SECTION 1. There is hereby appropriated out of the funds enumerated the following amount to the Division of Communications for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

Provide state communications systems $1,092,231

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

Salaries & Wages $ 219,446
Travel 8,000
Other Current Expense 790,370
Capital Outlay 74,415

TOTAL $1,092,231

FROM:

General Fund $ 65,372
Receipts to Appropriation 1,026,859

TOTAL $1,092,231

Approved March 30, 1971.
CHAPTER 305
(H. B. No. 351)

AN ACT
AMENDING CHAPTER 5, TITLE 63, IDAHO CODE, BY ADDING A NEW SECTION 63-513A, IDAHO CODE, PROVIDING THAT THE TAX COMMISSION MAY RECEIVE AND EXPEND FEDERAL FUNDS TO ACCOMPLISH THE PURPOSE SET FORTH IN THE IDAHO TAX LAWS.

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

SECTION 1. That Chapter 5, 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 63-513A, Idaho Code, and to read as follows:

63-513A. FEDERAL AID. — The tax commission is authorized to accept, receipt for, disburse and expend federal moneys, made available to accomplish in whole or in part any of the purposes of the laws enforced by the tax commission. All moneys accepted under this section shall be accepted and expended by the tax commission upon such terms and conditions as prescribed by the United States. All moneys received by the tax commission pursuant to this section shall be deposited in the state treasury and, unless otherwise prescribed by the authority in which said moneys were received, shall be kept in separate funds designated according to the purpose for which the moneys were made available, and held by the state in trust for such purposes. All such moneys are hereby appropriated for the purpose for which the same were made available, and the tax commission is empowered to disburse or expend said moneys in accordance with the terms and conditions upon which they were made available.

Approved March 30, 1971.

CHAPTER 306
(H. B. No. 352)

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

SECTION 1. There is hereby appropriated out of the fund enumerated the following amount to the Sheep Commission for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

- Protecting Idaho’s sheep industry $168,100

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

- Salaries & Wages $134,400
- Travel 1,250
- Other Current Expense 32,450
  TOTAL $168,100

FROM:

- Dedicated Funds:
  - Sheep Commission Fund $168,100
  TOTAL $168,100

Approved March 30, 1971.

CHAPTER 307
(H. B. No. 354)

AN ACT

APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE DEPARTMENT OF AERONAUTICS AND PRESCRIBING MAJOR PROGRAMS AND EXPENDITURE CLASSIFICATIONS OF THE APPROPRIATION FOR THE PERIOD JULY 1, 1971 THROUGH JUNE 30, 1972; AND PRESCRIBING LIMITATIONS ON THE USE OF CERTAIN FUNDS.

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

SECTION 1. (1) There is hereby appropriated out of the funds enumerated the following amount to the Department of Aeronautics for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.
FOR MAJOR PROGRAMS:

- Performing administrative functions: $82,384
- Promoting and regulating air travel: $60,707
- Developing and maintaining airports: $181,909
  TOTAL: $325,000
- Special airport projects: $220,000
  TOTAL: $545,000

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

- Salaries and Wages: $104,398
- Travel: $20,000
- Other Current Expense: $412,602
- Capital Outlay: $8,000
  TOTAL: $545,000

FROM:

- General Fund: $220,000
- Dedicated Funds:
  - Aeronautics Fund: $325,000
  TOTAL: $545,000

(2) The moneys appropriated in subsection (1) for special airport projects shall be used only for construction, improvement, upgrading or reconstruction of airports in the state of Idaho at which airlines holding a certificate of public convenience and necessity from the United States Civil Aeronautics Board operate on a scheduled basis, and/or reliever airports located within twenty-five nautical miles of airports holding such certificate of public convenience and necessity.

Approved March 30, 1971.

CHAPTER 308
(H. B. No. 355)

AN ACT

APPROPRIATING MONEYS OUT OF THE FUND ENUMERATED TO THE STATE AUDITOR FOR THE PURPOSE OF EMPLOYING A PRIVATE CONSULTANT AND PAYING OTHER NECESSARY COSTS AND EXPENSES TO DEVELOP AND IMPLEMENT A FINANCIAL MANAGEMENT INFORMATION AND REPORTING
SYSTEM FOR THE STATE OF IDAHO FOR THE PERIOD COMMENCING WITH THE EFFECTIVE DATE OF THIS ACT THROUGH JUNE 30, 1972; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated out of the fund enumerated the sum of $301,500 to the State Auditor for the purpose of employing a private consultant, at a cost not to exceed $137,500 and paying other necessary costs and expenses to develop and implement a financial management information and reporting system substantially in conformity with the recommendations made by the committee created by Chapter 465, Laws of 1969, for the state of Idaho for the period commencing with the effective date of this act through June 30, 1972.

FOR MAJOR PROGRAMS:

Development and implementation of a financial management information and reporting system and employment of a private consultant $301,500

FROM:

General Fund $301,500

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

Approved March 30, 1971.

CHAPTER 309
(H. B. No. 356)

AN ACT


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

SECTION 1. There is hereby appropriated out of the fund enumerated the following amount to the Fish and Game Commission for major programs
and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

Administering and supporting Idaho fish and game programs
Protecting Idaho's fish and wildlife resources
Protecting, propagating and developing Idaho's fisheries resource
Protecting and developing Idaho's wildlife resources
Disseminating information concerning Idaho fish and wildlife resources
Designing and constructing facilities

**TOTAL**

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

Salaries & Wages $2,685,674
Travel 153,440
Other Current Expense 2,768,202
Capital Outlay 1,613,392
Refunds of Erroneous Receipts 3,000
**TOTAL** $7,223,708

FROM:

Dedicated Funds:
Fish and Game Fund $7,223,708
**TOTAL** $7,223,708

Approved March 30, 1971.

CHAPTER 310
(H. B. No. 357)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND AND INTER-ACCOUNT BILLINGS TO THE DEPARTMENT OF ADMINISTRATIVE SERVICES FOR THE PURPOSE OF PAYING OPERATING COSTS AND EXPENSES FOR ADMINISTRATION AND MANAGEMENT ANALYSIS, REPORTING SERVICES, AND

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

SECTION 1. There is hereby appropriated out of the fund and account enumerated the following amount to the Department of Administrative Services for major programs in the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration and management analysis</td>
<td>$117,341</td>
</tr>
<tr>
<td>Reporting services</td>
<td>43,601</td>
</tr>
<tr>
<td>Printing and copy services</td>
<td>171,877</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$332,819</strong></td>
</tr>
</tbody>
</table>

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries &amp; Wages</td>
<td>$188,873</td>
</tr>
<tr>
<td>Travel</td>
<td>3,750</td>
</tr>
<tr>
<td>Other Current Expense</td>
<td>132,946</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>7,250</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$332,819</strong></td>
</tr>
</tbody>
</table>

FROM:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$127,341</td>
</tr>
<tr>
<td>Inter-Account Billings</td>
<td>$205,478</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$332,819</strong></td>
</tr>
</tbody>
</table>

SECTION 2. (1) There is hereby appropriated out of the fund enumerated the following amount to the Department of Administrative Services for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.
FOR MAJOR PROGRAMS:

Developing, implementing and operating a centralized data processing system $293,030

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

Salaries & Wages $84,580
Travel 450
Other Current Expenses 205,000
Capital Outlay 3,000
TOTAL $293,030

FROM:

General Fund $293,030
TOTAL $293,030

(2) The amount provided in subsection (1) may be transferred to any other state office, agency, or department by action of the State Board of Examiners, in any manner provided by the State Board of Examiners, and when so transferred, the receiving office, agency or department may expend, utilize or commit such amount only as directed by the State Board of Examiners, provided that such expenditures by such receiving office, agency or department must be in conformity with the line item expenditure classification specified in subsection (1). Any other provision of law notwithstanding, if any of the amount in subsection (1) is transferred by the State Board of Examiners, the amount so transferred shall be considered an increase in the appropriated budget of the receiving office, agency or department, and the fixed budget of the receiving office, agency or department shall be the total of the amount transferred from subsection (1) plus any other regular appropriation to such office, agency or department.

Approved March 30, 1971.

CHAPTER 311
(H. B. No. 358)

AN ACT

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

SECTION 1. There is hereby appropriated out of the general fund of the state of Idaho the sum of $91,000 for the payment of operating costs and expenses, for the period from July 1, 1971 through June 30, 1972, to the Board of Education of the state of Idaho for nuclear oriented research, including scientific proposals, recruitment and training of appropriate staff and publication of results of scientific investigation, associated with the Materials Testing Reactor (National Neutron Center for Interdisciplinary Studies) and underused facilities, located at the National Reactor Testing Station (NRTS) in Idaho, and related equipment.

SECTION 2. Nuclear oriented research projects in all scientific disciplines shall be undertaken. They shall include, but not be limited to, agriculture, forestry, mining and medicine; these particular fields having economic value to the people of the state of Idaho for which budgeted funds are not otherwise available. Any person or association, including state institutions of higher education, may utilize such facilities after approval by the Board of Education of the state of Idaho.

SECTION 3. All authorized expenses and costs of operations may be paid from this appropriation or from any other funds which may become available, for nuclear oriented research, through any source.

Approved March 30, 1971.

CHAPTER 312
(H. B. No. 359)

AN ACT
AMENDING SECTION 1 OF CHAPTER 385, LAWS OF 1969, AS AMENDED BY SECTION 1 OF CHAPTER 204, LAWS OF 1970, RELATING TO APPROPRIATIONS TO THE TAX COMMISSION, BY INCREASING THE AMOUNT OF THE APPROPRIATION BY $9,452 FROM FEDERAL FUNDS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1 of Chapter 385, Laws of 1969, as amended by Section 1 of Chapter 204, Laws of 1970, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated out of the funds
enumerated the following moneys, to be expended as indicated, for the operating costs and expenses of the programs proposed, unless specially excepted, in the Executive Budget for 1969-1971, for the period July 1, 1969, through June 30, 1971, of the Tax Commission.

FOR MAJOR PROGRAMS:

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADMINISTRATION</td>
<td>$606,373</td>
</tr>
<tr>
<td>AD VALOREM TAX ADMINISTRATION</td>
<td>$578,418</td>
</tr>
<tr>
<td>INCOME TAX AUDIT AND ADMINISTRATION</td>
<td>$550,505</td>
</tr>
<tr>
<td>SALES TAX AUDIT AND ADMINISTRATION</td>
<td>$341,742</td>
</tr>
<tr>
<td>OTHER TAX AUDIT AND ADMINISTRATION</td>
<td>$242,740</td>
</tr>
<tr>
<td>DATA PROCESSING</td>
<td>$570,393</td>
</tr>
<tr>
<td>FIELD OFFICES</td>
<td>$770,644</td>
</tr>
</tbody>
</table>

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>SALARIES AND WAGES</td>
<td>$2,503,791</td>
</tr>
<tr>
<td>TRAVEL</td>
<td>182,924</td>
</tr>
<tr>
<td>OTHER CURRENT EXPENSE</td>
<td>951,449</td>
</tr>
<tr>
<td>CAPITAL OUTLAY</td>
<td>957,661</td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
</tr>
<tr>
<td>GENERAL FUND</td>
<td>$3,656,815</td>
</tr>
<tr>
<td>RECEIPTS TO APPROPRIATIONS</td>
<td>4,000</td>
</tr>
<tr>
<td>SALES TAX FUND</td>
<td>-0-</td>
</tr>
<tr>
<td>FEDERAL FUNDS</td>
<td>9,452</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$3,670,267</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 30, 1971.

CHAPTER 313

(H. B. No. 347)

AN ACT

APPROPRIATING MONEYS OUT OF THE FUNDS ENUMERATED TO THE IDAHO STATE BOARD FOR VOCATIONAL EDUCATION, PRESCRIBING A MAJOR PROGRAM FOR THE PERIOD JULY 1, 1971 THROUGH JUNE 30, 1972; AND DECLARING LEGISLATIVE INTENT FOR EXPENDITURE OF FUNDS.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated out of the funds enumerated the sum of $5,287,721 to the Idaho State Board for Vocational Education for the period July 1, 1971 through June 30, 1972, to be expended as provided in this act.

FOR MAJOR PROGRAMS:

Providing vocational education for Idaho citizens $5,287,721

FROM:

General Fund $3,255,048
Federal Funds 2,032,673
TOTAL $5,287,721

SECTION 2. It is hereby declared to be legislative intent, and the State Board for Vocational Education is hereby directed, that the portion of the funds made available by this act from the state general fund to North Idaho College, College of Southern Idaho, and Eastern Idaho Vocational School be used to fund entirely the administrative costs of those vocational education programs offered by North Idaho College, College of Southern Idaho, and Eastern Idaho Vocational School.

Approved March 30, 1971.

CHAPTER 314
(H. B. No. 349)

AN ACT

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

SECTION 1. There is hereby appropriated out of the funds enumerated the sum of $747,405 to the State Board of Education for major programs for the period July 1, 1971 through June 30, 1972.
FOR MAJOR PROGRAMS:

- State board of education: $43,016
- Office of higher education: 654,389
- Medical educator: 50,000
- TOTAL: $747,405

FROM:

- General Fund: $290,873
- Federal Funds: 225,000
- Receipts to Appropriation: 231,532
- TOTAL: $747,405

Approved March 30, 1971.

CHAPTER 315
(S. B. No. 1289)

AN ACT


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

SECTION 1. There is hereby appropriated out of the fund enumerated the sum of $40,000 to the Department of Finance for a major program for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

- To administer the provisions of the Uniform Consumer Credit Code: $40,000

FROM:

- General Fund: $40,000

Approved March 30, 1971.
CHAPTER 316
(S. B. No. 1278)

AN ACT
REPEALING ARTICLE I, PART 5, SECTION 3.501 OF HOUSE BILL 219, FIRST REGULAR SESSION OF THE FORTY-FIRST IDAHO LEGISLATURE; AMENDING ARTICLE I, PART 5, HOUSE BILL 219, FIRST REGULAR SESSION OF THE FORTY-FIRST IDAHO LEGISLATURE, BY THE ADDITION OF A NEW SECTION 3.501 TO DEFINE REGULATED LOAN, REGULATED LENDER, SUPERVISED LOAN AND SUPERVISED LENDER; AMENDING ARTICLE I, PART 1, SECTION 1.108 OF HOUSE BILL 219, FIRST REGULAR SESSION OF THE FORTY-FIRST IDAHO LEGISLATURE, TO PROVIDE THAT SUPERVISED FINANCIAL ORGANIZATIONS SHALL COMPLY WITH ALL PROVISIONS OF THIS ACT AND HOUSE BILL 219 AS A CONDITION PRECEDENT TO RECEIVING DEPOSITS FROM STATE OR PUBLIC DEPOSITING UNITS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Article I, Part 5, Section 3.501, House Bill 219, First Regular Session of the Forty-first Idaho Legislature, be, and the same is hereby repealed.

SECTION 2. That Article I, Part 5, House Bill 219, First Regular Session of the Forty-first Idaho Legislature, be, and the same is hereby amended by the addition of a new section to be known as Section 3.501, and to read as follows:

SECTION 3.501. DEFINITIONS: "REGULATED LOAN" — "REGULATED LENDER" — "SUPERVISED LOAN" — "SUPERVISED LENDER". — (1) "Regulated loan" means a consumer loan, including a loan made pursuant to a revolving loan account, in which the rate of the loan finance charge is in excess of 10 per cent per year calculated on the unpaid balances of the principal according to the actuarial method.

(2) "Regulated lender" means a person engaged in the business of making regulated loans.

(3) "Supervised loan" means a regulated loan in which the rate of the loan finance charge exceeds 18 per cent per year as determined according to the provisions on loan finance charge for consumer loans (section 3.201).

(4) "Supervised lender" means a person authorized to make or take assignments of supervised loans.
SECTION 3. That Article I, Part 1, Section 1.108, House Bill 219, First Regular Session of the Forty-first Idaho Legislature, be, and the same is hereby amended to read as follows:

SECTION 1.108. EFFECT OF ACT ON POWERS OF ORGANIZATIONS. — (1) This act prescribes maximum charges for all creditors, except lessors and those excluded (section 1.202), extending consumer credit including consumer credit sales (section 2.104), consumer loans (section 3.104), and consumer related sales and loans (section 2.602 and section 3.602), and displaces existing limitations on the powers of those creditors based on maximum charges, except in insurance matters as prescribed by rule or regulation of the department of insurance.

(2) With respect to sellers of goods or services, small loan companies, licensed lenders, consumer and sales finance companies, industrial banks and loan companies, and commercial banks and trust companies, this act displaces existing limitations on their powers based solely on amount or duration of credit, except in insurance matters as prescribed by rule or regulation of the department of insurance.

(3) Except as provided in subsection (1), this act does not displace limitations on powers of credit unions, savings banks, savings and loan associations, or other thrift institutions whether organized for the profit of shareholders or as mutual organizations.

(4) Except as provided in subsections (1) and (2), this act does not displace

(a) limitations on powers of supervised financial organizations (subsection (17) of section 1.301) with respect to the amount of a loan to a single borrower, the ratio of a loan to the value of collateral, the duration of a loan secured by an interest in land, or other similar restrictions designed to protect deposits, or

(b) limitations on powers an organization is authorized to exercise under the laws of this state or the United States.

(5) Notwithstanding the provisions of chapter 1, title 57, Idaho Code, and chapter 27, title 67, Idaho Code, any supervised financial organization which intentionally fails to comply with the provisions of this act and the provisions of house bill 219, First Regular Session of the Forty-first Idaho Legislature shall not be entitled to receive deposits from state or public depositing units.

SECTION 4. This act shall be in full force and effect on and after July 1, 1971 at 12:01 a.m.

Approved March 30, 1971.
CHAPTER 317
(S. B. No. 1086)

AN ACT
AMENDING SECTION 63-202, IDAHO CODE, RELATING TO RULES AND REGULATIONS PERTAINING TO MARKET VALUE, BY PROVIDING THAT ACTUAL AND FUNCTIONAL USE SHALL BE A MAJOR CONSIDERATION WHEN DETERMINING MARKET VALUE OF COMMERCIAL AND AGRICULTURAL PROPERTIES.

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

SECTION 1. That Section 63-202, Idaho Code, be, and the same is hereby amended to read as follows:

63-202. RULES AND REGULATIONS PERTAINING TO MARKET VALUE — DUTY OF ASSESSORS. — It shall be the duty of the state tax commission to prepare and distribute to each county assessor and each board of county commissioners within the state of Idaho, rules and regulations prescribing and directing the manner in which market value is to be determined for the purpose of taxation. The rules and regulations promulgated by the state tax commission shall require each assessor to find market value of all property within his county according to recognized appraisal methods and techniques as set forth by the state tax commission; provided, that the actual and functional use shall be a major consideration when determining market value of commercial and agricultural properties. The state tax commission shall also prepare and distribute from time to time amendments and changes to the rules and regulations as shall be necessary in order to carry out the intent and purposes of this act. The rules and regulations shall be in the form as the commission shall direct, and shall be made available upon request to other public officers and the general public in reasonable quantities without charge. In ascertaining the market value of any item of property, the assessor of each county shall, and hereby is required to, abide by, adhere to and conform with rules and regulations hereinabove required to be promulgated by the state tax commission.

Approved March 30, 1971.
AN ACT
AMENDING CHAPTER 34, TITLE 22, IDAHO CODE, THE ECONOMIC POISON LAW OF 1963, BY CHANGING THE NAME OF THE LAW TO THE "PESTICIDE LAW"; STRIKING THE TERM "ECONOMIC POISON" FROM THE ACT AND SUBSTITUTING THEREFOR THROUGHOUT THE ACT THE TERM "PESTICIDE"; AMENDING SECTION 22-3401, IDAHO CODE, TO PROVIDE A NEW SHORT TITLE; AMENDING SECTION 22-3402, IDAHO CODE, BY DEFINING THE TERMS "PESTICIDES" AND "PESTICIDE DEALER"; AMENDING SECTION 22-3403, IDAHO CODE, BY SUBSTITUTING TERMS; AMENDING SECTION 22-3404, IDAHO CODE, BY INCREASING THE FEES FOR REGISTERING PESTICIDES TO TEN DOLLARS EACH, STRIKING THE LIMIT AS TO THE AGGREGATE FEE TO BE CHARGED TO ANY COMPANY FOR LICENSING PESTICIDES, AND PROVIDING A PENALTY FOR LATE REGISTRATION OF PESTICIDES AND FOR EXEMPTIONS TO SUCH PENALTY PROVISION; AMENDING SECTION 22-3405, IDAHO CODE, BY SUBSTITUTING TERMS; AMENDING SECTION 22-3406, IDAHO CODE, BY SUBSTITUTING TERMS; AMENDING SECTION 22-3407, IDAHO CODE, TO PROVIDE EXEMPTIONS FROM LICENSING AS A PESTICIDE DEALER; AMENDING SECTION 22-3409, IDAHO CODE, BY ADDING SEIZURE PROVISIONS RELATING TO RESTRICTED USE PESTICIDES AND PESTICIDES SOLD, HELD FOR SALE, OR OFFERED FOR SALE IN VIOLATION OF THE PROVISIONS OF THIS ACT OR REGULATIONS PROMULGATED UNDER IT; AMENDING SECTION 22-3410, IDAHO CODE, BY PROVIDING THAT DUTIES OF THE COMMISSIONER MAY BE EXERCISED BY DESIGNATED EMPLOYEES; AMENDING SECTION 22-3412, IDAHO CODE, BY SUBSTITUTING TERMS; AMENDING CHAPTER 34, TITLE 22, IDAHO CODE, BY ADDING A NEW SECTION 22-3413, IDAHO CODE, TO PROVIDE LICENSING OF PESTICIDE DEALERS, APPLICATIONS FOR LICENSES, FEES FOR LICENSES, PENALTY FEES FOR LATE LICENSING AND FOR EXEMPTIONS FROM SUCH PENALTIES; AMENDING CHAPTER 34, TITLE 22, IDAHO
CODE, BY ADDING A NEW SECTION 22-3414, IDAHO CODE, PROVIDING THE COMMISSIONER OF AGRICULTURE MAY REQUIRE PESTICIDE DEALERS TO KEEP ADEQUATE RECORDS AND REPORTS AS HE MAY REQUIRE; AMENDING CHAPTER 34, TITLE 22, IDAHO CODE, BY ADDING A NEW SECTION 22-3415, IDAHO CODE, PROVIDING THAT PESTICIDE DEALERS SHALL NOT SELL RESTRICTED USE PESTICIDES IN THE SAME DEPARTMENT WHERE FOOD OR BEVERAGES ARE SOLD AND THAT PESTICIDE DEALERS SHALL NOT MAKE RECOMMENDATIONS FOR THE USE OF PESTICIDES CONFLICTING WITH FEDERAL OR STATE LAWS OR REGULATIONS, PROVIDING FOR REGULATIONS TO CARRY OUT THESE PROVISIONS AND PROVIDING FOR RESTRICTED USE PESTICIDES AND REGULATIONS RELATING THERETO, AND PROVIDING THAT PESTICIDE DEALERS SHALL POST PERTINENT INFORMATION RELATING TO PESTICIDE ACCIDENTS; AMENDING CHAPTER 34, TITLE 22, IDAHO CODE, BY ADDING A NEW SECTION 22-3416, IDAHO CODE, PROVIDING FOR REVOCATION, SUSPENSION, OR DENIAL OF PESTICIDE DEALERS' LICENSES.

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

SECTION 1. That Section 22-3401, Idaho Code, be, and the same is hereby amended to read as follows:

22-3401. SHORT TITLE. — This act may be cited as the Economics Poison Act of 1963 "Pesticide Law".

SECTION 2. That Section 22-3402, Idaho Code, be, and the same is hereby amended to read as follows:

22-3402. DEFINITIONS FOR THE PURPOSE OF THIS ACT. — (a) The term "Economics Poison" means (1) any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any insect, rodents, nematodes, fungi, weeds or other forms of plant or animal life or viruses, except viruses on or in living man or other animals, which the commissioner shall declare to be a pest, and (2) any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant. "pesticide" means but is not limited to (1) any substance or mixture of substances intended to prevent, destroy, control, repel or mitigate any insect, rodent, nematode, snail, slug, fungus, weed and any other form of plant or animal life or virus (except virus or fungus on or in living man or
other animal) which is normally considered to be a pest or which the
commissioner may declare to be a pest, and (2) any substance or mixture of
substances intended to be used as a plant regulator, defoliant or desiccant
and (3) any spray adjuvant, such as a wetting agent, spreading agent, deposit
builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or
similar agent with or without toxic properties of its own intended to be used
with any other pesticide as an aid to the application or effect thereof, and
sold in a package or container separate from that of the pesticide with which
it is to be used.

(b) The term "insecticide" means any substance or mixture of
substances intended for preventing, destroying, repelling or mitigating any
insects which may be present in any environment whatsoever.

(c) The term "fungicide" means any substance or mixture of
substances intended for preventing, destroying, repelling or mitigating any
fungi.

(d) The term "rodenticide" means any substance or mixture of
substances intended for preventing, destroying, repelling or mitigating
rodents or any other vertebrate animal which the commissioner shall declare
to be a pest.

(e) The term "herbicide" means any substance or mixture of
substances intended for preventing, destroying, repelling or mitigating any
weed.

(f) The term "nematocide" means any substance or mixture of
substances intended for preventing, destroying, repelling or mitigating
nematodes.

(g) The term "plant regulator" means any substance or mixture of
substances, intended through physiological action, for accelerating or
retarding the rate of growth or rate of maturation, or for otherwise altering
the behavior of ornamental or crop plants or the produce thereof, but shall
not include substances to the extent that they are intended as plant
nutrients, trace elements, nutritional chemicals, plant inoculants and soil
amendments.

(h) The term "defoliant" means any substance or mixture of
substances intended for causing the leaves or foliage to drop from a plant,
with or without causing abscission.

(i) The term "desiccant" means any substance or mixture of substances
intended for artificially accelerating the drying of plant tissues.

(j) The term "nematode" means invertebrate animals of the phylum
nematelminthes and class nematode, that is, unsegmented round worms with elongated, fusiform or saclike bodies covered with cuticle, and inhabiting soil, water, plants or plant parts; may also be called nemas of eelworms.

(k) The term "insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class Insecta, comprising six-legged, usually winged forms, as, for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six (6) legs, as, for example, spiders, mites, ticks, centipedes and woodlice.

(l) The term "fungi" means all non-chlorophyll-bearing thallophytes (that is, all non-chlorophyll-bearing plants of a lower order than mosses and liverworts) as, for example, rusts, smuts, mildews, molds, yeasts and bacteria, except those on or in living man or other animals.

(m) The term "weed" means any plant which grows where not wanted.

(n) The term "ingredient statement" means either:
(1) a statement of the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the economic poison pesticide; or
(2) a statement of the name of each active ingredient, together with the name of each and total percentage of the inert ingredients, if any there be, in the economic poison pesticide (except option 1 shall apply if the preparation is highly toxic to man, determined as provided in section 22-3405, Idaho Code); and, in addition to (1) or (2) in case the economic poison pesticide contains arsenic in any form, a statement of the percentages of total and water soluble arsenic, each calculated as elemental arsenic.

(o) The term "active ingredient" means:
(1) in the case of an economic poison a pesticide other than a plant regulator, defoliant or desiccant, an ingredient which will prevent, destroy, repel or mitigate insects, nematodes, fungi, rodents, weeds or other pests;
(2) in the case of a plant regulator, an ingredient which, through physiological action will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or the produce thereof;
(3) in the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant;
(4) in the case of a desiccant, an ingredient which will artificially accelerate the drying of plant tissue.

(p) The term "inert ingredient" means an ingredient which is not an active ingredient.

(q) The term "antidote" means the most practical immediate treatment in case of poisoning and includes first aid treatment.

(r) The term "persons" means any individual, partnership, association, corporation or organized group of persons whether incorporated or not.

(s) The term "commissioner" means the commissioner of agriculture.

(t) The term "registrant" means the person registering any pesticide pursuant to the provisions of this act.

(u) The term "label" means the written, printed or graphic matter on, or attached to, the pesticide, or the immediate container thereof, and the outside container or wrapper of the retail package, if any there be, of the pesticide.

(v) The term "labeling" means all labels and other written, printed or graphic matter,

(1) upon the pesticide or any of its containers or wrappers;

(2) accompanying the pesticide at any time;

(3) to which reference is made on the label or in literature accompanying the pesticide, except when accurate, nonmisleading reference is made to current official publications of the United States departments of agriculture or interior, the United States public health service, state experiment stations, state agricultural colleges or other similar federal institutions or official agencies of this state or other states authorized by law to conduct research in the field of pesticides.

(w) The term "adulterated" shall apply to any pesticide if its strength or purity falls below the professed standard or quality as expressed on labeling or under which it is sold, or if any substance has been substituted wholly or in part for the article, or if any valuable constituent of the article has been wholly or in part abstracted.

(x) The term "pesticide dealer" means any person who sells, offers for sale or holds for sale any quantity of pesticides. Any dealer whose sales are limited to pesticides, other than restricted use pesticides, in consumer sized packages which are labeled and intended for domestic and garden use are not to be considered as pesticide dealers.
(y) The term "misbranded" shall apply:
(1) to any *economic-poison pesticide* if its labeling bears any statements, design or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;
(2) to any *economic-poison pesticide—*
  (a) if it is an imitation of or is offered for sale under the name of another *economic-poison pesticide*;
  (b) if its labeling bears any reference to registration under this act;
  (c) if the labeling accompanying it does not contain instructions for use which are necessary and, if complied with, adequate for the protection of the public;
  (d) if the label does not contain a warning or caution statement which may be necessary and, if complied with, adequate to prevent injury to living man and other vertebrate animals;
  (e) if the label does not bear an ingredient statement on that part of the immediate container and on the outside container or wrapper, if there be one, through which the ingredient statement on the immediate container cannot be clearly read, of the retail package which is presented or displayed under customary conditions of purchase;
  (f) if any word, statement or other information required by or under the authority of this act to appear on the labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs or graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; or
  (g) if in the case of an insecticide, nematocide, fungicide or herbicide, when used as directed or in accordance with commonly recognized practices, it shall be injurious to living man or other vertebrate animals or vegetation, except weeds, to which it is applied, or to the person applying such *economic-poison pesticide*, or
  (h) if in the case of a plant regulator, defoliant or desiccant when used as directed it shall be injurious to living man or other vertebrate animals, or vegetation to which it is applied, or to the person applying such *economic-poison pesticide*; provided, that physical or physiological effects on plants or parts thereof shall
not be deemed to be injury, when this is the purpose for which the plant regulator, defoliant or desiccant was applied, in accordance with the label claims and recommendations.

SECTION 3. That Section 22-3403, Idaho Code, be, and the same is hereby amended to read as follows:

22-3403. PROHIBITED ACTS. — (a) It shall be unlawful for any person to distribute, sell or offer for sale within this state or deliver for transportation or transport in intrastate commerce or between points within this state through any point outside this state any of the following:

1. Any pesticide which has not been registered pursuant to the provisions of section 22-3404, Idaho Code, or any pesticide if any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its registration, or if the composition of an pesticide differs from its composition as represented in connection with its registration; provided, that, in the discretion of the commissioner, a change in the labeling or formula of a pesticide may be made within a registration period without requiring reregistration of the product.

2. Any pesticide unless it is in the registrant's or the manufacturer's unbroken immediate container, and there is affixed to such container, and to the outside container or wrapper of the retail package, if there be one through which the required information on the immediate container cannot be clearly read, a label bearing
   (a) the name and address of the manufacturer, registrant or person for whom manufactured;
   (b) the name, brand or trademark under which said article is sold; and
   (c) the net weight or measure of the content subject, however, to such reasonable variations as the commissioner may permit;

3. Any pesticide which contains any substance or substances in quantities highly toxic to man, determined as provided in section 22-3405, Idaho Code, unless the label shall bear, in addition to any other matter required by this act,
   (a) the skull and crossbones;
   (b) the word "poison" prominently, in red, on a background of distinctly contrasting color; and
   (c) a statement of an antidote for the pesticide.
(4) The *economic poison* pesticide commonly known as standard lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, sodium fluoride, sodium fluosilicate and barium fluosilicate unless they have been distinctly colored or discolored as provided by regulations issued in accordance with this act, or any other white powder *economic poison* pesticide which the commissioner, after investigation of and after public hearing on the necessity for such action for the protection of the public health and the feasibility of such coloration or discoloration, shall, by regulation, require to be distinctly colored or discolored; unless it has been so colored or discolored; provided, that the commissioner may exempt any *economic poison* pesticide to the extent that it is intended for a particular use or uses from the coloring or discoloring required or authorized by this section if he determines that such coloring or discoloring for such use or uses is not necessary for the protection of public health.

(5) Any *economic poison* pesticide which is adulterated or misbranded.
   
   (a) It shall be unlawful—

   (1) for any person to detach, alter, deface or destroy, in whole or in part, any label or labeling provided for in this act or regulations promulgated hereunder, or to add any substance to, or take any substance from, an *economic poison* a *pesticide* in a manner that may defeat the purpose of this act;

   (2) for any person to use for his own advantage or to reveal, other than to the commissioner or proper officials or employees of the state or to the courts of this state in response to a subpoena, or to physicians, or in emergencies to pharmacists and other qualified persons, for use in the preparation of antidotes, any information relative to formulas of products acquired by authority of section 22-3404, Idaho Code.

SECTION 4. That Section 22-3404, Idaho Code, be, and the same is hereby amended to read as follows:

22-3404. REGISTRATION. — (a) Every *economic poison* *pesticide* which is distributed, sold or offered for sale within this state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state shall be registered in
the office of the commissioner, and such registration shall be renewed annually; provided, that products which have the same formula, are manufactured by the same person, the labeling of which contains the same claims, and the labels of which bear a designation identifying the product as the same economic poison pesticide may be registered as a single economic poison pesticide; and additional names and labels shall be added by supplement statements during the current period of registration; and provided, further, that any economic poison pesticide imported into this state, which is subject to the provisions of any federal act providing for the registration of economic poisons pesticides and which has been duly registered under the provisions of said act, may, in the discretion of the commissioner, be exempted from registration under this act, when sold or distributed in the unbroken immediate container in which it was originally shipped. The registrant shall file with the commissioner a statement including

1. the name and address of the registrant and the name and address of the person whose name will appear on the label, if other than the registrant;
2. the name of the economic poison pesticide;
3. a complete copy of the labeling accompanying the economic poison pesticide and a statement of all claims to be made for it including directions for use; and
4. if requested by the commissioner a full description of the tests made and the results thereof upon which the claims are based. In the case of renewal of registration, a statement shall be required only with respect to information which is different from that furnished when the economic poison pesticide was registered or last reregistered.

(b) The registrant shall pay an annual fee of $5.00 ten dollars ($10) for each economic poison pesticide registered, such fee to be paid to the department of agriculture for deposit with the state treasurer and to be credited to the economic poison pesticide fund of the department of agriculture to be used only for carrying out the provisions of this act; provided, however, that any registrant may register annually any number of brands after the payment of annual fees aggregating $300.

(c) If the application for renewal is not filed with the department prior to January 1 of each year a late penalty fee of five dollars ($5) shall be assessed and added to the original fee and shall be paid prior to the issuing of the renewal registration. No penalty fee shall be assessed if the applicant
furnishes an affidavit stating that he did not distribute such unregistered pesticide subsequent to the expiration of registration of that pesticide.

(d) The commissioner, whenever he deems it necessary in the administration of this act, may require the submission of the complete formula of any economic poison pesticide. If it appears to the commissioner that the composition of the article is such as to warrant the proposed claims for it and if the article and its labeling and other material required to be submitted comply with the requirements of section 22-3403, Idaho Code, he shall register the article.

(e) If it does not appear to the commissioner that the article is such as to warrant the proposed claims for it or if the article and its labeling and other material required to be submitted do not comply with the provisions of this act, he shall notify the registrant of the manner in which the article, labeling or other material required to be submitted fail to comply with the act so as to afford the registrant an opportunity to make the necessary corrections. If, upon receipt of such notice, the registrant does not make the corrections, the commissioner may refuse to register the article. The commissioner, in accordance with the procedures specified herein, may suspend or cancel the registration of an economic poison a pesticide whenever it does not appear that the article or its labeling complies with the provisions of this act. Whenever an application for registration is refused or the commissioner proposes to suspend or cancel a registration, notice of such action shall be given to the applicant or registrant who shall have thirty (30) days from the date of such notice to request a hearing on the proposed action of the commissioner. The hearing shall be conducted by the commissioner, or his designee, for the purpose of receiving evidence relevant and material to the issues, following the conclusion of which the commissioner shall issue an order with findings of fact and notify the applicant or registrant thereof. All proceedings under this section will be handled in accordance with the Idaho Administrative Procedure Act as a contested case. Any person who will be adversely affected by such order may obtain judicial review thereof as provided for in the Idaho Administrative Procedure Act.

(f) Notwithstanding any other provision of this act, registration is not required in the case of an economic poison a pesticide shipped from one plant within this state to another plant within this state operated by the same person.

SECTION 5. That Section 22-3405, Idaho Code, be, and the same is hereby amended to read as follows:
22-3405. DETERMINATIONS – RULES AND REGULATIONS – UNIFORMITY. – (a) The commissioner is authorized, after opportunity for a hearing

(1) to declare as a pest any form of plant or animal life or virus which is injurious to plants, man, domestic animals, articles or substances;
(2) to determine whether economic poisons pesticides are highly toxic to man; and
(3) to determine standards of coloring or discoloring for economic poisons pesticides, and to subject economic poisons pesticides to the requirements of section 22-3403(a)(4), Idaho Code.

(b) The commissioner is authorized, after due public hearing, to make appropriate rules and regulations for carrying out the provisions of this act, including rules and regulations providing for the collection and examination of samples of economic poisons pesticides.

(c) In order to avoid confusion endangering the public health, resulting from diverse requirements, particularly as to the labeling and coloring of economic poisons pesticides, and to avoid increased costs to the people of this state due to the necessity of complying with such diverse requirements in the manufacture and sale of such poisons pesticides, it is desirable that there should be uniformity between the requirements of the several states and the federal government relating to such poisons pesticides. To this end the commissioner is authorized, after due public hearing, to adopt by regulation such regulations, applicable to and in conformity with the primary standards established by this act, as have been or may be prescribed in the United States department of agriculture with respect to economic poisons pesticides.

SECTION 6. That Section 22-3406, Idaho Code, be, and the same is hereby amended to read as follows:

22-3406. ENFORCEMENT. – (a) The examination of economic poisons pesticides shall be made under the direction of the commissioner for the purpose of determining whether they comply with the requirements of this act. If it shall appear from such examination that an economic poison a pesticide fails to comply with the provisions of this act, and the commissioner contemplates instituting criminal proceedings against any person, the commissioner shall cause appropriate notice to be given to such persons. Any person so notified shall be given an opportunity to present his views, either orally or in writing, with regard to such contemplated proceedings and if thereafter in the opinion of the commissioner it shall
appear that the provisions of the act have been violated by such person, then the commissioner shall refer the facts to the prosecuting attorney for the county in which the violation shall have occurred with a copy of the results of the analysis or the examination of such article; provided, however, that nothing in this act shall be construed as requiring the commissioner to report for prosecution or for the institution of libel proceedings minor violations of the act whenever he believes that the public interests will be best served by a suitable notice of warning in writing.

(b) It shall be the duty of each prosecuting attorney to whom any such violation is reported to cause appropriate proceedings to be instituted and prosecuted in the district court without delay.

(c) The commissioner shall, by publication in such manner as he may prescribe, give notice of all judgments entered in actions instituted under the authority of this act.

SECTION 7. That Section 22-3407, Idaho Code, be, and the same is hereby amended to read as follows:

22-3407. EXEMPTIONS. — (a) The penalties provided for violations of section 22-3403(a), Idaho Code, shall not apply to:

(1) any carrier while lawfully engaged in transporting an economie poisoning pesticide within this state, if such carrier shall, upon request, permit the commissioner or his designated agent to copy all records showing the transactions in and movement of the articles;
(2) public officials of this state and the federal government engaged in the performance of their official duties;
(3) the manufacturer or shipper of an economie poisoning pesticide for experimental use only

(a) by or under the supervision of any agency of this state or of the federal government authorized by law to conduct research in the field of economie poisons pesticides, or
(b) by others if the economie poisoning pesticide is not sold and if the container thereof is plainly and conspicuously marked “for experimental use only — not to be sold,” together with manufacturer’s name and address; provided, however, that if a written permit has been obtained from the commissioner, economie poisons pesticides may be sold for experimental purposes subject to such restrictions and conditions as may be set forth in the permit.

(b) No article shall be deemed in violation of this act when intended
solely for export to a foreign country, and when prepared or packed according to the specifications or directions of the purchaser. If not so exported, all the provisions of this act shall apply.

(c) The following persons or agencies shall be exempt from the pesticide dealer licensing requirements of this act: any pesticide applicator who sells pesticides only as an integral part of his pesticide application service, and all federal, state, and other governmental agencies selling pesticides at cost.

SECTION 8. That Section 22-3409, Idaho Code, be, and the same is hereby amended to read as follows:

22-3409. SEIZURES. — (a) Any economic poison pesticide that is distributed, sold or offered for sale within this state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state shall be liable to be proceeded against in any district court in any county of the state where it may be found and seized for confiscation by process of libel for condemnation:

(1) in the case of an economic poison pesticide,
   (a) if it is adulterated or misbranded;
   (b) if it has not been registered under the provisions of section 22-3404, Idaho Code;
   (c) if it fails to bear on its label the information required by this act;
   (d) if it is a white powder economic poison and is not colored as required under this act;
   (e) if it is a "restricted use pesticide" and does not comply with the regulations promulgated under this act;
   (f) if it is a "restricted use pesticide" and is sold, offered for sale or held for sale in the same department at any place of business where food or beverages for human consumption are sold, offered for sale or held for sale;
   (g) if it is a "pesticide" required by regulation under this act to be sold or offered for sale by a licensed pesticide dealer and it is sold, offered for sale or held for sale by a person who has not obtained such a license.

(b) If the article is condemned, it shall, after entry of decree, be disposed of by destruction or sale as the court may direct and the proceeds, if such article is sold, less legal costs, shall be paid to the state treasurer;
provided, that the article shall not be sold contrary to the provision of this act; and provided, further, that upon payment of costs and execution and delivery of a good and sufficient bond conditioned that the article shall not be disposed of unlawfully, the court may direct that said article be delivered to the owner thereof for relabeling or reprocessing as the case may be.

(c) When a decree of condemnation is entered against the article, court costs and fees and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant of the article.

SECTION 9. That Section 22-3410, Idaho Code, be, and the same is hereby amended to read as follows:

22-3410. DELEGATION OF DUTIES. — All authority vested in the commissioner by virtue of the provisions of this act may with like force and effect be executed by such designated employees of the department of agriculture as the commissioner may from time to time designate for said purpose.

SECTION 10. That Section 22-3412, Idaho Code, be, and the same is hereby amended to read as follows:

2 2 - 3 4 1 2 . EXCLUS I VE J U R I S D I C T I O N V E S TED IN COMMISSIONER REPEAL. — Jurisdiction in all matters pertaining to the distribution, sale and transportation of economic poisons pesticides is by this act vested exclusively in the commissioner, and all acts and parts of acts inconsistent with this act are hereby expressly repealed.

SECTION 1 1 . That Chapter 34, 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 22-3413, Idaho Code, and to read as follows:

22-3413. PESTICIDE DEALER’S LICENSE. — (a) It shall be unlawful for any person to engage in the sale of pesticides within the state of Idaho without first obtaining from the commissioner an annual pesticide dealer’s license for each location or outlet from which such pesticides shall be sold.

(b) Application for a pesticide dealer’s license shall be accompanied by a fee and shall be due on or before July 1 of each year.

(c) A late penalty fee shall be added to the original fee if not paid on or before July 1 of each year. No late penalty fee shall be imposed on such applicant whose application for a license is accompanied by an affidavit stating that prior to his application he has not operated as a pesticide dealer. The commissioner shall by regulation set the fees and charges under this section after notice and hearing, which fee shall not exceed ten dollars ($10).

SECTION 12. That Chapter 34, Title 22, Idaho Code, be, and the same
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is hereby amended by the addition thereto of a new section, to be known and designated as Section 22-3414, Idaho Code, and to read as follows:

22-3414. PESTICIDE DEALER’S RECORDS AND REPORTS. — (a) The commissioner may require any pesticide dealer to keep accurate records of the type of pesticide and the quantity sold or transferred. Each such dealer shall be required to submit to the commissioner a semiannual report before June 30 and December 31 of each year. Such report shall contain but is not limited to the following:

(1) the name and business address of the pesticide dealer;
(2) the brand name and specific pesticide name;
(3) the per cent of active ingredient;
(4) the quantity sold;
(5) any other information the commissioner may deem necessary.

(b) Such records shall be available for inspection during ordinary business hours by the commissioner or his designated employees.

SECTION 13. That Chapter 34, 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 22-3415, Idaho Code, and to read as follows:

22-3415. PESTICIDE DEALER’S RESPONSIBILITIES. — (a) No pesticide dealer shall sell, offer for sale, or hold for sale any restricted use pesticide in the same department where food or beverages for human consumption are displayed or sold. The commissioner may by regulation provide for restricted use pesticides and promulgate a list of such pesticides. The commissioner may also provide for the type of use permitted, place of use permitted and such other terms and conditions as he deems necessary in relation to restricted use pesticides.

(b) Pesticide dealers and their designated employees shall not make recommendations for pesticide use which would violate federal or Idaho food and drug laws, or would violate the approved labeled use set by the United States department of agriculture or Idaho registration for that pesticide. Pesticide dealers and their designated employees shall not be in violation of this provision when following current University of Idaho extension service pesticide recommendations.

(c) Each pesticide dealer shall post in a conspicuous place a list of persons to contact in case of a pesticide accident. Included on such list shall be:

(1) the name and address of the nearest poison control center;
(2) the main office of the Idaho department of agriculture in Boise;
(3) the local health officer.

SECTION 14. That Chapter 34, 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 22-3416, Idaho Code, and to read as follows:

22-3416. DENIAL, REVOCATION, SUSPENSION OF DEALER'S LICENSE. — The commissioner may after notice and hearing deny the application of any person requesting a dealer's license or suspend or revoke the license of any pesticide dealer who violates the terms and provisions of this act or the rules and regulations promulgated hereunder.

Approved March 30, 1971.

CHAPTER 319
(S. B. No. 1248)

AN ACT
RELATING TO SAFETY ON THE STREETS AND HIGHWAYS IN THE STATE OF IDAHO, AUTHORIZING THE COMMISSIONER OF LAW ENFORCEMENT TO ESTABLISH BY ADMINISTRATIVE RULES A DRIVER REHABILITATION PROGRAM OR PROGRAMS, CONSISTING OF, BUT NOT LIMITED TO, CLASS ROOM INSTRUCTION IN RULES OF THE ROAD, DRIVING TECHNIQUES, DEFENSIVE DRIVING, DRIVER ATTITUDE AND HABITS, ACTUAL ON-THE-ROAD DRIVER'S TRAINING AND SUBJECTS WHICH MIGHT CONTRIBUTE TO PROPER DRIVING ATTITUDES, HABITS AND TECHNIQUES; LIMITING PARTICIPATION IN SUCH PROGRAMS TO THOSE OPERATORS WHOSE LICENSES ARE SUBJECT TO EITHER MANDATORY OR PERMISSIVE SUSPENSIONS; PROHIBITING FROM PARTICIPATING THOSE PERSONS WHOSE LICENSES ARE SUBJECT TO REVOCATION UNDER SECTION 49-329, IDAHO CODE; REQUIRING REFERRAL FROM A DRIVER IMPROVEMENT COUNSELOR, JUDGE OR MAGISTRATE OF A DISTRICT COURT OF THE STATE OF IDAHO OR A HEARING OFFICER OF THE DEPARTMENT OF LAW ENFORCEMENT; REQUIRING THOSE PERSONS PARTICIPATING IN SAID PROGRAMS TO COMPLY WITH REQUIREMENTS ESTABLISHED
FOR SUCH PROGRAMS; AND ESTABLISHING A DRIVER REHABILITATION BOARD AND PRESCRIBING ITS DUTIES; AND DECLARING AN EMERGENCY.

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

SECTION 1. The rising toll of accidents, personal injuries and deaths resulting from the operation of motor vehicles is a matter of great concern to the legislature. The failure to apply proper driving techniques in the operation of vehicles and improper driving attitude and habits on the part of the operator constitute major factors in a substantial portion of both fatal and nonfatal automobile accidents. Current efforts to improve driver skills, responsibilities, attitudes and habits have not proved adequate to stem the mounting accident, injury and death toll. The public interest in the cause of highway safety will be well served by a careful and thorough study of additional methods of driver rehabilitation and improvement and the establishment of programs of rehabilitative instruction, driver improvement and direction for drivers with poor driving records. The commissioner of law enforcement should have broad authority to institute these studies and programs designed to determine the most effective methods of improving driver skills, attitudes and habits in order to reduce traffic violations and motor vehicle accidents and to place such determination to effective use for the benefit of the people of Idaho.

SECTION 2. (a) The commissioner of law enforcement may establish by administrative rules a driver rehabilitation and improvement program or programs which may consist of, but not limited to, class room instruction in rules of the road, driving techniques, defensive driving, driver attitudes and habits, actual on-the-road driver's training and other such subjects or tasks which might contribute or add to proper driving attitudes, habits and techniques.

(b) The content and method of presentation and execution of any such program shall be established by the commissioner of law enforcement after consultation with the driver rehabilitation advisory board established by this act.

(c) Official participation in such driver rehabilitation and improvement shall be limited to those persons whose operator's license to operate or privileges of operating a motor vehicle in the state of Idaho is subject to either mandatory or permissive suspension or revocation and against whom there is a proposed notice of suspension or revocation of the person's operator's license pending; provided, however, that no person shall be
included in any program of driver rehabilitation or improvement where revocation of the operator's license is required under the provisions of section 49-329, Idaho Code. Nothing in this act shall be construed as creating a right of any person to be included in any program established under this act.

(d) No person shall be permitted to participate officially in any such program unless such person has been referred for participation therein by a driver improvement counselor, a judge or magistrate of a district court of the state of Idaho or the hearing officer of the department of law enforcement of the state of Idaho.

(e) Notwithstanding, any inconsistent provision of this act with any other law of the state of Idaho, the enforcement of any suspension or revocation order which constitutes the basis for any person's participation in the driver rehabilitation and improvement programs provided for herein shall be stayed, provided that such person complies with the requirements established for such program or programs.

In the event such person's driver's license, registration certificate or vehicle license plates, or any of them have been surrendered prior to such person's selection for participation in the driver rehabilitation and improvement programs, such licenses, certificates or plates shall be returned upon receipt of such person's agreement to participation in said driver rehabilitation and improvement.

The stay of enforcement of any such suspension or revocation order shall be terminated, and the order of suspension or revocation enforced, if such person declines to participate in the driver rehabilitation and improvement program or fails to meet the attendance or other requirements established for participation in said driver rehabilitation or driver improvement programs.

(f) The commissioner of law enforcement may establish a schedule of fees which may be charged those persons participating in said driver rehabilitation and improvement program, which fees shall be used to help defray costs of maintaining said driver rehabilitation and improvement programs.

SECTION 3. (a) The commissioner of law enforcement shall appoint a driver rehabilitation advisory board of not less than three (3) nor more than five (5) members, who shall serve at the pleasure of said commissioner of law enforcement. The membership of such board shall include, but need not be limited to, representatives of the fields of driver education, law enforcement
and highway safety. Members of said board shall be allowed their actual and necessary expense incurred in the performance of their duties.

(b) The board shall advise the commissioner of law enforcement with respect to the development of a comprehensive driver rehabilitation and driver improvement program with a view of promoting highway safety and determining those drivers who are a menace on the highways.

(c) The board shall advise the commissioner of law enforcement as to the methods most desirable in gathering statistics on the evaluation of the driver rehabilitation and driver improvement programs.

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 30, 1971.

CHAPTER 320
(S. B. No. 1258)

AN ACT

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

SECTION 1. There is hereby appropriated out of the funds enumerated the following amount to the Department of Parks for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

- Managing and developing outdoor recreation areas: $2,249,583
- Providing for parks operation and maintenance: 344,228
- Conducting parks administration: 114,289
- Improving Idaho waterways: 500,000

TOTAL: $3,208,100
BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

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</tr>
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</table>

FROM:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$344,228</td>
</tr>
<tr>
<td>Federal Funds</td>
<td>2,249,583</td>
</tr>
<tr>
<td>Dedicated Funds:</td>
<td></td>
</tr>
<tr>
<td>Parks Fund</td>
<td>114,289</td>
</tr>
<tr>
<td>Waterways Improvement Fund</td>
<td>500,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$3,208,100</strong></td>
</tr>
</tbody>
</table>

Approved March 30, 1971.

CHAPTER 321
(S. B. No. 1279)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO TO THE STATE OF IDAHO AERONAUTICS FUND FOR THE PURPOSE OF MATCHING FUNDS FROM THE SPECIAL PRIVILEGE TAX LEVIED BY SECTION 49-1227A, IDAHO CODE, FOR THE PERIOD COMMENCING JULY 1, 1969, AND ENDING APRIL 10, 1971, AND DIRECTING THE STATE AUDITOR TO TRANSFER THE FUNDS SO MATCHED; PRESCRIBING LIMITATIONS ON THE USE OF SUCH FUNDS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated out of the general fund of the state of Idaho the sum of $80,000.00 for the purpose of matching funds collected by the special one cent aviation fuel privilege tax levied pursuant to section 49-1227A, Idaho Code, for the period commencing July 1, 1969 and ending April 10, 1971. The state auditor shall transfer matching funds to the state aeronautics fund equivalent to the income derived from the tax during the period of this act.
SECTION 2. The moneys appropriated in section 1 shall be used only for construction, improvement, upgrading or reconstruction of airports in the state of Idaho at which airlines holding certificates of public convenience and necessity from the United States Civil Aeronautics Board operate on a scheduled basis, and/or reliever airports located within twenty-five nautical miles of airports holding such certificates of public convenience and necessity.

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 May 1, 1971.

Approved March 30, 1971.

CHAPTER 322
(S. B. No. 1292)

AN ACT


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

SECTION 1. There is hereby appropriated out of the fund enumerated the following moneys, to the Department of Agriculture to be expended as indicated, for the period July 1, 1971 through June 30, 1972.

FOR:

Regulation of sprayers and dusters $10,280

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

Salaries & Wages $ 6,480
Travel Expense 1,300
Other Current Expense 2,500
TOTAL $10,280

FROM:

Agricultural Inspection Fund $10,280
TOTAL $10,280

Approved March 30, 1971.
CHAPTER 323
(S. B. No. 1293)

AN ACT

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

SECTION 1. There is hereby appropriated out of the funds enumerated the following amount to the State Highway Board of Directors for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acquiring land and buildings</td>
<td>$ 750,000</td>
</tr>
<tr>
<td>Acquiring equipment</td>
<td>1,838,000</td>
</tr>
<tr>
<td>Maintaining highways</td>
<td>10,708,052</td>
</tr>
<tr>
<td>Constructing highways</td>
<td>47,334,405</td>
</tr>
<tr>
<td>Administering state highway system</td>
<td>2,342,415</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$62,972,872</strong></td>
</tr>
</tbody>
</table>

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries &amp; Wages</td>
<td>$13,426,859</td>
</tr>
<tr>
<td>Travel</td>
<td>300,000</td>
</tr>
<tr>
<td>Other Current Expense</td>
<td>8,845,000</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>40,301,013</td>
</tr>
<tr>
<td>Refunds of Erroneous Receipts</td>
<td>100,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$62,972,872</strong></td>
</tr>
</tbody>
</table>

FROM:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Funds</td>
<td>$36,965,854</td>
</tr>
<tr>
<td>Dedicated Funds:</td>
<td></td>
</tr>
<tr>
<td>State Highway Fund</td>
<td>25,007,018</td>
</tr>
<tr>
<td>Counties and others</td>
<td>1,000,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$62,972,872</strong></td>
</tr>
</tbody>
</table>

Approved March 30, 1971.
AN ACT


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

SECTION 1. There is hereby appropriated out of the funds enumerated the following amount to the Department of Education for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration</td>
<td>$328,844</td>
</tr>
<tr>
<td>Financial services</td>
<td>293,010</td>
</tr>
<tr>
<td>Instructional services</td>
<td>781,134</td>
</tr>
<tr>
<td>General services</td>
<td>310,513</td>
</tr>
<tr>
<td>Payment as Agent</td>
<td>11,528,000</td>
</tr>
<tr>
<td>School lunch</td>
<td>$88,000</td>
</tr>
<tr>
<td>Drivers' Training</td>
<td>530,000</td>
</tr>
<tr>
<td>Neighborhood Youth Corps—Salaries</td>
<td>500,000</td>
</tr>
<tr>
<td>Federal Funds</td>
<td>10,410,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$13,241,501</td>
</tr>
</tbody>
</table>

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries &amp; Wages</td>
<td>$1,513,154</td>
</tr>
<tr>
<td>Travel</td>
<td>141,950</td>
</tr>
<tr>
<td>Other Current Expense</td>
<td>521,279</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>37,118</td>
</tr>
<tr>
<td>Payment as Agent</td>
<td>11,028,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$13,241,501</td>
</tr>
</tbody>
</table>
CHAPTER 325
(S. B. No. 1295)

AN ACT

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

SECTION 1. There is hereby appropriated out of the fund enumerated the following amount to the Idaho Agricultural Labor Board for a major program for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:
Administration of the Idaho Agricultural Labor Act, 1971 $10,000

FROM:
General Fund $10,000

Approved March 30, 1971.
CHAPTER 326  
(S. B. No. 1297)  

AN ACT  
APPROPRIATING MONEYS FROM THE FUND ENUMERATED TO THE  
DEPARTMENT OF AGRICULTURE AND PRESCRIBING MAJOR  
PROGRAMS AND EXPENDITURE CLASSIFICATIONS OF THE  
APPROPRIATION FOR THE PERIOD JULY 1, 1971 THROUGH  
JUNE 30, 1972.  

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

SECTION 1. There is hereby appropriated out of the fund enumerated  
the following amount to the Department of Agriculture for major programs  
and the prescribed expenditure classifications for the period July 1, 1971  
through June 30, 1972.  

FOR MAJOR PROGRAMS:  
To license pesticide dealers $10,000  

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:  
Salaries & Wages $ 6,480  
Travel 1,300  
TOTAL $10,000  

FROM:  
Dedicated Funds:  
Pesticide Fund $10,000  
TOTAL $10,000  

Approved March 30, 1971.

CHAPTER 327  
(S. B. No. 1246)  

AN ACT  
DECLARING THE POLICIES OF THE STATE OF IDAHO WITH  
REFERENCE TO OVERTIME WORK, HOLIDAYS AND VACATION  
LEAVE; DEFINING TERMS; AUTHORIZING THE APPOINTING  
AUTHORITY OF ANY DEPARTMENT TO DETERMINE THE  
NECESSITY FOR OVERTIME WORK; PROVIDING FOR CASH
COMPENSATION OR COMPENSATORY TIME FOR OVERTIME WORK AND FOR PERFORMING SERVICES IN STATE EMPLOYMENT ON HOLIDAYS; AUTHORIZING APPOINTIVE AUTHORITIES AND THE IDAHO PERSONNEL COMMISSION TO DESIGNATE CERTAIN POSITIONS AND CLASSES OF POSITIONS FOR PURPOSES OF DETERMINING ELIGIBILITY FOR CASH COMPENSATION OR COMPENSATORY TIME FOR OVERTIME WORK; ESTABLISHING AN ACCRUAL RATE FOR VACATION LEAVE FOR CLASSIFIED STATE EMPLOYEES; ESTABLISHING METHOD OF COMPENSATION FOR UNUSED VACATION LEAVE OR COMPENSATORY TIME UPON SEPARATION FROM STATE SERVICE; REPEALING SECTIONS 67-5317 THROUGH 67-5325, IDAHO CODE.

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

SECTION 1. It is hereby declared to be the policy of the legislature of the state of Idaho that classified employees of the several departments of the state government shall be treated equally with reference to hours of employment, holidays, and vacation leave. The policy of this state as declared in this act shall not restrict the extension of regular work hour schedules on an overtime basis in those activities and duties where such extension is necessary and authorized, provided that overtime work performed under such extension is compensated for as hereinafter provided.

SECTION 2. The following terms as used in this act are hereby defined as follows:

(a) "Appointing authority" means the officer, board, commission, person or group of persons authorized by statute or lawfully delegated authority to make appointments to or employ personnel in any department.

(b) "Classified employee" means any person appointed to or holding a position in any department of the state of Idaho which position is subject to the provisions of chapter 53, title 67, Idaho Code.

(c) "Department" means any department, agency, institution or office of the state of Idaho.

(d) "Holiday" means the following:
   January 1 (New Year's Day);
   Third Monday in February (Washington's Birthday);
   Last Monday in May (Decoration Day);
   July 4 (Independence Day);
   First Monday in September (Labor Day);
Second Monday in October (Columbus Day);
Fourth Monday in October (Veterans Day);
Fourth Thursday in November (Thanksgiving);
December 25 (Christmas).

In addition, the term "holiday" shall mean any day so designated by the president of the United States or the governor of this state for a public fast, Thanksgiving or holiday.

(e) "Overtime work" means time worked in excess of eight (8) hours in a period of twenty-four (24) consecutive hours or in excess of forty (40) hours in a period of one hundred sixty-eight (168) consecutive hours.

(f) "Vacation leave" means a period of exemption from work granted to employees during which time said employees shall be compensated. The term shall not include compensatory time for overtime work.

SECTION 3. The appointing authority of any department shall determine the necessity for overtime work and shall provide for cash compensation for such overtime work for employees who:

(a) In times of critical emergency involving danger to person or property are directed to work hours in excess of those set forth herein as normal work days or work weeks; or

(b) Are required to remain or report back after completion of the normal day or work week or when otherwise off duty; or

(c) Are required and directed to work on a day designated by statute or by lawful proclamation of the president of the United States or governor of this state as a holiday; or

(d) Are required and directed to work in addition to their assigned hours of the work day or work week.

SECTION 4. Unless specifically exempted by provisions of this act, classified employees shall be entitled to payments in cash for overtime work performed. Each appointing authority shall provide compensation for overtime work; provided, however, as an alternative to providing cash compensation for overtime work, appointing authorities may provide compensatory time for the first twenty-four (24) hours of such overtime work in an individual employee's normal work week in lieu of cash compensation. Compensatory time which has been earned but not taken within six (6) months of the time it was earned shall be paid in cash compensation not later than the end of the first payroll period following the expiration of the six (6) months herein described. Compensatory time shall be allowed in those instances where a classified employee has been required
to perform his duties on a holiday. In the event that a holiday occurs on the normal and usual day off of any classified employee, the employee shall be granted compensatory time. In the event that a holiday occurs on a Saturday, the preceding Friday shall be granted and if the holiday falls on Sunday, the following Monday shall be granted for compensatory purposes.

Executive and supervisory classes as determined by the provisions of this act shall receive compensatory time credit but shall not receive overtime payments in cash.

SECTION 5. Cash compensation for overtime shall be at the hourly rate for that employee's grade, class and step contained in the established compensation schedule of the Idaho personnel commission, except as provided in section 7 of this act.

SECTION 6. Except as provided for in section 4 of this act, compensation for authorized overtime work shall be made at the completion of the pay period next following the pay period in which the overtime work occurred and shall be added to the regular salary payment.

SECTION 7. Notwithstanding any of the provisions of sections 4, 5 and 6 of this act, the method of payment and rate of overtime compensation for the classified employees of the state hospitals, state schools and state institutions of higher learning shall be in accordance with the provisions of the Fair Labor Standards Act of 1938, as amended (29 United States Code 201, et seq.).

SECTION 8. Appointing authorities, with the concurrence of the Idaho personnel commission, may designate positions and classes of positions in each department which are executive or supervisory in function, for the purpose of determining whether such employees are eligible for cash compensation pursuant to section 4 of this act.

SECTION 9. The rate at which vacation leave shall accrue to classified employees shall be as follows: one (1) day for each full month of service during the first five (5) years of the classified employee’s continuous employment; one and one-fourth (1¼) days for each full month during the next five (5) years of continuous employment; one and one-half (1½) days for each full month during the third consecutive five (5) years of continuous employment, and one and three-quarters (1¾) days for each full month of continuous employment thereafter.

SECTION 10. A classified employee shall have worked for at least six (6) months of continuous employment before being eligible for vacation leave. No classified employee shall be permitted to accrue more than thirty
(30) days' vacation leave without written authority of said classified employee's appointing authority. An appointing authority shall permit each classified employee to take vacation leave to the extent such leave has accrued during each twelve (12) months of said classified employee's service.

SECTION 11. All holidays as defined herein are declared to be compensable days for the normal work week of classified employees. Classified employees shall be exempt from work in state service on days declared by this act to be a holiday, subject to the provisions of section 3 and section 4 of this act.

SECTION 12. Upon separation from state employment, after six (6) months' continuous service, classified employees shall be entitled to lump sum payment for earned but unused vacation leave. Cash compensation shall also be made for any earned, but unused, compensatory time.

SECTION 13. The Idaho personnel commission is hereby directed and authorized to establish rules and regulations relating to leave for classified state employees from official duties, including but not limited to, sick leave, military leave, jury duty, leaves of absence without compensation, and such other forms of absence from performance of duties in the course of state employment as may be necessary.

SECTION 14. Provisions of this act affecting classified employees shall supersede the provisions of section 67-2507, Idaho Code, to the extent that such section applies to classified employees.

SECTION 15. That Sections 67-5317 through 67-5325, Idaho Code, be, and the same are hereby repealed.

Approved March 30, 1971.

CHAPTER 328
(S. B. No. 1172)

AN ACT
AMENDING SECTION 41-112, IDAHO CODE, BY FURTHER DEFINING THE TERM "TRANSACTING INSURANCE" TO INCLUDE MAILING AND OTHERWISE DELIVERING ANY WRITTEN SOLICITATION TO ANY PERSON IN THIS STATE BY AN INSURER OR ANY PERSON ACTING ON BEHALF OF THE INSURER FOR FEE OR COMPENSATION; AND DECLARING AN EMERGENCY.
Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 41-112, Idaho Code, be, and the same is hereby amended to read as follows:

41-112. "TRANSACTING INSURANCE" DEFINED. — "Transacting insurance" includes any of the following:

1. Solicitation and inducement.
2. Preliminary negotiations.
3. Effectuation of a contract of insurance.
4. Transaction of matters subsequent to effectuation of a contract of insurance and arising out of it.
5. Mailing or otherwise delivering any written solicitation to any person in this state by an insurer or any person acting on behalf of the insurer for fee or compensation.

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

Approved March 30, 1971.

CHAPTER 329
(S. B. No. 1184)

AN ACT
AMENDING SECTION 50-1301, IDAHO CODE, BY DEFINING SANITARY RESTRICTION; AMENDING CHAPTER 13, TITLE 50, IDAHO CODE, BY ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 50-1326, IDAHO CODE, REQUIRING ALL PLATS TO BEAR A SANITARY RESTRICTION, REQUIRING SUBMISSION OF PLANS AND SPECIFICATIONS OF WATER AND SEWAGE SYSTEMS TO THE STATE DEPARTMENT OF HEALTH, AND PROHIBITING THE CONSTRUCTION OF ANY BUILDING OR SHELTER PRIOR TO THE REMOVAL OF THE SANITARY RESTRICTION; AMENDING CHAPTER 13, TITLE 50, IDAHO CODE, BY ADDING A NEW SECTION TO BE KNOWN AS SECTION 50-1327, IDAHO CODE, PROHIBITING PERSONS FROM RECORDING OR CAUSING TO BE RECORDED A PLAT NOT CONTAINING A SANITARY RESTRICTION UNLESS THE PLAT IS
ACCOMPANIED BY A CERTIFICATE OF APPROVAL FROM THE
STATE BOARD OF HEALTH, AND PROVIDING THE FILING AND
RECORDING OF A NONCOMPLYING PLAT SHALL IN NO WAY
INVALIDATE A TITLE CONVEYED THEREUNDER; AMENDING
CHAPTER 13, TITLE 50, IDAHO CODE, BY ADDING A NEW
SECTION TO BE KNOWN AS SECTION 50-1328, IDAHO CODE,
AUTHORIZING THE STATE BOARD OF HEALTH TO ADOPT
RULES AND REGULATIONS AND STANDARDS FOR THE
ADMINISTRATION AND ENFORCEMENT OF THE ACT;
AMENDING CHAPTER 13, TITLE 50, IDAHO CODE, BY ADDING A
NEW SECTION TO BE KNOWN AS SECTION 50-1329, IDAHO
CODE, DECLARING CERTAIN ACTS TO BE MISDEMEANORS;
AND PROVIDING AN EFFECTIVE DATE.

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 50-1329, Idaho Code.

1. Owner: The proprietor of the land, (having legal title);

2. 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;

3. 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.

4. Street: A public street, road, thoroughfare, alley or highway; a right
of way for public use;

5. Easement: A right of use, falling short of ownership, and usually for
a certain stated purpose.

6. 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.

SECTION 2. That Chapter 13, Title 50, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 50-1326, Idaho Code, and to read as follows:

50-1326. ALL PLATS TO BEAR A SANITARY RESTRICTION — SUBMISSION OF PLANS AND SPECIFICATIONS OF WATER AND SEWAGE SYSTEMS TO STATE DEPARTMENT OF HEALTH — REMOVAL OF SANITARY RESTRICTION. — For the purposes of sections 50-1326 through 50-1329, Idaho Code, any land divided into parcels of less than five (5) acres each, or a plat filed in accordance with chapter 13, title 50, Idaho Code, or in accordance with county ordinances adopted pursuant to chapter 38, title 31, Idaho Code, shall be subject to the sanitary restriction as herein defined. There shall be placed upon the face of every plat prior to it being recorded by the county clerk and recorder, the sanitary restriction, except such sanitary restriction may be omitted from the plat, or if it appears on the plat, may be endorsed by the county clerk and recorder as sanitary restriction satisfied, when there is recorded at the time of the filing of the plat, or at any time subsequent thereto, a duly acknowledged certificate by the administrator or his delegate, of the state board of health, that there have been approved plans and specifications for either public water and/or public sewer facilities, or individual water and/or sewage facilities for the particular land. The owner shall have the obligation of submitting to the state board of health all information necessary concerning the condition of the property, and the plans and specifications proposed for the facilities referred to. Until the sanitary restrictions have been satisfied by the filing of said certificate, no owner shall construct any building or shelter on said premises which necessitates the supplying of water or sewage facilities for persons using such premises.

SECTION 3. That Chapter 13, Title 50, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 50-1327, Idaho Code, and to read as follows:

50-1327. FILING OR RECORDING OF NONCOMPLYING MAP OR PLAT PROHIBITED. — No person shall offer for recording, or cause to be recorded, a plat not containing a sanitary restriction, unless there is submitted for record at the same time the certificate of the state board of health as required in section 15-1326, Idaho Code. The filing and recording
of a noncomplying plat shall in no way invalidate a title conveyed thereunder.

SECTION 4. That Chapter 13, Title 50, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 50-1328, Idaho Code, and to read as follows:

50-1328. RULES FOR THE ADMINISTRATION AND ENFORCEMENT OF SANITARY RESTRICTION. — The state board of health shall make rules, including adoption of sanitary standards necessary for administration and enforcement of sections 50-1326 through 50-1329, Idaho Code. The rules and standards shall provide the basis for approving subdivision lands or plats for various types of water and sewage facilities, both public and individual, and shall be related to size of lots, contour of land, porosity of soil, ground water level, pollution of water, type of construction of water and sewage facilities, and other factors protecting public health.

SECTION 5. That Chapter 13, Title 50, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 50-1329, Idaho Code, and to read as follows:

50-1329. VIOLATION A MISDEMEANOR. — Any person, firm or corporation who constructs, or causes to be constructed, a building or shelter on a parcel of less than five (5) acres or a platted parcel prior to the satisfaction of the sanitary restriction, or who installs or causes to be installed water and sewer facilities thereon prior to the approval of plans and specifications therefor by the department of health, shall be guilty of a misdemeanor. Each and every day that such activities are carried on in violation of this section shall constitute a separate and distinct offense.

SECTION 6. This act shall be in full force and effect on and after July 1, 1971.

Approved March 30, 1971.

CHAPTER 330
(S. B. No. 1239)

AN ACT
RELATING TO REVENUE BONDS; AMENDING SECTION 50-1036, IDAHO CODE, ENLARGING THE AUTHORITY OF A CITY TO
PRESCRIBE THE NATURE, FORM, CONDITIONS OF PAYMENT, DENOMINATION OF, AND CONVERSION OF REVENUE BONDS.

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

SECTION 1. That Section 50-1036, Idaho Code, be, and the same is hereby amended to read as follows:

50-1036. BONDS — FORM — CONDITIONS. — All revenue bonds issued under authority of this act shall be sold, executed and delivered in the same manner as provided by the municipal bond law for the sale of general obligation negotiable coupon bonds. The ordinance authorizing the issuance of said bonds shall prescribe the form of bonds. Said bonds shall bear interest at a rate or rates, payable annually, or at such lesser intervals as may be prescribed by ordinance; may be in one (1) or more series, bear such date or dates, mature at such time or times, and be redeemable before maturity at the option of the city; may be payable in such medium of payment, at such place or places, may carry such registration privileges, may be subject to such terms of redemption, may contain such terms, covenants and conditions, and may be in such form, either coupon or registered, as such ordinance may provide. Said bonds shall be sold at not less than par with accrued interest. Pending preparation of the bonds, interim certificates, in such form and with such provisions as the council may determine, may be issued. Said bonds and interim certificates shall be fully negotiable within the meaning of and for all the purposes of the negotiable instruments law.

Notwithstanding the provisions of the municipal bond law, the governing body in any proceedings authorizing bonds under this act may:

(1) provide for the initial issuance of one (1) or more bonds, in this act called "bond," aggregating the amount of the entire issue;

(2) make such provision for installment payments of the principal amount of any such bond as it may consider desirable;

(3) provide for the making of any such bond payable to bearer or otherwise, registrable as to principal or as to both principal and interest, and where interest accruing thereon is not represented by interest coupons, for the endorsing of payments of interest on such bonds; and

(4) further make provision in any such proceedings for the manner and circumstances in and under which any such bond may in the future, at the request of the holder thereof, be converted into bonds of smaller denominations, which bonds of smaller denominations may in turn be either coupon bonds or bonds registrable as to principal, or principal and interest, or both.

Approved March 30, 1971.
CHAPTER 331  
(S. B. No. 1245)

AN ACT
AMENDING SECTION 20-101, IDAHO CODE, RELATING TO THE STATE PENITENTIARY, BY PROVIDING THAT THE STATE BOARD OF CORRECTION MAY MAINTAIN STATE REHABILITATION CENTERS.

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

SECTION 1. That Section 20-101, Idaho Code, be, and the same is hereby amended to read as follows:

20-101. ESTABLISHMENT AND USE OF PENITENTIARY AND REHABILITATION CENTERS. – There shall be continually maintained for the care and custody of prisoners in Idaho, correctional facilities, and state rehabilitation centers, for use by the state board of correction located in the county of Ada and at such other places in the state of Idaho as may be determined by the board of correction; provided however that no facility may be acquired except as provided by law. All offenders convicted and sentenced according to law to imprisonment in the state prison shall be committed to the custody of the state board of correction. All persons convicted of crimes against the laws of this state, and sentenced to confinement in the state prison shall be committed to the custody of the state board of correction, and must, during the term of their confinement, perform such labor under such rules and regulations as may be prescribed by the state board of correction.

Approved March 30, 1971.

CHAPTER 332  
(S. B. No. 1250)

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

SECTION 1. There is hereby appropriated out of the funds enumerated the following amount to the Department of Finance for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

Administering functions of the department
Regulating state laws
Examining state licensed or chartered financial institutions
Supervising recommendations and investment of endowment funds
Auditing state chartered credit unions

TOTAL $222,904

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

Salaries & Wages $174,382
Travel 17,779
Other Current Expense 28,943
Capital Outlay 1,800
TOTAL $222,904

FROM:

General Fund $207,758
Dedicated Funds:
Credit Union Audit Fund 15,146
TOTAL $222,904

Approved March 30, 1971.

CHAPTER 333
(S. B. No. 1251)

AN ACT
APPROPRIATING MONEYS FROM THE FUND ENUMERATED TO THE IDAHO STATE BOARD OF CORRECTION FOR THE DEPARTMENT OF PROBATION AND PAROLE AND PRESCRIBING MAJOR PROGRAMS AND EXPENDITURE

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

SECTION 1. There is hereby appropriated out of the fund enumerated the following amount to the Idaho State Board of Correction for the Department of Probation and Parole for major programs and the prescribed expenditure classifications for the period of July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

Supervising and guiding probationers and parolees $300,823
TOTAL $300,823

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

Salaries & Wages $210,916
Travel 42,000
Other Current Expense 44,907
Capital Outlay 3,000
TOTAL $300,823

FROM:

General Fund $300,823
TOTAL $300,823

Approved March 30, 1971.

CHAPTER 334
(S. B. No. 1252)

AN ACT


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

SECTION 1. There is hereby appropriated out of the fund enumerated
the following amount to the Idaho State Board for Vocational Education for the Manpower Development and Training Act for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

Promoting manpower development in Idaho $1,371,099

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

<table>
<thead>
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<th>Expenditure</th>
<th>Amount</th>
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<tr>
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<td>Payment as Agent</td>
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FROM:

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<th>Source</th>
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<td>Federal Funds</td>
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</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$1,371,099</strong></td>
</tr>
</tbody>
</table>

Approved March 30, 1971.

CHAPTER 335
(S. B. No. 1253)

AN ACT


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

SECTION 1. There is hereby appropriated out of the funds enumerated the following amount to the Department of Water Administration for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

Providing administration for Idaho water resources $706,600

**TOTAL** $706,600
CHAPTER 336
(S. B. No. 1255)

AN ACT
RELATING TO NONRESIDENT HUNTERS AND FISHERMEN BY AUTHORIZING THE IDAHO FISH AND GAME COMMISSION TO ESTABLISH LIMITS ANNUALLY AS TO THE NUMBER OF EACH KIND OF NONRESIDENT LICENSES TO BE SOLD AND THE PARTICIPATION BY NONRESIDENTS IN CONTROLLED HUNTS; AND DECLARING AN EMERGENCY.

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

SECTION 1. The Idaho fish and game commission is hereby authorized to establish a limit annually as to the number of each kind of nonresident licenses to be sold and is further authorized to limit the number, or prohibit entirely, the participation by nonresidents in controlled hunts.

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

Approved March 30, 1971.
CHAPTER 337
(S. B. No. 1119, As Amended)

AN ACT
RELATING TO THE PROTECTION OF STREAM CHANNELS, PROVIDING A STATEMENT OF PURPOSE; DEFINING TERMS; PROVIDING FOR A PERMIT PRIOR TO ALTERATION OF A STREAM CHANNEL; PROVIDING THAT THE DEPARTMENT OF WATER ADMINISTRATION SHALL DETERMINE WHETHER ANY STREAM ALTERATION WOULD HAVE AN UNREASONABLY DETRIMENTAL EFFECT ON STREAM VALUES; PROVIDING THAT THE DIRECTOR SHALL NOTIFY THE APPLICANT OF HIS DECISION; PROVIDING THAT IF THE APPLICANT IS TURNED DOWN AND WILL NOT ALTER HIS PLANS A HEARING MAY BE HAD, AND FOR JUDICIAL REVIEW DE NOVO IN THE DISTRICT COURT; PROVIDING THAT THE ACT SHALL NOT AFFECT EXISTING WATER RIGHTS AND PROVIDING THAT PERMITS ARE NOT REQUIRED OF WATER USERS OR THEIR AGENTS TO CONSTRUCT, MAINTAIN AND REPAIR IN STREAM CHANNELS OR ELSEWHERE, AND TO REMOVE OBSTRUCTIONS FROM STREAM CHANNELS WHEN THE OBSTRUCTIONS INTERFERE WITH DELIVERY OF WATER; PROVIDING THAT THE ACT DOES NOT APPLY TO RESERVOIR PROJECTS AND PROVIDING THAT THE ACT DOES NOT APPLY TO WATER WITHIN OR ADJACENT TO ANY PORT DISTRICT; PROVIDING FOR WAIVER IN EMERGENCIES; PROVIDING FOR REMEDIES FOR NONCOMPLIANCE; PROVIDING FOR RESTORATION OR MITIGATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. The legislature of the state of Idaho hereby declares that the public health, safety and welfare requires that the stream channels of the state and their environments be protected against alteration for the protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, and water quality. No alteration of any stream channel shall hereafter be made unless approval therefor has been given as provided in this act.

SECTION 2. Whenever used in this act, the term:
(a) "Applicant" means any individual, partnership, company, corporation, municipality, county, state or federal agency, or other entity proposing to alter a stream channel.

(b) "Alter" means to obstruct, diminish, destroy, alter, modify, relocate, or change the natural existing shape or direction of water flow of any stream channel within or below the mean high water mark thereof.

(c) "Stream channel" means a natural water course of perceptible extent, with definite bed and banks, which confines and conducts continuously flowing water.

(d) "Department" means the Idaho department of water administration.

(e) "Director" means the director of the Idaho department of water administration.

(f) "Plans" mean maps, sketches, engineering drawings, word descriptions and specifications sufficient to describe the extent, nature and location of the proposed stream channel alteration and the proposed method of accomplishing same.

SECTION 3. No applicant shall engage in any project or activity which will alter a stream channel without first applying to and receiving a permit therefor from the department. Such application shall be submitted not less than sixty (60) days prior to the intended date of commencement of construction of such stream channel alteration and shall be upon forms to be furnished by the department or in such other form as deemed appropriate by memorandum of agreement with other state and federal agencies and shall be accompanied by plans of the proposed stream channel alteration.

SECTION 4. Upon the receipt of any application with accompanying plans, it shall be the duty of the director to examine same and to furnish copies of the application and plans to, and consult with, other state agencies having an interest in the stream channel to determine the likely effect of the proposed stream channel alteration upon the fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, and water quality values of the stream. Within twenty (20) days of the receipt of copies of such application and plans from the department, such other state agencies shall notify the director whether the proposed stream channel alteration will have an unreasonably detrimental affect upon these stream values and shall include with such notification recommendations of alternate plans, if any, determined by such agency to be reasonable to accomplish the purpose of the proposed stream channel alteration without adversely affecting such stream values.
SECTION 5. Based upon his own investigation and the recommendations and alternate plans of other state agencies, the director shall prepare and forward to the applicant his proposed decision. Within fifteen (15) days of the date of mailing of the proposed decision, the applicant shall notify the director if it refuses to modify its plans in accordance with such recommendations or that it requests a hearing thereon. If requested, such hearing shall be held under rules and regulations promulgated by the department under provisions of chapter 52, title 67, Idaho Code. The director shall have power to administer oaths and to require the attendance of such witnesses and the production of such books, records and papers as he may desire at the hearing, and for that purpose, the director may apply to the court for subpoena for any witnesses or a subpoena duces tecum to compel the production of any books, records or papers which shall be served and returned in the same manner as a subpoena in a civil case. In case of any disobedience or neglect to obey a subpoena or subpoena duces tecum, it shall be the duty of the district court in any county of this state in which such disobedience, neglect or refusal occurs, or any judge thereof, on application by the director, to compel obedience by proceedings for contempt. Upon the conclusion of the hearing and completion of any investigation conducted by the department or upon failure of an applicant to notify the department of its agreement to modify its plans in accordance with the proposed decision, the director shall enter his findings in writing approving the application and plans in whole or in part, or upon conditions, or rejecting said application and plans for such proposed stream channel alteration.

A copy of the director's findings shall be mailed to the applicant and to each person or organization who appeared at the hearing and gave testimony in support of or in opposition to the proposed stream channel alteration. Any applicant or other person appearing at a hearing shall have the right to have the proceedings of the department and the decision of the director reviewed by the district court in the county where the stream channel alteration is proposed. Such review may be accomplished by filing a notice of appeal to the district court within twenty (20) days of the date the director enters his findings. Proceedings in the district court shall be trial "de novo."

SECTION 6. This act shall not operate or be so construed as to impair, diminish, control or divest any existing or vested water rights acquired under the laws of the state of Idaho or the United States, nor to interfere with the
diversion of water from streams under existing or vested water right or water right permit for irrigation, domestic, commercial or other uses as recognized and provided for by Idaho water laws.

No permit shall be required from a water user or his agent to clean, maintain, construct in, or repair any stream channel, diversion structure, canal, ditch, or lateral. No permit shall be required from a water user or his agent to remove any obstruction from any stream channel, if such obstruction interferes with, or is likely to interfere with, the delivery of, or use of, water under any existing or vested water right, or water right permit.

SECTION 7. This act shall not apply to any existing, proposed, or future reservoir projects. This act shall not apply to that portion of any continuous waterway system which will float commercial tug and barge vehicles to ports handling transoceanic traffic, and which is within or adjacent to any port district now existing or hereafter formed under the provisions of title 70, Idaho Code.

SECTION 8. When emergency situations exist requiring immediate action to protect life or property including growing crops, the director may waive the provisions of this act upon request; providing, however, that the extent of stream channel alteration shall be limited only to that amount of work deemed necessary by the director to safeguard life or property including growing crops during the period of emergency.

SECTION 9. Any applicant who violates any of the provisions of this act, or of any order or condition of approval of the director issued pursuant thereto, where a copy of the order or condition of approval has been served upon said applicant by certified mail and said applicant fails to comply therewith within the time therein provided, or within ten (10) days of such service if not otherwise provided, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred fifty dollars ($150) nor more than five hundred dollars ($500); provided further, that each day such violation of an order or condition of approval has taken place shall constitute a separate offense punishable by a fine of not less than one hundred fifty dollars ($150) for each day until such activity is abated or voluntarily ceased. Any stream channel alteration engaged in by any applicant without approval having been obtained therefor as prescribed in this act is hereby declared to be a public nuisance and shall be subject to proceedings for immediate abatement. The director shall have authority and it shall be his duty to seek a temporary injunction from the appropriate district court to restrain an applicant from altering a stream channel until
approval therefor has been obtained by the applicant as provided in this act.

SECTION 10. Any party convicted of unlawful stream channel alteration shall, in addition to the penalties provided for in section 9 of this act, be directed by the court to restore the stream channel to as near its original condition as possible or to effect such other measures as recommended by the director toward mitigation of damages.

SECTION 11. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

SECTION 12. This act shall be in full force and effect on and after July 1, 1971.

Approved March 30, 1971.

CHAPTER 338
(S. B. No. 1136, As Amended in House)

AN ACT
DECLARING PUBLIC POLICY OF THE STATE OF IDAHO WITH RESPECT TO CERTAIN MENTALLY RETARDED AND BRAIN DAMAGED PERSONS; PROVIDING FOR THE PROTECTION OF THE CIVIL RIGHTS OF SUCH PERSONS; DEFINING THE PERSONS SUBJECT TO THIS ACT AS BEING IRREVERSIBLY AND INCURABLY MENTALLY INCOMPETENT BECAUSE OF MENTAL RETARDATION, BRAIN DAMAGE, OR BOTH; DEFINING THE TERMS PHYSICIAN, COUNSEL, REASONABLE COMPENSATION FOR PROFESSIONAL SERVICES, HOSPITAL, STERILIZATION PROCEDURE, DETERMINATION OF NEED FOR STERILIZATION; PROVIDING A JUDICIAL PROCEEDING FOR THE FILING OF A PETITION BY THE PROSECUTING ATTORNEY IN THE COUNTY WHEREIN SUCH PERSON TO BE STERILIZED RESIDES; SETTING FORTH THE REQUIREMENTS OF THE CONTENTS OF SUCH PETITION; PROVIDING FOR LEGAL COUNSEL AND THE COMPENSATION THEREFOR IN THE CASE OF INDIGENT PERSONS PROPOSED TO BE STERILIZED; PROVIDING FOR THE PROTECTION OF THE CIVIL RIGHTS OF THE PERSON
PROPOSED TO BE STERILIZED; PROVIDING FOR THE APPOINTMENT OF TWO INDEPENDENT PHYSICIANS TO MAKE AN EVALUATION OF THE PERSON PROPOSED TO BE STERILIZED TO DETERMINE WHETHER OR NOT THE CONDITION OF SUCH PERSON IS IRREVERSIBLE AND INCURABLE; PROVIDING FOR A HEARING UPON SUCH PETITION; SPECIFYING RULES OF EVIDENCE; PRESERVING THE RIGHT OF CROSS-EXAMINATION ON BEHALF OF THE PERSON PROPOSED TO BE STERILIZED; PROVIDING FOR THE ENTRY OF FINDINGS OF FACT AND CONCLUSIONS OF LAW AT THE CONCLUSION OF SUCH HEARING AND THE ENTRY OF A COURT ORDER EITHER DIRECTING STERILIZATION OR DISMISSING SUCH PETITION; PROVIDING FOR RIGHT OF APPEAL THEREFROM AND STAYING OF EXECUTION OF ANY ORDER OF STERILIZATION DURING THE TIME FOR PERFECTING AN APPEAL AND DURING THE PENDENCY OF ANY APPEAL SHOULD SUCH AN ORDER FOR STERILIZATION BE ENTERED; DEFINING STERILIZATION PROCEDURE; PRESCRIBING THE QUALIFICATIONS OF PERSONS PERFORMING SUCH STERILIZATION PROCEDURE; PROVIDING FOR IMMUNITY FROM CIVIL LIABILITY OR CRIMINAL PROSECUTION OF ONE PERFORMING SUCH STERILIZATION PROCEDURE EXCEPT IN CASE OF NEGLIGENCE IN THE PERFORMANCE OF SUCH PROCEDURES AND PROVIDING THAT NO HOSPITAL BE COMPELLED TO ADMIT A PATIENT FOR THE PURPOSE OF EFFECTING STERILIZATION AND PROVIDING THAT NO PHYSICIAN OR STAFF MEMBER OR EMPLOYEE OF ANY HOSPITAL SHALL BE REQUIRED TO EFFECT OR PARTICIPATE IN SUCH STERILIZATION IF SUCH HOSPITAL, STAFF MEMBER, EMPLOYEE OR PHYSICIAN OBJECTS TO THE SAME UPON MORAL OR RELIGIOUS GROUNDS; AND PROVIDING THAT REFUSAL OF ANY SUCH PERSON TO PARTICIPATE UPON MORAL OR RELIGIOUS GROUNDS SHALL NOT FORM THE BASIS FOR ANY CLAIM FOR DAMAGES BY REASON OF SUCH REFUSAL.

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

SECTION 1. (a) The state of Idaho has acknowledged the basic human needs and the real, if limited, potential of persons who are mentally retarded
or brain damaged through the continued funding under the direction of the Idaho board of health of medical, educational, and vocational programs for such persons. These programs, previously available only within institutions, are now being developed through community based centers. Some retarded or brain damaged persons could be released from total care within an institution to, or could remain in, the more independent and normal life in a community based program if they were free from the possible procreation of a child or children with inherited mental deficiencies or a child or children whom such persons with or without economic aid (charitable or otherwise) from others, could not be expected to care for to majority without the child or children suffering or sustaining serious mental or physical harm. It shall be lawful by this act, after compliance with all legal proceedings hereinafter defined, to perform sterilization procedures, as hereinafter defined, upon persons subject to this act.

(b) It is the declared public policy of the state of Idaho to adequately protect the civil rights of all persons who come within the purview of this act and to provide all necessary safeguards including but not limited to competent professional representation at all stages of all proceedings regardless of the ability of such person to pay for such representation.

SECTION 2. For the purpose of this act the following words and terms shall have the meanings hereinafter stated:

(a) “Persons subject to this act” shall mean a person, whether male or female, past his or her age of puberty, who, because of mental retardation, organical retardation, or both, is irreversibly and incurably mentally incompetent to the degree that such person, with or without economic aid (charitable or otherwise) from others, could not provide care and support for one (1) or more children procreated by such person in such a way that such children could reasonably be expected to survive to majority without suffering or sustaining serious mental or physical harm, and who, free from the obligations of parenthood, could be released from the total care within an institution, or remain in a community program and could reasonably benefit from a more independent, normal life, whose condition is, according to the procedures hereinafter stated, irreversible and incurable.

(b) “Physician” shall mean a person duly licensed in the state of Idaho to practice medicine and surgery without restriction pursuant to the laws of the state of Idaho.

(c) “Counsel” shall mean an attorney duly licensed by the state of Idaho to practice law in the state of Idaho.
(d) "Reasonable compensation for professional services" shall mean, when applied to indigent persons coming within the purview of this act, that compensation which such professional person rendering such service would receive and would be willing to accept from a like person having the private financial ability to pay for such services.

(e) "Hospital" shall mean a hospital licensed by the Idaho state board of health.

(f) "Sterilization procedure" shall mean any procedure or operation performed by a physician which is designed or intended to prevent conception and which is not designed or intended to unsex the patient by removing the ovaries or testicles.

SECTION 3. An involuntary sterilization procedure may be performed by a physician on a person subject to this act only after compliance with all the provisions of this act.

SECTION 4. (a) A petition shall be filed upon the request of one (1) or more of the parents or legal guardians or next of kin of the person alleged to be subject to this act or by the administrator of the state board of health by the prosecuting attorney in the district court in the county of residence of such person alleged to be subject to this act. The petition shall contain the written consent of the parent or parents, if such parents are surviving and can be found after reasonable effort, and are mentally competent, or by a legally appointed guardian, and if no such parent or parents survive or can be found after reasonable effort, or if such parent or parents are mentally incompetent, or if there is no legally appointed guardian, it shall contain the written consent of the administrator of health. The petition shall further set forth clearly and concisely the reason such person is alleged to be subject to the provisions of this act. The petition shall further contain a written, comprehensive evaluation by the diagnostic staff of the Idaho state school and hospital of the person named in the petition.

(b) Counsel. The person alleged to be subject to the provisions of this act shall have counsel at all stages of the proceedings provided for herein. This counsel shall be appointed by the district court which shall also conduct an investigation to determine whether or not the person has funds in trust or otherwise to pay reasonable compensation to counsel and if such investigation discloses that such a person is without such funds in trust or otherwise, to order that such counsel be paid reasonable compensation at public expense.

(c) Civil rights. In the conduct of all proceedings under this act, the
proceedings, pleadings and notices shall be so conducted as to assure the protection of civil rights of such person alleged to be subject to this act in the same manner as in criminal cases.

(d) Physician investigation. The district court shall appoint two (2) physicians, neither of whom is the physician who proposed to perform the sterilization procedures on the person alleged to be subject to this act, who shall receive reasonable compensation for professional services whatever their findings or conclusions, and who shall make an investigation of the person named in the petition to determine if they find such person to be a person subject to this act and if the condition of such person in their opinion is irreversible and incurable.

(e) Hearing. A hearing shall be held in district court with the right of cross examination preserved at all stages. The allegations of the petition shall be proved by a preponderance of the evidence, provided that it must be proved beyond a reasonable doubt that the person who may be subject to this act is irreversibly and incurably organically mentally retarded. The two (2) physicians and the members of the diagnostic staff of the Idaho state school and hospital who made the evaluation of the person named in the petition shall testify in person or by deposition and the counsel for such person named in the petition must be present. However such testimony is taken, the counsel for such person may submit separate medical evidence and may procure at public expense not more than two (2) physicians to evaluate the person alleged to be subject to this act and to testify on behalf of such person.

(f) Findings of fact and conclusions of law. The court must enter its findings of fact and conclusions of law as well as its order directing sterilization of such person, or its order dismissing such petition for insufficiency of evidence or any other reason.

SECTION 5. Such order shall be appealable to the supreme court of Idaho. Such appeal may be perfected in the same manner as in civil actions. In the case of appeals from any order directing sterilization, the order of the district court shall be stayed pending disposition of such appeal and no sterilization shall take place until after the expiration of the time allowed by law for perfecting appeal in any case.

SECTION 6. If judgment of the district court directs sterilization as herein provided, a sterilization procedure may be performed by a physician upon such person to the proceedings under this act in a duly licensed hospital.
SECTION 7. Wherever used in this act, the words "sterilization procedure" shall include and authorize the performance by the physician of any procedure or operation which is designed or intended to prevent conception and which is not designed or intended to unsex the patient by removing the ovaries or testicles.

SECTION 8. No operation under this law shall be performed by any person other than a physician duly licensed without restrictions to practice medicine and surgery in the state of Idaho.

SECTION 9. When an operation shall have been performed in compliance with the provisions of this law, no physician duly licensed without restriction to practice medicine and surgery in this state or other person legally participating in the execution of the provisions of this act shall be liable civilly or to criminal prosecution on account of such operation or participation therein, except in the case of negligence in the performance of said procedures. Nothing in this act shall be construed so as to prevent the medical or surgical treatment for sound therapeutic purposes of any person in this state by a physician duly licensed to practice medicine and surgery in this state, which treatment may involve the nullification or destruction of the reproductive function of that person at the same time that it serves such sound therapeutic purposes or the voluntary sterilization of a person competent to give his consent to such.

SECTION 10. Nothing in this act shall require a hospital to admit any patient under the provisions hereof for the purpose of performing a sterilization. A physician, or any other person who is a member of or associated with the staff of the hospital, or any employee of the hospital in which a sterilization procedure has been authorized, who shall object to such sterilization procedure on moral or religious grounds shall not be required to participate in the medical procedures leading to such sterilization procedure and the refusal of any such person to participate therein shall not form the basis for any claim for damages on account of such refusal or for any disciplinary or incriminatory action against such person.

Approved March 30, 1971.
AN ACT
AMENDING SECTION 22-2208, IDAHO CODE, OF THE COMMERCIAL SPRAYERS AND DUSTERS LAW, TO PROVIDE THAT THE LAW MAY HEREAFTER BE CALLED THE PESTICIDE USE AND APPLICATION LAW; AMENDING SECTIONS 22-2208, 22-2209, 22-2210, 22-2211, 22-2212, 22-2213, 22-2214, 22-2216, 22-2225, 22-2227, IDAHO CODE, BY STRIKING THEREFROM MANY REFERENCES TO INSECTICIDES, FUNGICIDES, HERBICIDES, DEFOLIANTS AND PLANT REGULATORS AND SUBSTITuting THEREFOR THE TERM "PESTICIDES"; AMENDING SECTION 22-2209, IDAHO CODE, BY DEFINING THE TERMS "PEST", "PESTICIDES", "RESTRICTED USE PESTICIDE", "APPARATUS", "PESTICIDE APPLICATOR" AND "PESTICIDE OPERATOR", AND AMENDING THE TERM "PUBLIC HEARING" TO CONFORM TO THE IDAHO ADMINISTRATIVE PROCEDURES ACT; AMENDING SECTION 22-2210, IDAHO CODE, TO PROVIDE FOR DIVISION OF LICENSES INTO CLASSIFICATIONS, SEPARATE TESTING FOR SUCH CLASSIFICATIONS, AND PROVIDING THAT THERE SHALL BE NO ADDITIONAL FEES FOR A PERSON WISHING TO LICENSE IN MORE THAN ONE CLASSIFICATION, ADDING THE WORDS PESTICIDE APPLICATOR AND APPARATUS AND SETTING A DUE DATE FOR LICENSE FEES, STATING THE INFORMATION NECESSARY FOR APPLICATIONS, THAT NONRESIDENT APPLICANTS SHALL DESIGNATE A RESIDENT AGENT FOR SERVICE OF PROCESS, THAT THE COMMISSIONER MAY REQUIRE OTHER INFORMATION ON APPLICATIONS, THAT ANY PERSON ACTING AS A PESTICIDE APPLICATOR OR OPERATOR MUST BE LICENSED ANNUALLY, THAT LICENSES ARE TO BE ISSUED TO QUALIFIED PERSONS, PROVIDING FOR REFUSAL TO LICENSE UNQUALIFIED PERSONS, RETESTING, AND STRIKING THE PROVISION LIMITING LICENSE SUSPENSIONS TO TEN DAYS, SETTING OUT SPECIFIC REASONS, RATHER THAN A GENERAL STATEMENT, AS REASONS FOR SUSPENDING OR REVOKING LICENSES OR REFUSING TO LICENSE, PROVIDING FEES FOR RETESTING WHERE THE
PERSON HAS PREVIOUSLY FAILED A TEST TO BE SET BY REGULATION, MAKING LICENSE AND OTHER PROVISIONS OF THE ACT APPLICABLE TO GOVERNMENTAL AGENCIES AND PUBLIC UTILITIES WITHOUT CHARGE FOR LICENSING; AMENDING SECTION 22-2211, IDAHO CODE, TO CLARIFY ITS LANGUAGE; REPEALING SECTION 22-2218, IDAHO CODE, RELATING TO EXEMPTIONS; AMENDING CHAPTER 22, TITLE 22, IDAHO CODE, BY ADDING A NEW SECTION 22-2218, IDAHO CODE, EXEMPTING FARMERS NOT HOLDING THEMSELVES OUT AS PESTICIDE APPLICATORS, AND PERSONS APPLYING PESTICIDES TO LAWNS OR GARDENS AND PERSONS ENGAGED IN THE BUSINESS OF CARING FOR LAWNS OR GARDENS AND GOVERNMENTAL AGENCIES APPLYING PESTICIDES ON EXPERIMENTAL PLOTS; AMENDING SECTION 22-2219, IDAHO CODE, TO PROVIDE FOR INSPECTION, SAMPLING AND INVESTIGATION OF COMPLAINTS, AREAS AND PESTICIDES; REPEALING SECTION 22-2224, IDAHO CODE, RELATING TO RESTRICTED AREAS FOR USE OF 2,4-D AND OTHER PESTICIDES; AMENDING CHAPTER 22, TITLE 22, IDAHO CODE, BY ADDING A NEW SECTION 22-2224, IDAHO CODE, RELATING TO RESTRICTED USE PESTICIDES AND ALLOWING THE COMMISSIONER OF AGRICULTURE TO REGULATE AND ADOPT A LIST OF RESTRICTED USE PESTICIDES AND TO REGULATE THE USE AND AREAS WHERE THEY ARE TO BE USED TOGETHER WITH TIME OF USE AND CONDITIONS FOR USE.

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

SECTION 1. That Section 22-2208, Idaho Code, be, and the same is hereby amended to read as follows:

22-2208. DECLARATION OF PURPOSE. — The purpose of this act is to regulate in the public interest, the custom application of insecticides, fungicides, herbicides, defoliants, desiccants, and plant regulators, pesticides. A great many materials have been discovered or synthesized which are valuable for the control of insects, fungi, and weeds and for regulating, defoliating or desiccating the growth of useful plants. However, such materials may injure health, property, or wildlife by drifting or being applied in a careless manner. Therefore it is deemed necessary to provide for regulation of the custom application of insecticides, fungicides, herbicides, defoliants, desiccants, and plant regulators, pesticides. This act may be
referred to as the pesticide use and application law.

SECTION 2. That Section 22-2209, Idaho Code, be, and the same is hereby amended to read as follows:

22-2209. DEFINITIONS. — For the purpose of this act —

(a) The term "pest" means but is not limited to any insect, slug, rodent, snail, nematode, weed and any form of plant or animal virus or life, (except virus on or in a living man or other animal), which is normally considered to be harmful or which the commissioner declares to be a pest.

(b) The term "pesticide" means but is not limited to (1) any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, nematode, snail, slug, fungus, weed and any other form of plant or animal life or virus, (except virus on or in living man or other animal), which is normally considered to be harmful or which the commissioner may declare to be a pest, and (2) any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant, and (3) any spray adjuvant, such as a wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent with or without toxic properties of its own intended to be used with any other pesticide as an aid to the application or effect thereof, and sold in a package or container separate from that of the pesticide with which it is to be used.

(c) The term "insecticide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any insects.

(d) The term "fungicide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any fungi.

(e) The term "herbicide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed.

(f) The term "insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class Insecta, comprising six-legged, often winged forms, as, for example, beetles, bugs, bees and flies, and to other allied classes of arthropods whose members are wingless and usually have more than six (6) legs, as, for example, spiders, mites, ticks and centipedes.

(g) The term "fungi" means all non-chlorophyll-bearing thallophytes (that is, all non-chlorophyll-bearing plants of a lower order than mosses and
liverworts) as, for example, rusts, smuts, mildews, molds, yeasts, and bacteria, except those on or in living man or other animals.

(i) The term “weed” means any plant which grows where not wanted.

(j) The term “person” means any individual, firm, partnership, association, corporation, company, joint stock association, or body politic, or any organized group of persons whether incorporated or not, and includes any trustee, receiver, assignee, or other similar representative thereof.

(k) The term “commissioner” means the commissioner of agriculture of the state of Idaho.

(l) The term “apparatus” means any equipment used for the commercial application of pesticides.

(m) The term “custom application of insecticides, fungicides, herbicides, defoliants, desiccants and plant regulators pesticides” means any application of insecticides, fungicides, herbicides, defoliants, desiccants and plant regulators or any other pesticides for hire.

(n) The term “aircraft” means any contrivance now known or hereafter invented, used or designed for navigation of, or flight in, the air.

(o) The term “ground equipment” means any machine or device (other than aircraft), for use on land or water, designed for, or adaptable to, use in applying insecticides, fungicides, herbicides, defoliants, desiccants and plant regulators pesticides as sprays, dusts, aerosols, or fogs, or in other forms.

(p) Public hearing shall constitute a public meeting after ten (10) days notice in no less than three (3) one (1) newspapers having a general circulation in the state of Idaho.

(q) The term “plant regulator” means any substance or mixture of substances, intended through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of ornamental or crop plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants and soil amendments.

(r) The term “defoliant” means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.

(s) The term “desiccant” means any substance or mixture of substances intended for artificially accelerating the drying of plant tissues.
(s) The term "restricted use pesticide" means any pesticide which the commissioner has determined to be seriously injurious to man, pollinating insects, animals, crops, wildlife or lands.

(t) The term "pesticide applicator" is a person who owns and/or manages any business engaged in custom application of pesticides. As to licensing, some real person must apply for the applicator and qualify.

(u) The term "pesticide operator" is any person engaged in custom application of pesticides other than a pesticide applicator.

SECTION 3. That Section 22-2210, Idaho Code, be, and the same is hereby amended to read as follows:

22-2210. LICENSES. — (a) The commissioner may classify licenses to be issued under this act. Such classifications may include but are not limited to pest control operators, ornamental or agricultural pesticide applicators, or right of way pesticide applicators. Separate classifications shall be designated based upon use and method of application. Such classifications may be aerial, ground, or manual application, and such other classifications as may be deemed necessary. Separate testing procedures and requirements may be utilized for each classification. No additional fee shall be charged by the commissioner for licensing a person in one or all of the license classifications.

(b) No person shall engage in custom application of pesticides within the state of Idaho at any time without a license issued by the commissioner, provided that this requirement shall not apply to any farmer or grower using or spraying any chemicals upon his own property or upon the property of another farmer or grower, when the same is done without any consideration other than exchange of labor, apparatus and equipment. Application for a license to operate as a pesticide applicator shall be made to the commissioner and said applicant receiving a license shall pay an annual fee not exceeding ten dollars ($10.00) therefor. Each such license shall expire on December 31, following its date of issue and the new license shall be due on or before January 1 of each year. Each application for a license shall contain the following information:

(1) Name and address of the person applying for a license;
(2) Names and addresses of the officers, partners, principal stockholders, or other individuals belonging to or connected with the applicant if the applicant for a license is a firm, partnership, association, corporation, or other business unit;
(3) Whether the applicant has been previously licensed to perform
custom application of insecticides, fungicides, herbicides, defoliants, desiccants and plant regulators pesticides in this state or any other state, and, if so, the date or dates such licenses were obtained, also if the applicant has ever had a license refused or revoked in this state or any state, or a bond or insurance policy canceled.

(4) The make, model, horsepower, and size of any aircraft, ground equipment or apparatus used by the applicant to apply pesticides;

(5) Nonresident applicants only. Any nonresident applying for a license under this act to operate in the state of Idaho shall file a written power of attorney, designating a resident agent, for such nonresident upon whom service of process may be had in Idaho in the event of any suit against said nonresident person, and acceptable to the commissioner. The commissioner shall be furnished with a copy of such designation of a resident agent prior to the issuing of a license;

(6) Any other information deemed necessary by the commissioner. The commissioner shall require an annual fee for each pesticide applicator’s license and for each aircraft and piece of ground equipment to be licensed. These fees shall be set by regulation and are due prior to the issuing of such licenses.

(c) Pesticide operator’s license. No person shall act as an employee for a pesticide applicator and apply pesticides manually or operate any spraying or dusting equipment without first obtaining an annual operator’s license from the commissioner. The commissioner may promulgate application forms requesting such information as he deems necessary. Application for an operator’s license shall be accompanied by a fee to be set by regulation and shall be due on or before January 1 of each year. Provisions of this section shall not apply to any person who has qualified under the licensing provisions of section (b) above.

(d) If the commissioner finds the applicant qualified for a commercial applicator’s or operator’s license, the commissioner shall issue such licenses to perform custom application of insecticides, fungicides, herbicides, defoliants, desiccants and plant regulators within the state of Idaho. The license may restrict the applicant to the use of a certain type or types of equipment, apparatus or materials if the commissioner finds that the applicant is qualified to use only such type or types. If a license is not issued as applied for, the commissioner shall inform the applicant in writing of the reasons therefor. The commissioner may refuse to license any applicator or operator who does not meet the requirements of this act and
the regulations made hereunder or who has ever had a license refused or revoked for any reason, either in this state or in any other state or territory, or has had a bond or insurance policy indemnifying the public against injuries arising from dusting or spraying canceled.

(e) The commissioner may require any licensed applicator or operator to be retested.

(f) The commissioner may suspend, pending inquiry, for not longer than ten (10) days, and, after opportunity for a hearing, may refuse to license, revoke or modify the provisions of any license issued under this section, if he finds determines that the an applicant or licensee is no longer qualified, has engaged in fraudulent business practices in the custom application of insecticides, fungicides, herbicides, defoliants, desiccants and plant regulators, or has made any custom application in a faulty, careless, or negligent manner, or has violated any of the provisions of this act or regulations made hereunder, has committed any of the following actions, that he has:

(1) Refused or neglected to comply with the provisions of this act, the rules adopted hereunder, or any lawful order of the commissioner;
(2) Made false or fraudulent claims through any media, misrepresenting the effect of materials or methods to be utilized;
(3) Applied worthless or improper materials;
(4) Operated in a faulty, careless, or negligent manner;
(5) Operated faulty or unsafe apparatus;
(6) Made fraudulent or false records or reports;
(7) Refused or neglected to keep and maintain records required by this act or regulations made hereunder or to make reports when and as often as required;
(8) Operated an apparatus for the application of a pesticide without an applicator’s or operator’s license;
(9) Operated an unlicensed apparatus;
(10) Used misrepresentation or fraud in making an application for a license or renewal of a license;
(11) Or he is not qualified to perform the type of agricultural pest control under the conditions and in the locality in which he operates or has operated.

(g) If the application for renewal of any license provided for in this act is not filed prior to January 1 of each year, a penalty fee of twenty-five percent (25%) of such license fee shall be assessed and added to the original fee
and shall be paid by the applicant before the renewal license shall be issued. No penalty fee shall be required of any applicant whose application for renewal of a license is accompanied by his signed affidavit that prior to his application he has not operated or worked as a pesticide applicator or as a pesticide operator subsequent to the expiration of his previous license.

(h) Each person who fails to receive a passing grade or for other reasons was not issued a license as a result of an examination given by the department shall pay a fee set by regulation to help reimburse the department for its costs prior to the department giving each future re-examination to the applicant.

(i) All state agencies, municipal corporations, and public utilities or any other governmental agency shall be subject to the provisions of this act and subsequent rules and regulations governing the application of restricted use pesticides by any person on their own crops or land. The public operators in charge of any equipment used by any state agencies, municipal corporations, public utilities, or any governmental agencies shall be subject to the provisions of section 22-2210, Idaho Code. The commissioner shall issue a limited license without charge to such public operators which shall be valid only while such public operators are operating such governmental equipment.

(ii) The commissioner may in his discretion after an investigation issue a license without examination to a nonresident who is licensed in another state where the requirements are substantially in accordance with the provisions of this act.

(k) Any person aggrieved by any action of the commissioner may obtain a review thereof by filing in the district court within thirty (30) days of notice of the action a written petition praying that the action of the commissioner be set aside. A copy of such petition shall forthwith be delivered to the commissioner, and within ten (10) days thereafter the commissioner shall certify and file in the court a transcript of any record pertaining thereto, including a transcript of evidence received, whereupon the court shall have jurisdiction to affirm, set aside or modify the action of the commissioner, except that the findings of the commissioner as to the facts, if supported by substantial evidence, shall be conclusive.

SECTION 4. That Section 22-2211, Idaho Code, be, and the same is hereby amended to read as follows:

22-2211. REGULATIONS. Any person within the state of Idaho engaged in the custom application of pesticides, fungicides, herbicides,
(a) Keep reasonably well informed as to the proper climatic conditions and shall not apply sprays or dusts when the wind velocity is in such proportion as to cause a drift of any spray or dust which may cause damage beyond the property rights of the person or persons receiving the benefits of the application.

(b) The department of agriculture shall by regulation provide for disposal of or re-use of empty containers used for insecticides, fungicides, defoliants, desiccants and plant regulators pesticides.

(c) The commissioner shall require a reasonable bond or insurance policy from each applicant, under such rules and regulations as he may prescribe, with respect to custom application of insecticides, fungicides, herbicides, defoliants, desiccants and plant regulators pesticides.

SECTION 5. That Section 22-2212, Idaho Code, be, and the same is hereby amended to read as follows:

22-2212. INSPECTION. — The commissioner may provide for inspection of any equipment or of any device or apparatus used for custom application of insecticides, fungicides, herbicides, defoliants, desiccants and plant regulators pesticides and may require proper repairs or other changes before its further use for custom application.

SECTION 6. That Section 22-2213, Idaho Code, be, and the same is hereby amended to read as follows:

22-2213. MATERIALS AND METHODS OF APPLICATION. — The commissioner may, by regulation after public hearing, prescribe materials or methods to be used and prohibit the use of materials or methods in custom application of insecticides, fungicides, herbicides, defoliants, desiccants and plant regulators pesticides to the extent necessary to protect public health or to prevent injury, by reason of the drifting, washing or application of such materials, to desired plants or animals, on property other than that owned or leased by the person for whom the materials are applied. In issuing such regulations, the commissioner shall give consideration to the pertinent research finding and recommendations of the agricultural experiment station of the university of Idaho relative to all matters technical in materials and methods.

SECTION 7. That Section 22-2214, Idaho Code, be, and the same is hereby amended to read as follows:

22-2214. REPORTS. — The commissioner may by regulation require
any licensee to maintain such records and furnish reports giving such
information with respect to particular application of insecticides, fungicides,
herbicides, defoliants, desiccants, and plant regulators pesticides and such
other relevant information as the commissioner may deem necessary.

SECTION 8. That Section 22-2216, Idaho Code, be, and the same is
hereby amended to read as follows:

22-2216. INFORMATION. — The commissioner may, in cooperation
with the agricultural experiment station of the university of Idaho publish
information regarding injury which may result from improper application or
handling of insecticides, fungicides, herbicides, defoliants, desiccants and
plant regulators pesticides and methods and precautions designed to prevent
such injury and setting forth recommended methods and materials to be
used.

SECTION 9. That Section 22-2218, Idaho Code, be, and the same is
hereby repealed.

SECTION 10. That Chapter 22, 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 22-2218, Idaho Code, and to read as follows:

22-2218. EXEMPTIONS. — The licensing provisions of this act shall
not apply to the following:

(a) Any farmer applying pesticides for himself or on an exchange of
service basis who shall not publicly hold himself out as a pesticide applicator.

(b) Any person using hand-powered equipment or devices to apply
pesticides to lawns, or to ornamental trees and shrubs owned by such person
or as an incidental part of his business taking care of yards for remuneration,
and not holding himself out as a pesticide applicator.

(c) Any governmental research personnel applying pesticides to
experimental plots.

SECTION 11. That Section 22-2219, Idaho Code, be, and the same is
hereby amended to read as follows:

22-2219. ENFORCEMENT. — For the purpose of carrying out the
provisions of this act the commissioner may enter upon any public or private
premises at reasonable times in order to have access for the purpose of
inspecting any aircraft or ground equipment subject to this act, inspecting
storage or disposal areas, investigating complaints of injury, and sampling
pesticides being applied or to be applied.

SECTION 12. That Section 22-2224, Idaho Code, be, and the same is
hereby repealed.
SECTION 13. That Chapter 22, 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 22-2224, Idaho Code, and to read as follows:

22-2224. RESTRICTED PESTICIDE USE. — The commissioner may by regulation adopt a list of restricted use pesticides if he finds that the characteristics of such pesticides require that regulations restricting their use in designated areas or by any person are necessary to prevent injury on lands other than the land to which they are applied or to persons, animals, crops, pests or vegetation other than the pests or vegetation which they are intended to destroy. The areas affected, time and conditions of use of such restricted use pesticides may be included in the regulation and if the commissioner deems it necessary to carry out the provisions of this act he may require permits for each application of a restricted use pesticide.

SECTION 14. That Section 22-2225, Idaho Code, be, and the same is hereby amended to read as follows:

22-2225. PROCEDURE FOR ESTABLISHING RESTRICTED AREA — PROPOSAL — NOTICE — HEARING. — The commissioner of agriculture upon his own initiative, or upon the petition of a number of owners, lessees or operators of land in an area within a county or two (2) or more contiguous counties in the state may, if it is deemed necessary, issue a proposal to establish a designated restricted area. The proposal shall set forth the boundaries of the area and the special regulations proposed to govern the use of 2,4-D and related herbicides, insecticides, fungicides, defoliants, desiccants and plant regulators pesticides in the area. After notice by the commissioner, stating the time and place, and published once each week for two (2) weeks before the hearing in a newspaper of general circulation in the area affected, the commissioner shall hold a public hearing at a place in reasonable proximity to the proposed area. As soon as possible after completion of the hearing, the commissioner shall hold a public hearing at a place in reasonable proximity to the proposed area. As soon as possible after completion of the hearing, the commissioner shall by order make public his action in defining a restricted area and establishing the special regulations applicable thereto or refusing to take such action. Such order shall be based on substantial evidence of record at the hearing and shall include findings on which it is based; provided, however, that whenever twenty-five (25) landowners, qualified to vote under section 22-2226, Idaho Code, in a referendum, shall sign a petition requesting that a referendum be held, the commissioner shall conduct a referendum as set forth in section 22-2226, Idaho Code.

SECTION 15. That Section 22-2227, Idaho Code, be, and the same is hereby amended to read as follows:
22-2227. REGULATIONS PRESCRIBING TIME AND CONDITIONS OF USE IN RESTRICTED AREA. — The regulations authorized in section 22-2224, Idaho Code, may prescribe the time when and the conditions under which 2,4-D and related herbicides, insecticides, fungicides, defoliants, desiccants and plant regulators pesticides may be used in any restricted area and may limit or prohibit their use in such area except under a special permit by the commissioner.

Approved March 30, 1971.

CHAPTER 340
(S. B. No. 1222, As Amended)

AN ACT
RELATING TO ENCOURAGING PERSONS TO SEEK TREATMENT FOR ADDICTION OR DEPENDENCY TO ANY DRUG; PROVIDING DEFINITIONS; ALLOWING A PHYSICIAN TO GIVE TREATMENT AND REHABILITATION TO THOSE MAKING A REQUEST, WHETHER OF LEGAL AGE OR NOT, WITHOUT INFORMING LAW ENFORCEMENT AUTHORITIES OF SUCH TREATMENT, AND ESTABLISHING PERSONS OVER THE AGE OF EIGHTEEN YEARS AS LEGALLY COMPETENT TO GIVE THEIR CONSENT FOR TREATMENT UNDER THE PROVISIONS OF THIS ACT, AND ENTITLING THE PHYSICIAN TO ADMINISTER SUCH TREATMENT WITHOUT SECURING THE PERMISSION OF THE PARENT IN THE CASE OF A PERSON OVER THE AGE OF EIGHTEEN YEARS; PROVIDING THE PROCEDURES FOR TREATMENT, AND THE PROCEDURES TO INSURE THE ANONYMITY OF THE PATIENT; ALLOWING THE PHYSICIAN TO THE USE OF ONLY THOSE DRUGS AUTHORIZED BY THE FEDERAL GOVERNMENT IN THE TREATMENT AND REHABILITATION PROGRAM, AND PROVIDING THAT SAID PROGRAM WILL BE CONDUCTED IN ACCORDANCE WITH THE GUILDELINES ESTABLISHED BY THE FEDERAL GOVERNMENT FOR USE OF DRUG CONCERNED; PROVIDING REPORTS BE SUBMITTED TO THE DIRECTOR OF THE MENTAL HEALTH DIVISION OF THE DEPARTMENT OF HEALTH; REPEALING
CHAPTER 31, TITLE 37, IDAHO CODE; AND DECLARING AN EMERGENCY.

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

SECTION 1. For the purposes of this act, unless the context clearly indicates a contrary intent:

1. “Physician” means a person licensed to practice medicine or surgery in this state as provided for under chapter 18, title 54, Idaho Code.

2. “Hospital” means a public or private institution licensed pursuant to the laws of this state as provided for under chapter 13, title 39, Idaho Code.

3. “Drug” means a narcotic or hallucinogenic drug as defined in sections 37-2702, 37-2703, and subsection (c) of section 37-3301, Idaho Code.

SECTION 2. A person may request treatment and rehabilitation for addiction or dependency to any drug, as defined in section 1 of this act, from a physician qualified to administer such treatment under the provisions of this act; and such physician or any employee or person acting under his direction or supervision shall not report or disclose the name of such person or the fact that treatment was requested or has been undertaken to any law enforcement officer or agency; nor shall such information be admissible as evidence in any court, grand jury, or administrative proceeding unless authorized by the person seeking treatment. A physician may undertake the treatment and rehabilitation of such person or refer such person to another physician or hospital for such purpose. If the person seeking such treatment or rehabilitation is eighteen (18) years of age or older, the fact that such person sought treatment or rehabilitation for such drug addiction or dependency, or that he is receiving such treatment or rehabilitation service, shall not be reported or disclosed to the parents or legal guardian of such person without his consent, and such person who may give legal consent to receive such treatment and rehabilitation under the provisions of this act shall be counseled as to the benefits of involving his parents or legal guardian in his treatment or rehabilitation.

SECTION 3. A person seeking treatment or rehabilitation for drug addiction or dependency shall first be examined and evaluated by a physician. Such a physician shall prescribe a proper course of treatment and medication, if needed. The treating physician may further prescribe a course of treatment or rehabilitation and authorize another physician or hospital to provide the prescribed treatment or rehabilitation services. Treatment or rehabilitation services may be provided to a person individually or in a
group. Any hospital participating in such treatment or rehabilitation shall not report or disclose to a law enforcement officer or agency the name of any person receiving or engaging in such treatment or rehabilitation, nor shall any person receiving or participating in such treatment or rehabilitation report or disclose the name of any other person engaged in or receiving such treatment or rehabilitation, or that such a program is in existence, to a law enforcement officer or agency. However, any person engaged in or receiving such treatment or rehabilitation may authorize the disclosure of his name and individual participation.

SECTION 4. A physician may use any drug or medicine which shall be authorized or released by a federal agency or authority with jurisdiction to so act; providing that the physician adheres to the criterion for the use of such drug or medicine as established by the federal agency or authority with jurisdiction to so act. Such drug or medicine may be used to treat any person addicted to or dependent on drugs as the physician or hospital deems appropriate, subject to the provisions of this act.

SECTION 5. Every physician that provides treatment or rehabilitation services to a person addicted to or dependent upon drugs shall each quarter of every year, commencing July 1, 1971, make a statistical report to the director of the mental health division of the department of health in such form and manner as the director of the mental health division of the department of health shall prescribe for each such person treated or to whom rehabilitation services were provided during the preceding quarter. The form of the report prescribed shall be furnished by the director of the mental health division of the department of health and be so designated that a carbon copy shall be sent quarterly to the narcotics law enforcement division of the state and the state board of pharmacy; such report shall include the doctor's signature. The name or address of any person treated or to whom rehabilitation services were provided shall not be reported.

SECTION 6. That Chapter 31, Title 37, Idaho Code, be, and the same is hereby repealed.

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

Approved March 30, 1971.
CHAPTER 341
(S. B. No. 1054, As Amended in House)

AN ACT
AMENDING THE EMPLOYMENT SECURITY LAW BY AMENDING SECTION 72-1366, IDAHO CODE, BY DISQUALIFYING ANY CLAIMANT WHO LEAVES WORK VOLUNTARILY TO MARRY, MAINTAIN A HOUSEHOLD OR TO LEAVE THE LOCALE TO LIVE WITH A SPOUSE UNLESS SAID CLAIMANT IS THE MAIN SUPPORT OF SELF OR IMMEDIATE FAMILY WHEREAS THE LAW PRESENTLY DISQUALIFIES ONLY FEMALE CLAIMANTS WHO LEAVE WORK VOLUNTARILY FOR THE REASONS ENUMERATED, AMENDING SUBSECTION (e), TO PROVIDE THAT THE DIRECTOR SHALL WAIVE THE ABLE TO WORK, AVAILABLE FOR SUITABLE WORK, AND SEEKING WORK REQUIREMENTS FOR EACH WEEK CLAIMANT IS ATTENDING TRAINING UNDER PROVISIONS OF SECTION 72-1312(a), IDAHO CODE, BY ADDING A NEW SUBSECTION (o) PROVIDING THAT BENEFITS PAID FOR SERVICE DEFINED IN SECTIONS 72-1316A, 72-1349(f), 72-1352(c), IDAHO CODE, SHALL BE PAYABLE THE SAME AS COMPENSATION PAYABLE FOR OTHER SERVICE SUBJECT TO THIS ACT EXCEPT THAT A BENEFIT CLAIMANT SHALL NOT BE ENTITLED TO BENEFITS BASED ON CERTAIN ENUMERATED SERVICES PERFORMED FOR INSTITUTIONS OF HIGHER EDUCATION, AND ADDING A NEW SUBSECTION (p) TO PROVIDE THAT NO INDIVIDUAL IS ELIGIBLE TO RECEIVE BENEFITS IN TWO SUCCESSIVE BENEFIT YEARS UNLESS HE HAS PERFORMED SERVICES SUBSEQUENT TO THE BEGINNING OF THE FIRST OF SAID BENEFIT YEARS AND EARNED AN AMOUNT OF NOT LESS THAN THREE TIMES HIS WEEKLY BENEFIT AMOUNT; AMENDING SECTION 72-1367, IDAHO CODE, BY CHANGING THE PERCENTAGE OF AVERAGE WEEKLY WAGE PAID BY COVERED EMPLOYERS IN DETERMINING THE WEEKLY BENEFIT AMOUNT FROM FIFTY-TWO AND ONE-HALF PERCENT TO FIFTY-FIVE PERCENT; AND PROVIDING AN EFFECTIVE DATE.

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 and regulations consistent therewith, as the director may prescribe —

(1) He shall have made a claim for benefits;

(2) He shall have registered for work and thereafter reported at an employment office or other agency as required by section 72-1365(c), Idaho Code.

(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) With respect to a female claimant, her unemployment is not due to having voluntarily left work to marry, or to perform the customary duties of a housewife maintaining a household, or to leave the locale to live with her husband a spouse. The provisions of this subsection shall not apply after a change in conditions whereby she claimant has become the main support of herself or her immediate family.

(d) A female claimant shall be ineligible to receive benefits for any week —

(1) Within the twelve (12) weeks prior to the expected date of such individual’s giving birth to a child; and

(2) During pregnancy if the individual voluntarily left her last employment because of pregnancy. The ineligibility under (1) or (2) herein shall continue until she has received wages in the amount of eight (8) times her weekly benefit amount following birth of the child, provided that she may requalify within six (6) weeks after the birth of her child, if conditions have changed whereby she has become the main support of herself or her immediate family.

(e) During the whole of any week with respect to which he claims benefits or credit to his waiting period he was able to work, available for suitable work, and seeking work; Provided, however, the director shall waive these provisions for each week he is attending training under provisions of section 72-1312(a), Idaho Code; and provided, that no claimant shall be considered ineligible in any week of unemployment for failure to comply with the provisions of this subsection if such failure is due to an illness or disability which occurs after he has filed a claim and registered for work and no suitable work has been available for him after the beginning of such illness or disability.
(f) His unemployment is not due to the fact that he left his employment voluntarily without good cause, or that he was discharged for misconduct in connection with his employment.

(g) He has not been found to be indebted to the employment security fund pursuant to the provisions of sections 72-1349 or 72-1368(m)(l), Idaho Code.

(h) His unemployment is not due to his failure without good cause to apply for available suitable work as directed by a representative of the director or to accept suitable work when offered to him, provided, however, the director shall waive these provisions for each week he is attending training under provision of subsection (a) of section 72-1312, Idaho Code.

(i) 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, lock-out, 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.

(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 the provisions of this subsection be denied benefits. For purposes of this section, a law of the United States providing any payments of any type and in any amounts for periods of unemployment due to involuntary unemployment shall be considered an unemployment compensation law of the United States.

(l) A benefit claimant shall not be entitled to benefits if he has willfully made a false statement or representation or willfully failed to report a material fact to obtain said benefits under the provisions of this act.

(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), (f) or (h) of this section may re-establish his eligibility by having obtained bona fide work and received wages therefor in an amount of at least eight (8) times his weekly benefit amount.

(o) Benefits based on service in employment defined in sections 72-1316A, 72-1349(f), 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; except that benefits based on service in an instructional, research, or principal administrative capacity in an institution of higher education shall not be paid to an individual for any week of unemployment which begins during the period between two (2) successive academic years, or during a similar period between two (2) regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity for any institution or institutions of higher education for both such academic years or both such terms.

(1) If the services performed during one-half or more of any contract period by an individual for an institution of higher education 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 of any contract period by an individual for such an institution of higher education 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 three (3) times his weekly benefit amount established during the first benefit year.

SECTION 2. That Section 72-1367, Idaho Code, be, and the same is hereby amended to read as follows:

72-1367. BENEFIT FORMULA. — (a) To be eligible an individual shall have at least four hundred sixteen dollars and one cent ($416.01) in total wages for services performed for covered employers in the calendar quarter within his base period in which such wages were highest, and shall have total base period wages of at least one and one-quarter (1¼) times his high quarter wages.

(b) The weekly benefit amount shall be one twenty-sixth (1/26) of highest quarter wages rounded to the next higher dollar amount if not an even dollar amount except that it shall not exceed the applicable maximum weekly benefit amount. The maximum weekly benefit amount shall be established as follows:

(1) The director, by regulations as he may prescribe, prior to June 30 of each year, shall compute the average weekly wage paid by covered employers for the preceding calendar year; and in the event fifty-two and one-half fifty-five per cent (52½%55) of such amount when rounded to the nearest multiple of one dollar ($1.00) is more than forty dollars ($40.00), then it shall become the new maximum weekly benefit amount for benefit years beginning after June 30 of that year.

(2) If fifty-two and one-half fifty-five per cent (52½%55) of such average weekly wage is less than forty dollars ($40.00) when rounded to the nearest multiple of one dollar ($1.00), then the maximum weekly benefit amount for benefit years beginning after June 30 of that year shall be forty dollars ($40.00).

(c) Any otherwise eligible individual shall be entitled during any
benefit year to a total amount of benefits equal to his weekly benefit amount times the number of full weeks of benefit entitlement appearing in the following table on the line which includes his ratio of total base period earnings to highest quarter base period earnings.

<table>
<thead>
<tr>
<th>Ratio of Total Base Period Earnings to Highest Quarter of Benefit Earnings</th>
<th>Full Weeks of Benefit Entitlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>At Least</td>
<td>Less Than</td>
</tr>
<tr>
<td>1.25</td>
<td>1.50</td>
</tr>
<tr>
<td>1.50</td>
<td>1.75</td>
</tr>
<tr>
<td>1.75</td>
<td>2.00</td>
</tr>
<tr>
<td>2.00</td>
<td>2.25</td>
</tr>
<tr>
<td>2.25</td>
<td>2.50</td>
</tr>
<tr>
<td>2.50</td>
<td>2.75</td>
</tr>
<tr>
<td>2.75</td>
<td>3.00</td>
</tr>
<tr>
<td>3.00</td>
<td>3.25</td>
</tr>
<tr>
<td>3.25</td>
<td>26</td>
</tr>
</tbody>
</table>

(d) If in any compensable week the total wages payable to such individual for less than full-time work performed in such week exceed one-half (1/2) of his weekly benefit amount, the excess shall be deducted from his weekly benefit amount. Such excess, if not a multiple of a dollar, shall be computed to the next higher multiple of a dollar; provided, however, that for the purpose of this section all amounts to which a benefit claimant receives or would receive if claimed after normal retirement for his primary benefits under the Federal Old Age and Survivors Insurance Law or a retirement plan in which his employer has paid all or a part of the cost shall be treated as wages, but this provision shall not apply to: retirement payments received as a result of service in the armed forces of the United States; or monetary entitlement under section 72-1367, Idaho Code, accruing as a result of covered employment after retirement.

SECTION 3. This act shall be in full force and effect with benefit years beginning on and after July 4, 1971.

Approved March 30, 1971.
AN ACT
AMENDING CHAPTER 4, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION TO BE KNOWN AND DESIGNATED AS SECTION 67-450A, IDAHO CODE, TO PROVIDE THAT THE LEGISLATIVE AUDITOR'S OFFICE SHALL RECEIVE FROM DEDICATED FUND AGENCIES, PAYMENT FOR AUDITS AND OTHER WORK AUTHORIZED BY LAW IN AN AMOUNT SUFFICIENT TO DEFRAY ALL COSTS AND EXPENSES INCURRED, PROVIDING PARTIAL PAYMENT DURING THE COURSE OF THE AUDIT, PROVIDING THAT MONEYS RECEIVED SHALL BE ADDED TO THE LEGISLATIVE AUDITOR'S APPROPRIATION FROM THE GENERAL FUND, AND PROVIDING THAT THE LEGISLATIVE AUDITOR'S EXPENDITURES SHALL NOT EXCEED THE AMOUNT APPROPRIATED BY THE LEGISLATURE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 4, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 67-450A, Idaho Code, and to read as follows:

67-450A. CHARGES FOR AUDIT. — The annual appropriation to the office of legislative auditor from the general fund shall provide for authorized audits and services to general fund departments, agencies, commissions, or institutions without charge to the unit receiving such services. The cost and expenses incurred by the legislative auditor's office in conducting audits or in carrying out other work authorized by law in dedicated funds, shall be paid from the appropriation to the office, department, board, commission, or institution and/or the dedicated funds under the control of the office, department, board, commission, or institution for whom the work is done. The audit fee or costs of work performed on such dedicated fund agencies shall be based on an hourly rate computed by the legislative auditor and shall be sufficient to defray all costs and expenses incurred, including but not limited to related salary, travel and office overhead expenses. The legislative auditor's office may require partial payments, during the course of the audit, for services rendered and expenses incurred. All charges shall be paid within thirty (30) days after billing is received.
All moneys received from the various dedicated fund agencies shall be added to the legislative auditor's appropriation from the general fund and are hereby appropriated to the legislative auditor, providing that the legislative auditor's expenditures shall not exceed the amount appropriated by the legislature.

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

Approved March 30, 1971.

CHAPTER 343

(S. B. No. 1185, As Amended in House)

AN ACT

AMENDING SECTION 25-2717, IDAHO CODE, BY INCLUDING A DEFINITION OF "CUSTOMER-FORMULA FEED" THEREIN; PROVIDING FOR GENERAL REGISTRATION BY CUSTOMER-FORMULA FEED MANUFACTURERS AND DISTRIBUTORS, PROVIDING FOR REGULATIONS PERMITTING THE USE OF COLLECTIVE TERMINOLOGY FOR GROUPS OF INGREDIENTS, AND ALLOWING REGULATIONS TO PERMIT EXEMPTIONS FROM THE REQUIREMENT OF AN INGREDIENT STATEMENT WHERE IT IS FOUND THAT AN INGREDIENT STATEMENT IS NOT REQUIRED IN THE INTEREST OF CONSUMERS.

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

SECTION 1. That Section 25-2717, Idaho Code, be, and the same is hereby-amended to read as follows:

25-2717. DEFINITIONS OF WORDS AND TERMS. -- When used in this act:

a. The term "person" includes individual, partnership, corporation, firm, association, and agent.

b. The term "distribute" means to offer for sale, sell, barter, or otherwise supply commercial feeds.

c. The term "sell" or "sale" includes exchange.

d. The term "commercial feed" means all materials which are
distributed for use as feed for poultry and animals other than man except:

1. Unmixed or unprocessed whole seeds.
2. All hay except commercially dehydrated legumes and grasses.
3. Whole or ground straw, stover, silage, cobs, hulls, wet beet pulp and beet discard molasses when not mixed with other materials.

e. The term “brand” means the term, design, or trademark and other specific designation under which an individual commercial feed is distributed in this state.

f. The term “label” means a display of written, printed, or graphic matter upon the container in which a commercial feed is distributed.

g. The term “ton” means a net weight of two thousand (2,000) pounds avoirdupois.

h. The term “per cent” or “percentage” means percentage by weight.

i. The term “official sample” means any sample of commercial feed taken by the commissioner or his agent.

j. Words importing the singular number may extend and be applied to several persons or things and words importing the plural may include the singular.

k. “Customer-formula feed” means commercial feed which consists of a mixture of commercial feeds and/or feed ingredients each batch of which is manufactured according to the specific instructions of the final purchaser.

SECTION 2. That Section 25-2718, Idaho Code, be, and the same is hereby amended to read as follows:

25-2718. REGISTRATION. — a. Each type of commercial feed except customer-formula feed shall be registered by the person who manufactures or distributes said feed to a wholesaler or to an ultimate dealer within the state of Idaho before being offered for sale, sold, or otherwise distributed in this state. The application for registration shall be submitted to the commissioner on forms furnished by the department of agriculture, and shall be accompanied by a fee of not more than $5.00 five dollars ($5.00), and shall also be accompanied by a label describing the product. All fees paid to the department of agriculture provided for in this section shall be paid to the state treasury, and placed in the commercial feed and fertilizer fund. Upon approval by the commissioner a copy of the registration shall be furnished to the applicant. All registrations expire on December 31 of each year. The applications shall include the following information.

1. The name and principal address of the person guaranteeing the commercial feed.
2. The name or brand under which the commercial feed is to be sold.
3. The guaranteed analysis, listing the minimum percentage of crude protein, minimum percentage of crude fat, and maximum percentage of crude fiber. For mineral feeds the list shall include the following if added: minimum and maximum percentage of calcium (Ca), minimum percentage of phosphorus (P), minimum percentage of iodine (I), and minimum and maximum percentages of salt (NaCl). Other nutritional substances or elements, determinable by laboratory methods, may be guaranteed by permission of the commissioner by and with the advice of the director of the agricultural experiment station. When any such other items are guaranteed, they shall be subject to inspection and analysis in accordance with the methods and regulations that may be prescribed by the commissioner. Products sold solely as mineral and/or vitamin supplements and guaranteed as specified in this section need not show guarantees for protein, fat and fiber.

4. The common or usual English name of each ingredient used in the manufacture of the commercial feed. The commissioner by regulation may permit the use of a collective term for a group of ingredients which perform a similar function, or he may exempt such commercial feeds, or any group thereof, from this requirement of an ingredient statement if he finds that such statement is not required in the interest of consumers.

b. A distributor shall not be required to register any brand of commercial feed which is already registered under this act by another person.

c. Changes in the guarantee of either chemical or ingredient composition of a commercial feed may be permitted provided satisfactory evidence is submitted showing that such changes would not result in a lowering of the feeding value of the product for the purpose for which designed.

d. The commissioner is empowered to refuse registration of any application not in compliance with all provisions of this act and to cancel any registration when it is subsequently found to be in violation of any provision of the act or when he has satisfactory evidence that the registrant has used fraudulent or deceptive practices in attempted evasion of the provisions of the act or regulations thereunder.

Provided, however, that no registration shall be refused or canceled until the registrant shall have been given opportunity to be heard before the commissioner.

Approved March 30, 1971.
CHAPTER 344
(S. B. No. 1256)

AN ACT
APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO
THE LAW ENFORCEMENT PLANNING COMMISSION AND
PRESCRIBING MAJOR PROGRAMS AND EXPENDITURE
CLASSIFICATIONS OF THE APPROPRIATION FOR THE PERIOD

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

SECTION 1. There is hereby appropriated out of the funds
enumerated the following amount to the Law Enforcement Planning
Commission for major programs and the prescribed expenditure
classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increasing law enforcement effectiveness</td>
<td>$3,690,794</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$3,690,794</td>
</tr>
</tbody>
</table>

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries &amp; Wages</td>
<td>$177,964</td>
</tr>
<tr>
<td>Travel</td>
<td>32,470</td>
</tr>
<tr>
<td>Other Current Expense</td>
<td>102,260</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>8,100</td>
</tr>
<tr>
<td>Payment as Agent</td>
<td>3,370,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$3,690,794</td>
</tr>
</tbody>
</table>

FROM:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$80,304</td>
</tr>
<tr>
<td>Federal Funds</td>
<td>3,490,490</td>
</tr>
<tr>
<td>Dedicated Funds:</td>
<td></td>
</tr>
<tr>
<td>State Liquor-Fund</td>
<td>$120,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$3,690,794</td>
</tr>
</tbody>
</table>

Approved March 30, 1971.
CHAPTER 345
(S. B. No. 1257)

AN ACT

APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO
THE IDAHO SCHOOL FOR THE DEAF AND BLIND AND
PRESCRIBING MAJOR PROGRAMS AND EXPENDITURE
CLASSIFICATIONS OF THE APPROPRIATION FOR THE PERIOD

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

SECTION 1. There is hereby appropriated out of the funds
enumerated the following amount to the Idaho School for the Deaf and
Blind for major programs and the prescribed expenditure classifications for
the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

| Services to deaf and blind | $861,520 |
| TOTAL                  | $861,520 |

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

| Salaries & Wages          | $630,200 |
| Travel                   | 4,032    |
| Other Current Expense    | 206,688  |
| Capital Outlay           | 20,600   |
| TOTAL                    | $861,520 |

FROM:

| General Fund              | $790,865 |
| Federal Funds             | 44,700   |
| Receipts to Appropriation | 10,720   |
| Endowment Funds           | 15,235   |
| TOTAL                    | $861,520 |

Approved March 30, 1971.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated out of the fund enumerated the following amount to the Board of Tax Appeals for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:
   Assuring equality of tax law administration $38,008

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:
   Salaries & Wages $21,408
   Travel 4,100
   Other Current Expense 12,500
   TOTAL $38,008

FROM:
   General Fund $38,008
   TOTAL $38,008

Approved March 30, 1971.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated out of the fund enumerated the following amount to the Multi-state Tax Compact Advisory Committee for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

Participating in the activities of the multi-state tax commission

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL</td>
<td>$6,720</td>
</tr>
</tbody>
</table>

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Travel</td>
<td>$2,720</td>
</tr>
<tr>
<td>Other Current Expense</td>
<td>4,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$6,720</td>
</tr>
</tbody>
</table>

FROM:

<table>
<thead>
<tr>
<th>Source of Funds</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$6,720</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$6,720</td>
</tr>
</tbody>
</table>

Approved March 30, 1971.

CHAPTER 348
(S. B. No. 1261)

AN ACT


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

SECTION 1. There is hereby appropriated out of the fund enumerated the sum of $64,300 to the Idaho Nuclear Energy Commission for major programs for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coordinating nuclear energy development in Idaho</td>
<td>$54,300</td>
</tr>
<tr>
<td>Western interstate nuclear compact</td>
<td>10,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$64,300</td>
</tr>
</tbody>
</table>
CHAPTER 349
(S. B. No. 1265)

AN ACT
AMENDING SECTION 1, CHAPTER 265, LAWS OF 1969, TO INCREASE THE LINE ITEM APPROPRIATION OF SALARIES AND WAGES BY $2,250 AND DECREASE THE LINE ITEM APPROPRIATION OF OTHER CURRENT EXPENSE BY $2,250 FOR THE PERIOD JULY 1, 1969, TO JUNE 30, 1971, OF THE STATE TREASURER; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 265, Laws of 1969, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated out of the fund enumerated the following moneys, to be expended as indicated, for the operating costs and expenses of the programs proposed, unless specifically excepted, in the Executive Budget for 1969-1971, for the period July 1, 1969, to June 30, 1971, of the State Treasurer.

FOR MAJOR AND MINOR PROGRAMS:

ADMINISTRATION $161,351

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

SALARIES AND WAGES $110,945 $113,195

TRAVEL 1,500

OTHER CURRENT EXPENSES 43,495 41,245

CAPITAL OUTLAY 5,411

FROM:

GENERAL FUND $161,351

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

Approved March 30, 1971.
AN ACT


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

SECTION 1. There is hereby appropriated out of the funds enumerated the following amount to the Department of Special Services for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

Providing special services programs and assistance to the people and agencies of Idaho $814,934
Human rights 13,000
TOTAL $827,934

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

Salaries & Wages $505,799
Travel 58,290
Other Current Expense 79,908
Capital Outlay 3,600
Payment as Agent 162,637
Relief and Pension 17,700
TOTAL $827,934

FROM:

General Fund $ 50,041
Federal Funds 777,893
TOTAL $827,934

Approved March 30, 1971.
CHAPTER 351  
(S. B. No. 1269)  
AN ACT  
APPROPRIATING MONEYS OUT OF THE FUND ENUMERATED TO  
THE STATE BOARD OF EDUCATION FOR STATE JUNIOR  
COLLEGE FUND AND PRESCRIBING A MAJOR PROGRAM FOR  
Be It enacted by the Legislature of the State of Idaho:  
SECTION 1. There is hereby appropriated out of the fund enumerated  
the sum of $1,025,000 to the State Board of Education for State Junior  
College Fund for a major program for the period July 1, 1971 through June  
30, 1972.  
FOR MAJOR PROGRAMS:  
Providing support to state junior colleges $1,025,000  
FROM:  
General Fund $1,025,000  
TOTAL $1,025,000  
Approved March 30, 1971.

CHAPTER 352  
(S. B. No. 1273)  
AN ACT  
AMENDING SECTION 40-137, IDAHO CODE, RELATING TO THE  
POLICY OF THE LEGISLATURE ON EXPENDITURES OF  
HIGHWAY FUNDS BY PROVIDING FOR CERTIFICATION OF  
FUNDS FROM THE HIGHWAY USER'S FUND TO THE STATE  
AUDITOR AS DEDICATED FUNDS, PROVIDING THE DATE OF  
CERTIFICATION, PROVIDING FOR PUBLICATION, PROVIDING  
FOR PENALTIES, PROVIDING FOR FILING THE  
CERTIFICATION; AND PROVIDING AN EFFECTIVE DATE.  
Be It Enacted by the Legislature of the State of Idaho:  
SECTION 1. That Section 40-137, Idaho Code, be, and the same is  
hereby amended to read as follows:  
40-137. POLICY OF LEGISLATURE ON EXPENDITURES. — It is
the declared policy of the legislature that, except as hereinafter provided, all highway user revenues accruing to the state highway fund be spent exclusively for the maintenance, construction and development of highways in the state highway system as herein defined; that, except as otherwise specifically provided in this act, all revenues accruing to the county road funds be spent exclusively for the maintenance, construction and development of highways in the respective county road systems as herein defined; and that all revenues distributed to cities and villages be spent exclusively for the maintenance, construction and development of highways in the respective municipal street systems as herein defined; provided, however, that, either (1) by mutual cooperative written agreements; or, (2) in the event of emergencies or other unusual circumstances where the financial or general welfare of the people is concerned, two or more units of government may, upon due showing of cause declared and entered upon the minutes of an official meeting of the Idaho board of highway directors, the boards of county commissioners and/or the governing body of the municipalities involved, as the case may be, share jointly the costs of the maintenance, construction or development of highways in any state, county or municipal system.

All monies hereinafore apportioned to the county, state highway board, highway districts or good roads districts, and cities from the proceeds from the imposition of any tax on motor fuels and from any tax or fee for the registration or operation of motor vehicles for general road construction and maintenance, bridge and culvert monies, shall be accounted for to the state auditor as dedicated funds by a certification of the governing unit so receiving, budgeting and expending such dedicated funds as to the actual expenditure of such funds. Such certification shall state the actual funds so received for the budgetary period in each category of dedicated funds, the actual expenditure of such used dedicated funds, any balances of dedicated funds unexpended must be shown and accounted for as beginning balances in the next regular budget. Such certification shall be prepared by the proper officer, county auditor, highway or good roads district treasurer, city clerk, and signed by the elected commissioners, mayor, council, or board members of the respective reporting governmental unit. Such certification shall be made by the 15th of February of each year for the preceding calendar budget year. Such certification shall be published once as a legal notice between February 15th and the end of February. Failure to make certification, failure to publish or the making of false statements in such
certification shall subject the person so doing to the penalties prescribed in section 40-140, Idaho Code, or be used as the grounds for removal from office of the offending officials.

Monies remaining unexpended in such dedicated funds shall not in any case be budgeted and expended for uses other than the limits of the dedicated fund.

The certification herein required shall be effective February 15, 1972, for the 1971 year. A copy of such certification shall be filed as a matter of record with the county auditor. The minutes of the respective governmental units required to certify shall record the certification and filing with the county auditor.

SECTION 2. This act shall be in full force and effect on and after January 1, 1972.

Approved March 30, 1971.

CHAPTER 353
(S. B. No. 1274)

AN ACT
AMENDING SECTION 37-1915, IDAHO CODE, AS AMENDED BY SECTION 1, CHAPTER 101, LAWS OF 1971, BY PROVIDING THAT HOLDING COOLERS NEED NOT BE SEPARATE UNITS FOR INSPECTED AND NON-INSPECTED MEAT PRODUCTS WHEN ONE HOLDING COOLER IS LARGE ENOUGH TO BE PROPERLY PARTITIONED TO SEPARATE SUCH INSPECTED AND NON-INSPECTED MEAT PRODUCTS.

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

SECTION 1. That Section 37-1915, Idaho Code, as amended by Section 1, Chapter 101, Laws of 1971, be, and the same is hereby amended to read as follows:

37-1915. EXCEPTIONS TO INSPECTION REQUIREMENT. — (a) The provisions of this act requiring inspection of the slaughter of animals and the preparation of the carcasses, parts thereof, meat and meat food products at establishments conducting such operations shall not apply (1) to the slaughtering by any person of animals of his own raising, or of any game animals, and the preparation by him and transportation in intrastate
commerce of the carcasses, parts thereof, meat and meat food products of such animals exclusively for use by him and members of his household and/or his nonpaying guests and employees; nor (2) to the custom slaughter by any person, firm, or corporation of cattle, sheep, swine or goats at the request of the owner thereof for such slaughter, and the preparation by such slaughterer and transportation in intrastate commerce of the carcasses, parts thereof, meat and meat food products of such animals, exclusively for use, in the household of such owner, by him, and members of his household and/or his nonpaying guests and employees; whether such slaughterers operate an establishment or operate from a mobile unit engaged in custom slaughter or both; nor (3) to the custom preparation by any person, firm or corporation of carcasses, parts thereof, meat or meat food products, derived from the slaughter by any person of cattle, sheep, swine, goats, or from game animals, at the request of the owner thereof for such custom preparation, and transportation in commerce of such custom prepared articles, exclusively for use in the household of such owner, by him and members of his household and/or his nonpaying guests and employees.

Provided, that in cases where such person, firm, or corporation engages in such custom operations at an establishment at which inspection under this title is maintained, the commissioner of agriculture may exempt from such inspection at an establishment any animals slaughtered or any meat or meat food products otherwise prepared on a custom basis; provided further, that custom operations at any establishment shall be exempt from inspection requirements as provided by this section only if the establishment at all times keeps meat and meat products from inspected and non-inspected animals properly separated and clearly marked "NOT FOR SALE" immediately after being slaughtered, processed or packaged and kept so identified and separated until delivered to the owner, his agent or employee. Properly separated for the purpose of this section, shall mean that all inspected and non-inspected animals shall be slaughtered and processed at separate and distinct intervals and that after non-inspected animals are slaughtered or processed all premises and equipment thus used shall be properly sanitized in accordance with the rules of sanitation promulgated by the commissioner of agriculture; provided further that at no time shall inspected and non-inspected meat and meat products be commingled or come in contact with each other and the holding coolers must have areas clearly marked for inspected or non-inspected carcasses or parts of carcasses whichever the case might be. The holding coolers shall either be separate
units or one (1) unit if such unit is large enough to be properly partitioned in order that contact of inspected and non-inspected meat products can at all times be prevented.

(b) The provisions of this act requiring inspection of the slaughter of animals and the preparation of carcasses, parts thereof, meat and meat food products shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail-type establishment for sale in normal retail quantities or service of such articles to consumers at such establishments.

(c) The slaughter of animals and preparation of articles referred to in paragraphs (a)(2), (a)(3), and (b) of this section shall be conducted in accordance with such sanitary conditions as the commissioner may by regulations prescribe. Violation of any such regulation is prohibited.

(d) The adulteration and misbranding provisions of this act and the regulations made hereunder, other than the requirement of the inspection legend, shall apply to articles which are not required to be inspected under this section.

(e) This section shall be enforced and construed so that its requirements shall be equal to the Federal Wholesome Meat Act or any regulations promulgated thereunder and shall not be enforced or construed as allowing lower requirements or standards than those provided for by the Federal Wholesome Meat Act or any regulations promulgated thereunder which will endanger the state's ability to continue to carry on a meat inspection program and the commissioner of agriculture may adopt and enforce all regulations necessary to fulfill this purpose and carry out the provisions of this section.

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

Approved March 30, 1971.
CHAPTER 354
(S. B. No. 1275)

AN ACT

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

SECTION 1. There is hereby appropriated out of the fund enumerated the sum of $50,000 to the Board of Regents of the University of Idaho for Short Term Applied Research for a major program for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:
Grants for short term research $50,000

FROM:
General Fund $50,000
TOTAL $50,000

Approved March 30, 1971.

CHAPTER 355
(S. B. No. 1280)

AN ACT

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

SECTION 1. There is hereby appropriated out of the funds enumerated the following amount to the State Tax Commission for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.
FOR MAJOR PROGRAMS:
  Providing tax administration and program support $ 304,759
  Providing tax collection and audit 1,533,398
  Administering ad valorem tax system 311,027
  TOTAL $2,149,184

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:
  Salaries & Wages $1,484,997
  Travel 83,280
  Other Current Expense 573,082
  Capital Outlay 7,825
  TOTAL $2,149,184

FROM:
  General Fund $2,133,184
  Receipts to Appropriation 1,000
  Federal Funds 15,000
  TOTAL $2,149,184

Approved March 30, 1971.

CHAPTER 356
(S. B. No. 1281)

AN ACT

AMENDING SECTION 1 OF CHAPTER 216, LAWS OF 1970, RELATING TO THE APPROPRIATION FROM THE FUNDS ENUMERATED TO THE DEPARTMENT OF AGRICULTURE, BY INCREASING THE AMOUNT OF THE APPROPRIATION BY $200,000; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1 of Chapter 216, Laws of 1970, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated out of the funds enumerated the following moneys, to be expended as indicated, for the operating costs and expenses of the programs proposed, unless specifically excepted, in the Executive Budget for 1969-71, for the period July 1, 1969, to through June 30, 1971, of the Department of Agriculture.
FOR MAJOR AND MINOR PROGRAMS:

ADMINISTRATION $ 260,105
INSPECTION AND LICENSING OF
FOOD PRODUCTS 4,350,929
PLANT AND ANIMAL DISEASE CONTROL 786,907
REGULATORY 647,113

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

SALARIES AND WAGES $4,192,008
TRAVEL 715,127
OTHER CURRENT EXPENSES 820,607
REFUND OF ERRONEOUS RECEIPTS 2,800
CAPITAL OUTLAY 108,112
PAYMENT AS AGENT 206,400

FROM:

GENERAL FUND $1,558,830
RECEIPTS TO APPROPRIATION 4,100
SPECIAL FUNDS 4,482,124
TOTAL $6,045,054

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

Approved March 30, 1971.

CHAPTER 357
(S. B. No. 1282)

AN ACT


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

SECTION 1. There is hereby appropriated out of the fund enumerated the sum of $11,186,982 to the Department of Public Assistance for major programs for the period July 1, 1971 through June 30, 1972.
FOR MAJOR PROGRAMS:

Increases in nursing home rates to meet increases in minimum wage law $ 63,800

For all other purposes of the public assistance law 11,123,182

TOTAL 11,186,982

FROM:

General Fund 11,186,982

TOTAL 11,186,982

Approved March 30, 1971.

CHAPTER 358
(S. B. No. 1283)

AN ACT

APPROPRIATING $4,600,729 FROM THE PERMANENT BUILDING FUND TO THE PERMANENT BUILDING FUND ADVISORY COUNCIL AND THE DEPARTMENT OF PUBLIC WORKS FOR THE PURPOSES SPECIFIED; EXPRESSING LEGISLATIVE INTENT CONCERNING USE OF SUCH FUNDS; EXEMPTING THE APPROPRIATION 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 Fund to the Permanent Building Fund Advisory Council and the Department of Public Works the sums of money set forth in this section, or so much thereof as in each case may be necessary, for the purpose of paying the cost of any land, building, equipment, furniture, or the rebuilding, renovation or repair, of the following buildings, installations, facilities or structures at the institutions and agencies named and listed in this section. The Permanent Building Fund Council is hereby authorized and directed to anticipate revenues accruing to the Permanent Building Fund 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.

1. **STATE CAPITOL BUILDING:**
   (a) Renovate and remodel State Auditor's Office
   (b) Alterations to Attorney-General's Office
   (c) Renovate and remodel Department of Insurance Office

   **Total:** $107,597

2. **BOISE STATE COLLEGE:**
   (a) Land acquisition, planning and site preparation for science-education building

   **Total:** $500,000

3. **IDAHO STATE UNIVERSITY:**
   (a) Land acquisition and/or campus maintenance
   (b) Land acquisition, planning and site preparation for library building

   **Total:** $250,000

4. **UNIVERSITY OF IDAHO:**
   (a) Equip forestry building
   (b) Construct college of law building
   (c) Construct research extension center, unit I at Twin Falls

   **Total:** $98,000

5. **LEWIS-CLARK STATE COLLEGE:**
   (a) General building repairs

   **Total:** $25,000

6. **COLLEGE OF SOUTHERN IDAHO:**
   (a) Supplemental funding for vocational education building
   (b) Planning for construction of vocational education facilities

   **Total:** $75,000

7. **NORTH IDAHO COLLEGE:**
   (a) Supplemental funding for construction of academic facilities
   (b) Planning for construction of academic facilities

   **Total:** $175,000

8. **YOUTH TRAINING CENTER:**
   (a) Construct fire escape
   (b) Remodel main kitchen facility
   (c) Construct cottage

   **Total:** $204,220

9. **DEAF AND BLIND SCHOOL:**
   (a) Construct classroom building and additional storage and unloading facilities

   **Total:** $426,980
10. NATIONAL GUARD ARMORIES:
   (a) Construct armory at Burley  
       25,220
   (b) Construct armory at Hailey  
       10,391  35,611

11. STATE HOSPITAL NORTH:
   (a) Repair roof at Givens Hall
   (b) Repair roof at South Hall
   (c) Construct recreational facility  
       12,000

12. STATE HOSPITAL SOUTH:
   (a) Replace and repair sewer, 
       irrigation and water lines
   (b) Repair tiles and repair buildings  
       50,000

13. BOARD OF CORRECTIONS:
   (a) Construct addition to probation and 
       parole building, Boise  
       20,000

14. PERMANENT BUILDING FUND ADVISORY COUNCIL:
   (a) To supplement the building fund 
       program appropriations to cover 
       contingencies and overruns in the 
       authorized construction program  
       166,434

15. DEPARTMENT OF PUBLIC WORKS:
   (a) For the purchase and remodeling of 
       the Marion Hall portion of the St. 
       Alphonsus Hospital property for 
       utilization by the Idaho Commission 
       for the Blind  
       140,000

16. DEPARTMENT OF PUBLIC WORKS:
   (a) Supervision of program:
       Salaries and wages  
       198,586
       Travel  
       19,900
       Other current expense  
       37,455
       Capital outlay  
       14,500  270,441

       GRAND TOTAL  
       $4,600,729

SECTION 2. It is the express intention that the funds appropriated by 
this act may be made available for matching any allocation of funds now in 
existence or hereafter made available by agencies of the United States and/or 
private donations; provided the express approval by the Permanent Building 
Fund Advisory Council is granted to make application for such funds in each 
instance. It is further the intention of the legislature that this authority be
effective from the effective date of this act.

SECTION 3. All appropriations made herein shall be exempt from the provisions of Chapter 36, Title 67, and Section 67-3516, Idaho Code, but shall be available for expenditure only after allotment in accordance with the other provisions of Chapter 35, Title 67, Idaho Code, and all appropriations made hereunder shall be subject to the provisions of Section 67-2304, Idaho Code, except as otherwise provided herein.

SECTION 4. The State Treasurer is hereby authorized and directed to anticipate the revenues in the Permanent Building Fund by the issuance of tax anticipation notes in accordance with authority conferred by Sections 63-3201, 63-3202, 63-3203, 63-3204, and 63-3205, Idaho Code, and in accordance with the procedures and subject to the limitations provided in those sections, in the same manner as though the revenues in the general fund were being anticipated.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 30, 1971.

CHAPTER 359
(S. B. No. 1284)

AN ACT

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

SECTION 1. There is hereby appropriated out of the funds enumerated the following amount to the Department of Law Enforcement for major programs and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.
FOR MAJOR PROGRAMS:

- General administration: $309,827
- Data processing: 250,000
- Title service: 171,850
- Registrations: 888,343
- Motor carrier: 279,771
- Vehicle inspection: 141,392
- Operators license: 292,786
- Safety responsibility: 83,309
- State police: 2,315,934
- Weighstations: 491,224
- Special services: 300,308
- State police traffic enforcement program: 423,200

TOTAL: $5,947,944

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

- Salaries & Wages: $3,076,632
- Travel: 183,475
- Other Current Expense: 2,169,690
- Capital Outlay: 485,100
- Payment as Agent: 30,872
- Refunds of Erroneous Receipts: 2,175

TOTAL: $5,947,944

FROM:

- Federal Funds: $648,200
- Dedicated Funds:
  - State Highway Fund: 3,614,432
  - Motor Vehicle Fund: 1,685,312
  TOTAL: $5,947,944

Approved March 30, 1971.

CHAPTER 360
(S. B. No. 1285)

AN ACT

APPROPRIATING MONEYS OUT OF THE GENERAL FUND, FEDERAL FUND AND RECEIPTS TO APPROPRIATION TO THE BOARD OF

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

SECTION 1. There is hereby appropriated out of the funds enumerated the sum of $2,071,273 to the Board of Regents of the University of Idaho for the operating costs and expenses of agricultural extension programs for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration</td>
<td>$271,941</td>
</tr>
<tr>
<td>Education and consultive</td>
<td>721,011</td>
</tr>
<tr>
<td>County extension operation</td>
<td>1,078,321</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$2,071,273</strong></td>
</tr>
</tbody>
</table>

FROM:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$1,037,851</td>
</tr>
<tr>
<td>Receipts to Appropriation</td>
<td>2,500</td>
</tr>
<tr>
<td>Federal Funds</td>
<td>1,030,922</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$2,071,273</strong></td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated out of the funds enumerated the sum of $2,560,825 to the Board of Regents of the University of Idaho for the operating costs and expenses of the agricultural research programs for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration</td>
<td>$253,889</td>
</tr>
<tr>
<td>University agriculture research</td>
<td>1,593,108</td>
</tr>
<tr>
<td>Branch station research</td>
<td>532,603</td>
</tr>
<tr>
<td>Special plant outlay</td>
<td>181,225</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$2,560,825</strong></td>
</tr>
</tbody>
</table>
AN ACT
AMENDING SECTION 2, CHAPTER 209, LAWS OF 1970, RELATING TO
AN APPROPRIATION, BY PROVIDING THAT THE UNEXPENDED
BALANCE OF MONEYS APPROPRIATED MAY BE USED FOR
PAYMENT OF ANY EXPENSE OF COMPILING SESSION LAWS
AND ADVERTISING CONSTITUTIONAL AMENDMENTS OF THE
FORTIETH AND FORTY-FIRST IDAHO LEGISLATURES; AND
DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2, Chapter 209, Laws of 1970, be, and the
same is hereby amended to read as follows:

SECTION 2. There is hereby further appropriated from the general
fund to the Secretary of State the sum of $100,000 for the purpose of
paying the costs and expenses of preparation and publishing the revised
Constitution contained in Senate Joint Resolution No. 122, of the Second
Regular Session of the Fortieth Idaho Legislature, and for payment of any
expense connected with compiling session laws and advertising constitutional
amendments of the Fortieth and Forty-first Idaho Legislatures.

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

Approved March 30, 1971.
CHAPTER 362
(S. B. No. 1287)

AN ACT


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

SECTION 1. There is hereby appropriated out of the fund enumerated the sum of $36,940 to the Department of Agriculture for the Pure Seed Laboratory for a major program for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

Administration, pure seed

FROM:

General fund

TOTAL

Approved March 30, 1971.

CHAPTER 363
(S. B. No. 1290)

AN ACT

APPROPRIATING $40,000 FROM THE PERMANENT BUILDING FUND TO THE PERMANENT BUILDING FUND ADVISORY COUNCIL AND THE DEPARTMENT OF PUBLIC WORKS FOR THE PURPOSE SPECIFIED; EXPRESSING LEGISLATIVE INTENT CONCERNING USE OF SUCH FUNDS; EXEMPTING THE APPROPRIATION 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 Fund to the Permanent Building Fund Advisory Council and the
Department of Public Works the sum of $40,000, or so much thereof as may be necessary, for the construction of two child development and mental retardation satellite centers. The Permanent Building Fund Council is hereby authorized and directed to anticipate revenues accruing to the Permanent Building Fund for the purpose of undertaking such construction.

SECTION 2. It is the express intention that the funds appropriated by this act will be made available, and are contingent upon, matching funds now in existence or hereafter made available by agencies of the United States and/or local or private donations of a minimum of $10,000, together with the land, for each of such child development and mental retardation satellite centers; provided the express approval by the Permanent Building Fund Advisory Council is granted to make application for such funds in each instance. It is further the intention of the legislature that this authority be effective from the effective date of this act.

SECTION 3. The appropriation 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 the appropriation made hereunder shall be subject to the provisions of Section 67-2304, Idaho Code, except as otherwise provided herein.

SECTION 4. The State Treasurer is hereby authorized and directed to anticipate the revenues in the Permanent Building Fund by the issuance of tax anticipation notes in accordance with authority conferred by Sections 63-3201, 63-3202, 63-3203, 63-3204 and 63-3205, Idaho Code, and in accordance with the procedures and subject to the limitations provided in those sections, in the same manner as though the revenues in the general fund were being anticipated.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 30, 1971.
CHAPTER 364  
(S. B. No. 1291)

AN ACT


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

SECTION 1. There is hereby appropriated out of the funds enumerated to the State Board of Education for the State Department of Education for a major program and the prescribed expenditure classifications for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:

Statewide public school information system

$433,150

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

Salaries & Wages

$215,322

Travel

8,000

Other Current Expense

188,881

Capital Outlay

20,947

TOTAL

$433,150

FROM:

Federal Funds

$120,650

Local School District Funds

312,500

TOTAL

$433,150

Approved March 30, 1971.

CHAPTER 365  
(S. B. No. 1142 As Amended)

AN ACT

AMENDING CHAPTER 1, TITLE 39, IDAHO CODE, BY ADDING A NEW SECTION TO BE KNOWN AS SECTION 39-112A, IDAHO CODE, AUTHORIZING THE ATTORNEY GENERAL TO BRING LEGAL
ACTIONS TO ENJOIN VIOLATIONS OF THE WATER QUALITY STANDARDS AND THE RULES AND REGULATIONS OF THE BOARD OF HEALTH RELATING TO WATER QUALITY CONTROL AND WATER POLLUTION, DECLARING THAT EXHAUSTION OF ADMINISTRATIVE REMEDIES IS NOT A PREREQUISITE TO THE MAINTENANCE OF SUCH ACTIONS, AND PRESERVING OTHER REMEDIES.

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

SECTION 1. That Chapter 1, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 39-112A, and to read as follows:

39-112A. ENFORCEMENT AUTHORITY OF ATTORNEY GENERAL — INJUNCTIONS. — The attorney general shall have authority to maintain actions in the name of the state of Idaho under the Idaho rules of civil procedure against any person, firm, corporation, municipal corporation, quasi municipal corporation or governmental entity, agency or subdivision, to enjoin the commission of any act causing or contributing to a condition in contravention of the water quality standards adopted by the board, and any violation of the rules and regulations promulgated by the board pursuant to section 39-112, Idaho Code; provided that the board or any other state agency charged with enforcing the water pollution laws has been given thirty (30) days' notice of the violation, or if the board fails to enforce an administrative order requiring compliance with this act or with the rules and regulations of the board, the attorney general shall thereupon have authority to maintain an action in the name of the state of Idaho under the Idaho rules of civil procedure to enjoin such violation. The commencement or exhaustion of administrative remedies shall not be a prerequisite to the institution and maintenance of any such action. No existing administrative, civil or criminal remedy for any act in violation of any law of this state or any code, rule, regulation standard or order of the board shall be excluded or impaired by this section.

Approved March 30, 1971.
A CONCURRENT RESOLUTION
RATIFYING AND ADOPTING THE ACTS OF THE ORGANIZATIONAL SESSION OF THE FORTY-FIRST LEGISLATURE.

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

WHEREAS, the Senate and House of Representatives of the Forty-first Legislature of the state of Idaho met in Organizational Session on December 3, 4, and 5, 1970, pursuant to law; and

WHEREAS, certain resolutions and other acts were voted upon and passed.

NOW, THEREFORE, BE IT RESOLVED by the Senate, the House of Representatives concurring therein, that all appointments, payments, authorizations, rules, and all other acts passed upon by the Organizational Session of the Forty-first Legislature, are hereby ratified, affirmed and adopted in the same manner as if they were the acts of the First Regular Session of the Forty-first Legislature.

Adopted by the Senate January 11, 1971.
Adopted by the House January 11, 1971.
Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, Sections 67-601, 67-602 and 67-608 of the Idaho Code provide that the compensation of the employees of the Senate and the House of Representatives shall be fixed by concurrent resolution of the Senate and House; and

WHEREAS, it is the desire of the Senate and the House of Representatives, by this concurrent resolution to fix the compensation of the employees of the First Regular Session of the Forty-first Legislature.

NOW, THEREFORE, BE IT RESOLVED by the Senate, the House of Representatives concurring therein, that the compensation of the various officers of the Senate and House of Representatives of the First Regular Session of the Forty-first Idaho Legislature be fixed as follows:

- Secretary of the Senate $35.00 per day
- Chief Clerk and Parliamentarian $35.00 per day
- Assistant Secretary of the Senate $30.00 per day
- Assistant Chief Clerk $30.00 per day
- Assistants to President and Speaker $30.00 per day
- Assistant to President Pro-Tempore $30.00 per day
- Receptionist to the President $25.00 per day
- Secretary to the Speaker $25.00 per day
- Secretaries to Floor Leadership $25.00 per day
- Sergeant at Arms $27.50 per day
- Assistant Sergeant at Arms $22.50 per day
- Docket Clerks $27.50 per day
- Journal Clerks $27.50 per day
- Secretaries to Chief Clerk and Secretary of the Senate $22.50 per day
- Chaplains $10.00 per day
- Attorneys $40.00 per day
- Public Information Officer $25.00 per day
- Secretary to Revenue and Taxation $25.00 per day
- Secretary to Appropriation & Finance $27.50 per day
- Secretaries to Attorneys $22.50 per day
- Committee Secretaries $22.50 per day
- Secretaries to Minority Party $22.50 per day
- MTST Administrator $30.00 per day
- MTST Bill Preparation Supervisor $27.50 per day
- MTST Administrative Supervisor $27.50 per day
A CONCURRENT RESOLUTION

AUTHORIZING THE EXPENDITURE OF LEGISLATIVE FUNDS FOR
THE PURPOSE OF CONSTRUCTION OF CERTAIN PUBLIC
CONNECTED FUNCTIONS IN THE STATE CAPITOL BUILDING.

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

WHEREAS, the legislature and the Department of Public Works have
engaged in a long range program of remodeling and construction in the state
capitol building; and

WHEREAS, certain of the remodeling and construction projects by the
legislature and the Department of Public Works add to the state capitol
building in its function as a public building and not strictly as a legislative
hall, such as public meeting areas, public assembly areas, and heating and
air-conditioning capacity sufficient for the entire building.

NOW, THEREFORE, BE IT RESOLVED by the Senate, the House of
Representatives of the Forty-first Legislature of the state of Idaho

MTST Machine Operators       $25.00 per day
Daily Data Night Programmer   $25.00 per day
MTST Duplicator Operator     $22.50 per day
MTST Receptionist            $17.50 per day
Xerox Operators              $17.50 per day
Assistant Xerox Operators     $15.00 per day
Proof Readers                $22.50 per day
Mail Clerks                  $15.00 per day
Information Clerks           $15.00 per day
Door Keepers                 $15.00 per day
Janitors                     $17.50 per day
Receptionist                 $17.50 per day
Hostesses                    $17.50 per day
Assistant Hostess            $15.00 per day
Pages and Messengers         $12.00 per day
Gallery Receptionist         $12.00 per day

Adopted by the Senate January 13, 1971.

(S. C. R. No. 103)
concurring therein, that the Lieutenant Governor is hereby authorized to expend not to exceed $62,000 out of legislative funds for the purposes of the long range remodeling and construction program of the state capitol building.

   Adopted by the Senate January 18, 1971.
   Adopted by the House January 21, 1971.

(S. C. R. No. 104)

A CONCURRENT RESOLUTION PROVIDING FOR OFFSET PRINTING SENATE AND HOUSE BILLS, RESOLUTIONS AND MEMORIALS, AND FIXING THE PRICE FOR PRINTING THE SAME.

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

WHEREAS, the Joint Printing Committee of the Senate Judiciary and Rules Committee and the House Printing and Legislative Expense Committee has, according to law, made provisions for the offset printing of the House and Senate Bills, Resolutions and Memorials;

NOW, THEREFORE, in accordance with a written contract duly made and entered into by the Joint Printing Committee of the Senate Judiciary and Rules Committee and the House Printing and Legislative Expense Committee;

BE IT RESOLVED by the Legislature of the First Regular Session of the Forty-first Idaho Legislature, the Senate, the House of Representatives concurring, that the contract for the offset printing of the Senate and House Bills, Resolutions and Memorials, in accordance with the provisions of law and in accordance with the written contract between the Joint Printing Committee as party of the first part, and COMET PRINTING AND LITHOGRAPH COMPANY, Boise, Idaho, as party of the second part, be, and the same is hereby ratified, confirmed and concurred in, and is incorporated herein and made a part of this resolution in words and figures following, to-wit:

AGREEMENT

THIS AGREEMENT, made and entered into this 11th day of January, 1971, by and between the JOINT PRINTING COMMITTEE of the SENATE JUDICIARY AND RULES COMMITTEE and the HOUSE PRINTING AND
LEGISLATIVE EXPENSE COMMITTEE of the Forty-first Legislature, hereinafter referred to as the Joint Committee, and COMET PRINTING AND LITHOGRAPH COMPANY, a corporation, hereinafter referred to as Comet.

WITNESSETH:

That pursuant to a resolution of the Joint Committee and written bids submitted to and considered by the Joint Committee, a contract of legislative printing is hereby awarded to Comet for the 1st regular session of the Forty-first Legislature upon the following terms and conditions:

1. That Comet will utilize an offset process from "Camera Ready" copies as those terms are used and recognized in the trade, to print Senate and House Bills, Resolutions and Memorials.

2. That Comet concurrently with the execution of this contract, deliver to the Joint Committee a good and sufficient surety bond in the manner and form, and with a surety acceptable to the Joint Committee, in the sum of Five Thousand Dollars ($5,000.00), guaranteeing the satisfactory and faithful performance by Comet of all the terms and conditions of this contract.

3. That Comet will maintain at all times a high standard of workmanship to the end that all printing will be neat, clean, legible and with adequate contrast between print and paper to be easily read.

4. That Comet will produce all bills, resolutions and memorials with line and page numbering.

5. That Comet will insure that all bills, resolutions and memorials will have neat and proper underlining, strikeovers and deletions and that the paper used will be properly punched and sized.

6. That for the purposes of this contract, all printing will be received from and delivered to the Director of the Legislative Council or his designee.

7. That Comet will deliver all standard lot printed material conforming to the above requirements within twenty-four (24) hours from the receipt thereof, unless prior arrangements have been made.

8. Upon failure to deliver such bills in the manner and within the time herein specified, this contract may be deemed terminated forthwith at the option of the Joint Committee and recourse had against Comet bond.

9. That a standard lot of printed material will be One Thousand (1000) copies of individual bills, resolutions or memorials at a cost of Eleven Dollars and Forty Cents ($11.40) per printed page. Additional copies may be obtained by the Joint Committee or any other person in lots of One
Hundred (100) or any lesser number ordered, at a cost of Seventy Cents ($0.70) per printed page, upon the condition that Comet be notified of the exact number more or less than One Thousand (1000) prior to or concurrently upon receipt of the bills, resolutions or memorials by Comet.

In the event less than One Thousand (1000) copies are ordered, a credit of Seventy Cents ($0.70) per printed page will be allowed for each One Hundred (100) copies and will be deducted from the standard lot price of Eleven Dollars and Forty Cents ($11.40).

10. That Comet will pick up "Camera Ready" copy at least twice daily of each day that the legislature is in session.

IN WITNESS WHEREOF, the parties hereto have hereunder set their hands as of the day and year first above written.

SENATE JUDICIARY AND RULES COMMITTEE
By EDITH MILLER KLEIN, Chairman

HOUSE PRINTING AND LEGISLATIVE EXPENSE COMMITTEE
By ADEN HYDE, Chairman

COMET PRINTING AND LITHOGRAPH COMPANY
By KENNETH R. REIMAN, President

Adopted by the Senate January 29, 1971.
Adopted by the House February 2, 1971.

(S. C. R. No. 109)

A CONCURRENT RESOLUTION

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

WHEREAS, it is fitting and proper that group photographs of the members of this body be placed in the Senate Chamber and House Chamber for historical purposes, and

WHEREAS, a special committee was appointed by the President of the Senate and the Speaker of the House of Representatives and recommended
an official Legislative photographer and the expenditure of monies necessary for the taking of such photographs.

NOW, THEREFORE, BE IT RESOLVED by the Senate, the House of Representatives concurring therein, that Braun Studios, Nampa, Idaho, be, and is hereby designated as official Legislative photographer for the First Regular Session of the Forty-first Idaho Legislature, and

BE IT FURTHER RESOLVED that under the supervision of the special committee appointed by the President of the Senate and the Speaker of the House of Representatives, a sum of $2,423.16 be expended for such photographic work, and that such committee be authorized to arrange for such photographs, with the understanding that the official photographer will furnish the following:

1. Photograph each individual Senator and Representative and the President of the Senate and the Speaker of the House, providing him with a choice of approximately eight poses for his selection, with the photography to be performed in an area to be specified adjoining the Senate or House Chamber.

2. To provide for the Senate Chamber a composite of all Senators and the President of the Senate, composed of 3 X 4 inch matte prints, suitably lettered, titled, and framed with non-glare glass, ready for hanging.

3. To provide for the House Chamber a composite of all Representatives and the Speaker of the House of Representatives, composed of 3 X 4 inch matte prints, suitably lettered, titled, and framed with non-glare glass, ready for hanging.

4. To provide each member of the Senate and House of Representatives with two 5 X 7 inch portraits of his choice in handsomely styled mounts, together with one 11 X 14 inch framed copy of the master composite.

All work shall be completed before adjournment of the session at a total price of $2,423.16.

Adopted by the Senate February 20, 1971.

Adopted by the House February 25, 1971.
A CONCURRENT RESOLUTION
STATING LEGISLATIVE FACTS AND FINDINGS RELATING TO RATES, PROFITS AND LOSSES OF RAILROADS ENGAGED IN PROVIDING PASSENGER AND FREIGHT SERVICE, DIRECTING THE IDAHO PUBLIC UTILITIES COMMISSION TO CONDUCT HEARINGS TO DETERMINE WHETHER, AS A RESULT OF DISCONTINUED PASSENGER SERVICE TO IDAHO CITIZENS, FREIGHT RATES SHOULD BE COMMENSURATELY REDUCED TO REFLECT SAVINGS TO RAILROAD COMPANIES FOR SUCH DISCONTINUED SERVICE.

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

WHEREAS, passenger rail service will no longer exist in Idaho after the date set for termination as a result of federal legislation; and

WHEREAS, railroad companies have continued to assert very substantial losses in providing rail passenger service which losses have been set off against large profits from hauling freight, including products produced and/or consumed in Idaho; and

WHEREAS, the burden of such losses for rail passenger service has been lifted from railroad companies in Idaho; and

WHEREAS, the Idaho Public Utilities Commission is charged with the regulation of such companies and certain rates thereunder.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Idaho Public Utilities Commission conduct hearings to determine what adjustments to freight rates should be made to reflect savings incurred through reduced passenger train crews, maintenance and equipment.

BE IT FURTHER RESOLVED that the Idaho Public Utilities Commission forward its findings to the Interstate Commerce Commission with recommendations of what rates should be set by the Interstate Commerce Commission for all areas in Idaho to compensate for the savings which result from the complete absence of rail passenger service in the state of Idaho.

Adopted by the Senate February 26, 1971.
Adopted by the House March 4, 1971.
A CONCURRENT RESOLUTION
RECOGNIZING THE NEED FOR STUDY OF THE STATUS OF AGRICULTURAL LABOR; AUTHORIZING AND DIRECTING THE LEGISLATIVE COUNCIL TO UNDERTAKE A STUDY OF THE PROBLEMS AND SUBMIT PROPOSED LEGISLATION TO THE SECOND REGULAR SESSION OF THE FORTY-FIRST IDAHO LEGISLATURE; AND PETITIONING THE IDAHO AGRICULTURAL EMPLOYEE AND EMPLOYER TO ENFORCE A VOLUNTARY MORATORIUM ON ALL ACTS DISRUPTIVE TO THE ORDERLY FUNCTION OF AGRICULTURE.

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

WHEREAS, the legislature of the state of Idaho hereby recognizes the need for a thorough study of the status of agricultural labor and the best means of maintaining a just balance of the needs of the farm laborer, the interests of the farm owner, and the benefits of Idaho agriculture in general; and

WHEREAS, a solution of the myriad problems related to the field of agriculture and agricultural labor and the continuing stature of Idaho farm produce can only be achieved with adequate consideration and evaluation of alternatives.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council is hereby authorized and directed to undertake, make and complete a study of the problems related to agricultural labor and submit proposed legislation to resolve such problems to the Second Regular Session of the Forty-first Idaho Legislature.

BE IT FURTHER RESOLVED that in the crop year time period required to implement the study and present recommendations, both the Idaho agricultural employee and Idaho agricultural employer do their utmost to stave off, refrain from, and otherwise declare a mutual moratorium on all acts disruptive to the orderly function of jobs, fair wages, and the critical timing of production husbandry and harvest.

Adopted by the Senate March 10, 1971.

Adopted by the House March 16, 1971.
A CONCURRENT RESOLUTION
URGING THE CITIZENS OF THE STATE OF IDAHO TO SUPPORT THE
NATIONAL HIGH SCHOOL RODEO CHAMPIONSHIP FINALS.
Be it Resolved by the Legislature of the State of Idaho:
WHEREAS, Idaho is honored to be the site of the National High School
Rodeo Championship Finals for 1971 and such site is to be the Twin Falls
County Fairgrounds at Filer, Idaho; and
WHEREAS, Idaho is honored to have the national president of the High
School Rodeo Association, such president being Mr. Dave Campbell of New
Meadows, Idaho; and
WHEREAS, Idaho is further honored to have the national student
president of the High School Rodeo Association, such president being Joe
Sagers of Gooding, Idaho; and
WHEREAS, Idaho will be host to approximately five hundred
contestants who will be champions of rodeos of twenty-four states as well as
host to many thousands of parents, families and visitors coming to see this
great event; and
WHEREAS, this rodeo tournament will be the largest ever held in the
world to this date.
NOW, THEREFORE, BE IT RESOLVED by the First Regular Session
of the Forty-first Idaho Legislature, the Senate and the House of
Representatives concurring therein, that the Forty-first Idaho Legislature
urge the citizens of Idaho to support the National High School Rodeo
Championship Finals on August 3rd through the 8th, 1971.
Adopted by the Senate March 9, 1971.
Adopted by the House March 12, 1971.

A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND OBSERVATIONS
REGARDING INSURANCE PROTECTION PURCHASED BY THE
STATE OF IDAHO AND THE EXPENSE THEREOF; RECOGNIZING
THE POSSIBILITY THAT THE STATE COULD BECOME A
SELF-INSURER FOR SOME OR ALL RISKS PRESENTLY INSURED
FOR; AUTHORIZING THE LEGISLATIVE COUNCIL TO
UNDERTAKE A STUDY OF EXISTING INSURANCE COVERAGE PURCHASED BY THE STATE OF IDAHO AND THE ADVISABILITY OF THE STATE BECOMING A SELF-INSURER IN ANY OR ALL AREAS WHERE THE STATE CURRENTLY OR IN THE FUTURE MAY PURCHASE INSURANCE PROTECTION; AND AUTHORIZING THE PREPARATION OF ANY LEGISLATION WHICH MAY BE NECESSARY TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE COUNCIL.

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

WHEREAS, the Legislature recognizes that large sums of money are spent on insurance protection by the state of Idaho and its political subdivisions to insure against various risks which give rise to financial losses; and

WHEREAS, it has become difficult to obtain adequate insurance protection for some risks; and

WHEREAS, it is possible for the state of Idaho to become a self-insurer against some or all of the risks for which it is presently insured; and

WHEREAS, it is possible that the state of Idaho and its political subdivisions could save money by becoming a self-insurer against some or all of the risks currently or in the future insured against.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that it is in the best interests of the Legislature of the state of Idaho that a study be conducted to determine the advisability of the state of Idaho becoming a self-insurer for itself and for its political subdivisions.

BE IT FURTHER RESOLVED that the Legislative Council of the state of Idaho is hereby empowered, authorized and directed to exercise such authority as to it shall appear proper, necessary and desirable to carry out the purposes of this resolution, which shall be to undertake and make a study of the advisability of the state becoming a self-insurer in any or all areas where it currently or may in the future procure insurance protection, or for its political subdivisions as may be proper.

BE IT FURTHER RESOLVED that legislation, if necessary, be prepared to implement recommendations made by the Legislative Council for introduction at the Second Regular Session of the Forty-first Idaho Legislature.

Adopted by the Senate March 12, 1971.

Adopted by the House March 16, 1971.
A CONCURRENT RESOLUTION
STATING LEGISLATIVE OBSERVATIONS; AUTHORIZING AND
INSTRUCTING THE PRESIDENT OF THE SENATE AND SPEAKER
OF THE HOUSE OF REPRESENTATIVES TO APPOINT A SPECIAL
LEGISLATIVE INTERIM COMMITTEE; AUTHORIZING
SELECTION OF AN ADVISORY COMMITTEE; PROVIDING FUNDS
FOR THE CONDUCT OF THE STUDY; AUTHORIZING PAYMENT
OF EXPENSES; AUTHORIZING EMPLOYMENT AND PAYMENT
OF PERSONNEL; AND REQUIRING A REPORT.

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

WHEREAS, the potato industry is one of the most important segments
in the Idaho economy; and

WHEREAS, the potato industry is faced with serious problems that
involve production, marketing, processing and shipping.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session
of the Forty-first Idaho Legislature, the Senate and the House of
Representatives concurring, that the President of the Senate and the Speaker
of the House of Representatives are hereby authorized and directed to
appoint a special legislative interim committee to study the problems of the
potato industry, including those problems especially concerned with
production of potatoes, marketing of potatoes, processing of potatoes, and
with the transportation or shipment of potatoes.

BE IT FURTHER RESOLVED that the committee shall consist of the
chairman of the Senate Agricultural Affairs Committee and four members of
the Senate selected on a bipartisan basis, and the chairman of the House of
Representatives Agricultural Affairs Committee and four members of the
House of Representatives selected on a bipartisan basis. The chairman of the
Senate Agricultural Affairs Committee and the chairman of the House of
Representatives Agricultural Affairs Committee shall be cochairmen of the
special legislative interim committee. The special legislative interim
committee shall meet at the call of the cochairmen.

BE IT FURTHER RESOLVED that the special legislative interim
committee is authorized to select an advisory committee from throughout
the potato industry to assist the special legislative interim committee in its
study of the potato industry problems.

BE IT FURTHER RESOLVED that the President of the Senate and the
Speaker of the House of Representatives are hereby authorized to allocate not to exceed ten thousand dollars for the purposes of this resolution out of funds appropriated generally for legislative expenses.

BE IT FURTHER RESOLVED that the President of the Senate and the Speaker of the House of Representatives are hereby authorized to pay to individual members of the special legislative interim committee and members of the advisory committee as expense the sum of twenty-five dollars per day plus travel, food and lodging in furtherance of the purposes of this resolution.

BE IT FURTHER RESOLVED that the cochairmen of the committee, with the approval of the President of the Senate and the Speaker of the House of Representatives are hereby authorized to hire, engage or retain such personnel as may be reasonable and necessary to carry out the provisions of this resolution. All salaries, wages and all other expenses necessary for such personnel shall be paid from the moneys made available by this resolution.

BE IT FURTHER RESOLVED that the special legislative interim committee shall, on or before the convening of the Second Regular Session of the Forty-first Legislature, submit a report, with any accompanying recommendations for suggested legislation, to the Senate and the House of Representatives.

Adopted by the Senate March 15, 1971.
Adopted by the House March 16, 1971.

A CONCURRENT RESOLUTION

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, the Lewiston Tribune, the Post-Register, the Twin Falls
Times-News, the Idaho State Journal and the North Idaho Press have gratuitously provided copies of their respective newspapers for the use and benefit of the members of the First Regular Session of the Forty-first Idaho Legislature; and

WHEREAS, Air West and the Black & White Cab Company of Boise, Idaho, have gratuitously provided services for the prompt delivery of said newspapers to the members of the First Regular Session of the Forty-first Idaho Legislature; and

WHEREAS, the availability of said newspapers shortly after publication has been of great assistance to the members of the First Regular Session of the Forty-first Idaho Legislature in keeping them properly advised of news and opinions in the various parts of the state of Idaho.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that we express our sincere appreciation to the Lewiston Tribune, the Post-Register, the Twin Falls Times-News, the Idaho State Journal, North Idaho Press, Air West, and the Black & White Cab Company for their generous contribution to the effective operation of this legislature.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and he hereby is, directed to transmit suitable copies of this resolution to the Lewiston Tribune, the Post-Register, the Twin Falls Times-News, the Idaho State Journal, North Idaho Press, Air West, and the Black & White Cab Company.

Adopted by the Senate March 18, 1971.
Adopted by the House March 19, 1971.

(S. C. R. No. 117)

A CONCURRENT RESOLUTION
Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the police department of the city of Boise has graciously provided free parking privileges for the automobiles of all the members and attaches throughout the First Regular Session of the Forty-first Idaho Legislature.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that we express our sincere appreciation to Jay Amyx, Mayor; to John Church, Chief of Police; and the police department of the city of Boise, for their kindness and hospitality in making free parking privileges available to the members and attaches throughout the First Regular Session of the Forty-first Idaho Legislature.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and he is hereby authorized and directed to forward copies of this resolution to Jay Amyx, Mayor; to John Church, Chief of Police; and to the police department of the city of Boise, Idaho.

Adopted by the Senate March 18, 1971.
Adopted by the House March 19, 1971.

(S. C. R. No. 118)

A CONCURRENT RESOLUTION EXPRESSING APPRECIATION TO ASSOCIATED INDUSTRIES OF IDAHO FOR FURNISHING THE LEGISLATIVE DIGEST TO THE STATE LEGISLATURE.

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

WHEREAS, the Associated Industries of Idaho has prepared and distributed to the members of the House of Representatives and the Senate, each day of the First Regular Session of the Forty-first Session of the Idaho Legislature, a legislative digest of bills introduced in each chamber, together with an attractive personalized binder for same; and

WHEREAS, the objective analyses of the bills digested therein have been of considerable assistance and a real benefit to the members of the legislature; and

WHEREAS, it is our desire to express our gratitude to Associated Industries of Idaho for this fine service.
NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that we express our sincere appreciation to the members of the Associated Industries of Idaho and to Frank Shields, as executive secretary, for making this highly beneficial service available to us.

BE IT FURTHER RESOLVED that this resolution be spread upon the Journal of the House of Representatives and the Journal of the Senate, and that the Secretary of the Senate be, and he hereby is, instructed to forward a copy thereof to Frank Shields, Executive Secretary, Associated Industries of Idaho, 306 Simplot Building, Boise, Idaho.

Adopted by the Senate March 18, 1971.
Adopted by the House March 19, 1971.

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

WHEREAS, the Governor has informed the House and the Senate that he desires to deliver a message to a joint session of the House of Representatives and the Senate in the chamber of the House of Representatives at 12:45 p.m. on Monday, January 11, 1971.

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring therein, that the Senate and the House of Representatives meet in joint session on Monday, January 11, 1971, at 12:45 p.m. for the purpose of hearing the message from the Governor.

Adopted by the House January 11, 1971.
Adopted by the Senate January 11, 1971.

THE PURPOSE OF HEARING THE GOVERNOR'S BUDGET MESSAGE.

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 budget message to a Joint Session of the House of Representatives and the Senate of the Forty-first Legislature of the state of Idaho in the chamber of the House of Representatives at 10:45 a.m. on Friday, January 15, 1971.

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring therein, that the Senate and the House of Representatives meet in Joint Session at 10:45 a.m. on Friday, January 15, 1971, for the purpose of hearing a budget message from the Governor.

Adopted by the House January 14, 1971.
Adopted by the Senate January 14, 1971.

(H. C. R. No. 3)


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

BE IT RESOLVED, by the House of Representatives, the Senate of the Forty-first Idaho Legislature concurring, as follows:

There shall be paid out of the monies provided for the expenses of the Forty-first Idaho Legislature:

(a) Such sum or sums as may be necessary to pay the premiums upon life, accidental death and dismemberment insurance for the members of the Legislature for the period of two years, commencing January 11, 1971; and,

(b) Such sum or sums as may be necessary to pay the premiums for hospital, medical, surgical and major medical insurance for members of the Legislature while in session during the two year period commencing January 11, 1971; and,

(c) Such sum or sums as may be necessary to pay the premiums upon life, accidental death, dismemberment, hospital, medical, surgical and major
medical benefits of employees of the Legislature for the period of their employment during the two year period commencing January 11, 1971.

Adopted by the House January 19, 1971.
Adopted by the Senate January 19, 1971.

(H. C. R. No. 4)

A CONCURRENT RESOLUTION
DIRECTING THE LEGISLATIVE COUNCIL TO CONDUCT A THOROUGH STUDY OF THE ENTIRE FIELD OF AUTOMOBILE LIABILITY INSURANCE AND TO REPORT ITS FINDINGS, RECOMMENDATIONS AND CORRECTIVE LEGISLATION TO THE SECOND REGULAR SESSION OF THE FORTY-FIRST IDAHO LEGISLATURE.

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

WHEREAS, cancellation and nonrenewal of automobile liability insurance policies has worked distinct hardship on many of our citizens; and

WHEREAS, premium rates on automobile liability insurance policies have been increasing at an alarming rate in this state; and

WHEREAS, settlements made on automobile liability insurance policies may not have been as expeditious and orderly as possible.

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate of the First Regular Session of the Forty-first Idaho Legislature concurring therein, that the Legislative Council is hereby authorized and directed to undertake and complete a thorough study of the entire field of automobile liability insurance, including, but not limited to, the problems connected with the cancellation and nonrenewal of automobile liability insurance policies, the problems connected with the premiums established for automobile liability insurance policies, the risk factors involved in automobile liability insurance policies, and the methods and amounts of settlements made for automobile liability insurance policies.

BE IT FURTHER RESOLVED that the Legislative Council be directed to consult with such advisors, consumers and others who tend to have a major interest in automobile liability insurance; and further, that the Legislative Council conduct such hearings and meetings as are necessary to accomplish the purposes of this resolution.
BE IT FURTHER RESOLVED that the Legislative Council shall present its findings and recommendations, together with corrective legislation, to the Second Regular Session of the Forty-first Idaho Legislature.

Adopted by the House March 15, 1971.
Adopted by the Senate March 18, 1971.

(H. C. R. No. 5)

A CONCURRENT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, INVITING THE GOVERNOR AND ELECTIVE OFFICIALS TO ATTEND A MEMORIAL PROGRAM COMMEMORATING THE BIRTH OF ABRAHAM LINCOLN.

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

WHEREAS, Abraham Lincoln did, on the 3rd of March, 1863, sign the Organic Act of the Territory of Idaho granting self-government to the great state of Idaho; and

WHEREAS, Abraham Lincoln personified those virtues so essential to the well-being of the people of our state; and

WHEREAS, Abraham Lincoln exemplified those attributes necessary for the unity of our nation; and

WHEREAS, it is altogether fitting and proper that we honor the sixteenth President of the United States of America with an appropriate memorial program.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-first Idaho Legislature now in session, the House of Representatives, and the Senate concurring therein, that the House of Representatives and the Senate of the state of Idaho do meet in joint session in the House Chamber at the hour of 11 A.M., February 12, 1971 to memorialize the birth of Abraham Lincoln.

BE IT FURTHER RESOLVED that the Governor and other elective state officials be invited to join the House of Representatives and the Senate in the observance of this occasion.

BE IT FURTHER RESOLVED that the committee of the House of
Representatives appointed for this purpose meet with the similar committee of the Senate and arrange for a suitable memorial program.

Adopted by the House February 9, 1971.

Adopted by the Senate February 11, 1971.

(H. C. R. No. 7)

A CONCURRENT RESOLUTION
DIRECTING THE LEGISLATIVE COUNCIL TO CONDUCT A STUDY OF THE FEASIBILITY OF UNITS OF LOCAL GOVERNMENT SHARING EXISTING AND FUTURE FACILITIES AND FUNCTIONS AND OF OTHER ALTERNATIVE SOLUTIONS TO THE PROBLEMS OF PROVIDING EFFICIENT, ECONOMICAL AND RESPONSIBLE SERVICES AT THE LOCAL LEVEL OF GOVERNMENT.

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

WHEREAS, it is in the best interests of the people of the state of Idaho that local governmental services be provided in the most efficient, effective, responsible and economical manner; and

WHEREAS, the continued growth of Idaho necessitates constant study and exploration of the best means of providing governmental services, at all levels; and

WHEREAS, much of Idaho is becoming urbanized, suburban fringe areas are being formed and areas of overlapping jurisdiction are developing; and

WHEREAS, continued urban and suburban growth has contributed to a proliferation of governmental problems at the local level including the following: the lack of needed services, particularly in unincorporated areas; loss of tax base of central cities to suburban fringe areas; uneven distribution of tax resources; duplication of costly facilities; lack of governmental units with the ability to cope with area-wide problems such as air pollution, transportation, and general environmental control; and the cost and confusion of numerous overlapping governmental jurisdictions; and

WHEREAS, local governmental units are finding it increasingly difficult to cope with these problems and provide services in urban and suburban areas.
NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-first Idaho Legislature, the House of Representatives, and the Senate concurring therein, that the Legislative Council is hereby authorized and directed to study the feasibility of interlocal cooperative arrangements for the sharing of existing and future functions and facilities including but not limited to the study of the following functions: fire protection; law enforcement; health, ambulance and welfare services; sewer and water; planning, development and subdivision control; cooperative aviation facilities; recreation and culture; libraries; streets and public ways; garbage and refuse disposal; pollution control; cooperative purchasing and other administrative functions.

BE IT FURTHER RESOLVED that the Legislative Council is also authorized and directed to study other alternative solutions to the problems of overlapping jurisdictions and duplications of functions and facilities including but not limited to such proposed solutions as the following: parallel action and the creation of joint agencies; compacts; transfer of functions from one unit to another; city-county separation; geographic and/or functional consolidation; and

BE IT FURTHER RESOLVED that the results and recommendations of this study and the proposals in such form as may be introduced as legislation shall be reported to the Second Regular Session of the Forty-first Idaho Legislature.

Adopted by the House March 16, 1971.
Adopted by the Senate March 18, 1971.

(H. C. R. No. 8)

A CONCURRENT RESOLUTION RECOGNIZING AND EXTENDING CONGRATULATIONS ON HER ACCOMPLISHMENTS TO MISS LANA BRACKENBURY, MISS RODEO AMERICA.

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

WHEREAS, through her unique combination of skilled horsemanship, beauty, and personality, Miss Lana Brackenbury was selected Miss Rodeo Idaho to represent the state of Idaho in the Miss Rodeo America competition; and
WHEREAS, this competition demonstrated her dedication to the finest qualities of the American cowgirl, and resulted in her selection as Miss Rodeo America; and

WHEREAS, Miss Brackenbury is the personification of the highest qualities of young womanhood which bring credit to her, to her family and to the state of Idaho; and

WHEREAS, in her travels throughout the nation, Miss Brackenbury will be an outstanding representative of our state of Idaho.

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the state of Idaho, the Senate concurring therein, that the members of the Forty-first Idaho Legislature take this opportunity to extend congratulations and very best wishes in her year as Miss Rodeo America to Miss Lana Brackenbury.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives of the state of Idaho be, and she is hereby authorized and directed to transmit suitable copies of this resolution to Miss Lana Brackenbury and to her family.

Adopted by the House March 1, 1971.
Adopted by the Senate March 3, 1971.

(H. C. R. No. 9)

A CONCURRENT RESOLUTION RECOGNIZING AND COMMENDING THE ACCOMPLISHMENTS OF MISS NORLYN OLSON, MISS IDAHO FOR 1970.

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

WHEREAS, the Miss Idaho Pageant has been held annually since 1950, and has traditionally selected from among the participants a young woman of unique qualities; and

WHEREAS, the winner of the 1970 Miss Idaho title is Miss Norlyn Olson of Ovid, Idaho, who possesses the attributes of talent, intelligence, personality and poise as well as beauty; and

WHEREAS, Miss Olson has represented the state of Idaho, and in particular the finest qualities of the youth of this state, to the people of the state and the United States through her participation in the Miss America Pageant, and has thereby performed a service for all citizens of this state.
NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the members recognize and commend the accomplishments of Miss Norlyn Olson and express appreciation for her service to the state as Miss Idaho for 1970.

BE IT FURTHER RESOLVED that the Clerk of the House be, and she is hereby authorized and directed to transmit suitable copies of this resolution to Miss Norlyn Olson.

Adopted by the House February 26, 1971.
Adopted by the Senate March 2, 1971.

(H. C. R. No. 10)


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

WHEREAS, the winner of the 1971 Miss Junior Miss of Idaho contest is Miss Lynn Eckert of Cottonwood, Idaho, who possesses the qualities of talent, intelligence, personality, poise and beauty; and

WHEREAS, Miss Eckert has represented the state of Idaho, and in particular the youth of the state, individually and through her title as Idaho's Miss Junior Miss, and will represent the state at the national Junior Miss Pageant in Mobile, Alabama.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the members recognize and commend the accomplishments of Miss Lynn Eckert and express appreciation for her service to the state as Miss Junior Miss of Idaho for 1971, and further wish her the best of luck at the national Junior Miss Pageant.

BE IT FURTHER RESOLVED that the Clerk of the House, be, and she is hereby authorized and directed to transmit suitable copies of this resolution to Miss Lynn Eckert.

Adopted by the House March 5, 1971.
Adopted by the Senate March 9, 1971.
A CONCURRENT RESOLUTION
STATING LEGISLATIVE OBSERVATIONS AND FINDINGS REGARDING REHABILITATION OF PERSONS INJURED UNDER WORKMEN'S COMPENSATION LAWS AND OTHER REHABILITATION PROGRAMS AND EXTENDED USE OF THE SECOND INJURY FUND; RECOGNIZING THE RECOMMENDATION MADE BY THE ADVISORY COMMITTEE TO THE LEGISLATIVE COUNCIL COMMITTEE ON WORKMEN'S COMPENSATION; AUTHORIZING THE LEGISLATIVE COUNCIL TO UNDERTAKE A STUDY OF THE FEASIBILITY OF EXTENDING WORKMEN'S COMPENSATION BENEFITS TO INCLUDE REHABILITATION AND EXTENDED USE OF THE SECOND INJURY FUND; AND TO PREPARE LEGISLATION IMPLEMENTING ITS RECOMMENDATIONS AND PRESENT SUCH TO THE SECOND REGULAR SESSION OF THE FORTY-FIRST IDAHO LEGISLATURE.

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

WHEREAS, the Legislature of the state of Idaho recognizes that Idaho's workmen's compensation laws do not contain provisions for rehabilitation of injured workers covered under workmen's compensation; and

WHEREAS, the Legislature of the state of Idaho recognizes the desirability of rehabilitating a worker thus injured in order that he may resume his place in society and the labor pool; and

WHEREAS, there are existing and forthcoming programs which provide for rehabilitation of persons, implemented by both private and public bodies and funds; and

WHEREAS, the advisory committee to the Legislative Council Committee on Workmen's Compensation recommended to that committee that an additional study of rehabilitation problems and provisions of various related laws be made before adoption of such provisions; and

WHEREAS, a proposed revision of the workmen's compensation laws of the state of Idaho includes wider and far reaching application of the second injury fund, the full economic impact of which can only be estimated at this time; and

WHEREAS, the advisory committee to the Legislative Council
Committee on Workmen's Compensation recommended to that committee that a further study of the proposed use of the second injury fund be made in order to confirm or readjust the changes encompassed in the proposed revision of the workmen's compensation laws and any changes, if deemed necessary, be drafted for inclusion in the proposed revision at the Second Regular Session of the Forty-first Idaho Legislature;

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-first Idaho Legislature, the House of Representatives, and the Senate concurring therein, that the Legislative Council of the state of Idaho is hereby empowered, authorized and directed to exercise such authority as to it shall appear proper, necessary and desirable to carry out the provisions of this resolution, which shall be to conduct a study of the feasibility of including rehabilitation provisions in the workmen's compensation laws of the state of Idaho, and, if such is recommended, to prepare legislation for introduction to the Second Regular Session of the Forty-first Idaho Legislature and to conduct additional studies relative to the extended application and use of the second injury fund as set forth in the proposed revision of the workmen's compensation laws of the state of Idaho and if changes therein be deemed necessary, to prepare proper legislation for introduction to the Second Regular Session of the Forty-first Idaho Legislature.

Adopted by the House March 9, 1971.
Adopted by the Senate March 18, 1971.

(H. C. R. No. 13)

A CONCURRENT RESOLUTION
STATING LEGISLATIVE OBSERVATIONS; AUTHORIZING AND INSTRUCTING THE LIEUTENANT GOVERNOR TO ASSIST IN IDENTIFYING AND TO RECOMMEND THE SELECTION OF INDEMNITY LIEU LANDS DUE FROM THE FEDERAL GOVERNMENT; AUTHORIZING SELECTION OF AN ADVISORY COMMITTEE; AUTHORIZING PAYMENT OF EXPENSES; AUTHORIZING EMPLOYMENT AND PAYMENT OF PERSONNEL; AUTHORIZING THE PRESIDENT OF THE SENATE AND SPEAKER OF THE HOUSE OF REPRESENTATIVES TO ALLOCATE MONEYS
FOR THE PURPOSES OF THIS RESOLUTION OUT OF MONEYS APPROPRIATED FOR LEGISLATIVE EXPENSES; AND REQUIRING A REPORT.

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

WHEREAS, the Governor has requested the Lieutenant Governor to assist in identifying and recommending selection of indemnity lieu lands due from the federal government to the state of Idaho, as authorized by Chapter 2, Title 58, Idaho Code, and other applicable statutes, both state and federal; and

WHEREAS, the State Board of Land Commissioners has also requested the Lieutenant Governor to assist in such identifying and recommending selection process; and

WHEREAS, there appears to be many thousands of acres of land that are still due and owing to the state of Idaho out of the surveyed, unreserved and unappropriated lands of the United States; and

WHEREAS, it appears that certain of the transactions of the past in which the state of Idaho has accepted indemnity lieu lands due from the federal government need to be reviewed, amended, corrected or re-negotiated; and

WHEREAS, the magnitude of the task involved requires the application of expertise in the field of negotiation to this very important and critical matter.

NOW, THEREFORE, BE IT RESOLVED by the Senate, the House of Representatives concurring, that the Forty-first Legislature of the State of Idaho hereby authorizes and instructs the Lieutenant Governor, as permitted by Section 67-809, Idaho Code, to assist in identifying and to recommend the selection of indemnity lieu lands due from the federal government, as requested by the Governor and the State Board of Land Commissioners.

BE IT FURTHER RESOLVED that the Lieutenant Governor is hereby authorized to select an advisory committee consisting of two members of the House of Representatives and two members of the Senate on a bi-partisan basis, and further that the Lieutenant Governor shall be chairman of the advisory committee.

BE IT FURTHER RESOLVED that the Lieutenant Governor, as President of the Senate, may, and he is hereby authorized to pay, from funds appropriated generally for legislative expenses, to individual members of the advisory committee as expense the sum of twenty-five dollars per day plus travel, food and lodging in furtherance of the purposes of this resolution.
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BE IT FURTHER RESOLVED that the Lieutenant Governor, with the advice and consent of the advisory committee, is hereby authorized to hire, engage or retain such personnel as may be reasonable and necessary to carry out the provisions of this resolution. All salaries, wages and all other expenses necessary for such personnel shall be paid by the Lieutenant Governor, as President of the Senate, from funds appropriated generally for legislative expenses.

BE IT FURTHER RESOLVED that the President of the Senate and the Speaker of the House of Representatives are hereby authorized to allocate not to exceed ten thousand dollars for the purposes of this resolution out of funds appropriated generally for legislative expenses.

BE IT FURTHER RESOLVED that the Lieutenant Governor shall, on or before the convening of the Second Regular Session of the Forty-first Legislature, file his report and recommendations with the Governor, the State Board of Land Commissioners, the Secretary of the Senate, and the Chief Clerk of the House of Representatives.

Adopted by the House March 6, 1971.
Adopted by the Senate March 10, 1971.

(H. C. R. No. 14)

A CONCURRENT RESOLUTION
PROVIDING FOR PRINTING THE SESSION LAWS, FIXING THE PRICE FOR PRINTING THE SAME, AND THE PRICE WHICH THE PUBLIC SHALL BE CHARGED FOR COPIES OF SAID SESSION LAWS.

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

WHEREAS, Section 67-904, Idaho Code, has made provisions for the printing of the Session Laws;

NOW, THEREFORE in accordance with a written contract duly made and entered into by the Joint Printing Committee of the Senate Judiciary and Rules Committee and the House Printing and Legislative Expense Committee,

BE IT RESOLVED by the First Regular Session of the Forty-first Idaho Legislature, the House of Representatives, and the Senate concurring, that the contract for the printing of the Session Laws of the First Regular Session, Forty-first Legislature, and the Session Laws of any Extraordinary
IDAHO SESSION LAWS

Sessions held prior to the Second Regular Session, Forty-first Legislature, in accordance with the provisions of law and in accordance with the written contract between the Joint Printing Committee as party of the first part, and CAXTON PRINTERS, LTD., of Caldwell, Idaho, as party of the second part, be, and the same is hereby ratified, confirmed and concurred in, and is incorporated herein and made a part of this resolution, in words and figures following, to-wit:

PRINTING CONTRACT

THIS AGREEMENT, made and entered into this 5th day of February, 1971, by and between the Joint Printing Committee of the Senate Judiciary and Rules Committee and the House Printing and Legislative Expense Committee of the legislature of the state of Idaho, hereinafter mentioned as party of the first part, and THE CAXTON PRINTERS, LTD., of Caldwell, Idaho, hereinafter mentioned as party of the second part;

WITNESSETH:

That pursuant to a resolution of said committee and written bids submitted to the said committee by the party of the second part, contract for legislative printing is hereby awarded to said CAXTON PRINTERS, LTD., as follows:

SESSION LAWS

For printing and binding 1200 copies of the Session Laws of the First Regular Session of the Forty-first Legislature and the Session Laws of any Extraordinary Sessions held prior to the Second Regular Session, Forty-first Legislature: $11.85 per page, f.o.b. Boise, Idaho, if produced by offset lithography with camera-ready copy being furnished party of the second part. The party of the second part shall provide an additional quantity to be made available to the general public at $14.50 per volume, and an additional rate of $1.40 per second volume may be charged if a second volume is required. The Session Laws of any Extraordinary Session adjourned prior to June 1, 1971, shall be included in the Session Laws of the First Regular Session. No charge shall be made by the party of the second part for proofreading or blank pages.

IT IS AGREED between the parties hereto that all of said printing shall be done in the form and manner as submitted in written bid by party of the second part, and in compliance with the statutes of the state of Idaho; where not otherwise provided such statutes shall be controlling.

IT IS FURTHER AGREED that said Session Laws shall be printed, delivered to and be ready for distribution by the Secretary of State in
conformity with the provisions of section 67-904, Idaho Code, which section is hereby referred to and by such reference made a part of this contract as though set forth at length herein, and particularly as follows:

1. The Session Laws shall be printed and made available for distribution within 60 days after the last day on which the governor may sign or approve bills following adjournment of the session of the legislature which enacted or passed the measures included in the Session Laws, or within 30 days after the delivery to the party of the second part of the proper title pages, certificate pages, tables of laws and statutes amended and repealed and a proper index of the contents of the Session Laws, whichever date is first in time.

Such printing and the delivery of said Session Laws to the Secretary of State are to be made as provided by law; that for each day's failure to so deliver volumes of such Session Laws as herein provided, there shall be deducted from the contract price for printing said Session Laws the sum of $50.00 per day for each day's delay; provided, however, that the party of the second part shall not be held responsible for delay occasioned by failure to furnish copy for such printing to the party of the second part and such delay shall, to the same extent, extend the time for the performance of this agreement.

IN WITNESS WHEREOF, the party of the second part has caused these presents to be executed by its proper officials, and the party of the first part, by concurrent resolution, has caused these presents to be executed by its proper officials.

SENATE JUDICIARY AND RULES COMMITTEE
By Edith Miller Klein, Chairman

HOUSE PRINTING AND LEGISLATIVE EXPENSE COMMITTEE
By Aden Hyde, Chairman
Party of the First Part

THE CAXTON PRINTERS, LTD.
By Jim Gipson
Party of the Second Part

Adopted by the House March 6, 1971.
Adopted by the Senate March 10, 1971.
A CONCURRENT RESOLUTION
AUTHORIZING AND DIRECTING THE LEGISLATIVE COUNCIL TO
UNDERTAKE AND COMPLETE A STUDY OF ANY NECESSARY
REVISIONS IN THE UNIFORM PROBATE CODE, AND DIRECTING
THE LEGISLATIVE COUNCIL TO SUBMIT ITS REPORT AND
RECOMMENDATIONS TO THE SECOND REGULAR SESSION OF
THE FORTY-FIRST IDAHO LEGISLATURE.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, it is in the best interests of every citizen of the state of
Idaho that the administration of and effect of the probate laws be tailored to
fit the needs of all of our citizens; and
WHEREAS, the Uniform Probate Code has been adopted to become
effective in 1972; and
WHEREAS, continued study is necessary to insure that the Uniform
Probate Code does function properly when effective and to consider any
necessary revisions and amendments.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session
of the Forty-first Idaho Legislature, the House of Representatives and the
Senate concurring therein, that the Legislative Council is hereby empowered,
authorized and directed to undertake and complete such study of the
Uniform Probate Code, and related laws, as may be necessary to insure its
proper administration and to consider and study any necessary revisions and
amendments to the Code.

BE IT FURTHER RESOLVED that the Legislative Council shall submit
a report and any accompanying recommendations to the Second Regular
Session of the Forty-first Idaho Legislature.

Adopted by the House March 12, 1971.
Adopted by the Senate March 18, 1971.

A CONCURRENT RESOLUTION
PROVIDING FOR A JOINT SESSION OF THE HOUSE OF
REPRESENTATIVES AND THE SENATE OF THE FORTY-FIRST
SESSION OF THE LEGISLATURE OF THE STATE OF IDAHO 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 and the Senate that he desires to deliver a message to a joint session of the House of Representatives and the Senate in the Chamber of the House of Representatives at 10:30 A.M. on Wednesday, March 10, 1971.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Senate and the House of Representatives meet in joint session on Wednesday, March 10, 1971, at 10:30 A.M. for the purpose of hearing the message from the Governor.

Adopted by the House March 8, 1971.
Adopted by the Senate March 9, 1971.

(H. C. R. No. 20)

A CONCURRENT RESOLUTION
ESTABLISHING AN INTERIM COMMITTEE TO REVIEW CONTRACT NEGOTIATIONS RELATING TO CONSTRUCTION OF A WATER PROJECT IN THE GRANDVIEW-GUFFEY REACH OF THE SNAKE RIVER IN SOUTHWEST IDAHO.

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

WHEREAS, the Senate Resources and Environment Committee has directed the Idaho Water Resource Board to explore the potential for state construction of a water project in the Grandview-Guffey reach of the Snake River; and

WHEREAS, the benefits to the purchaser of such a project would not seem to be materially decreased by application of a formula similar to the joint venture proposed for construction of the facilities exclusive of the power facilities; and

WHEREAS, the water resources of the state of Idaho are a substantial asset belonging to all the people of this state and the proper management and control of water and relating land resources and the income therefrom are of paramount importance to the prosperity of this state.
NOW, THEREFORE, BE IT RESOLVED that a committee is hereby constituted, composed of the chairman and six members of the Senate Resources and Environment Committee to be appointed by the President of the Senate; and the chairman and six members of the Resources and Conservation Committee of the House of Representatives to be appointed by the Speaker of the House of Representatives, such appointments to include an equal number of members of each political party provided, however, that the membership from each house need not necessarily include such equal representation. This committee shall review and affirm or reject by majority vote any contract negotiated and presented to it for approval by the Idaho Water Resource Board.

BE IT FURTHER RESOLVED that the committee shall meet at least twice a year to receive status reports on the Water Resource Board's state water planning and development program.

BE IT FURTHER RESOLVED that the committee appointed be empowered to appoint advisors to aid in their deliberation.

BE IT FURTHER RESOLVED that the President of the Senate or the Speaker of the House of Representatives may pay from legislative funds to individual members of the committee and advisors the cost of travel, food, lodging and twenty-five dollars a day as expenses for efforts incurred in furtherance of committee business and he is hereby authorized to pay such amounts.

Adopted by the House March 17, 1971.
Adopted by the Senate March 18, 1971.

(H. C. R. No. 24)

A CONCURRENT RESOLUTION AUTHORIZING THE EXPENDITURE OF $6,500 FROM THE LEGISLATIVE FUND AND DIRECTING THAT THE LIEUTENANT GOVERNOR DISTRIBUTE SUCH MONEYS BY PAYMENT AS AGENT AND ESTABLISHING AN EFFECTIVE DATE.

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

WHEREAS, the legislature of the state of Idaho recognizes that certain long standing obligations remain unattended and unpaid; and

WHEREAS, it is in the best interest that these obligations be met and
the dignity of the state of Idaho be maintained and enhanced.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Lieutenant Governor is hereby authorized to meet the obligations set forth above by distribution of $6,500 from the legislative fund by payment as agent.

BE IT FURTHER RESOLVED that this resolution shall be in full force and effect immediately upon approval of both houses of the legislature.

Adopted by the House March 16, 1971.
Adopted by the Senate March 18, 1971.

(H. C. R. No. 26)

A CONCURRENT RESOLUTION
AUTHORIZING THE SPEAKER OF THE HOUSE AND THE PRESIDENT OF THE SENATE TO COMPLETE NECESSARY WORK AFTER THE ADJOURNMENTS OF THE LEGISLATURE.

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

WHEREAS, it is necessary that certain legislative matters must be completed upon the adjournments of the legislature; and

WHEREAS, it is the responsibility of the presiding officers of the House of Representatives and Senate to see that these legislative matters are properly and expeditiously carried on.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Speaker of the House and the President of the Senate be, and they are hereby, empowered and directed to retain the Chief Clerk of the House and the Secretary of the Senate and a sufficient number of the employees of both houses for the period of time after adjournments of the legislature necessary to complete, correct, index, transcribe, arrange, compare and file the records and papers of the House of Representatives and the Senate and to make final and lawful disposition of such records and papers, and to do all acts necessary to conclude and complete the affairs of each house following all adjournments; that the compensation for the Chief Clerk and the Secretary and the employees retained by the Speaker and the President shall be at the rate per day now
received by said Chief Clerk, Secretary or employees, and the Speaker and
the President are hereby authorized to certify the same to the state auditor
for payment.

BE IT FURTHER RESOLVED that during the time necessary to make
final disposition of the records and papers of the House and the Senate, the
Chief Clerk and the Secretary and other employees as the Speaker and the
President may require shall perform such duties as may be directed by the
Speaker or the President.

BE IT FURTHER RESOLVED that the Speaker be, and he is hereby
instructed to have prepared under his direction an index to the House
Journal to be printed in the Journal.

BE IT FURTHER RESOLVED that the President be, and he is hereby
instructed to have prepared under his direction an index to the Senate
Journal to be printed in the Journal.

BE IT FURTHER RESOLVED that the Speaker and the President are
authorized to provide for the meetings and payment of expenses of standing
committees found necessary prior to the convening of the Second Regular
Session of the Forty-first Idaho Legislature, and are hereby authorized to
certify the same to the state auditor for payment.

BE IT FURTHER RESOLVED that the Speaker and the President are
authorized to prepare for the organizational session of the Forty-second
Legislature in 1973 and are authorized to retain the necessary personnel for
such purposes and to certify their compensation to the state auditor for
payment.

BE IT FURTHER RESOLVED that the Speaker is hereby authorized
to maintain a staff in the office of the Speaker during the time when the
House is not in session and to certify their compensation to the state auditor
for payment.

BE IT FURTHER RESOLVED that the Speaker and the President are
authorized to direct and supervise the post adjournments' work and activities
of the legislature as herein provided and for such shall receive as expenses the
same amount of total remuneration as they receive as Speaker of the House
and President of the Senate while the legislature is in session.

Adopted by the House March 16, 1971.
Adopted by the Senate March 18, 1971.
A CONCURRENT RESOLUTION
DIRECTING THE LEGISLATIVE COUNCIL TO UNDERTAKE AND COMPLETE A STUDY OF THE PROCEDURES THAT MAY BE TAKEN TO FURTHER THE MODERNIZATION OF THE LEGISLATIVE PROCESSES.

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

WHEREAS, the people of the state of Idaho have directed that the legislature meet in annual sessions; and

WHEREAS, the organization of the legislature has been based on the concept of a biennial legislative session; and

WHEREAS, in order to fully effect the intent of providing annual legislative sessions it may be necessary for changes to be made in certain legislative processes and services available to the legislature.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-first Idaho Legislature, the House of Representatives and the Senate concurring, that the Legislative Council is hereby directed to undertake and complete a study and review of the procedures that may be taken to further the modernization of the legislative processes, including but not limited to the services provided by the legislative service agencies now existing, the function and use of standing committees, and the provision of a professional staff for committees.

BE IT FURTHER RESOLVED that the Legislative Council shall report its findings and recommendations to the Second Regular Session of the Forty-first Idaho Legislature.

Adopted by the House March 16, 1971.
Adopted by the Senate March 18, 1971.

A CONCURRENT RESOLUTION
STATING LEGISLATIVE OBSERVATIONS AND FINDINGS RELATIVE TO THE STATE EDUCATIONAL FUNDING CONCEPT OF HOUSE BILL 249, FIRST REGULAR SESSION OF THE FORTY-FIRST IDAHO LEGISLATURE; AUTHORIZING AND DIRECTING THE
LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO STUDY THE FUNDING PLAN OF SAID HOUSE BILL 249 TO THE END THAT THE LEGISLATURE MAY BE INFORMED AS TO WHETHER ANY MODIFICATION OR CHANGE IN SUCH PROGRAM IS DESIRABLE OR NECESSARY IN ORDER TO PROVIDE A FAIR, EQUAL, AND BASIC PROGRAM OF PUBLIC EDUCATION IN THIS STATE.

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

WHEREAS, the legislature of the state of Idaho recognizes that there is a critical need for an updating of the present plan for state funding of public education to the end that all children in this state are afforded an opportunity for an equal basic education; and

WHEREAS, the conceptual approach taken by House Bill 249 is aimed at achieving this goal; and

WHEREAS, there is a need for a legislative committee to make a continuing study of the approach taken by House Bill 249, to facilitate the implementation of the educational funding plan provided therein, and to serve as a forum for the solution of any problems attendant therewith, if any there be.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is hereby directed to appoint a committee consisting of four members of the House of Representatives and four members of the Senate to conduct a continuing study of the educational funding plan of House Bill 249 and such other and further matters that are incident thereto, and said committee shall report to the Second Session of the Forty-first Idaho Legislature so that the legislature will be informed as to whether any change or modification in the funding plan of House Bill 249 is desirable or necessary in order to assure a fair, equal, and basic program of public education in this state.

Adopted by the House March 16, 1971.

Adopted by the Senate March 18, 1971.
A CONCURRENT RESOLUTION
STATING LEGISLATIVE FindINGS AND CONCLUSIONS, AND
AUTHORIZING THE LEGISLATIVE COUNCIL TO UNDERTAKE A
STUDY ON THE FEASIBILITY OF ESTABLISHING A
DEPARTMENT OF ECOLOGY TO INCLUDE ALL MATTERS
WHICH HAVE A BEARING ON THE ECOLOGY OF THE STATE OF
IDAHO.

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

WHEREAS, the responsibility for administering statutes, rules and
regulations which pertain to the environment and ecology of the state of
Idaho is vested in many different state boards and agencies otherwise not
related; and

WHEREAS, it is in the best interests of the state of Idaho to
consolidate and coordinate these efforts to protect the environment and
ecology of the state; and

WHEREAS, it is possible that one state agency could best perform the
duties now performed by various agencies.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session
of the Forty-first Idaho Legislature, the House of Representatives and the
Senate concurring therein, that the Legislative Council of the state of Idaho
is hereby authorized and directed to exercise such authority as it shall deem
proper, necessary and desirable to undertake and complete a study of the
feasibility of consolidating state functions which deal with protection of the
environment and ecology under one state agency.

BE IT FURTHER RESOLVED that if the Legislative Council
recommends that these functions be consolidated under one state agency,
that legislation be drafted to implement such recommendations for
introduction at the Second Regular Session of the Forty-first Idaho
Legislature.

Adopted by the House March 16, 1971.
Adopted by the Senate March 18, 1971.
A CONCURRENT RESOLUTION

EXPRESSION APPRECIATION TO THE MOUNTAIN STATES TELEPHONE COMPANY AND TO THE GENERAL TELEPHONE COMPANY OF THE NORTHWEST, FOR PROVIDING THE TELEPHONE EQUIPMENT AND SERVICE PERSONNEL FOR THE PERSONAL USE AND BENEFIT OF MEMBERS OF THE FIRST REGULAR SESSION OF THE FORTY-FIRST IDAHO LEGISLATURE.

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

WHEREAS, throughout the First Regular Session of the Forty-first Idaho Legislature, the Mountain States Telephone Company has provided for the personal use and benefit of the members of the legislature, to supplement the NETCOM lines rented by the state during the session of the legislature, complete telephone equipment, including a PBX switchboard and a number of private telephone booths in both houses of the legislature and in the rotunda of the third floor of the Statehouse; and

WHEREAS, the Mountain States Telephone Company has further provided for the exclusive use and benefit of the First Regular Session of the Forty-first Idaho Legislature complete telephone service and personnel, consisting of a supervisory chief operator and a full force of expertly trained operators, together with the full time services of a public affairs man and a public relations man; and

WHEREAS, the General Telephone Company of the Northwest, which provides telephone service to the panhandle district of Idaho, has provided for said legislature a full time public relations man, and has cooperated with the Mountain States Telephone Company in the compilation, printing and delivery to each member of the legislature and attaches and offices connected therewith a copy of the Legislative Telephone Directory for 1971.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that we express our sincere appreciation to the Mountain States Telephone Company and to the General Telephone Company of the Northwest for their generous and splendid contribution to the convenience and function of this legislature.

BE IT FURTHER RESOLVED that we express our appreciation and commendation to Dick Moon of the Mountain States Telephone Company,
to Roy Lewis of the General Telephone Company of the Northwest, and to the personnel responsible for the operation of the facilities, for their faithful performance and the scrupulous acquittal of their responsibilities.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she hereby is, directed to transmit suitable copies of this resolution to the Mountain States Telephone Company headquarters at Denver, Colorado, to the Mountain States Telephone Company District Office at Boise, Idaho, and to the General Telephone Company of the Northwest at Coeur d'Alene, Idaho.

Adopted by the House March 16, 1971.
Adopted by the Senate March 18, 1971.

(H. C. R. No. 31)

A CONCURRENT RESOLUTION
EXPRESSING APPRECIATION TO THE IDAHO MEDICAL ASSOCIATION AND TO DOCTOR JOHN A. EDWARDS FOR FURNISHING MEDICAL DISPENSARY SERVICES TO THE STATE LEGISLATURE.

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

WHEREAS, the Idaho Medical Association has established and provided for the members of the House of Representatives and Senate a medical dispensary in the House Chamber of the Idaho Statehouse to provide medical care and attendance for all members and attaches of the legislature; and

WHEREAS, the Idaho Medical Association has provided all necessary medical supplies and made all arrangements to provide the necessary medical equipment; and

WHEREAS, Doctor John A. Edwards, practicing physician of the city of Council, Idaho, and member of the House of Representatives of the First Regular Session of the Forty-first Idaho Legislature, has gratuitously given his services to care for those persons requesting medical dispensary attention; and

WHEREAS, it is our desire to express our appreciation and gratitude to the Idaho Medical Association and to Doctor John A. Edwards.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session
of the Forty-first Idaho Legislature, the House of Representatives and Senate concurring therein, that we express our sincere appreciation and gratitude to the Idaho Medical Association and to Doctor John A. Edwards for making this highly beneficial service available to us.

BE IT FURTHER RESOLVED that this resolution be spread upon the Journal of the House of Representatives and the Journal of the Senate, and that the Chief Clerk of the House of Representatives be, and she is hereby instructed to forward a copy of this resolution to the Idaho Medical Association, 407 East Bannock Street, Boise, Idaho, and to Doctor John A. Edwards, Council, Idaho.

Adopted by the House March 16, 1971.
Adopted by the Senate March 18, 1971.

(H. C. R. No. 33)

A CONCURRENT RESOLUTION

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

WHEREAS, the legislature has authorized and directed that the Legislative Council shall undertake and complete various studies during the interim between sessions of the legislature; and

WHEREAS, the appropriations made by law to the Legislative Council do not include moneys for the payment of legislators' allowances and travel expenses or consultant fees or expenses.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Speaker of the House and the President of the Senate be and they are hereby authorized to allocate $34,275 to the Legislative Council out of the legislative fund.

Adopted by the House March 19, 1971.
Adopted by the Senate March 20, 1971.
A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND CONCLUSIONS AND
AUTHORIZING AND DIRECTING THE DEPARTMENT OF PUBLIC
WORKS AND PERMANENT BUILDING FUND ADVISORY
COUNCIL TO ADVERTISE FOR BIDS AND CONSTRUCT THE
ADDITION TO THE AGRICULTURE SCIENCE BUILDING AT THE
UNIVERSITY OF IDAHO WITHIN THE CURRENT PROJECT
FUNDING AUTHORIZATION OF $1,967,000.

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

WHEREAS, the University of Idaho has stated that they have the
capability of furnishing the addition to the agriculture science building
within their own resources necessary to make it a usable facility within the
amount appropriated for the purpose of construction of said facility.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session
of the Forty-first Idaho Legislature, the House of Representatives and the
Senate concurring therein, that the Department of Public Works and the
Permanent Building Fund Advisory Council are authorized and directed to
advertise for bids and construct the agriculture science building addition
authorized and for which $1,967,000 is appropriated; provided, however,
that the Permanent Building Fund Advisory Council receives, in writing,
assurance from the president of the University of Idaho that the university is
capable of making the addition to the agriculture science building a usable
facility.

Adopted by the House March 19, 1971.
Adopted by the Senate March 20, 1971.

A CONCURRENT RESOLUTION
PROVIDING FOR THE ADJOURNMENT OF THE FIRST REGULAR
SESSION OF THE FORTY-FIRST IDAHO LEGISLATURE AND
FIXING THE TIME FOR ADJOURNMENT SINE DIE.

Be it resolved by the Legislature of the State of Idaho:
BE IT RESOLVED by the House of Representatives and the Senate concurring therein, that at the hour of 5:30 on March 20, 1971, the House of Representatives and the Senate of the First Regular Session of the Forty-first Idaho Legislature adjourn Sine Die.

Adopted by the House March 20, 1971.

Adopted by the Senate March 20, 1971.
A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE IX, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO THE STATE BOARD OF LAND COMMISSIONERS, BY ELIMINATING THE GOVERNOR, SUPERINTENDENT OF PUBLIC INSTRUCTION, SECRETARY OF STATE, ATTORNEY GENERAL AND STATE AUDITOR AS THE CONSTITUTIONAL STATE BOARD OF LAND COMMISSIONERS, AND PROVIDING FOR A STATE BOARD OF LAND COMMISSIONERS SELECTED AS PROVIDED BY LAW; SUBMITTING THE QUESTION TO THE ELECTORATE; DIRECTING THE ATTORNEY GENERAL TO PREPARE THE STATEMENT; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH NOTICE THEREOF.

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

SECTION 1. That Section 7, Article IX, of the Constitution of the state of Idaho be amended to read as follows:

SECTION 7. STATE BOARD OF LAND COMMISSIONERS. - The governor, superintendent of public instruction, secretary of state, attorney general and state auditor shall constitute the state board of land commissioners, shall be selected as provided by law, and who shall have the direction, control and disposition of the public lands of the state, under such regulations as may be prescribed by law.

SECTION 2. The question to be submitted to the electors of the state of Idaho at the next general election shall be as follows:

"Shall Section 7, Article IX, of the Constitution of the state of Idaho relating to the state board of land commissioners be amended to eliminate the governor, superintendent of public instruction, secretary of state,
attorney general and state auditor as the constitutional state board of land commissioners and to substitute for them a state board of land commissioners selected as provided by law?"

SECTION 3. The Attorney General is directed to prepare the statement required by Section 67-507a, Idaho Code, and file the same.

SECTION 4. The Secretary of State is hereby directed to publish this proposed constitutional amendment for six consecutive weeks prior to the next general election, in one newspaper of general circulation published in each county of the state of Idaho.

Adopted by the Senate January 27, 1971.
Adopted by the House March 10, 1971.

(S. J. R. No. 112)

A JOINT RESOLUTION
PROPOSING AN AMENDMENT TO SECTION 23 OF ARTICLE III OF THE CONSTITUTION OF THE STATE OF IDAHO RELATING TO COMPENSATION AND MILEAGE OF MEMBERS OF THE LEGISLATURE, BY REMOVING THEREFROM THE POWER OF THE LEGISLATURE TO SET ITS OWN COMPENSATION AND MILEAGE, AND PROVIDING THAT MEMBERS OF THE LEGISLATURE SHALL RECEIVE SAID SUMS AS SALARY AND COMPENSATION AS SET BY A CITIZENS' COMMITTEE ON LEGISLATIVE COMPENSATION, AND PROVIDING THAT THE GOVERNOR SHALL APPOINT THE CITIZENS' COMMITTEE, THAT THE QUALIFICATIONS OF THE COMMITTEE SHALL BE SET BY LAW, PROVIDING THAT ANY ELECTED OFFICIALS SHALL NOT SIT AS MEMBERS OF SAID COMMITTEE; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORS; DIRECTING THE ATTORNEY GENERAL TO PREPARE THE STATEMENT AS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO GIVE LEGAL NOTICE THEREOF.

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

SECTION 1. That Section 23, Article III, of the Constitution of the State of Idaho be amended to read as follows:

SECTION 23. Each member of the legislature shall receive for his
services a sum of ten dollars per day from the commencement of the session; but such pay shall not exceed for each member, except the presiding officers, in the aggregate, $600 for per diem allowances for any one session; and shall receive each the sum of ten cents per mile each way by the usual traveled route.

The legislature shall not be empowered to set its own salary or compensation.

The Citizens Committee on Legislative Compensation shall consist of 9 members appointed by the Governor, the qualifications shall be as provided by law. Provided, however, that any elected officials shall not be eligible to serve on the committee. The committee shall establish all compensation for the legislature, which compensation may be submitted by the committee to the people as provided by law, provided that no change in compensation may be made for the legislature then in office.

SECTION 2. The question to be submitted to the electors of the state of Idaho at the next general election shall be as follows:

"Shall Section 23, Article III, of the Constitution of the state of Idaho, relating to compensation and mileage of members of the legislature, be amended to provide that the legislature shall not be empowered to set its own compensation, to provide for a Citizens Committee on Legislative Compensation consisting of 9 members appointed by the Governor whose duty it shall be to set all compensation for the legislature and providing that the Citizens Committee may submit the compensation to the people. The right of initiative and referendum by the people shall remain inviolate. Providing further that no change in compensation may be made for the legislature then in session?"

SECTION 3. The Attorney General is directed to prepare the statement required by Section 67-507a, Idaho Code, and file the same.

SECTION 4. The Secretary of State is hereby directed to publish this proposed constitutional amendment for six consecutive weeks prior to the next general election, in one newspaper of general circulation published in each county of the state of Idaho.

Adopted by the Senate March 20, 1971.

Adopted by the House March 20, 1971.
A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 23 OF ARTICLE III OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO COMPENSATION AND MILEAGE OF MEMBERS OF THE LEGISLATURE, BY REMOVING THEREFROM THE PER DIEM ALLOWANCE OF TEN DOLLARS, AND THE AGGREGATE LIMIT OF SIX HUNDRED DOLLARS FOR ANY SESSION, AND PROVIDING THAT MEMBERS OF THE LEGISLATURE SHALL EACH RECEIVE AS A SALARY THE SUM OF THREE THOUSAND SIX HUNDRED DOLLARS PER ANNUM, PROVIDING THAT MEMBERS OF THE LEGISLATURE SHALL EACH RECEIVE THE SUM OF TEN CENTS PER MILE FOR TRAVELING TO OR RETURNING FROM EACH REGULAR OR EXTRA SESSION, AND PROVIDING THAT OFFICERS OF THE LEGISLATURE SHALL EACH RECEIVE AN ADDITIONAL COMPENSATION AS PROVIDED BY LAW; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORS; DIRECTING THE ATTORNEY GENERAL TO PREPARE THE STATEMENT AS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO GIVE LEGAL NOTICE THEREOF.

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

SECTION 1. That Section 23, Article III, of the Constitution of the state of Idaho be amended to read as follows:

SECTION 23. COMPENSATION SALARY AND MILEAGE OF MEMBERS. — Each member of the legislature shall receive as a salary for his services a sum of ten dollars per day from the commencement of the session, but such pay shall not exceed, for each member, except the presiding officers, in the aggregate, $600 for per diem allowances for any one session of $3,600 per annum; and shall receive each the sum of ten cents per mile each way by the usual traveled route for traveling to and returning from each regular or extra session of the legislature.

When convened in extra session by the governor, they shall each receive ten dollars per day, but no extra session shall continue for a longer period than twenty days. They shall receive such mileage as is allowed for regular sessions. The presiding officers of the legislature shall each, in virtue of his office, receive an additional compensation equal to one half his per diem.
allowance as a member as provided by law; provided, that whenever any member of the legislature shall travel on a free pass in coming to or returning from a session of the legislature, the number of miles actually traveled on such pass shall be deducted from the mileage of such member.

SECTION 2. The question to be submitted to the electors of the state of Idaho at the next general election shall be as follows:

"Shall Section 23, Article III, of the Constitution of the state of Idaho, relating to compensation and mileage of members of the legislature, be amended to provide that each member of the legislature shall receive a salary of $3,600 per annum, to provide that members of the legislature shall each receive the sum of ten cents per mile for traveling to or returning from each regular or extra session, and to provide that the officers of the legislature shall each receive an additional compensation as provided by law?"

SECTION 3. The Attorney General is directed to prepare the statement required by Section 67-507a, Idaho Code, and file the same.

SECTION 4. The Secretary of State is hereby directed to publish this proposed constitutional amendment for six consecutive weeks prior to the next general election, in one newspaper of general circulation published in each county of the state of Idaho.

Adopted by the Senate March 20, 1971.

Adopted by the House March 20, 1971.
A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 2 OF ARTICLE VI OF THE
CONSTITUTION OF THE STATE OF IDAHO TO REDUCE THE
AGE TO BE QUALIFIED TO VOTE FROM TWENTY-ONE TO
EIGHTEEN YEARS OF AGE; STATING THE QUESTION TO BE
SUBMITTED TO THE ELECTORS; DIRECTING THE ATTORNEY
GENERAL TO PREPARE THE STATEMENT AS REQUIRED BY
LAW; AND DIRECTING THE SECRETARY OF STATE TO GIVE
LEGAL NOTICE THEREOF.

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

SECTION 1. That Section 2, Article VI, of the Constitution of the
state of Idaho be amended to read as follows:

SECTION 2. QUALIFICATIONS OF ELECTORS. — Except as in this
article otherwise provided, every male or female citizen of the United States,

twenty-one eighteen years old, who has actually resided in this state or
territory for six months, and in the county where he or she offers to vote,

thirty days next preceding the day of election, if registered as provided by
law, is a qualified elector; provided however, that every citizen of the United
States, twenty-one eighteen years old, who has actually resided in this state
for sixty days next preceding the day of election, if registered as required by
law, is a qualified elector for the sole purpose of voting for presidential
electors; and until otherwise provided by the legislature, women who have
the qualifications prescribed in this article may continue to hold such school
offices and vote at such school elections as provided by the laws of Idaho
territory.

SECTION 2. The question to be submitted to the electors of the state
of Idaho at the next general election shall be as follows:
"Shall Section 2, Article VI of the Constitution of the state of Idaho be amended to reduce the age to be qualified to vote from twenty-one to eighteen years of age?"

SECTION 3. The Attorney General is directed to prepare the statement required by Section 67-507a, Idaho Code, and file the same.

SECTION 4. The Secretary of State is hereby directed to publish this proposed constitutional amendment for six consecutive weeks prior to the next general election, in one newspaper of general circulation published in each county of the state of Idaho.

Adopted by the House February 12, 1971.

Adopted by the Senate February 20, 1971.
A JOINT MEMORIAL
TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES
OF THE UNITED STATES IN CONGRESS ASSEMBLED.

We, your Memorialists, the Senate and House of Representatives of the state of Idaho assembled in the First Regular Session of the Forty-first Idaho Legislature, do respectfully request that:

WHEREAS, the revenue sources of local units of government in Idaho is primarily limited to taxation of real property, and

WHEREAS, local units of government must meet the increasing needs of the citizenry at ever increasing costs, imposing a heavy burden upon real property, and

WHEREAS, the people of the United States, through the government of the United States, are the non-resident land owners of approximately two-thirds of the land in the state of Idaho, and

WHEREAS, these lands are being held in public ownership so that the people of this nation, both now and in the future, may enjoy the various benefits of ownership, and

WHEREAS, this public ownership withdraws a large portion of the local tax base by withdrawing land and resources from private ownership.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-first Idaho Legislature, the Senate and House of Representatives concurring, that we most respectfully urge the Congress of the United States to adopt legislation to provide for payment in lieu of taxes to the state of Idaho and its local units of government, and to other states and local taxing units similarly affected.
BE IT FURTHER RESOLVED that we respectfully urge our congressional delegation to continue efforts toward obtaining adoption of this legislation.

BE IT FURTHER RESOLVED that the Secretary of the Senate, be, and he is hereby authorized and directed to forward certified copies of the Memorial to the leadership of the Senate and the House of Representatives of Congress, and to the Senators and Representatives representing this state in the Congress of the United States.

Adopted by the Senate January 21, 1971.
Adopted by the House February 24, 1971.

(S. J. M. No. 104)

A JOINT MEMORIAL

We, your Memorialists, the Senate and House of Representatives of the state of Idaho assembled in the First Regular Session of the Forty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, many of the ore deposits now found in the Sawtooth, White Cloud, and Boulder ranges are of the type which require open pit development; and

WHEREAS, the laws of this state and the national government related to these more modern methods of development are in need of revision to bring them up to date to deal with such matters as restoration, stream pollution, and other ecological considerations; and

WHEREAS, it is desirable to postpone further development until revisions as may now be required and deemed necessary have been adopted.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-first Idaho Legislature, now in session, the Senate and House of Representatives concurring, that we most respectfully urge the Congress of the United States of America to proceed at the earliest possible date to enact the necessary legislation to withdraw, subject to valid and existing claims,
such lands as are described in H.R. 18899 introduced in the 91st Congress, 2nd Session, which include the rugged and scenic areas of the Sawtooth, White Cloud and Boulder ranges adjacent to the Sawtooth Valley and Stanley Basin, from all forms of locations and entry under, and operation of the mining laws of the United States for a period of five years.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and he is hereby authorized and directed to forward copies of this Memorial to the President of the Senate, the Speaker of the House of Representatives of the United States Congress, and to the Senators and Representatives representing this state in the Congress of the United States.

Adopted by the Senate February 3, 1971.
Adopted by the House on March 9, 1971.

(S. J. M. No. 106)

A JOINT MEMORIAL

We, your Memorialists, the Senate and House of Representatives of the state of Idaho assembled in the First Regular Session of the Forty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the people of the state of Idaho are separated and sometimes isolated by the mountainous terrain and severe climatic conditions and depend upon the passenger rail system as a vital link for communication and transportation within the borders of the state and among the neighboring states; and

WHEREAS, loss of passenger rail service within Idaho, and between Idaho and her neighbors would have a harsh impact upon the Idaho employee and upon the economic health of Idaho in general; and

WHEREAS, the state of Idaho, which includes various sites of growing tourist and recreational attraction, depends upon a convenient transportation system for the continued expansion of these recreational resources; and
WHEREAS, the final plan for the basic national rail passenger system, which has been presented, fails to provide a single point of service to the state of Idaho and her citizens, and therefore does not recognize the needs of people located within the area stretching from the Wyoming border on the east to the Oregon and Washington borders on the west, and from Utah and Nevada on the south to Montana and Canada on the north.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-first Idaho Legislature, the Senate and the House of Representatives concurring, that we most respectfully urge the Congress of the United States to take the action necessary to insure that the people of the state of Idaho may participate in and benefit from the basic national rail passenger system and shall not suffer disadvantage therefrom by including the southern Idaho east-west and north-south routes under the system.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and he is hereby authorized and directed to forward copies of this Memorial to the President of the United States, the Secretary of Transportation, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and the Senators and Representatives representing this state in the Congress of the United States.

Adopted by the Senate February 16, 1971.

Adopted by the House February 19, 1971.

A JOINT MEMORIAL
TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED:

We, your Memorialists, the Senate and House of Representatives of the state of Idaho assembled in the First Regular Session of the Forty-first Idaho Legislature, do hereby respectfully represent that:

BE IT RESOLVED by the First Regular Session of the Forty-first Idaho Legislature, now in session, that we most respectfully urge the Congress of the United States to disregard and consider withdrawn the requests of this body contained in Senate Joint Memorial No. 4, 1963, regarding a proposal to call a convention for the purpose of proposing an amendment to the Constitution of the United States, and contained in
Senate Joint Memorial No. 1, 1965, regarding a proposal to call a convention for the purpose of proposing an amendment to the Constitution of the United States.

BE IT FURTHER RESOLVED that Senate Joint Memorial No. 4, 1963, and Senate Joint Memorial No. 1, 1965, be, and the same are hereby withdrawn.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and he hereby is, authorized and directed to forward copies of this Memorial to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States and to the Senators and Representatives representing this state in the Congress of the United States.

Adopted by the Senate March 6, 1971.
Adopted by the House March 17, 1971.

(S. J. M. No. 110)

A JOINT MEMORIAL
TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND THE HONORABLE CONGRESSIONAL DELEGATION OF THE STATE OF IDAHO.

We, your Memorialists, the Senate and House of Representatives of the state of Idaho assembled in the First Regular Session of the Forty-first Idaho Legislature, do respectfully represent that:

WHEREAS, the family farm is one of the mainstays of the Idaho economy, and

WHEREAS, the family farm has come to depend on operating loans advanced by the Farmers Home Administration, and

WHEREAS, the Farmers Home Administration has exhausted its available supply of loan funds for family farms, and

WHEREAS, there is still a pressing need for operating loans for family farms in Idaho, and these family farms cannot secure credit from any other source, and

WHEREAS, this vital loan service could be made available by an act of Congress.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session
of the Forty-first Idaho Legislature, the Senate and House of Representatives concurring, that we most respectfully urge the Congress of the United States to make additional funds for operating loans for family farms available to the Farmers Home Administration as soon as possible.

BE IT FURTHER RESOLVED that we respectfully urge our congressional delegation to continue their fine efforts toward obtaining this additional appropriation for the Farmers Home Administration.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and he is hereby authorized and directed to forward certified copies of this Memorial to the leadership of the Senate and House of Representatives of Congress, and to the Senators and Representatives representing this state in the Congress of the United States.

Adopted by the Senate March 15, 1971.
Adopted by the House March 18, 1971.
A JOINT MEMORIAL
TO THE PRESIDENT OF THE UNITED STATES, THE PRESIDENT OF
THE SENATE, THE SPEAKER OF THE HOUSE OF
REPRESENTATIVES OF CONGRESS, TO THE HOUSE
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, TO THE
SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
AND TO THE SENATORS AND REPRESENTATIVES
REPRESENTING THIS STATE IN THE CONGRESS OF THE
UNITED STATES.

We, your Memorialists, the Senate and House of Representatives of the
state of Idaho assembled in the First Regular Session of the Forty-first Idaho
Legislature, do respectfully represent that:

WHEREAS, the Congress of the United States has before it various
proposals for legislation which would affect the future management of the
present Sawtooth Primitive Area and adjacent lands; and

WHEREAS, this is a region of incomparable scenic beauty and a rich
historical past; and

WHEREAS, this area is under increasing pressures of public and private
use; and

WHEREAS, uncontrolled development in the Sawtooth Valley, the
Stanley Basin, and the environs of the Sawtooths threaten destruction of the
natural beauty of the area; and

WHEREAS, it is urgently required, in the public interest, that a definite
permanent plan for the management of the Sawtooths be adopted as soon as
possible; and

WHEREAS, this matter has been the subject of considerable study by
the United States Congress including public hearings in the area of the Sawtooths; and

WHEREAS, the weight of past study and public sentiment favors the creation of a Sawtooth National Recreation Area; and

WHEREAS, such action would permit continued management of the Sawtooths by the United States Forest Service, allowing the broadest multiple use of the area— for example, permitting grazing and timber management where possible; and

WHEREAS, a national recreation area would permit continued management of fish and game by the Idaho Fish and Game Department.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-first Idaho Legislature, now in session, the Senate and House of Representatives concurring, that we most respectfully urge the Congress of the United States of America to proceed at the earliest possible date to enact the necessary legislation to authorize the establishment of the Sawtooth National Recreation Area and Wilderness.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this Memorial to the President and the Vice President of the United States, the Speaker of the House of Representatives of Congress, to the House Committee on Interior and Insular Affairs, to the Senate Committee on Interior and Insular Affairs, and to the Senators and Representatives representing this state in the Congress of the United States.

Approved by the House January 27, 1971.
Approved by the Senate February 3, 1971.

(H. J. M. No. 2)

A JOINT MEMORIAL


We, your Memorialists, the Senate and House of Representatives of the
state of Idaho assembled in the First Regular Session of the Forty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, a majority of the world's population does not receive adequate foodstuffs to maintain a balanced diet, and many people are actually starving; and

WHEREAS, the American farmer has been encouraged to increase production to help meet the demand of the world's population while still sustaining the health of the citizens at home; and

WHEREAS, while the farmer has increased production, he has also paid higher prices for the products and services he has utilized including higher wages to labor, higher rates for transportation, and higher prices for equipment; and

WHEREAS, the farmer is now receiving proportionately less for the products of his labor than he has received at any time in the last two decades, and many farm families are being forced to abandon their livelihood in agriculture; and

WHEREAS, this plight of the farmer has not improved and has actually deteriorated despite the higher prices the consumer is paying for farm products.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-first Legislature of the state of Idaho, now in session, the House of Representatives and Senate concurring, that we most respectfully urge the President of the United States, the Congress, and the Secretary of Agriculture to recognize the problems facing agriculture and undertake to provide solutions for the great disparity between the prices paid to the farmer and the prices paid by the consumer for agricultural products.

BE IT FURTHER RESOLVED that the Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, to the Senators and Representatives representing this state in the Congress of the United States, and to the Honorable Secretary of the United States Department of Agriculture.

Adopted by the House January 30, 1971.

Adopted by the Senate February 3, 1971.
A JOINT MEMORIAL
TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES
OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND THE
HONORABLE CONGRESSIONAL DELEGATION REPRESENTING
THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED
STATES.

We, your Memorialists, the Senate and the House of Representatives of
the state of Idaho assembled in the First Regular Session of the Forty-first
Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the year 1976 shall mark the bicentennial anniversary of
the founding of this great nation; and

WHEREAS, it is appropriate that such a great event be commemorated
by an object as solid and beautiful as the freedom and resolve upon which
our government is based; and

WHEREAS, throughout the history of these great United States of
America silver has played a predominant role in the nation's coinage.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session
of the Forty-first Idaho Legislature, now in session, the Senate and the
House of Representatives concurring, that the Congress of the United States
provide for the minting of a bicentennial coin of one ounce of nine hundred
proof silver and to provide further that the Congress of the United States call
for a world-wide design contest to insure a design for the coin equal to the
event it marks.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of
Representatives be, and she is hereby authorized and directed to forward
copies of this Memorial to the President of the Senate and the Speaker of the
House of Representatives of Congress, and to the Senators and
Representatives representing this state in the Congress of the United States.

Adopted by the House February 12, 1971.

Adopted by the Senate February 17, 1971.
A JOINT MEMORIAL

We, your Memorialists, the Senate and House of Representatives of the state of Idaho assembled in the First Regular Session of the Forty-first Idaho Legislature, do hereby respectfully request that:

WHEREAS, the government of the United States is a party to the Geneva Convention relative to the treatment of prisoners of war done at Geneva August 12, 1949, ratified by the Senate of the United States, July 6, 1955, and entered into force with respect to the United States February 2, 1956; and

WHEREAS, the government of North Vietnam is a party to the Geneva Convention relative to the treatment of prisoners of war, having acceded to the terms of the Convention on June 28, 1957; and

WHEREAS, there are in total, one hundred and thirty-five signatory nations to the Geneva Convention relative to the treatment of prisoners of war; and

WHEREAS, the Convention was negotiated in the interest of world order, and has vitality only so long as every nation observes its terms; and

WHEREAS, every signatory nation has an obligation to every other signatory nation to work actively toward obtaining the observance by every other nation of the terms of the Geneva Convention; and

WHEREAS, the government of North Vietnam has not conformed its actions to the terms of the Convention which require provisions for proper and humanitarian treatment of prisoners, needed medical services and supplies to sick and wounded prisoners, release of the names of prisoners held, release of the names of combatants known to have been killed, delivery of mail to prisoners, and impartial inspections of prisoner of war camps and facilities.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-first Idaho Legislature, now in session, the House of
Representatives and Senate concurring, speaking for and on behalf of the people of the state of Idaho, that the people and the governments of the signatory nations of the Geneva Convention relative to prisoners of war are urged and requested to take all possible steps to bring the weight of world opinion and the prestige of their world position to bear upon the government of North Vietnam to require them to observe the terms of the Convention.

BE IT FURTHER RESOLVED that the state legislatures of the states of this nation are urged to take all possible steps to encourage and initiate action by their citizens including actions by cities with sister cities in other nations, and action by individuals, expressing to the people of the world and particularly the people and governments of the signatory nations of the Geneva Convention relative to the treatment of prisoners of war the continuing concern of the citizens of the United States for the welfare of all prisoners of every nation including our fellow Americans held by the North Vietnam government.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this memorial to the head of state and the legislative bodies of each of the signatory nations of the Geneva Convention relative to the treatment of prisoners of war which are: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Barbados, Belgium, Botswana, Brazil, Bulgaria, Burundi, Byelorussian S.S.R., Cambodia, Cameroon, Canada, Central African Republic, Ceylon, Chile, China (People's Rep.), Colombia, Congo (Brazzaville), Congo (Kinshasa), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, France, Gabon, The Gambia, Germany, Germany (Dem. Rep.), Ghana, Greece, Guatemala, Guyana, Haiti, Holy See, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Korea, Korea (Dem. Rep.), Kuwait, Laos, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Luxembourg, Madagascar, Malawi, Malta, Malaysia, Mali, Mauritania, Mauritius, Mexico, Monaco, Mongolian People's Republic, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Rwanda, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somali Republic, South Africa, Southern Yemen, Spain, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tanzania: Tanganyika, Zanzibar; Thailand, Togo, Trinidad and
Tobago, Tunisia, Turkey, Uganda, Ukrainian S.S.R., U.S.S.R., United Arab Republic, United Kingdom, United States, Upper Volta, Uruguay, Venezuela, Vietnam, (Vietnam, Dem. Rep.), Yugoslavia, Zambia, and to the legislative bodies of each of the states of the United States, and to the delegates of the state of Idaho in the Congress of the United States for their information.

Adopted by the House February 24, 1971.
Adopted by the Senate February 27, 1971.

(H. J. M. No. 7)

A JOINT MEMORIAL


We, your Memorialists, the Legislature of the state of Idaho, assembled in its First Regular Session of the Forty-first Idaho Legislature, do respectfully represent: that

WHEREAS, the state of Idaho is using its best effort in the matter of natural ecological protection by means of environmental controls; and

WHEREAS, the state of Idaho has established ambient air standards regarding sulfur dioxide levels and requiring that emissions must be reduced to meet these levels; and

WHEREAS, the mining and smelting industry in Idaho has responded to its obligation to meet control standards, and to that end expended great sums of money in the construction of plants for the recovery of sulfur dioxide and its conversion to sulfuric acid for fertilizer use; and
WHEREAS, the mining and smelting industry is unable to market its sulfuric acid production on a competitive basis because of the unrestricted, duty-free import of byproduct elemental sulfur from our Northern neighbor, Canada, which is reaching the markets and can be converted into sulfuric acid for use at a cost substantially below that of our domestic byproduct producers; and

WHEREAS, without markets for their sulfuric acid these byproduct plants become inoperable, which results in a failure of the attainment of our atmospheric improvement; and

WHEREAS, we deem it an obligation of government, where within its power, to make economically tolerable the fulfillment by industry of the standards which are fixed for the improvement of our environment; and

WHEREAS, in the present market situation of byproduct sulfuric acid, it is within the means of government to provide the requisite protection to our own domestic industry necessary to assist it in meeting the federal and state goals for atmospheric improvement;

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the state of Idaho, and the Senate concurring, that we direct this problem to the attention of the President and Congress of the United States and request that action be taken in a solution of this environmental control byproduct marketing problem, and to this end it is suggested that the following remedies may be considered:

1. Subsidization of the byproduct sulfuric acid producer as necessary to meet competition in his nearest domestic market.

2. Imposition of tariffs on elemental sulfur imports adequate to place byproduct sulfuric acid in a competitive position.

3. Imposition of quotas on foreign sulfur by law or by agreement with the importing nations.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward certified copies of this Memorial to the Honorable Richard M. Nixon, President of the United States, the President of the Senate and the Speaker of the House of Representatives of Congress, Senators and Representatives representing the state of Idaho in Congress, Secretary of the Interior, Secretary of Commerce, Administrator of Environmental Protection Agency, and the Chairman of the Idaho Air Pollution Control Commission.

Adopted by the House March 5, 1971.

Adopted by the Senate March 9, 1971.
A JOINT MEMORIAL
TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES
OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND THE
HONORABLE CONGRESSIONAL DELEGATION REPRESENTING
THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED
STATES.

We, your Memorialists, the Senate and House of Representatives of the state of Idaho assembled in the First Regular Session of the Forty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, there are numerous hydroelectric generating facilities developed and operated by the United States Army Corps of Engineers and the United States Department of the Interior within the state of Idaho; and

WHEREAS, such facilities are used to generate electrical energy consumed within and outside the state of Idaho; and

WHEREAS, electrical energy generated by such facilities, if owned and operated by private utilities would be subject to the Idaho kilowatt hour tax imposed on electricity generated by such facilities located within the state of Idaho; and

WHEREAS, payments should be made to equate electricity generated by such federally owned facilities with privately generated electricity; and

WHEREAS, the passage of this act is vital to the welfare of the people of Idaho and to the people of the nation.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-first Idaho Legislature, the Senate and House of Representatives concurring, that we most respectfully urge the consent of the United States be given to the payment of monies to the state in lieu of payment of the Idaho kilowatt hour tax on electrical energy generated by such federally owned facilities within Idaho.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward certified copies of this Memorial to the Leadership of the Senate and House of Representatives of Congress, and to the Senators and Representatives representing this state in the Congress of the United States.

Adopted by the House March 12, 1971.

Adopted by the Senate March 16, 1971.
CERTIFICATE OF SECRETARY OF STATE

UNITED STATES OF AMERICA  )
 ) ss.
STATE OF IDAHO  )

I, PETE CENARRUSA, Secretary of the State of Idaho, do hereby certify that the foregoing printed pages contain true, full, and correct and literal copies of all the general laws and resolutions passed by the Forty-first Legislature of the State of Idaho, First Regular Session thereof, which convened January 11, 1971, and adjourned March 20, 1971, as they appear in the enrolled acts and resolutions on file in this office, all of which are published by authority of the Laws of the State of Idaho.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Idaho. Done at Boise City, the Capital of Idaho, this 30th day of March, 1971.

[Signature]
Secretary of State

When errors appear in the enrolled bills received from the Legislature at the office of the Secretary of State, this office has no authority to correct them.
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TABLE OF AMENDMENTS, REPEALS, ADDITIONS AND REFERENCES
TO
THE SECTIONS OF THE IDAHO CODE
BY THE
1971 SESSION LAWS

(Citations to the Idaho Code are arranged in the order they would appear in the Idaho Code starting with Title 1. References to the Idaho Constitution, Session Laws, and Federal Laws appear following the citations to the Idaho Code.)

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That passed both Houses by two-thirds vote and will appear on the Ballot in the General Election in November, 1972

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SENATE AND HOUSE
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<tr>
<th>H.J.M.</th>
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PROCLAMATION

WHEREAS, an extraordinary occasion requiring emergency attention has arisen in the State of Idaho which makes it appropriate and desirable to convene the 41st Idaho Legislature in Extraordinary Session;

NOW, THEREFORE, I, CECIL D. ANDRUS, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this State, do by this Proclamation, call the 41st Idaho Legislature together in Extraordinary Session in the Legislative Chambers at the Capitol in Boise City, Ada County, Idaho, at the hour of 12 noon on Monday, March 22, 1971, for the following purposes, to wit, and for none other:

1. To consider and enact legislation redefining the boundaries of the two existing districts from which Representatives from Idaho to the House of Representatives of the Congress of the United States are elected in accordance with the constitutional provisions and laws in such case made and provided;

2. To consider and enact legislation reapportioning the membership of the Idaho State Senate and the membership of the Idaho State House of Representatives among the several counties in conformance with the Constitution of the United States as pronounced in the decisions of the Supreme Court;

3. To consider and enact legislation which will bring county and state assemblies of Idaho's Political Parties into conformance with the "one-man-one-vote" principle. This consideration should also include language to clarify the procedure for the selection of delegates to the Parties' National Conventions.
AND I HEREBY DIRECT AND REQUIRE that a copy of this Proclamation be caused to be delivered to the Lieutenant Governor, and to each of the members of the 41st Idaho Legislature and to the Constitutional Officers of the State Government at the earliest practicable time.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at Boise, the Capital, at the hour of 11 A.M., the 20th day of March, in the year of our Lord nineteen hundred and seventy-one and of the Independence of the United States of America the one hundred ninety-fifth.

/s/ CECIL D. ANDRUS
Governor of the State of Idaho

By the Governor:
ATTEST
/s/ PETE T. CENARRUSA
Secretary of State
PROCLAMATION

WHEREAS, by Proclamation issued March 20, 1971, an extraordinary session of the 41st Idaho Legislature has been called to consider certain measures; and

WHEREAS, the necessity has arisen to amend said Proclamation to include authorization to consider additional items;

NOW, THEREFORE, I, CECIL D. ANDRUS, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of the State of Idaho, do by this Proclamation, amend my Proclamation of March 20 to include authority for the extraordinary session of the 41st Idaho Legislature to:

1. Ratify the proposed 26th amendment to the Constitution of the United States;

2. Amend sub-section (2) of Section 1 of House Bill No. 343 as passed by the first regular session of the 41st Legislature to more clearly set forth legislative intent;

3. Appropriate funds for the Public Employees Retirement System;

4. Appropriate from the General Funds for the Department of Health in the amount $9,970,055 as hereinafter recommended;

5. Appropriate from the General Fund for the public school education program the amount of $45,705,000 as hereinafter recommended; and

6. Add an additional appropriation to the Department of Public Assistance in the amount of $800,000 for nursing home care and prescription drug payments that are presently being borne at county property tax expense as hereinafter recommended.
Funding for items 4, 5, and 6 of the amended call can be accomplished by adding $1,000,000 to the General Fund revenues from liquor profits without disturbing the $400,000 that shall be distributed one forty-fourth (1/44) to each of the several counties of the State and by limiting funds for compensating local governments for the loss of the inventory tax revenues to 15 percent rather than 20 percent of the sales tax revenue. These two measures will provide $3,355,000 to be distributed as set forth above.

The end result of these proposals would be the necessary increase for public health and pollution controls, minimal funding for public schools which should ward off the necessity of a property tax increase for education, and a property tax decrease at the local level for the already overburdened taxpayer.

For those who object to limiting inventory tax revenue replacement to 15 percent, I would point out that local units of government will gain by the State taking over the nursing home care, prescription drug costs and retaining the one forty-fourth disbursement of $400,000 of the liquor funds. These concessions plus the increased appropriations to health facilities and public school funding, overshadow, in my opinion, the alleged loss.

Your favorable consideration of these proposals is respectfully recommended.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, in Boise, the Capital, the twenty-ninth day of March, at the hour of 2 P.M., in the year of our Lord nineteen hundred and seventy-one and of the Independence of the United States of America the one hundred ninety-fifth.

/s/ CECIL D. ANDRUS
Governor of the State of Idaho

By the Governor:
ATTEST
/s/ PETE T. CENARRUSA
Secretary of State
CHAPTER 1
(S. B. No. 1006)

AN ACT
APPROPRIATING ADDITIONAL MONEYS OUT OF THE GENERAL FUND TO THE DEPARTMENT OF PUBLIC ASSISTANCE FOR THE PURPOSE SPECIFIED FOR THE FISCAL PERIOD ENDING JUNE 30, 1971; AND DECLARING AN EMERGENCY.

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

SECTION 1. (1) In addition to the appropriation made by Chapter 397, Laws of 1969, and by Chapter 164, Laws of 1970, there is hereby appropriated out of the general fund the sum of $56,000 to the department of public assistance for the fiscal period ending June 30, 1971.

(2) The appropriation made herein shall be expended for the purpose of meeting increased costs of nursing home care on behalf of persons eligible for such care from the Department of Public Assistance.

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

Approved April 6, 1971.
CHAPTER 2
(H. B. No. 7)

AN ACT
APPROPRIATING MONEYS FROM THE FUND ENUMERATED TO THE
PUBLIC EMPLOYEES' RETIREMENT BOARD AND PRESCRIBING
A MAJOR PROGRAM AND EXPENDITURE CLASSIFICATIONS OF
THE APPROPRIATION FOR THE PERIOD JULY 1, 1971
THROUGH JUNE 30, 1972.

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

SECTION 1. There is hereby appropriated out of the fund enumerated
the following amount to the Public Employees' Retirement Board for a
major program and the prescribed expenditure classifications for the period
July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS:
  Providing death, disability and
  retirement benefits to
  Idaho's public employees          $382,702
  TOTAL                               $382,702

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:
  Salaries & Wages                  $217,063
  Travel                            28,070
  Other Current Expense             134,369
  Capital Outlay                    3,200
  TOTAL                               $382,702

FROM:
  Dedicated Funds:
    Public Employee Retirement Fund  $382,702
    TOTAL                             $382,702

Approved April 7, 1971.
CHAPTER 3
(H. B. No. 10)

AN ACT
RELATING TO THE SURCHARGE ON LIQUOR; AMENDING SECTION 23-217, IDAHO CODE, TO PROVIDE THAT THE SURCHARGE SHALL BE COMPUTED ON THE CURRENT PRICE PER UNIT OF THE GOODS, RATHER THAN THE PRICE PER UNIT OF THE GOODS ON THE EFFECTIVE DATE OF THE ACT AS ORIGINALLY PASSED.

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

SECTION 1. That Section 23-217, Idaho Code, be, and the same is hereby amended to read as follows:

23-217. SURCHARGE ADDED TO PRICE OF GOODS SOLD — COLLECTION AND REMISSION BY SUPERINTENDENT. — (a) The superintendent of the state liquor dispensary is hereby authorized and directed to include in the price of goods hereafter sold in the dispensary, and its branches, a surcharge equal to ten per cent (10%) of the current price per unit existing on the effective date of this act, computed to the nearest multiple of five cents (5¢). Provided, however, that after such surcharge has been included the superintendent of the state liquor dispensary is hereby authorized and directed to allow a discount of five per cent (5%) from the price of each unbroken case lot of goods sold to any licensee, as defined in section 23-902, d., Idaho Code.

(b) The surcharge imposed pursuant to subsection (a) of this section shall be collected and remitted to the state auditor monthly, and shall by the state auditor be credited to the general fund of the state.

Approved April 12, 1971.

CHAPTER 4
(H. B. No. 13)

AN ACT
AMENDING SECTION 23-404, IDAHO CODE, RELATING TO DISTRIBUTION OF SURPLUS OF THE LIQUOR FUND, BY PLACING THE DISTRIBUTION OF THE SURPLUS OF THE
Liquor Fund on an Annual Basis, by Striking the Requirement That the Remainder of the Surplus of the Fund Be Distributed to Counties and Providing That $400,000 of the State Liquor Fund Be Distributed to Counties One-Forty-Fourth Each, by Providing That $650,000 of the State Liquor Fund Be Distributed to the Cooperative Welfare Fund, by Providing That Any Remaining Surplus of the Fund Be Paid to the Public School Income Fund, and Providing That the Surplus Funds Be Distributed Periodically; and Providing an Effective Date.

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

SECTION 1. That Section 23-404, Idaho Code, be, and the same is hereby amended to read as follows:

23-404. Distribution of Surplus of Liquor Fund. — Whenever the amount of money available on an annual basis from the liquor fund shall exceed the amounts provided for retention by the foregoing section, such excess shall be distributed on an annual basis as follows: Fifty per cent (50%) to the various counties of the state in the same proportion as the population of said counties bears to the total population of the state as shown by the last federal census, provided, however, that fifty per cent (50%) of all the money apportioned to any county embracing all or any part of a junior college district shall be distributed and paid to the treasurer of such junior college district, as provided by section 33-2113, Idaho Code, as amended; seven and one half per cent (7½%) to incorporated and specially chartered cities and villages of the state in the same proportion as the population of said cities and villages bears to the total population of all incorporated and specially chartered cities and villages of the state as shown by the last federal census; eight four hundred thousand dollars ($800,000) ($400,000) of the remaining amount in the liquor fund shall be deposited to the credit of the permanent building fund at such time as the superintendent shall determine; two one million dollars ($2,000,000) ($1,000,000) of the remaining amount in the liquor fund shall be distributed to the incorporated and specially chartered cities and villages of the state in the proportion and manner above provided, and at such time as the superintendent shall determine; two hundred forty thousand dollars ($240,000) one hundred twenty thousand dollars ($120,000) of the remaining amount in the liquor fund shall be remitted to
the state law enforcement planning commission to match federal block
grants under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L.
90-351); the remainder four hundred thousand dollars ($400,000) of the
state liquor fund shall be distributed one-forty-fourth (1/44) to each of the
several counties of the state and shall be paid directly to such counties at
such times as the superintendent shall determine, and this one-forty-fourth
(1/44) shall be kept by the counties in the county current expense fund
without being subjected to further division or the redistribution required by
section 23-405, Idaho Code, as amended; and six hundred fifty thousand
dollars ($650,000) of the state liquor fund shall be paid to the cooperative
welfare fund. The remainder of the state liquor fund shall be paid into the
public school income fund defined by section 33-903, Idaho Code. Available
amounts including surplus funds shall be distributed periodically but no less
often than quarterly; for this purpose estimates of surplus funds shall be
made subject to adjustment at the close of the proper annual period.

SECTION 2. This act shall be in full force and effect on and after July
1, 1971.

Approved April 12, 1971.

CHAPTER 5
(S. B. No. 1007)

AN ACT
APPROPRIATING MONIES FROM THE FUNDS ENUMERATED FOR
THE PAYMENT OF OPERATING COSTS AND EXPENSES OF ALL
PROGRAMS OF THE STATE BOARD OF HEALTH FOR THE

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

SECTION 1. There is hereby appropriated out of the funds
enumerated the following monies to be expended as indicated, for the
operating costs and expenses of all programs of the State Board of Health,
for the period July 1, 1971 through June 30, 1972.

FOR MAJOR PROGRAMS: $16,288,740
**CHAPTER 6**
(S. B. No. 1005)

**AN ACT**

**APPROPRIATING MONEYS FROM THE GENERAL FUND AND SALES TAX FUND FOR DEPOSIT IN THE PUBLIC SCHOOL INCOME FUND AND APPROPRIATING MONEYS FROM THE PUBLIC SCHOOL INCOME FUND TO BE DISBURSED BY THE STATE BOARD OF EDUCATION FOR TEACHERS' RETIREMENT AND THE PUBLIC SCHOOL EDUCATION PROGRAM.**

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

**SECTION 1.** There is hereby appropriated out of the funds enumerated the following moneys to be deposited with the public school income fund:

<table>
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<tr>
<th>FROM:</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$9,120,055</td>
</tr>
<tr>
<td>Receipts to Appropriation</td>
<td>1,321,644</td>
</tr>
<tr>
<td>Federal Funds</td>
<td>3,697,515</td>
</tr>
<tr>
<td>Endowment Funds</td>
<td>322,840</td>
</tr>
<tr>
<td>Local Funds</td>
<td>1,826,686</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$16,288,740</strong></td>
</tr>
</tbody>
</table>

Became law without signature of the Governor April 12, 1971.

**SECTION 2.** There is hereby appropriated out of the public school income fund the following moneys, to be disbursed by the state board of education for the purpose of teachers' retirement and funding the public school education program for the period July 1, 1971 through June 30, 1972:

<table>
<thead>
<tr>
<th>AMOUNT OF APPROPRIATION</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Teachers' Retirement</td>
<td>$5,068,221</td>
</tr>
<tr>
<td>Public School Education</td>
<td>$44,000,000</td>
</tr>
</tbody>
</table>

**TOTAL** $49,068,221
SECTION 3. There is hereby appropriated from the public school income fund to the state board of education to be expended pursuant to law all moneys which may accrue to such fund.

Became law without signature of the Governor April 12, 1971.

CHAPTER 7
(S. B. No. 1020)

AN ACT
RELATING TO AN APPROPRIATION MADE FOR INCREASED COSTS OF NURSING HOME CARE ON BEHALF OF PERSONS ELIGIBLE FOR PUBLIC ASSISTANCE; REPEALING CHAPTER 283, LAWS OF 1971; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 283, Laws of 1971, be, and the same is hereby repealed.

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

Approved April 13, 1971.

CHAPTER 8
(S. B. No. 1013)

AN ACT
AMENDING SECTION 34-1902, IDAHO CODE, RELATING TO THE FIRST CONGRESSIONAL DISTRICT, BY STRIKING ELMORE COUNTY AND CERTAIN PRECINCTS OF ADA COUNTY THEREFROM; AMENDING SECTION 34-1903, IDAHO CODE, RELATING TO THE SECOND CONGRESSIONAL DISTRICT, BY ADDING ELMORE COUNTY AND CERTAIN PRECINCTS OF ADA COUNTY THERETO.

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 first congressional district comprises the counties of Ada, Adams, Benewah, Boise, Bonner, Boundary, Canyon, Clearwater, Elmore, 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. 4, No. 5, No. 6, No. 7, No. 8, No. 13, No. 14, N. 15, No. 16, No. 17, No. 20, No. 23, No. 28, No. 32, No. 33, No. 34, No. 35, No. 36, No. 37, No. 38, No. 39, No. 40, No. 42, No. 43, No. 44, No. 45, No. 46, 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. 62, No. 65, No. 66, No. 67, No. 68, No. 69, No. 70, No. 71, No. 72, No. 73, No. 74, No. 75, No. 76, No. 77, No. 78, No. 79, No. 82, No. 83, No. 84, No. 86, No. 87, No. 88, No. 89 and No. 90.

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 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. 9, No. 10, No. 11, No. 12, No. 18, No. 19, No. 21, No. 22, No. 24, No. 25, No. 26, No. 27, No. 29, No. 30, No. 31, No. 41, No. 47, No. 61, No. 63, No. 64, No. 80, No. 81 and No. 85.

Approved April 13, 1971.

CHAPTER 9
(H. B. No. 2)

AN ACT
REPEALING SECTION 34-507, IDAHO CODE, RELATING TO THE SELECTION OF DELEGATES TO THE STATE POLITICAL CONVENTIONS; AMENDING CHAPTER 5, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-507, IDAHO CODE, RELATING TO POLITICAL PARTIES, BY PROVIDING
PROCEDURE FOR THE SELECTION OF DELEGATES TO STATE POLITICAL CONVENTIONS; AMENDING SECTION 34-705, IDAHO CODE, AS ADDED BY CHAPTER 5, LAWS OF 1971, RELATING TO DECLARATIONS OF CANDIDACY, BY PROVIDING CERTIFICATIONS OF CANDIDATES TO THE COUNTY CLERKS; AMENDING SECTION 34-706, IDAHO CODE, AS AMENDED BY CHAPTER 188, LAWS OF 1971, RELATING TO CERTIFICATION OF CANDIDATES TO POLITICAL PARTIES, BY REMOVING LANGUAGE RELATING TO ENDORSEMENT OF CANDIDATES; AMENDING SECTION 34-707, IDAHO CODE, AS AMENDED BY CHAPTER 5, LAWS OF 1971, RELATING TO PARTY CONVENTIONS, BY REMOVING AUTHORITY OF CONVENTIONS TO ENDORSE CANDIDATES; AMENDING SECTION 34-712, IDAHO CODE, AS AMENDED BY CHAPTER 188, LAWS OF 1971, RELATING TO INDEPENDENT POLITICAL CANDIDATES, BY STRIKING PROVISIONS THERETO AND PROVISIONS RELATING TO JUDICIAL BALLOTS; AMENDING SECTION 34-714, IDAHO CODE, RELATING TO FILLING VACANCIES, BY ALLOWING STATE CENTRAL COMMITTEE TO FILL VACANCIES PRIOR TO STATE CONVENTION; AMENDING SECTION 34-905, IDAHO CODE, RELATING TO JUDICIAL BALLOTS, BY PROVIDING SPECIFIC SPECIFICATION REQUIREMENTS FOR JUDICIAL BALLOTS; AND REPEALING SECTIONS 34-708, 34-709, 34-710, IDAHO CODE, RELATING TO STATE CONVENTIONS AND ENDORSEMENT OF CANDIDATES.

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

SECTION 1. That Section 34-507, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 5, 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 34-507, Idaho Code, and to read as follows:

34-507. SELECTION OF DELEGATES TO THE STATE CONVENTION. - The delegates to the state convention of each political party shall be selected in the manner prescribed by rules and regulations promulgated and adopted by the state central committee.

SECTION 3. That Section 34-705, Idaho Code, as added by Chapter 5, Laws of 1971, be, and the same is hereby amended to read as follows:

34-705. WITH WHOM DECLARATIONS FILED. - All candidates for
county or precinct offices shall file their declarations of candidacy with the county clerk of their respective counties. All candidates for district, state, and federal offices shall file their declarations of candidacy with the secretary of state.

The secretary of state, shall certify to the county clerks, within ten (10) days after the filing deadline, the names of the candidates who filed for federal, state and district offices and are qualified.

SECTION 4. That Section 34-706, Idaho Code, as amended by Chapter 188, Laws of 1971, be, and the same is hereby amended to read as follows:

34-706. CERTIFICATION OF CANDIDATES TO PARTIES — INDEPENDENTS. — Within five (5) days after the deadline for filing declarations of candidacy the county clerk shall certify to the county central committee of each political party a list of the candidates for county and precinct offices of their political party which have filed and are qualified.

Within five (5) days after the deadline for filing declarations of candidacy the secretary of state shall certify to the legislative district central committee of each political party a list of the legislative candidates of their political party which have filed and are qualified.

Within seven (7) days after the deadline for filing declarations of candidacy the secretary of state shall certify to the state central committee of each political party a list of the candidates which have filed for federal and state offices under the party name and are qualified. for their official endorsement at their respective state assemblies.

SECTION 5. That Section 34-707, Idaho Code, as amended by Chapter 5, Laws of 1971, be, and the same is hereby amended to read as follows:

34-707. PARTY CONVENTIONS. — A state convention shall be held by each political party not later than June 30 nor before June 15 in each election year at a time and place determined by the state central committee. The state central committee chairman shall preside and cause notice to be given to each legislative district central committee and each county central committee at the earliest possible date.

Each state convention shall write and adopt rules and regulations governing the conduct of their respective conventions.

At their convention each political party may:

(1) Adopt and write a party platform.

(2) Elect any desired officers not otherwise provided for by law.

(3) In the year of presidential elections (a) elect delegates to the national convention in the manner prescribed by national party rules; (b)
elect a national committeeman and a national committeewoman; and (c) select presidential electors.

(4) Indorse and select national and state candidates for the primary elections.

(5)(4) Adopt rules, regulations and directives regarding party policies, practices and procedures.

SECTION 6. That Section 34-712, Idaho Code, as amended by Chapter 188, Laws of 1971, be, and the same is hereby amended to read as follows:

34-712. CERTIFICATION OF INDEPENDENT NONENDORSED CANDIDATES FOR FEDERAL OR STATE OFFICE SAMPLE FORM FOR PRIMARY BALLOTS. — The secretary of state shall certify, within three (3) days after the filing deadline for such candidates, to the county clerks the names of the candidates who qualified under section 34-710, Idaho Code, which shall be placed upon the ballot.

The secretary shall then provide the sample form of the primary ballot to each of the county clerks no later than August 1, prior to the primary. The sample ballot shall contain the proper candidates to be voted upon within the county whose declarations of nominations were filed and certified in the office of the secretary of state with instructions for the placing of candidates seeking the nomination for county and precinct offices. If a county is within more than one (1) legislative district, the secretary of state shall provide a sample ballot for each legislative district which includes part of the county.

The ballot for each judicial office shall contain the words: "To succeed (Judge, Justice) ________," inserting the name of the, or of each, incumbent candidate for re-election, or retiring justice, or judge, as the case may be, whose successor is to be elected in that year, followed by the words: "Vote for One," followed by the names of the candidates for that particular office.

SECTION 7. That Section 34-714, Idaho Code, be, and the same is hereby amended to read as follows:

34-714. FILLING VACANCIES IN SLATE OF CANDIDATES OCCURRING PRIOR TO PRIMARY ELECTION. — Vacancies that occur before the primary election in the slate of candidates of any political party shall be filled in the following manner if only one (1) candidate declared for that particular office or if no candidate filed a declaration of candidacy for that particular office:

(1) By the county central committee if the vacancy occurs on a county level.
(2) By the legislative district central committee if it is a vacancy by a candidate for the state legislature.

(3) By the state central committee if it is a vacancy by a candidate for a federal or state office, but such vacancy must have occurred after the state convention.

(4) No central committee shall fill any vacancy which occurs within three (3) days prior to the primary election. Vacancies which occur during this three (3) day period shall be filled according to the provisions of section 34-715.

SECTION 8. That Section 34-905, Idaho Code, be, and the same is hereby amended to read as follows:

34-905. NONPARTISAN BALLOTS FOR ELECTION OF JUSTICES OF SUPREME COURT AND DISTRICT JUDGES. — There shall be a single nonpartisan ballot for the election of justices of the supreme court and district judges. The names of all candidates for each office shall be listed under the proper office title by the secretary of state. A similar ballot shall be prepared for any general election, whenever it shall be necessary to conduct an election for judicial office.

The ballot for each judicial office shall contain the words: "To succeed (Judge, Justice) ________," inserting the name of the or of each incumbent candidate for re-election, or retiring judge or justice as the case may be, whose successor is to be elected in that year followed by the words: "Vote for One," followed by the names of the candidates for that particular office.

SECTION 9. That Sections 34-708, 34-709, 34-710, Idaho Code, be, and the same are hereby repealed.

Approved April 13, 1971.

CHAPTER 10
(S. B. No. 1024)

AN ACT
REPEALING SECTION 67-202, IDAHO CODE; AMENDING CHAPTER 2, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-202, IDAHO CODE, PROVIDING FOR LEGISLATIVE DISTRICTS, PROVIDING FOR A SENATOR TO BE ELECTED FROM EACH LEGISLATIVE DISTRICT, AND PROVIDING FOR
TWO REPRESENTATIVES TO BE ELECTED FROM EACH LEGISLATIVE DISTRICT; PROVIDING FOR THE APPLICATION OF THE ACT AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-202, Idaho Code, be, and the same is 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 on November 3, 1970, except that the numbers and boundaries of the precincts herein referred to in describing the area included within the legislative districts in Ada County shall be as modified by order of the Ada County Board of County Commissioners on March 25, 1971. The counties and precincts constituting the legislative district areas follows:

(1) Legislative District No. 1 shall include all the area contained within Bonner and Boundary Counties.

(2) Legislative District No. 2 shall include all the area contained within the following precincts of Kootenai County: Athol, Borah, Bryan, East Dalton, Fairway, Hauser, Hayden Lake, Huetter, Lincoln, North Post Falls, Ponderosa, Prairie, Rathdrum, Rimrock, Roosevelt, South Post Falls, Spirit Lake, Sunset and West Dalton.

(3) Legislative District No. 3 shall include all the area contained within Benewah County, and all the area contained within the following precincts of Kootenai County: Academy, Central, Courthouse, Eastside, Fernan, Harding, Harrison, Lakeshore, Lewis, Mica, Midtown, Potlatch, Rose Lake and Worley.

(4) Legislative District No. 4 shall include all the area contained within Shoshone County, and all the area contained within the following precinct of Kootenai County: Mission.

(5) Legislative District No. 5 shall include all the area contained within the following precincts of Latah County: Cora, Farmington, Genesee, Harvard, Moscow 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, Palouse, Potlatch, Princeton and Viola.

(6) Legislative District No. 6 shall include all the area contained within the following precincts of Nez Perce County: Lewiston No. 5, No. 9, No. 10, No. 11, No. 12, No. 13, No. 14, No. 15, No. 16, No. 17, No. 18, Orchards No. 1, No. 2, No. 3, No. 4, No. 5, No. 6, No. 7, No. 8, No. 9, No. 10, No. 11, No. 12 and No. 13.

(7) Legislative District No. 7 shall include all the area contained within Clearwater County, and all the area contained within the following precincts of Latah County: Bear Creek, Bovill, Deary, Juliaetta, Kendrick, Linden and Troy; and all the area contained within the following precincts of Nez Perce County: Hatwai, Leland, Lewiston No. 2, No. 3, No. 4, No. 6, No. 7, No. 8, North Lewiston and Rimrock.

(8) Legislative District No. 8 shall include all the area contained within Lewis County, and all the area contained within the following precincts of Nez Perce County: Culdesac, Gifford, Lapwai, Lenore, Peck, Spalding, Tammany and Webb; and all of the area contained in Idaho County except for the following described area: Beginning at the point where the division line between T. 25 N. and T. 26 N. intersects the western boundary of Idaho County, thence easterly along such division line to the northeast corner of T. 25 N., R. 6 E., thence southerly along the division line between R. 6 E. and R. 7 E. to the southeast corner of T. 25 N., R. 6 E., thence easterly on the division line between T. 25 N. and T. 24 N. to the northeast corner of T. 24 N., R. 8 E., thence south on the division line between R. 8 E. and R. 9 E. to the boundary line of Idaho County, thence westerly on the Idaho County boundary line and northerly on the Idaho County boundary line to the point of beginning.

(9) Legislative District No. 9 shall include all the area contained within Adams, Boise, Gem and Valley Counties, and all the area contained within the following described area of Idaho County: Beginning at the point where the division line between T. 25 N. and T. 26 N. intersects the western boundary of Idaho County, thence easterly along such division line to the northeast corner of T. 25 N., R. 6 E., thence southerly along the division line between R. 6 E. and R. 7 E. to the southeast corner of T. 25 N., R. 6 E., thence easterly on the division line between T. 25 N. and T. 24 N. to the northeast corner of T. 24 N., R. 8 E., thence south on the division line between R. 8 E. and R. 9 E. to the boundary line of Idaho County, thence westerly on the Idaho County boundary line and northerly on the Idaho County boundary line to the point of beginning.
County boundary line to the point of beginning.

(10) Legislative District No. 10 shall include all the area contained within Payette and Washington Counties.

(11) Legislative District No. 11 shall include all the area contained within the following precincts of Canyon County: Apple Valley, Arena Valley, Center Point, East Caldwell No. 1, No. 2, No. 3, No. 4, East Parma, Greenleaf, Middleton, Notus, Pleasant Ridge, Purple Sage, Roswell, South Caldwell No. 1, No. 2, West Caldwell No. 1, No. 2, West Parma and Wilder.

(12) Legislative District No. 12 shall include all the area contained within the following precincts of Canyon County: Central Park, East Nampa No. 1, No. 2, No. 3, Franklin, Lone Tree, Marble Front, Midway, North Caldwell No. 1, No. 2, No. 3, No. 4, North Nampa No. 1, No. 2, West Nampa No. 1, No. 2, No. 3 and Young Nampa No. 2.

(13) Legislative District No. 13 shall include all the area contained within the following precincts of Canyon County: Bowmont, Central Cove, Fargo, Homestead, Kurtz Nampa No. 1, No. 2, No. 3, No. 4, Lake, Lakeview, Lone Star, Melba, Old Nampa No. 1, No. 2, Peaceful Valley, Scism, South Nampa No. 1, No. 2, Southside Boulevard, Sunny Ridge, Sunny Slope, Young Nampa No. 1, No. 3 and No. 4.

(14) Legislative District No. 14 shall include all the area contained within the following precincts of Ada County: No. 20, No. 24, No. 25, No. 28, No. 32, No. 34, No. 42, No. 50, No. 55, No. 63, No. 65, No. 67, No. 74, No. 82 and No. 89.

(15) Legislative District No. 15 shall include all the area contained within the following precincts of Ada County: No. 4, No. 7, No. 16, No. 18, No. 26, No. 29, No. 36, No. 39, No. 40, No. 43, No. 44, No. 45, No. 46, No. 48, No. 51, No. 52, No. 53 and No. 88.

(16) Legislative District No. 16 shall include all the area contained within the following precincts of Ada County: No. 2, No. 8, No. 17, No. 38, No. 49, No. 54, No. 57, No. 58, No. 59, No. 60, No. 79 and No. 83.

(17) Legislative District No. 17 shall include all the area contained within the following precincts of Ada County: No. 1, No. 3, No. 5, No. 6, No. 9, No. 10, No. 11, No. 12, No. 15, No. 19, No. 21, No. 22, No. 23, No. 30, No. 31, No. 41, No. 47, No. 64, No. 80 and No. 81.

(18) Legislative District No. 18 shall include all the area contained within the following precincts of Ada County: No. 13, No. 14, No. 27, No. 33, No. 35, No. 37, No. 56, No. 61, No. 62, No. 66, No. 78, No. 84, No. 85, No. 86 and No. 87.
(19) Legislative District No. 19 shall include all the area contained within Owyhee County and all the area contained within the following precincts of Ada County: No. 68, No. 69, No. 70, No. 71, No. 72, No. 73, No. 75, No. 76, No. 77 and No. 90.

(20) Legislative District No. 20 shall include all the area contained within Clark, Custer, Jefferson and Lemhi Counties.

(21) Legislative District No. 21 shall include all the area contained within Blaine County, and all the area contained within the following precincts of Lincoln County: Kimama No. 6 and Richfield No. 4; and all the area contained within the following precincts of Minidoka County: Acequia, Adelaide, Heyburn No. 2, Minidoka, Norland, Paul No. 1, No. 2, Pioneer, Rupert No. 1, No. 2, No. 3, No. 4, No. 5, No. 6 and No. 7.

(22) Legislative District No. 22 shall include all the area contained within Camas and Elmore Counties.

(23) Legislative District No. 23 shall include all the area contained within Gooding and Jerome Counties; and all the area contained within the following precincts of Lincoln County: Dietrich No. 5, North Shoshone No. 3, Shoshone No. 1 and Shoshone No. 2.

(24) Legislative District No. 24 shall include all of the area contained within the following precincts of Twin Falls County: Allendale, Buhl No. 1, No. 2, No. 3, No. 4, No. 5, No. 6, No. 7, Castleford, Clover, Deep Creek, Filer No. 1, No. 2, No. 3, Hollister, Maroa, Twin Falls No. 2, No. 5, No. 6, No. 14, No. 15, No. 16, No. 17, No. 21, No. 25 and No. 27.

(25) Legislative District No. 25 shall include all of the area contained within the following precincts of Twin Falls County: Hansen, Kimberly No. 1, Kimberly No. 2, Murtaugh, Rock Creek, Twin Falls No. 1, No. 3, No. 4, No. 7, No. 8, No. 9, No. 10, No. 11, No. 12, No. 13, No. 18, No. 19, No. 20, No. 22, No. 23, No. 24 and No. 26.

(26) Legislative District No. 26 shall include all of the area contained within Cassia County, and all of the area contained within the following precincts of Minidoka County: Emerson and Heyburn No. 1.

(27) Legislative District No. 27 shall include all of the area contained within the following precincts of Bingham County: Blackfoot No. 1, No. 2, No. 3, No. 4, No. 5, No. 6, No. 7, No. 8, No. 9, No. 10, No. 11, Firth No. 1, No. 2, Fort Hall, Goshen, Groveland, Jameston, Moreland No. 1, Moreland No. 2, except for that portion lying north of U. S. Highway No. 20, Riverside, Riverton, Rose, Thomas and Wapello.

(28) Legislative District No. 28 shall include all the area contained within Fremont and Madison Counties.
(29) Legislative District No. 29 shall include all the area contained within Butte County, and all the area contained in Bingham County lying to the north of U. S. Highway No. 20 in Bingham County precinct Moreland No. 2; and all the area contained within the following precincts of Bonneville County: Idaho Falls No. 1, No. 2, No. 3, No. 4, No. 5, No. 6, No. 7, No. 8, No. 17, No. 18, No. 19, No. 20, No. 21, No. 32, New Sweden, Osgood and Riverdale.

(30) Legislative District No. 30 shall include all the area contained within the following precincts of Bingham County: Shelley No. 1, No. 2, No. 3, No. 4, and Woodville; and all the area contained within the following precincts of Bonneville County: Idaho Falls No. 9, No. 10, No. 11, No. 12, No. 13, No. 14, No. 15, No. 16, No. 23, No. 24, No. 25, No. 26, No. 31, No. 34, No. 35, Taylor and York.

(31) Legislative District No. 31 shall include all the area contained within Teton County; and all the area contained within the precincts of Bonneville County: Ammon, Blowout, Coleman, Crowley, Gray, Idaho Falls No. 22, No. 27, No. 28, No. 29, No. 30, No. 33, Iona, Jacknife, Lincoln, Palisades, Poplar, Ucon and Willowcreek.

(32) Legislative District No. 32 shall include all the area contained within Bear Lake, Caribou and Franklin Counties.

(33) Legislative District No. 33 shall include all the area contained within Power County, and all the area contained within the following precincts of Bingham County: Aberdeen No. 1, No. 2, No. 3, Pingree, Springfield and Sterling, and all the area contained within the following precincts of Bannock County: Chubbuck No. 1, No. 2, No. 3, Pocatello No. 37, No. 39, No. 40, No. 41, No. 43, No. 44 and Tyhee.

(34) Legislative District No. 34 shall include all the area contained within the following precincts of Bannock County: Pocatello No. 8, No. 10, No. 11, No. 12, No. 13, No. 14, No. 18, No. 19, No. 20, No. 21, No. 23, No. 24, No. 28, No. 29, No. 30, No. 31, No. 32, No. 33, No. 34, No. 35, No. 36, No. 38 and No. 42.

(35) Legislative District No. 35 shall include all the area contained within Oneida County, and all the area contained within the following precincts of Bannock County: Arimo, Downey, Inkom, Lava Hot Springs, McCammon, Pocatello No. 1, No. 2, No. 3, No. 4, No. 5, No. 6, No. 7, No. 9, No. 15, No. 16, No. 17, No. 22, No. 25, No. 26, No. 27, No. 45 and Swan Lake.

SECTION 3. The legislative districts as they existed for the 1970
general election shall continue to exist for all necessary purposes of the
Forty-first Legislature, but the legislative districts as established by this act
shall be in full force and effect for all necessary purposes of the
Forty-second Legislature, and succeeding legislatures, and for such necessary
purposes, an emergency existing therefor, which emergency is hereby
declared to exist, this act shall be in full force and effect on and after its
passage and approval.

Became law without signature of the Governor April 15, 1971.
A CONCURRENT RESOLUTION


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

WHEREAS, Sections 67-601, 67-602 and 67-608 of the Idaho Code provide that the compensation of the employees of the Senate and the House of Representatives shall be fixed by concurrent resolution of the Senate and House; and

WHEREAS, it is the desire of the Senate and the House of Representatives, by this concurrent resolution to fix the compensation of the employees of the First Extraordinary Session of the Forty-first Legislature.

NOW, THEREFORE, BE IT RESOLVED by the Senate, the House of Representatives concurring therein, that the compensation of the various officers of the Senate and House of Representatives of the First Extraordinary Session of the Forty-first Idaho Legislature be fixed as follows:

- Secretary of the Senate: $35.00 per day
- Chief Clerk and Parliamentarian: $35.00 per day
- Assistant Secretary of the Senate: $30.00 per day
- Assistant Chief Clerk: $30.00 per day
- Assistants to President and Speaker: $30.00 per day
- Assistant to President Pro-Tempore: $30.00 per day
- Receptionist to the President: $25.00 per day
Secretary to the Speaker $25.00 per day
Secretaries to Floor Leadership $25.00 per day
Sergeant at Arms $27.50 per day
Assistant Sergeant at Arms $22.50 per day
Docket Clerks $27.50 per day
Journal Clerks $27.50 per day
Secretaries to Chief Clerk and Secretary of the Senate $22.50 per day
Chaplains $10.00 per day
Attorneys $40.00 per day
Public Information Officer $25.00 per day
Secretary to Revenue and Taxation $25.00 per day
Secretary to Appropriation & Finance $27.50 per day
Secretaries to Attorneys $22.50 per day
Committee Secretaries $22.50 per day
Secretaries to Minority Party $22.50 per day
MTST Administrator $30.00 per day
MTST Bill Preparation Supervisor $27.50 per day
MTST Administrative Supervisor $27.50 per day
MTST Machine Operators $25.00 per day
Daily Data Night Programmer $25.00 per day
MTST Duplicator Operator $22.50 per day
MTST Receptionist $17.50 per day
Xerox Operators $17.50 per day
Assistant Xerox Operators $15.00 per day
Proof Readers $22.50 per day
Mail Clerks $15.00 per day
Information Clerks $15.00 per day
Door Keepers $15.00 per day
Janitors $17.50 per day
Receptionist $17.50 per day
Hostesses $17.50 per day
Assistant Hostess $15.00 per day
Pages and Messengers $12.00 per day
Gallery Receptionist $12.00 per day

Adopted by the Senate March 30, 1971.
Adopted by the House March 31, 1971.
A CONCURRENT RESOLUTION
DIRECTING THE SPEAKER OF THE HOUSE OF REPRESENTATIVES
AND THE PRESIDENT OF THE SENATE TO APPOINT A
COMMITTEE OF FIVE MEMBERS FROM EACH BODY TO
CONDUCT A STUDY OF THE MEASURES NECESSARY TO BRING
COUNTY AND STATE ASSEMBLIES INTO CONFORMANCE WITH
THE "ONE-MAN-ONE-VOTE" PRINCIPLE AND TO CLARIFY THE
PROCEDURES FOR THE SELECTION OF DELEGATES TO
POLITICAL PARTY NATIONAL CONVENTIONS; AND TO REPORT
THEIR RECOMMENDATIONS TO THE FIRST EXTRAORDINARY
SESSION OF THE FORTY-FIRST IDAHO LEGISLATURE.

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

WHEREAS, the Governor of the State of Idaho in his proclamation
calling the Forty-first Idaho Legislature into Extraordinary Session stated
that one purpose be:

"To consider and enact legislation which will bring county and state
assemblies of Idaho's political parties into conformance with the
'one-man-one-vote' principle. This consideration should also include
language to clarify the procedure for the selection of delegates to the
Parties' National Conventions."

NOW, THEREFORE, BE IT RESOLVED by the House of
Representatives, the Senate of the First Extraordinary Session of the
Forty-first Idaho Legislature concurring therein, that the Speaker of the
House of Representatives and the President of the Senate are hereby directed
to appoint a committee of five members from each House for the purpose of
studying those measures necessary to meet the requirements of the proclamation of the governor in calling this extraordinary session concerning the matter set forth in this resolution and to present recommendations in such form as may be introduced as legislation.

Adopted by the House March 22, 1971.
Adopted by the Senate March 23, 1971.
A JOINT RESOLUTION

RATIFYING THE PROPOSED AMENDMENT TO THE CONSTITUTION
OF THE UNITED STATES EXTENDING THE RIGHT TO VOTE TO
CITIZENS EIGHTEEN YEARS OF AGE OR OLDER.

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

WHEREAS, the Ninety-second Congress of the United States of America, at its first session, in both houses, by a constitutional majority of two-thirds thereof, has made the following proposition to amend the Constitution of the United States of America in the following words, to-wit:

"JOINT RESOLUTION

"Proposing an amendment to the Constitution of the United States extending the right to vote to citizens eighteen years of age or older.

"RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED (TWO-THIRDS OF EACH HOUSE CONCURRING THEREIN), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"'ARTICLE —

"'SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age."
“SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.'”

NOW, THEREFORE, BE IT RESOLVED by the Forty-first Idaho Legislature that the proposed amendment to the Constitution of the United States of America be, and the same is hereby ratified by the Forty-first Idaho Legislature.

Adopted by the House March 30, 1971.

Adopted by the Senate March 30, 1971.
A JOINT MEMORIAL
TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES
OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND THE
HONORABLE DELEGATION REPRESENTING THE STATE OF
IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of
the state of Idaho assembled in the First Extraordinary Session of the
Forty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the pursuit of agriculture generates one billion two
hundred million dollars in personal income for the citizens of the state of
Idaho, and

WHEREAS, fifty-three thousand citizens of the state of Idaho are
agricultural employees, and

WHEREAS, recent regulations imposed by the Bureau of Motor Carrier
Safety of the Department of Transportation have classified farm trucks as
commercial motor vehicles, thereby prohibiting their operation by anyone
under the age of twenty-one, and the effect of such prohibitive restrictions
places an unnecessary and unreasonable burden upon the success of any
farming operation, and

WHEREAS, under present regulations duly and lawfully promulgated
by the state of Idaho which reasonably regulate this area to the end that
farm vehicles are operated in a safe and prudent manner so as to protect the
public,

NOW, THEREFORE, BE IT RESOLVED by the First Extraordinary
Session of the Forty-first Idaho Legislature, the Senate and the House of
Representatives concurring therein, that we most respectfully urge the Congress of the United States of America to take such action as is necessary to render null and void those regulations promulgated by the Department of Transportation which classifies farm vehicles as commercial vehicles.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and to the Senators and Representatives representing this state in the Congress of the United States.

Adopted by the House April 5, 1971.

Adopted by the Senate April 6, 1971.
CERTIFICATE OF SECRETARY OF STATE

UNITED STATES OF AMERICA )
 ) ss.
STATE OF IDAHO )

I, PETE CENARUSSA, 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 First Extraordinary Session of the Forty-first Legislature of the State of Idaho, which convened March 22, 1971, and adjourned April 8, 1971, 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 15th day of April, 1971.

[Signature]
 Secretary of State

When errors appear in the enrolled bills received from the Legislature at the office of the Secretary of State, this office has no authority to correct them.
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SENATE AND HOUSE
CONCURRENT RESOLUTIONS

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HOUSE JOINT MEMORIALS

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HOUSE JOINT RESOLUTIONS

That passed both Houses by two-thirds vote
and will appear on the
Ballot in the General Election in November, 1972

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ELECTED STATE OFFICIALS

UNITED STATE SENATORS
Frank Church (D) ........................................ 304 North 8th
Boise, Idaho 83702
Len B. Jordan (R) ........................................ 304 North 8th
Boise, Idaho 83702

REPRESENTATIVE IN CONGRESS(FIRST DISTRICT)
James A. McClure (R) ................................. 319 Simplot Building
Boise, Idaho 83702

REPRESENTATIVE IN CONGRESS(SECOND DISTRICT)
Orval Hansen (R) ................................. P.O. Box 396
Idaho Falls, Idaho 83401

GOVERNOR
Cecil D. Andrus (D) ........................................ 1805 North 21st
Boise, Idaho 83702

LIEUTENANT GOVERNOR
Jack M. Murphy (R) ........................................ Box 506
Shoshone, Idaho 83352
IDAHO SESSION LAWS

SECRETARY OF STATE
Pete T. Cenarrusa (R) ........................................ 2400 Cherry Lane
Boise, Idaho 83705

STATE AUDITOR
Joe R. Williams (D) ........................................ 801 North 20th
Boise, Idaho 83702

STATE TREASURER
Marjorie Moon (D) ........................................ 2227 Heights Drive
Boise, Idaho 83702

ATTORNEY GENERAL
W. Anthony Park (D) ........................................ 315 Schmeizer Lane
Boise, Idaho 83706

SUPERINTENDENT OF PUBLIC INSTRUCTION
D. F. Engelking (D) ........................................ 8815 San Anita Drive
Boise, Idaho 83704
# Idaho State Legislators 1971-72

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<th>District–County</th>
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<td>Marion Davidson(D)</td>
<td>Route 1, Bonners Ferry 83805</td>
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<td>Don Maynard(D)</td>
<td>P.O. Box 61, Clark Fork 83811</td>
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<td>2–KOOTENAI</td>
<td>Robert M. Haakenson(D)</td>
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<td>Larry Looney(D)</td>
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<td>Emery E. Hedlund(D)</td>
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<td>George F. Brocke(D)</td>
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<td>Harold Snow(R)</td>
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<td>Bruce L. Sweeney(D)</td>
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<td>Larry Jackson (R)</td>
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<td>Warren H. Brown(R)</td>
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<td>David W. Bivens(R)</td>
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<td>Vernon K. Brassey(R)</td>
<td>3200 Treasure Drive, Boise 83703</td>
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<td>Edith Miller Klein(R)</td>
<td>1732 Warm Springs Ave., Boise 83702</td>
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<td>Lyle R. Cobbs(R)</td>
<td>7211 Court Ave., Boise 83704</td>
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<td>H. Dean Summers(R)</td>
<td>210 Highland View Drive, Boise 83702</td>
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<td>Wayne L. Kidwell(R)</td>
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<td>John T. Peavey(R)</td>
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<td>Route 4, Box 305, Buhl 83316</td>
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<tr>
<td>25–CASSIA</td>
<td>Robert Saxvik(D)</td>
<td>1319 W. 16th St., Burley 83318</td>
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<tr>
<td>26–BUTTE, BINGHAM &amp; POWER</td>
<td>Joe F. Allen(R)</td>
<td>Route 1, American Falls 83211</td>
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<td>27–BINGHAM</td>
<td>Neil J. Miller(D)</td>
<td>61 N. Shilling Ave., Blackfoot 83221</td>
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<td>28–FREMONT &amp; MADISON</td>
<td>Ray W. Rigby(D)</td>
<td>Route 1, Rexburg 83440</td>
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<tr>
<td>29–BONNEVILLE</td>
<td>J. Mardsen Williams(R)</td>
<td>1776 Camrose, Idaho Falls 83401</td>
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<td>30–BONNEVILLE</td>
<td>W. Fisher Ellsworth(R)</td>
<td>2800 Fieldsream Lane, Idaho Falls 83401</td>
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<tr>
<td>31–BONNEVILLE &amp; TETON</td>
<td>Richard A. Egbert(D)</td>
<td>218 Egbert S., Tetonia 83452</td>
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<tr>
<td>32–BEAR LAKE, CARIBOU &amp; FRANKLIN</td>
<td>Reed W. Budge(R)</td>
<td>213 S. 1st E., Soda Springs 83276</td>
</tr>
<tr>
<td>33–ONEIDA &amp; BANNOCK</td>
<td>John V. Evans(D)</td>
<td>Route 1, Box 1, Malad 83252</td>
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<tr>
<td>34–BANNOCK</td>
<td>Darrell V. Manning(D)</td>
<td>1633 E. Elm, Pocatello 83201</td>
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<tr>
<td>35–BANNOCK</td>
<td>Charles E. Bilyeu(D)</td>
<td>Route 1N, Box 48, Pocatello 83201</td>
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