CHAPTER 1
(S. B. No. 3)
AN ACT
APPROPRIATING MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO TO PAY THE CLAIM OF SYMS YORK COMPANY, EXCEPTING THE ACT FROM THE PROVISIONS OF THE STANDARD APPROPRIATIONS ACT OF 1945, 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 the sum of $4,792.94 to Syms York Company, Boise, Idaho, for payment of due and unpaid printing costs and the interest thereon for services rendered to the Thirty-Fifth Session of the Idaho Legislature.

SECTION 2. The appropriation herein made is expressly exempt from the provisions of the Standard Appropriations Act of 1945.

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

CHAPTER 2
(S. B. No. 4)

AN ACT

MAKING AN APPROPRIATION FOR THE PAYMENT OF THE SALARIES, WAGES AND MILEAGE OF THE MEMBERS; FOR THE SALARIES AND WAGES OF THE OFFICERS, EMPLOYEES AND ATTORNEYS; FOR CAPITAL OUTLAY, AND FOR ALL OTHER EXPENSES OF THE THIRTY-SIXTH SESSION OF THE LEGISLATURE AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated out of any moneys in the general fund not otherwise appropriated, for salaries, wages and travel expense, of members, for salaries and wages of officers, employees and attorneys, for capital outlay, and other expense, as indicated, of the Thirty-Sixth Session of the Legislature of the State of Idaho, as follows:

<table>
<thead>
<tr>
<th>For</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and Wages</td>
<td>$182,500.00</td>
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<tr>
<td>Other Current Expense</td>
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<tr>
<td>Capital Outlay</td>
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</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$393,500.00</strong></td>
</tr>
</tbody>
</table>

SECTION 2. Upon the certificate of the presiding officer of the House or Senate, as the case may be, the State Auditor is hereby authorized and directed to draw his warrant on the general fund in payment of such salaries, wages and mileage of members, and salaries and wages of officers, employees and attorneys of said Legislature as fixed by law. All other claims shall be submitted to and passed upon by the State Board of Examiners.

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

CHAPTER 3
(S. B. No. 14)

AN ACT

AMENDING SECTION 72-1367A, IDAHO CODE, BY PROVIDING FOR ADDITIONAL TEMPORARY UNEMPLOYMENT COMPENSATION BENEFITS FOR THOSE BENEFIT CLAIMANTS WHO HAVE EXHAUSTED THEIR NORMAL BENEFITS AND PROVIDING THAT THIS SECTION SHALL APPLY ONLY WHEN THE DIRECTOR FINDS THAT CERTAIN SPECIFIED CONDITIONS ARE MET, AND DECLARING AN EMERGENCY.

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

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

72-1367A. ADDITIONAL TEMPORARY UNEMPLOYMENT COMPENSATION BENEFITS.—When the director finds that insured unemployment in Idaho for the week ending nearest the 15th of the preceding month is over six percent of insured employment, and the ratio of exhaustions to first payments as accumulated each month from the beginning of the benefit year to the end of the preceding month is more than ten per cent above the average of the same period for the preceding seven years, he may increase the above entitlement at the weekly rate applicable on a claimant's previous claim by fifty percent for those claimants who have exhausted their benefit rights in Idaho prior to the end of the preceding month or during the next following month and who do not have benefit rights under the provisions of the unemployment insurance laws of any other state or of the Federal Government. Such increased entitlement may be utilized by a claimant for benefits for weeks of unemployment during the remainder of the benefit year. Only one such extension of benefits shall be made for any individual during a benefit year. For the purpose of this section “first payment” means the first benefit, as defined in section 72-1307 of this act, which is payable to an individual during his benefit year.

SECTION 2. 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.

AN ACT

AMENDING SECTION 31-3106, IDAHO CODE, BY INCREASING THE CORONER'S MAXIMUM SALARY TO $1200; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 31-3106, Idaho Code, be, and the same is hereby amended to read as follows:

31-3106. SALARIES OF COUNTY OFFICERS.—It shall be the duty of the board of county commissioners of each county at its first meeting after the passage and approval of this act, to fix the annual salaries of the several county officers, except county commissioners and prosecuting attorneys, as of and from the second Monday of January 1959, for the ensuing two years, and thereafter at its regular session in April next preceding any general election, to fix the annual salaries of the several county officers, except county commissioners and prosecuting attorneys, for a period of two years commencing on the second Monday of January next after said meeting, and in no case shall the salary of any county officer be less than the lowest amount hereafter designated for such officer, and in no case shall it be higher than the highest amount hereafter designated for such officer.

The annual salaries of county officers, except county commissioners and prosecuting attorneys, of the counties of the state of Idaho, shall be as set forth in the following paragraphs:

1. The sheriff shall receive a salary of not less than $1,500.00 per annum and not to exceed $6,500.00 per annum; he shall be allowed in addition to such salary as fixed by said board, the actual and necessary expenses for care of each prisoner confined in the county jail.

2. The clerk of the district court and ex-officio auditor and recorder shall receive a salary of not less than $1,500.00 per annum and not to exceed $6,500.00 per annum.

3. The assessor shall receive a salary of not less than $1,500.00 per annum and not to exceed $6,500.00 per annum.

4. The county treasurer and ex-officio tax collector shall
receive a salary of not less than $1,500.00 per annum and not to exceed $6,500.00 per annum.

5. The probate judge shall receive a salary of not less than $1,500.00 per annum and not to exceed $6,500.00 per annum.

6. The county surveyor shall receive a salary of not less than $50.00 per annum and not to exceed $800.00 per annum.

7. The coroner shall receive a salary of not less than $50.00 per annum and not to exceed $1,200.00 per annum.

SECTION 2. 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.


CHAPTER 5
(H. B. No. 5)

AN ACT
AMENDING SECTION 19-3008, IDAHO CODE, BY INCREASING FEES OF PERSONS ATTENDING BEFORE A GRAND JURY OR THE DISTRICT COURT TO $8.00 PER DAY.

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

SECTION 1. That Section 19-3008, Idaho Code, be, and the same is hereby amended to read as follows:

19-3008. FEES AND MILEAGE OF WITNESSES.—
When a person shall attend before a grand jury, or the district court, as a witness, upon a subpoena, or pursuant to an undertaking, such person shall receive the sum of twenty-five cents a mile, one way for each mile actually traveled, but no person can receive more than one mileage under this section at one term of the district court; such person shall also receive *eight dollars per day for each day's actual attendance as such witness. Such mileage and per diem must be paid out of the county treasury of the county where such district court is held, upon the certificate of the clerk of said court: provided, however, that when a defendant in a criminal proceeding requires the attendance
of more than five witnesses in his behalf, before such wit­nesses shall be subpoenaed at the county’s expense, or their fees and mileage be a charge against the county, such de­fendant must make affidavit setting forth that they are witnesses whose evidence is material to his defense, and that he can not safely go to trial without them. In such case the court, or the judge thereof, at any time application is made therefor, shall order a subpoena to issue to such of said witnesses as the court, or the judge thereof, may deem material for the defendant, and the costs incurred by the process and the fees and mileage of such witnesses shall be paid in the same manner that the costs and fees of other witnesses are paid.


CHAPTER 6
(H. B. No. 6)

AN ACT
AMENDING SECTION 19-3945, IDAHO CODE, BY INCREASING JURORS AND WITNESS FEES IN CRIMINAL CASES IN PROBATE AND JUSTICE COURTS TO $4.00 PER DAY AND INCREASING THEIR MILEAGE ALLOWANCE TO 25¢ PER MILE ONE WAY.

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

SECTION 1. That Section 19-3945, Idaho Code, be, and the same is hereby amended to read as follows:

19-3945. JURORS AND WITNESSES—FEES AND MILEAGE—APPLICATION FOR SUBPOENAS.—Wit­nesses before examining magistrates and in criminal cases in the probate and justice courts, and jurors and witnesses in a coroner’s inquest, are entitled to * four dollars per day for each day actually engaged in the trial of a case, and * twenty-five cents per mile, one way, which must be paid out of the county treasury; provided, however, that when the state or the defendant requires the attendance of more than three witnesses in its or his behalf, before such witnesses shall be subpoenaed at the county expense, or their fees and mileage be a charge against the county, the county attorney or defendant must make affidavit setting forth that they are witnesses whose evidence is material
for the state or the defense, and the facts showing such materiality, and that it or he can not safely go to trial without them. In such case or cases, the court or judge thereof, at the time the application is made therefor, shall order a subpoena to issue to such of said witnesses as the court or judge thereof may deem material for the state or defendant, and the costs incurred by the process, and the fees and mileage of such witnesses, shall be paid in the same manner that the costs and fees of other witnesses are paid.


CHAPTER 7
(H. B. No. 8)

AN ACT
AMENDING SECTION 50-1911, IDAHO CODE, AS AMENDED BY CHAPTER 139, IDAHO SESSION LAWS OF 1923, TO PROVIDE THAT IN ADDITION TO THE METHOD OF PAYMENT BY WARRANT A BANK CHECK MAY BE USED IN LIEU THEREOF WHEN SUFFICIENT FUNDS ARE AVAILABLE.

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

SECTION 1. That section 50-1911, Idaho Code, as amended by Chapter 139, Idaho Session Laws of 1923, be, and the same hereby is, amended to read as follows:

50-1911. PAYMENT OF CLAIMS.—Upon the allowance of claims by the council or trustees, the order for their payment shall specify the particular fund or appropriation out of which they are payable, as specified in the annual appropriation bill to be passed in the manner hereinafter provided; and no order or warrant shall be drawn in excess of the current levy for the purpose for which it is drawn, unless there shall be sufficient money in the treasury to the credit of the proper fund for its payment, and no claim shall be audited or allowed except an order or warrant for the payment thereof may legally be drawn. Provided, however, that when sufficient funds are on hand in an official depository of a City or Village a regular bank check signed by the Mayor or Chairman and countersigned by the Clerk may be issued in lieu of a warrant.

Approved January 24, 1961.
CHAPTER 8
(H. B. No. 22)

AN ACT
AMENDING SECTION 14-408, IDAHO CODE, AS AMENDED, RELATING TO EXEMPTIONS FROM THE TRANSFER AND INHERITANCE TAX, BY ADDING TO THE EXEMPTIONS LISTED THEREIN ALL PROPERTY TRANSFERRED TO CERTAIN PRIVATELY OWNED HOSPITALS FOR CRIPPLED CHILDREN WITHOUT QUALIFICATION AS TO THE ORGANIZATION OF SUCH HOSPITAL OR THE USE OF THE PROPERTY SO TRANSFERRED.

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

SECTION 1. That Section 14-408, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

14-408. EXEMPTIONS.—The following exemptions from the tax are hereby allowed:

1. All property transferred to societies, corporations, and institutions now or hereafter exempted by law from taxation, or to any public corporation, or to any society, corporation, institution, or association, or persons engaged in or devoted to any charitable, benevolent, educational, public, or other like work (pecuniary profit not being its object or purpose), or to any person, society, corporation, institution, or association of persons in trust for or to be devoted to any charitable, benevolent, educational, or public purpose, by reason whereof any such person or corporation shall become beneficially entitled, in possession or expectancy, to any such property or to the income thereof, shall be exempt; provided, however, that such society, corporation, institution or association be organized or existing under the laws of this state or that the property transferred be limited for use within this state, except that all transfers to any privately owned hospital for crippled children within the United States, to which crippled or afflicted children from the State of Idaho are, without discrimination, gratuitously admitted and treated, shall be exempt.

2a. Property of the clear value of $10,000 transferred to the widow or to a minor child of the decedent, of $4,000 transferred to each of the other persons described in the first subdivision of section 14-406 and all community property transferred to the surviving husband or wife shall be exempt.
b. All property transferred, or property which can be identified as having been received in exchange for property transferred, by a decedent to any person described in the first subdivision of section 14-406, providing the same was transferred to such decedent not more than four years prior to his death by another decedent of the class described in the first subdivision of section 14-406, and inheritance tax paid thereon to the state of Idaho, shall be exempt. The payment of the additional tax levied for the purpose of absorbing the credit allowed by the federal estate tax law imposed by section 14-407a and section 14-407b, Idaho Code, shall not be considered as the payment of inheritance tax for the purpose of entitlement to the exemption herein allowed.

3. Property of the clear value of $1,000, transferred to each of the persons described in the second subdivision of section 14-406, shall be exempt.

4. Property of the clear value of $500, transferred to each of the persons described in the third subdivision of section 14-406, shall be exempt.

5. In computing the tax upon transfers subject to tax under the provisions of this act, no tax shall be imposed or computed upon the amounts of exemptions provided for herein. The exemptions in this section allowed shall be deducted from the aggregate value of the property passed or transferred, and the tax shall in all cases be imposed and computed upon the remainder only.


CHAPTER 9
(H. B. No. 32)

AN ACT
AMENDING SECTION 34-202, IDAHO CODE, PROVIDING FOR THE ELECTION OF COUNTY OFFICERS; AND ELIMINATING THE COUNTY SUPERINTENDENT OF PUBLIC INSTRUCTION AS AN ELECTIVE OFFICER.

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

SECTION 1. That section 34-202, Idaho Code, be, and the same is hereby amended to read as follows:
34-202. OFFICERS TO BE ELECTED—COUNTY OFFICERS.—At the general election, 1922, and every fourth year thereafter, there shall be elected in every county of the state, a clerk of the district court, who is ex officio auditor and recorder, and at the general election, 1920, and every alternate year thereafter, there shall be elected in every county in the state, the following officers, to-wit: A sheriff; county treasurer, who is ex officio public administrator, and also ex officio tax collector; probate judge; * * * a prosecuting attorney; a county assessor; one coroner; and one surveyor. A board of county commissioners consisting of three members shall be elected and hold their offices as provided by section 31-703.


CHAPTER 10
(H. B. No. 37)

AN ACT

AMENDING SECTION 59-103, IDAHO CODE, RELATING TO THE RESIDENCE OF CERTAIN OFFICERS OF THE STATE OF IDAHO, BY CHANGING THE PROVISION THEREOF REQUIRING THAT SUCH OFFICERS RESIDE AT AND KEEP THEIR OFFICES IN BOISE CITY, TO PROVIDE INSTEAD THAT SUCH OFFICERS MUST RESIDE IN ADA COUNTY AND KEEP THEIR OFFICES IN BOISE, IDAHO; AND DECLARING AN EMERGENCY.

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

SECTION 1. THAT SECTION 59-103, Idaho Code, be, and the same is hereby amended to read as follows:

59-103. RESIDENCE OF CERTAIN OFFICERS.—The following officers must reside * within the County of Ada and keep their offices in Boise City:  

The Governor.  
Secretary of State.  
Auditor.  
Treasurer.  
Attorney-General.  
Superintendent of Public Instruction.  
Clerk 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 immediately upon its passage and approval.


CHAPTER 11
(H. B. No. 42)

AN ACT
AMENDING TITLE 33, CHAPTER 5, IDAHO CODE, BY ADDING A NEW SECTION THERETO, FOLLOWING SECTION 33-502, TO BE KNOWN AND DESIGNATED AS SECTION 33-502A, PROVIDING FOR THE RECLASSIFICATION OF CLASS B AND CLASS C REORGANIZED SCHOOL DISTRICTS TO CLASS A SCHOOL DISTRICTS AND THE PROCEDURES THEREFOR.

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

SECTION 1. That Title 33, Chapter 5, Idaho Code, be, and the same is hereby amended by adding a new section thereto following Section 33-502, to be known and designated as Section 33-502A, and to read as follows:

33-502A. RECLASSIFICATION OF SCHOOL DISTRICTS.—Whenever a reorganized school district of Class B or Class C, as in this chapter defined, shall meet the minimum requirements of a Class A district, as in this chapter defined, the board of trustees of such district may petition the state board of education, in writing, to change its classification to a Class A district. The state board of education, upon receiving such a petition, shall verify the facts set forth therein, and if it finds that such minimum requirements have been met, shall forthwith reclassify the petitioning district to Class A, and give notice of such action, in writing, to the board of trustees of said district and to the board or boards of county commissioners of the county or counties wherein such school district is located.

CHAPTER 12
(S. B. No. 17)

AN ACT
AMENDING CHAPTER 42, TITLE 33, IDAHO CODE; AMENDING SECTION 33-4201 TO REMOVE THE REQUIREMENT THAT A CORRESPONDENCE SCHOOL BE OPERATED FOR PROFIT; PROVIDING FOR THE REGISTRATION OF SCHOOLS DISTRIBUTING CORRESPONDENCE COURSES; ADDING A NEW SECTION THEREIN TO FOLLOW SECTION 33-4205, DESIGNATED AS SECTION 33-4205 A, TO PROVIDE RESPONSIBILITY FOR ENFORCEMENT.

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

SECTION 1. That section 33-4201 be, and the same is hereby amended to read as follows:

33-4201.—REGISTRATION OF CORRESPONDENCE SCHOOLS.—Every privately owned correspondence school ***, whether located within or without the state of Idaho, must annually register with the state board of education before selling, distributing or offering for sale any correspondence course in this state.

SECTION 2. That there be a new section added in this chapter to follow section 33-4205, to provide for enforcement and to read as follows:

33-4205 A.—RESPONSIBILITY FOR ENFORCEMENT. In the event the state board of education has reason to believe that a correspondence school is soliciting business within the state of Idaho without being properly registered, the state board of education shall so advise the commissioner of law enforcement who is hereby authorized, empowered and directed to make such investigation and to take such action as he may deem necessary therein.

Approved February 1, 1961.

CHAPTER 13
(S. B. No. 18)

AN ACT
AMENDING SECTION 36-306, IDAHO CODE, TO PROVIDE FOR THE CLASSIFICATION OF THE STARLING AS A PREDATORY BIRD.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 36-306, Idaho Code, be, and the same is hereby amended to read as follows:

36-306. 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.

Approved February 1, 1961.

CHAPTER 14
(H. B. No. 15)

AN ACT

AMENDING SECTION 16-1502, IDAHO CODE, RELATING TO ADOPTIONS, BY EXCEPTING FROM THE RESTRICTIONS AS TO COMPARATIVE AGE CONTAINED THEREIN CASES WHERE THE ADOPTING PARENT IS THE SPOUSE OF A NATURAL PARENT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 16-1502, Idaho Code, be, and the same is hereby amended to read as follows:

16-1502. RESTRICTIONS AS TO COMPARATIVE AGE.—The person adopting a child must be at least fifteen years older than the person adopted, except in cases where the adopting parent is a spouse of a natural parent.

SECTION 2. 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.

Approved February 2, 1961.

CHAPTER 15
(H. B. No. 33)

AN ACT

AMENDING SECTION 31-3101, IDAHO CODE, BY INCREASING MAXIMUM TRAVELING ALLOWANCE ALLOWED COUNTY OFFICERS USING PRIVATE CARS TO 10¢ PER MILE.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 31-3101, Idaho Code, be, and the same is hereby amended to read as follows:

31-3101. OFFICERS TO RECEIVE SALARIES AND ACCOUNT FOR FEES.—The salaries of county officers as full compensation for their services must be paid monthly from the county treasury, upon the warrants of the county auditor, and it shall not be necessary for the board of commissioners to allow or audit the claims for such salaries when the salaries of such officers are fixed by law or have been fixed or approved by action of the board of commissioners. No officer or deputy must retain out of any money, in his hands belonging to the county, any salary, but all actual and necessary expenses incurred by any county officer or deputy in the performance of his official duty shall be a legal charge against the county, and may be retained by him out of any fees which may come into his hands. When any such officer or deputy shall use his private car as a means of travel in the performance of his official duty the actual and necessary expense of the use of such car shall be determined by the county commissioners of each county and allowance made therefor at a rate not to exceed * ten cents per mile for each mile driven and such allowance shall be the full amount allowable for travel expense when such car is used. All fees which may come into his hands from whatever source, over and above his actual and necessary expenses, shall be turned into the county treasury at the end of each quarter. He shall, at the end of each quarter, file with the clerk of the board of county commissioners, a sworn statement, accompanied by proper vouchers, showing all expenses incurred and all fees received, which must be audited by the board as other accounts.

Approved February 3, 1961.

CHAPTER 16
(H. B. No. 25)

AN ACT
AMENDING SECTION 22-2420, IDAHO CODE, AS AMENDED, RELATING TO THE APPOINTMENT, DUTIES AND SALARIES OF COUNTY WEED INSPECTORS, BY EXTENDING
THE APPLICATION OF THE PROVISIONS THEREOF TO SUPERVISORS; AUTHORIZING PAYMENT OF EXPENSES AND SALARIES TO COUNTY WEED INSPECTOR OR SUPERVISOR FROM THE WEED FUND; INCREASING THE SALARY LIMITATION TO $6,500.00; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 22-2420, Idaho Code, be, and the same is hereby amended to read as follows:

22-2420. APPOINTMENT OF COUNTY WEED INSPECTORS—DUTIES.—It shall be the duty of the board of county commissioners to appoint or hire a county weed inspector or supervisor for each county of the state of Idaho in which a weed extermination area is located.

The duties of the county weed inspector or supervisor shall be as follows:

(1) To advise the board of county commissioners of those lands on which noxious weeds are found.

(2) To cooperate with the owners of land in the control and eradication of weeds.

(3) To cooperate with the state or Federal government in any program of noxious weed control which may be operative in the county.

(4) To present to the owners of the land and the board of county commissioners, plans for the control and eradication of noxious weeds on individual parcels of land within the county.

(5) To advise the board of county commissioners or any other officer of the county hereinbefore or hereinafter designated that control and eradication as ordered under this act have not been complied with.

(6) To do any other things which the board of county commissioners may deem advisable for the furtherance of weed control.

Such county weed inspector may be paid his actual expenses incurred by him in the discharge of his duties and may receive compensation for his services in such amount as may be fixed by the board of county commissioners, payable as a county expense out of county current expense fund or weed fund, but not to exceed $6,500.00.
SECTION 2. 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.

Approved February 6, 1961.

CHAPTER 17
(H. B. No. 44)

AN ACT

AMENDING SECTION 31-3203, IDAHO CODE, BY INCREASING TO $2.00 FEES ALLOWED THE SHERIFF FOR CERTAIN SERVICES AND BY INCREASING SHERIFF'S MILEAGE ALLOWANCE IN CERTAIN INSTANCES TO 25¢ PER MILE, IN GOING ONLY.

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

SECTION 1. That Section 31-3203, Idaho Code, be, and the same is hereby amended to read as follows:

31-3203. SHERIFF'S FEES.—The sheriff is allowed and may demand and receive the fees hereinafter specified:

For serving summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant .......................................................... $ * 2.00

For serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property ..............$ * 2.00

For his trouble and expense in taking and keeping possession of and preserving property under attachment or execution, or other process, such sum as the court may order: provided, that no more than three dollars per diem be allowed to a keeper.

For taking a bond or undertaking in any case in which he is authorized to take the same ..................$ .50

For copy of and making return on any writ, process or other paper, when demanded or required by law, for each folio ..............................................................$ .20

For serving every notice, rule or order .................$ .50
For making and posting notices, and advertising property for sale on attachment or execution, or under any judgment or order of sale, exclusive of the costs of publication, each notice, per folio $ .20

For serving a writ of possession or restitution, putting a person in possession of premises and removing the occupant $ 3.00

For holding each inquest, or trial of right of property, to include all services in the matter except mileage $ 3.00

For serving a subpoena, for each witness summoned $ .25

For commissions for receiving and paying over money on execution or other process, when land or personal property has been levied on and sold, on the first $1000, two percent; on all sums above that amount, one per cent; but in no case of sale of real estate shall his commission exceed the sum of $100.00

When the amount of such sale is credited on the debt and no money is transferred, * then one-half of such commission.

For commissions for receiving and paying over money on execution without levy, or where lands or goods levied on are not sold, on the first $1000, one and one-half per cent; and one-half of one per cent on all over that sum, but not to exceed in any case $ 50.00

The fees herein allowed for the levy of an execution, costs for advertising and percentage for making or collecting the money on execution, must be collected from the judgment debtor by virtue of such execution, in the same manner as the sum therein directed to be made.

For drawing and executing a sheriff's deed, including the acknowledgment, to be paid by the grantee before delivery $ 3.00

For executing a certificate of sale, exclusive of the filing and recording of same $ 1.00

For making every arrest in a criminal proceeding $ 2.00

For summoning each juror $ .25

For serving a subpoena in a criminal action or proceeding, for each witness summoned $ .25
For traveling to serve any summons and complaint, or any other process by which an action or proceeding is commenced, notice, rule, order, subpoena, venire, attachment on property, to levy an execution, to post notice of sale, to sell property under execution or other order of sale, or execute an order of arrest, or order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property, for each mile actually and necessarily traveled, in going only.$ * .25

For traveling to execute any warrant of arrest, subpoena, venire or other process in criminal cases, or for taking a prisoner from prison, before a court or magistrate, or for taking a prisoner from the place of arrest to prison, or before a court or magistrate, for each mile actually and necessarily traveled, in going only ................................................ $ .20

For each additional prisoner taken at the same time, per mile ...........................................$ .15

But if any two or more papers be required to be served in the same action or proceeding, civil or criminal, or be in the possession of the sheriff for service at the same time, and in the same direction, one mileage only shall be charged; and in serving a subpoena, venire, process or paper, when two or more jurors, witnesses, parties or persons to be served reside or are found in the same direction, traveling fees must be charged only for the most distant; and only one mileage per day must be charged for taking a prisoner from prison before a court or magistrate; and constructive mileage must in no case be charged or allowed.

For all services arising in justices' courts, the same fees as are allowed to constables for like services.

Remuneration in full for the board, clothing and lights of each prisoner confined in the county jail, per day, the sum of not more than .................... $ 1.00

For all services under the election laws, the same mileage and fees as in this chapter provided for similar services.

For receiving application for motor vehicle operator's license ........................................$ .50
For receiving application for motor vehicle chauffeur's license ............................................................$ 2.00

Approved February 6, 1961.

CHAPTER 18
(S. B. No. 24)

AN ACT

AMENDING TITLE 23, CHAPTER 9, IDAHO CODE, BY ADDING SECTION 23-949 BY PROVIDING THAT IT SHALL BE UNLAWFUL AND A MISDEMEANOR FOR ANY PERSON UNDER THE AGE OF 21 YEARS TO PURCHASE, ATTEMPT TO PURCHASE, POSSESS, OR CONSUME ALCOHOLIC LIQUOR; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Title 23, Chapter 9, Idaho Code, be, and the same is hereby amended by the addition of Section 23-949 to read as follows:

23-949. PERSONS NOT ALLOWED TO PURCHASE, POSSESS, OR CONSUME ALCOHOLIC LIQUOR.—Any person under the age of 21 years who shall purchase, attempt to purchase, possess, or consume alcoholic liquor shall be guilty of a misdemeanor.

SECTION 2. 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.

Approved February 7, 1961.

CHAPTER 19
(S. B. No. 32)

AN ACT

AMENDING SECTION 34-104, IDAHO CODE, MAKING IT UNLAWFUL TO PRINT OR PERMIT TO BE PRINTED OR TO
MAIL OR CAUSE TO BE MAILED PRINTED MATTER RELATING TO THE ELECTION OF ANY PERSON.

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

SECTION 1. That Section 34-104, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

34-104. PUBLICATION OR DISTRIBUTION OF CAMPAIGN LITERATURE OF CANDIDATE TO BEAR NAMES OF GROUP RESPONSIBLE.—It shall be unlawful to print, permit to be printed, publish or distribute, or cause to be published or distributed, and to transport or cause to be transported, mail or cause to be mailed, any card, pamphlet, circular, poster, dodger, advertisement, writing, or other printed matter relating to or concerning any person who has publicly declared his intention * * * to seek any elective national, state, county, municipal or any other public office in a primary, general, or special election, unless said card, pamphlet, circular, poster, dodger, advertisement, writing or other printed matter, contains and bears on its face the names of the person or persons, association, committee, corporation, or other group responsible for the publication and distribution of the same, and the name of the principal officer of each such association, committee, or corporation, or other group.

Approved February 7, 1961.

CHAPTER 20
(S. B. No. 45)

AN ACT

AMENDING SECTION 36-1306, IDAHO CODE, AS AMENDED, BY ADDING VALLEY QUAIL, GAMBEL QUAIL AND WILD TURKEY TO UPLAND BIRDS UNDER PROTECTION, AND DELETING THE OBSOLETE TERM "NATIVE PHEASANTS".

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

SECTION 1. That Section 36-1306, as amended, be, and the same is hereby amended to read as follows:

36-1306. UPLAND BIRDS—OPEN SEASON.—It shall be unlawful for any person to kill or attempt to kill or take ruffed * * *, blue *, sharptailed *, * Franklin's or
sage grouse, * Chukar or Hungarian partridge, mountain *
*, Bob White *, Valley or Gambel quail, or Chinese, Ring-
neck, Nutant or Mongolian pheasants, or wild turkey 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.

Approved February 7, 1961.

CHAPTER 21
(H. B. No. 29)

AN ACT

AMENDING TITLE 45, CHAPTER 7, IDAHO CODE, BY ADDING
A NEW SECTION THERETO FOLLOWING SECTION 45-704
TO BE KNOWN AS SECTION 45-704A; PROVIDING THAT
ANY PERSON LICENSED UNDER THE LAWS OF THE
STATE OF IDAHO TO RENDER NURSING CARE SHALL
HAVE A LIEN FOR REASONABLE CHARGES FOR NURS-
ING CARE RENDERED AN INJURED PERSON UPON ANY
AND ALL CAUSES OF ACTION, SUITS, CLAIMS, COUNTER-
CLAIMS, OR DEMANDS ACCRUING TO THE PERSON TO
WHOM SUCH CARE AND SERVICES WAS FURNISHED;
PROVIDING THAT SAID LIEN BE PERFECTED IN THE
FORM AND MANNER AS PROVIDED IN SECTION 45-702,
IDAHO CODE; PROVIDING THAT SUCH LIEN BE RECORD-
ED AND Indexed AS PROVIDED IN SECTION 45-703,
IDAHO CODE; PROVIDING THAT SAID LIEN BE ENFORCED
AND/OR RELEASED AS PROVIDED IN SECTION 45-704,
IDAHO CODE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Title 45, Chapter 7, Idaho Code, be,
and the same hereby is, amended by adding a new section
thereunto following Section 45-704, to be known as Section
45-704A, to read as follows:

45-704A—Every person licensed under the laws of the
State of Idaho to render nursing care shall be entitled to
a lien for the reasonable charges for nursing care and
treatment rendered an injured person upon any and all
causes of action, suits, claims, counterclaims, or demands
accruing to the person to whom such care and treatment
was furnished, or to the legal representatives of such person, on account of injuries giving rise to such causes of action and which necessitate such nursing care and treatment; said lien shall be perfected in the form and manner as provided in Section 45-702, Idaho Code; said lien shall be recorded and indexed in the manner provided in Section 45-703, Idaho Code; said lien shall be enforced and/or released in the manner provided in Section 45-704, Idaho Code; and if the claimant of said lien shall prevail in an action to enforce said lien, the court may allow reasonable attorney's fees and disbursements.

SECTION 2. 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.

Approved February 7, 1961.

CHAPTER 22
(H. B. No. 35)

AN ACT

REPEALING SECTION 34-106, IDAHO CODE, REPEALING SECTION 34-107, IDAHO CODE, REPEALING SECTION 34-108, IDAHO CODE, REPEALING SECTION 34-109, IDAHO CODE, REPEALING SECTION 34-110, IDAHO CODE, REPEALING SECTION 34-111, IDAHO CODE, RELATING TO THE PUBLICATION OF A CANDIDATE'S PAMPHLET BY THE SECRETARY OF STATE.

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


Approved February 7, 1961.

CHAPTER 23
(H. B. No. 41)

AN ACT

RELATING TO CONSOLIDATION OF MUNICIPAL CORPORATIONS; AMENDING SECTION 2 OF CHAPTER 112 OF THE
1959 SESSION LAWS OF IDAHO TO INSERT TWELVE WORDS OF THE ORIGINAL H.B. NO. 209 AS FILED WITH THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES OF THE THIRTY-FIFTH SESSION OF THE LEGISLATURE, WHICH WORDS WERE INADVERTENTLY OMITTED, SAID WORDS RELATING TO THE ELECTION OF THE OFFICERS REQUIRED BY LAW TO BE ELECTED FOR THE NEW CONSOLIDATED CORPORATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2 of Chapter 112 of the 1959 Session Laws of Idaho be, and the same is hereby amended to read as follows:

SECTION 2. SUBMISSION OF QUESTION TO ELECTORS—SPECIAL ELECTION.—The board of county commissioners of the county in which such municipal corporations are situated shall, upon receiving a petition for consolidation, which may be in one or more parts, signed by not less than one-fifth of the qualified electors of each of said municipal corporations described in said petition and proposed to be consolidated, as shown by the total number of votes cast for governor at the last preceding general state election in each of said municipal corporations respectively, submit to the qualified electors of each of such corporations at the time hereinafter provided, the question whether such municipal corporations shall become consolidated into one municipal corporation, to be governed as a city of the class under the general municipal incorporation law and form a government under which the greater or greatest in population of such municipal corporations, ascertained as hereinbefore provided, may be governed at the time such petition is so received. Upon receiving such petition, the clerk of such board of county commissioners, shall give notice of its filing to the clerks of each municipal corporation proposed to be consolidated. Such petition shall show the names of the municipal corporations proposed to be consolidated and a request for consolidation, the residence of each elector signing it, the date thereof, and the name of the municipal corporation in which he resides and must describe the boundaries and the territory therein situated of each of the municipal corporations proposed to be consolidated and whether or not each such corporation is contiguous to the other or one of the others of such corporations. The clerk of such board of county commissioners shall keep a complete record and file of proceedings relating to the proposed consolidation and an extra copy
thereof; and in the event such municipal corporations are consolidated into a new municipal corporation, he shall certify such extra copy and file it with the clerk of such new consolidated municipal corporation, immediately following the completion of such consolidation. Such board of county commissioners shall designate a day, which shall be not less than ninety days following said designation, and at least ninety days preceding a general election, upon which a special election shall be held in each of such municipal corporations so proposed to be consolidated for the purpose of submitting to the qualified electors of each of said municipal corporations, who shall have resided in the corporation in which he votes for a period of at least thirty days next preceding such election, the question whether such consolidation shall be effected, and shall give notice of such election by publication in a newspaper printed and published in the county in which such municipal corporations are situated and in which municipal corporations, such newspaper has a general circulation, and designated for that purpose, by such board of county commissioners, if any such newspaper there be, at least once a week for four successive weeks prior to such election. If there be no newspaper printed and published in such county such board of county commissioners shall cause such notice to be posted in three of the most public places in each of such municipal corporations for at least four weeks prior to such election. Such notice shall distinctly state the proposition so to be submitted, the names of the municipal corporations so proposed to be consolidated, the date of such election, which date shall be within twenty days after the expirations of the publication or posting of such notice, and shall be the same for all such municipal corporations so proposed to be consolidated, which notice shall describe the boundaries and the territory therein situated of each of such municipal corporations proposed to be consolidated; and when the publication or posting of such notice has been completed, such board of county commissioners shall procure the proper affidavit showing such publication or posting, as required by law. The board of county commissioners shall establish, and in such notice of election shall designate the election precinct or precincts for said special election in each of such municipal corporations and the place or places at which the polls therefor will be opened in each municipal corporation proposed to be consolidated respectively; and such board of county commissioners shall establish special election precincts and in such numbers as such board determines are needed and shall number such special election precincts
so established consecutively, and each such special election precinct so established shall, for the purpose of such election, be known by the number so designated. Such notice shall direct the registered qualified electors of each municipal corporation so proposed to be consolidated to vote upon the proposition of such proposed consolidation in the manner hereinafter provided. Such board of county commissioners shall appoint officers of election who are qualified electors of each precinct, or special election precinct, so established, as aforesaid, to serve as election officers only in the election precinct in which they actually reside, to constitute the election board for such precinct, which shall consist of two judges and one clerk. Upon the ballots to be used at such election there shall be printed the words "for consolidation" and "against consolidation", in separate lines, and there shall be a voting square at the right of and opposite to each such proposition. If an elector shall mark a cross (X), in the voting square after and opposite to the printed words "for consolidation", his vote shall be counted in favor of consolidation; if he shall mark a cross (X), in the voting square after and opposite to the printed words "against consolidation", his vote shall be counted against consolidation. Immediately following the time of designating the day upon which such election shall be held, such board of county commissioners shall cause the registration to be made of all qualified electors of each of said municipal corporations entitled to vote at such election, and shall establish precincts and appoint registrars for each precinct established by it, who shall have authority and it shall be their duty to register all such qualified electors and perform such other duties as are required of registrars for general state elections. The registration of electors, the ballots used at such election, the opening and closing of the polls and the holding and conducting of such election and canvass and certification of results thereof, shall be in conformity, as near as may be, with the general laws of this state for state and county election, except as herein provided, the necessary changes and substitutions being made.

The judges and clerk of each such election precinct shall immediately on the closing of the polls canvass the ballots in public view, make up and certify the tally-sheets of the ballots cast at their respective polling places, seal up, and immediately return the ballots and tally-sheets as hereinafter provided. As soon as all the ballots are counted and sealed up, a statement must be attached to the tally-sheets
showing the total number of votes cast, the number of votes cast in favor of consolidation, the number of votes cast against consolidation in each such election precincts and such statement must be signed by the members of the election board. The ballots and tally-sheets and returns shall be delivered to and deposited with the board of county commissioners of the county in which such municipal corporations are situated. In all particulars except as hereinbefore provided, said canvass shall be conducted and said ballots and tally-sheets shall be returned as provided by law for general state and county elections. Such board of county commissioners shall meet on the Monday next succeeding the day of such election at the hour of ten o'clock a.m. of said day, for the purpose of canvassing the returns of said election and certifying the results thereof. Such board of county commissioners shall at the time hereinbefore appointed, meet and proceed to canvass said returns, and such canvass shall be completed at such meeting, if practicable, and in any event, within three days thereafter. Such canvass by such board shall be conducted and completed as follows: The returns of the votes cast in each such municipal corporation shall be canvassed separately, and in such order as such board, by a majority vote, shall direct. Immediately upon the completion of such canvass, such board shall cause a record thereof to be made and entered upon its minutes, showing the total number of votes cast in each such municipal corporation, the number thereof cast in each in favor of consolidation, and the number thereof cast in each against consolidation. If it shall appear from such canvass that a majority of the votes cast in each such municipal corporation shall be in favor of such consolidations, such board of county commissioners, by an order entered upon its minutes shall declare the result and cause the clerk thereof to make an original abstract of the result of such election in each such municipal corporation, which abstract shall show the total number of votes cast at such election in each such municipal corporation, the number of votes cast in each for consolidation, and the number of votes cast in each against consolidation. Said abstract shall be signed by the chairman of such board of county commissioners and attested by the clerk thereof, under its official seal. Said clerk shall also make certified copies of such abstract equal in number to the number of municipal corporations in which such election was held and such certified copies of such abstract shall be delivered by the clerk of such board one to each of the clerks of the municipal corporations in which such
election was held, within three days after the completion of such canvass by such board of county commissioners and the same shall be presented to the legislative body of each such municipal corporations by the clerk thereof at its next regular meeting after the delivery thereof to him, as aforesaid, and recorded upon the minutes of such legislative body. The clerk of such board of county commissioners shall keep a record of its proceedings, and upon the completion of such canvass shall file such record in his office. Upon the recording of such abstracts in the minutes of the legislative body of each municipal corporation, the clerk thereof shall certify that fact to such board of county commissioners and the clerk of such board thereupon shall transmit to the secretary of state the said original abstract of the result of said election, made and signed as hereinbefore provided, and said original abstract shall be filed by the secretary of state in his office immediately upon receiving the same, and certificates of the filing of such original abstract in his office shall be by the secretary of state transmitted forthwith to the clerk of such board of county commissioners and to the clerks of each of the municipal corporations in which such election was held.

In the event that the majority of the votes cast by the electors of each and all such municipal corporations proposed to be consolidated shall vote in favor of consolidation and all other acts and proceedings for the consolidation of such municipal corporation into one consolidated municipal corporation shall have been severally, duly and regularly done and performed as hereinbefore provided, and the original abstract mentioned in this section of this act shall have been filed in the office of the secretary of state as aforesaid, thereupon such board of county commissioners shall proceed to call a special election to be held in all the municipal corporations so proposed to be consolidated for the election of the officers required by law to be elected in corporations of the class and form of government under which the greater or greatest in population of such corporations ascertained as hereinbefore provided, shall belong when such consolidation is completed. Such election shall be held at least ninety days after the filing of such original abstract in the office of the secretary of state, as hereinbefore provided and at least ninety days preceding a general election; and such board of county commissioners shall establish voting precincts, appoint registrars, cause electors to be registered, appoint election officers and shall call and conduct such election in all re-
spects in the manner and form prescribed, or that may hereafter be prescribed by law for municipal elections in municipal corporations of such class and form of government.

The returns of such election shall be canvassed by such board of county commissioners, calling the same at its next regular meeting after such election, in the manner provided by law, and upon the completion of such canvass shall declare the result thereof, and cause the same to be entered upon its minutes and a certified copy thereof to be filed with the clerk of each of such municipal corporations. From and after the date of such entry, such consolidation shall be deemed to be completed, and such municipal corporations shall be deemed to be consolidated into a new municipal corporation under the name of the municipal corporation of the greater or greatest in population of such municipal corporations, ascertained as hereinbefore provided; and thereupon such new corporation shall be governed in the name of and under the general law applicable to municipal corporations of the class and form of government to which such new corporation shall belong, with the powers conferred, or that may be hereafter conferred upon municipal corporations of such class and form of government. The officers elected at such election shall be entitled immediately to enter upon the duties of their respective offices, upon qualifying in accordance with law, and shall hold said offices respectively only until the next general municipal election to be held in such new consolidated municipal corporation, and until their successors are elected and qualified, and the officers of such municipal corporation of the greater or greatest in population at the time of such consolidation, shall immediately surrender their offices to such newly elected officers.

To be entitled to vote at any election provided for under this act, a person must be over the age of twenty-one years and possess the qualifications following: He shall be a citizen of the United States and shall have resided in this state six months immediately preceding the election at which he offers to vote and in the county and municipal corporation thirty days; and the same qualifications shall be required of signers of a petition to consolidate municipal corporations.

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

Approved February 7, 1961.
AN ACT

AMENDING SECTION 67-1608, IDAHO CODE, RELATING TO THE PURCHASE OF PROPERTY BY THE STATE PURCHASING AGENT, BY SPECIFYING INFORMAL PROCEDURES FOR USE IN CASES WHERE THE TOTAL VALUE OF SUCH PROPERTY TO BE PURCHASED DOES NOT EXCEED $1,000.00.

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

SECTION 1. That Section 67-1608, Idaho Code, be, and the same is hereby amended to read as follows:

67-1608. SEALED PROPOSALS—NOTICE—FORM—RECORD OF GUARANTEE—EXCEPTIONS—PROCEDURES.—All property to be purchased, except as otherwise provided in this act, shall be upon sealed proposals or bids therefor, request for which proposal when possible shall be made to not less than three prospective bidders or vendors of such property, and in event the total value of such property to be purchased exceeds the sum of $1,000.00, the state purchasing agent shall give notice in one or more newspapers of general circulation for at least three consecutive issues, the first publication of which must appear at least ten days prior to the time set for the opening of such bids. The cost of the advertisement of the notice by publication in a newspaper shall be charged against the appropriation or funds of the officer, department, bureau or institution for which the purchase is contemplated. The notice shall describe the property to be purchased in sufficient detail to apprise a bidder of the exact nature of the property required; and shall give the time when, and the place where, bids will be opened. The state purchasing agent shall furnish to each prospective bidder complete information for each purchase and the proposal shall be made in accordance therewith and the notice requesting proposals.

Each sealed proposal shall be in writing, sealed and marked, "sealed proposal for, __________, to be opened _______ 19 _____" and shall be mailed or delivered to the office of the state purchasing agent at Boise, Idaho.

All sealed proposals received shall be opened at the time and place specified in the request for proposals, and in the public view, and a record of each proposal shall then and there be made. Contracts shall be awarded to and
orders placed with the lowest responsible bidder. The state purchasing agent shall have the right to reject any and all proposals.

All sealed proposals must be accompanied by a check of some responsible bank in the State of Idaho, payable to the state of Idaho, equal in amount to five per cent of the sum of such proposal as a guaranty of the faithful performance or fulfillment of the proposal if accepted; provided that any prospective vendor may submit in lieu of said check herein required, an annual bidder's bond in form and amount acceptable to the state purchasing agent, which bond shall at all times be in excess of five per cent of the total proposals on file by the bidder. Each such proposal guarantee shall be released to the bidder furnishing the same when there shall be no further liability of the bidder to the state by reason of his proposal or proposals.

Provided, however, that in cases where the total value of the property to be purchased does not exceed $1,000.00, the state purchasing agent shall request proposals, in such manner as he deems appropriate, from at least three prospective bidders or vendors, unless he finds that it is impractical or impossible to interest three prospective bidders or vendors in the proposed transaction. In purchasing property which does not exceed the total value of $1,000.00, contracts shall be awarded to, and orders placed with, the bidder who, in the judgment of the purchasing agent, has submitted the best bid; and, in attempting to purchase such property, the purchasing agent shall have the right to reject any and all bids.

Approved February 7, 1961.

CHAPTER 25
(H. B. No. 97)

AN ACT

AUTHORIZING THE CREATION, MAINTENANCE, AND OPERATION OF SCHOOL SAFETY PATROLS BY PUBLIC, PRIVATE AND PAROCHIAL SCHOOLS; SETTING FORTH THE POWERS THEREOF AND RESTRICTIONS THEREON; PROVIDING FOR THE FINANCING THEREOF; PROVIDING FOR THE PURCHASE OF LIFE, ACCIDENT AND LIABILITY IN-
SURANCE FOR MEMBERS OF SUCH PATROLS; WAIVING GOVERNMENTAL IMMUNITY TO THE EXTENT OF SUCH INSURANCE; AND DECLARING AN EMERGENCY.

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

SECTION 1. The board of trustees of any school district, including chartered school districts, or other officer or board performing like functions with respect to any private or parochial school or schools, may authorize its administrative officers to create, maintain and supervise a school safety patrol or patrols, and to establish regulations for the management and conduct thereof not inconsistent with this Act. Such administrative officers may cause to be appointed from the student body of any such school, students who shall be known as members of such school safety patrol, and who shall serve without compensation and at the pleasure of the authority making the appointment.

The members of such school safety patrol shall wear a badge or other appropriate insignia marked "school patrol" when in performance of their duties, and they may display "stop" or other proper traffic directional signs or signals at school crossings or other points where school children are crossing or about to cross a public street or highway, but members of the school patrol shall be subordinate to and obey the orders of any peace officer present and having jurisdiction.

SECTION 2. Any school district maintaining any school patrol may purchase uniforms and other appropriate insignia, traffic signs, or other materials, all to be used by members of such school safety patrol while in the performance of their duties. Such school districts may pay for the uniforms and equipment mentioned above out of the funds of the district.

SECTION 3. It shall be unlawful for the operator of any vehicle to fail to stop his vehicle when directed to do so by a member of a school safety patrol while in the performance of his duty and wearing the appropriate insignia; and it shall further be unlawful for the operator of any vehicle to disregard any other reasonable directions of a member of the school safety patrol while properly identified and performing his duties as such.

A member of the school safety patrol while on duty may properly report to any peace officer any violation of the foregoing paragraph by the operator of any vehicle.
SECTION 4. School districts may, in the discretion of their governing bodies, and private and parochial schools through their appropriate officers, may expend funds of the district or the private or parochial school funds, as payment of premiums for life and accident insurance policies covering the members of the school safety patrol while engaged in the performance of their duties. Such school districts and private and parochial schools may further expend their respective funds for premiums for liability insurance policies covering the district or private or parochial school and its administrators, teachers, and the members of such school safety patrol by reason of the operation of said school safety patrol or patrols. Immunity, if any, of the school district or other school having a school safety patrol, against liability damages, is hereby waived to the extent of the liability insurance carried by such school on such administrators, teachers, or members of the patrol.

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

Approved February 9, 1961.

CHAPTER 26
(S. B. No. 42)

AN ACT
AMENDING SECTION 33-3404, IDAHO CODE, BY PROVIDING FOR THE ADMISSION, IN CERTAIN INSTANCES, OF CHILDREN UNDER THE AGE OF SIX YEARS TO THE STATE SCHOOL FOR THE DEAF AND BLIND, AND BY FURTHER PROVIDING FOR THE RELEASE OF CHILDREN, UNDER CERTAIN CONDITIONS, FROM SAID SCHOOL.

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

SECTION 1. That Section 33-3404, Idaho Code, be, and the same is hereby amended to read as follows:

33-3404. DEFINITION OF DEAF AND BLIND.—All children between the ages of six and twenty-one years who are too deaf or too blind to be educated in our public schools, shall be deemed deaf and blind for the purposes of this chapter.
Children who are under the age of six years, who are otherwise qualified, may be admitted to the State School for the Deaf and Blind, if, in the discretion of the superintendent of said school and with the approval of the state board of education, they are proper subjects to receive the training given in said institution, and the facilities of said school are adequate for proper care and training. When it has been ascertained by the superintendent of said school that any pupil has ceased to make progress, or is no longer being benefited by attending said school such student may, upon the recommendation of the superintendent of said school, and with the approval of the state board of education, be released from said school.

Approved February 10, 1961.

CHAPTER 27
(H. B. No. 58)

AN ACT
AMENDING SECTION 49-1218, IDAHO CODE, AS AMENDED, TO EXTEND THE TIME WITHIN WHICH APPLICATIONS FOR REIMBURSEMENT OF MOTOR FUELS TAX MUST BE FILED WITH THE TAX COLLECTOR FROM WITHIN 270 DAYS TO WITHIN 360 DAYS FROM THE DATE OF PURCHASE.

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

SECTION 1. That Section 49-1218, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

49-1218. REFUNDING OF TAX.—Any person who shall buy fifty gallons or more and use any motor fuel for the purpose of operating or propelling stationary gasoline engines, tractors or motor boats or for cleaning or dyeing or other use of the same, except as otherwise provided by law, and except in any motor vehicle required to be registered by the provisions of the uniform motor vehicle registration act, or exempt from registration by reason of ownership or residence and except an aircraft, and who shall have paid any excise tax on such motor fuel hereby required to be paid, whether directly to the vendor from whom it was purchased, or indirectly by adding the amount of such excise tax to the price of such motor fuel, shall be
entitled to be reimbursed and repaid the amount of such excise tax so paid by him in the following manner and under the following conditions:

(a). Claimant shall present to the commissioner a statement supported by the original receipted seller's invoices showing purchase. Such statement shall be certified by the claimant to be true and correct and shall state the name of the person from whom purchased, the date of purchase, the total amount of such motor fuel purchased, that the motor fuel so purchased has been paid for, and that the same has been used by said claimant otherwise than in motor vehicles operated or intended to be operated upon the public highways within the state of Idaho.

Upon approval by the commissioner and the state board of examiners of such statement and supporting invoices, the state auditor shall draw his warrant upon the state treasurer for the amount of such claim in favor of such claimant and such claim shall be paid from the "motor fuel refund fund": Provided, that the applications for reimbursements and repayments as provided herein shall be filed with the commissioner within *three hundred and sixty (360)* days from the date of purchase, or not at all.

(b). The commissioner shall have the right, in order to establish the validity of any claim, to examine the books and records of the claimant for such purpose, and the failure of the claimant to accede to the demand for such examination shall constitute a waiver of all rights to the refund claimed on account of the transaction questioned.

(c). When the motor fuel is sold to a person who shall claim to be entitled to a refund of the tax hereunder imposed, the seller of such motor fuel shall make out a separate invoice for each purchase showing the name and address of the seller and the name and address of the purchaser, the number of gallons of motor fuel so sold, and the date. Such invoice shall be of serial number type especially used for the sale of petroleum products and shall be issued in at least duplicate copies, the original of which shall be given to the purchaser at the time of sale, and the duplicate copy shall be retained by the seller for a period of one year from date of sale, subject to the inspection of the commissioner; all invoices shall be written in ink or with indelible lead pencil and shall be void if any corrections or erasures appear upon the face thereof.

The above conditions having been fully complied with, the commissioner shall determine the amount of refund
due to such applicant, and the same shall be paid as herein provided: provided, that the commissioner shall have power to put into effect such regulations as in his judgment may be necessary to detect the uses and purposes to which gasoline or other motor fuel upon which refund of taxes applied for is put.

The commissioner may in his discretion require each applicant for a refund under this act to make out his claim upon blanks to be prepared and furnished by the commissioner, which blanks shall have plainly printed thereon the provisions relating to the penalties for making false claim for refund.

Approved February 11, 1961.

CHAPTER 28
(S. B. No. 23)

AN ACT

AMENDING SECTION 23-910, IDAHO CODE, AS AMENDED, BY CHANGING THE QUALIFICATION OF LICENSEES TO SELL OR DISPOSE OF LIQUOR BY THE DRINK; AND AMENDING SECTION 23-929, IDAHO CODE, AS AMENDED.

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

SECTION 1. That Section 23-910, Idaho Code, as amended, be, and the same hereby is amended to read as follows:

23-910. PERSONS NOT QUALIFIED TO BE LICENSED.—No license shall be issued to:

a. An individual who is not a citizen of the United States or who has not been a bona fide resident of the state of Idaho for at least one * month next preceding the granting of such license; or to a partnership unless all members thereof are citizens of the United States and have been residents of the state of Idaho for at least one * month; or to a corporation or association unless the same is organized under the laws of the state of Idaho or qualified under the laws of the state of Idaho to do business in this state and unless the principal officers and the members of the governing board are citizens of the United States and residents of the state of Idaho for at least
one *month*, except the officers and members of the governing board of a railroad need not be residents of the state of Idaho.

b. Any person, or any one of its members, officers, or governing board, who has, within three years prior to the date of making application, been convicted of any violation of the laws of the United States, the state of Idaho, or any other state of the United States, relating to the importation, transportation, manufacture or sale of liquor; or who has been convicted of any felony or who has paid any fine or completed any sentence of confinement for any felony within five years prior to the date of making application for a license.

c. A person who is engaged in the operation, or interested therein, of any house or place for the purpose of prostitution or who has been convicted of any crime or misdemeanor opposed to decency and morality.

d. A person whose license issued under this act has been revoked; an individual who was a member of a partnership or association which was a licensee under this act and whose license has been revoked; an individual who was an officer, member of the governing board or one of the ten principal stockholders of a corporation which was a licensee under this act and whose license has been revoked; a partnership or association one of whose members was a licensee under this act and whose license was revoked; a corporation one of whose officers, member of the governing board or ten principal stockholders was a licensee under the provisions of this act and whose license has been revoked; an association or partnership, one of whose members was a member of a partnership or association licensed under the provisions of this act and whose license has been revoked; a partnership or association, one of whose members was an officer, a member of the governing board, or one of the ten principal stockholders of a corporation licensed under the provisions of this act and whose license has been revoked; a corporation, one of whose officers, member of the governing board, or ten principal stockholders was a member of a partnership or association licensed under the provisions of this act and whose license was revoked; a corporation, one of whose officers, member of the governing board, or ten principal stockholders was an officer, member of the governing board, or one of the ten principal stockholders of a corporation licensed under the provisions of this act and whose license was revoked.

* * *
* e. Any officer, agent, or employee of any distillery, winery, brewery, or any wholesaler, or jobber, of liquor or malt beverages.

* f. A person who does not hold a retail beer license issued under the laws of the state of Idaho.

* g. A person licensed under this act as a bartender and whose permit as bartender has been revoked.

* h. Any license, held by any licensee disqualified under the provisions of this section from being issued a license, shall forthwith be revoked by the commissioner.

SECTION 2. That Section 23-929, Idaho Code, as amended, be, and the same hereby is, amended to read as follows:

23-929. RESTRICTION OF SALES BY LICENSEE. —No licensee or his or its employed agents, servants or bartenders shall sell, deliver or give away, or cause or permit to be sold, delivered, or given away, any liquor to:

1. Any person under the age of 21 years.

2. Any person actually, apparently or obviously intoxicated.

3. An habitual drunkard.

4. An interdicted person.

* * *

* 5. Any person under the age of 21 years, or other person, who knowingly misrepresents his or her qualifications for the purpose of obtaining liquor from such licensee shall be equally guilty with such licensee and shall, upon conviction thereof, be guilty of a misdemeanor. (1947, ch. 274 § 27, p. 870. am 1955, ch. 262, § 2, P. 630.)

To become a law without the Governor's approval.

CHAPTER 29
(S. B. No. 26)

AN ACT

AUTHORIZING THE STATE BOARD OF LAND COMMISSIONERS TO ACCEPT AND ADMINISTER CERTAIN LANDS OR RIGHTS THERETO, IN LATAH COUNTY, AND PROVIDING
FOR THE SETTING ASIDE OF SAID LANDS AS AN ADDITION TO THE MARY MINERVA McCROSKEY STATE PARK.

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

SECTION 1. That the State Board of Land Commissioners is hereby empowered, authorized and directed to include on behalf of the State of Idaho the State owned lands as described herewith, all of Section 13, Township 43 North, Range 5 West, Boise Meridian and the Southeast 1/4 of the Northeast 1/4 of Section 16, Township 43 North, Range 5 West, Boise Meridian, the rights thereto, in Latah County, for the preservation and control of the scenic area thereof.

SECTION 2. That the State Board of Land Commissioners shall have the supervision and control of any lands or rights thereto, so included, and are further empowered, authorized and directed to include the said lands into and become a part of the Mary Minerva McCroskey State Park.

Approved February 15, 1961.

CHAPTER 30
(S. B. No. 41)

AN ACT

RELATING TO JUNIOR COLLEGES; AMENDING SECTION 33-2122, IDAHO CODE, RELATING TO DORMITORY HOUSING PROJECTS; AMENDING CHAPTER 21, TITLE 33, IDAHO CODE, BY ADDING THERETO A NEW SECTION IMMEDIATELY FOLLOWING SECTION 33-2141 TO BE DESIGNATED SECTION 33-2142, PROVIDING FOR THE IMPOSITION AND COLLECTION OF STUDENT FEES AND CHARGES; AMENDING CHAPTER 21, TITLE 33, IDAHO CODE, BY ADDING A NEW SECTION IMMEDIATELY FOLLOWING SECTION 33-2143, TO BE DESIGNATED SECTION 33-2144, RELATING TO VALIDATION OF JUNIOR COLLEGE HOUSING COMMISSIONS; PROVIDING FOR SEVERABILITY OF THE PROVISIONS OF THIS ACT AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 21, Title 33, Idaho Code, be, and the same is hereby amended by amending Section 33-2122 thereof, and such section is hereby amended to read as follows:
33-2122. DORMITORY HOUSING PROJECTS—FINDING AND DECLARATION OF NECESSITY.—It is hereby declared: That in certain communities within the state wherein junior college districts have been created there * are and will be insufficient housing and other facilities for students desiring to attend such junior colleges, and that it is in the community interest to provide adequate low cost dormitories and student union buildings for students desiring to attend such institutions; that private sources cannot provide the types of such housing and facilities required for such students within the * * * cost which said students may pay; that it is determined to be desirable that such dormitories and student union buildings be constructed from monies obtained from other than ad valorem taxes and without any liability, debt or encumbrance upon junior college districts; and the necessity and the public interest in the provisions hereinafter enacted * are hereby declared as a matter of legislative determination.

SECTION 2. That Chapter 21, Title 33, Idaho Code, is further amended by adding thereto a new section to be designated Section 33-2142, and to read as follows:

33-2142. STUDENT CENTERS AND STUDENT UNION BUILDINGS.—In addition to the powers conferred upon dormitory housing commissions by the other provisions of this chapter, a dormitory housing commission is empowered to acquire, construct, improve, add to, reconstruct, repair, maintain, operate and manage any or all student union buildings and student centers to consist of a building or buildings containing the facilities, equipment and furnishings common to student union buildings and student centers as such buildings and centers exist in the various colleges and universities in the United States, including but without limitation, facilities for the feeding and recreation of students and including all equipment, structures, appurtenances and facilities necessary to supplying such unions and centers with sewer, water, electric, heating, telephone and similar public utility facilities, landscaping, parking space, and streets, roads or alleys necessary for proper ingress and egress. Wherever the words "dormitory project" or "dormitory housing project" appear in this chapter, whether in the singular or plural, they shall be understood to include student union buildings, student centers and facilities as authorized in this section, either singly or in combination with one or more dormitories or similar housing facilities. Wherever the word "dormitory" appears in this chapter, whether singular or
plural, it shall be understood to include a student union building or student union center and related facilities as authorized in this section.

SECTION 3. That Chapter 21, Title 33, Idaho Code, is further amended by adding thereto a new section to be designated 33-2143, and to read as follows:

33-2143. IMPOSITION AND COLLECTION OF STUDENT FEES AND CHARGES.—In each junior college district in which there shall now or hereafter exist a student union building or student center, there is hereby imposed upon each student in attendance at the college of such district a student union fee for the use and availability of such student union building or student center, the amount of which shall be fixed from time to time by the board of trustees of such district. Such fee shall be in addition to all other fees authorized to be imposed by such board of trustees and shall not be subject to any statutory limit which may exist on total fees imposed by such board of trustees. Where such student union building or student center shall have been constructed by a junior college housing commission through the issuance of bonds under this chapter, the proceeds of such student union fees shall be regarded as one of the revenues derived from the operation of the student union building or student center, and such board of trustees and such junior college housing commission are authorized to enter into such agreements as they may see fit with respect to the amounts of such fees and the manner of the collection and disposition thereof. Any such agreement may provide that the fees so fixed shall not be diminished or decreased after the issuance of any such bonds until such bonds shall have been retired.

SECTION 4. That Chapter 21, Title 33, Idaho Code, is further amended by adding thereto a new section to be designated 33-2144, and to read as follows:

33-2144. VALIDATION.—All junior college housing commissions heretofore created or activated under the provisions of this chapter are hereby declared to be validly organized and legally created public bodies and all acts and proceedings heretofore taken in connection with the creation or activation of such commissions and taken by such commissions for the authorization, sale and issuance of the bonds of such commissions for the purpose of acquiring or constructing dormitory, housing or student union
building or center projects, any or all, are hereby validated, confirmed and declared to be legally effective.

SECTION 5. SEVERABILITY.—Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any one or more provisions of this act or the application thereof to any person or circumstance is held by any court of competent jurisdiction to be invalid, the remaining provisions hereof and the application of the provisions hereof to persons or circumstances other than those as to which they are held invalid shall not be affected by such holding.

SECTION 6. EMERGENCY.—An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect from and after its passage and approval.

Approved February 15, 1961.

CHAPTER 31
(S. B. No. 43)
AN ACT
AMENDING TITLE 33, CHAPTER 15, IDAHO CODE, BY INSERTING THEREIN A NEW SECTION IMMEDIATELY TO FOLLOW SECTION 33-1505A, TO BE DESIGNATED AS SECTION 33-1505B; DECLARING PURPOSE; DESIGNATING THE EFFECTIVE DATE; PROVIDING FOR AN INCREASE OF RETIREMENT ALLOWANCES PAYABLE TO OR ON ACCOUNT OF TEACHERS RETIRED BEFORE JANUARY 1, 1958; DESIGNATING THE MANNER OF COMPUTING SUCH INCREASE; PROVIDING COMPARABLE COMPUTATION OF DISABILITY ALLOWANCES; PROVIDING A LIMITATION; PROVIDING PROPER COMPUTATION IF THE RETIRING TEACHER ELECTED CERTAIN OPTIONS UPON RETIREMENT; PROVIDING FOR APPORTIONMENT OF SUCH INCREASES BETWEEN PRIOR AND CURRENT SERVICE; PROVIDING FOR THE MANNER OF PAYMENT OF THE INCREASED RETIREMENT ALLOWANCES HEREBY GRANTED, THE TRANSFERS OF FUNDS NECESSARY TO EFFECTUATE THIS ACT AND THE NECESSARY INCREASE IN CONTRIBUTIONS BY THE STATE.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. PURPOSE — DECLARATION OF INTENT. — The Legislature of the State of Idaho, being apprised of the fact that there are in Idaho several hundred former teachers, retired under the provisions of the teachers' retirement system prior to the availability to them of benefits under the social security program; and that in many cases their retirement allowances were computed on salaries of $2,000 or less and are consequently very low indeed; and that further, since their retirement, increases in the cost of living have seriously eroded even these most modest allowances, declares its purpose to relieve in part the hardship the above mentioned conditions imposes upon these former teachers.

SECTION 2. That Title 33, Chapter 15, Idaho Code, be, and the same is hereby amended by the insertion therein of a new Section, immediately to follow Section 33-1505A, to be designated as Section 33-1505B, and to read as follows:

33-1505B. TEACHERS RETIRED PRIOR TO JANUARY 1, 1958 — RETIREMENT ALLOWANCES INCREASED. — (a) Every service retirement allowance payable by the Teachers' Retirement System of Idaho, to or on account of a person who was retired prior to January 1, 1958, for time commencing on July 1, 1961, hereby declared as the effective date of this section, in a monthly amount less than the product of three (3) dollars multiplied by the number of years of service credited to such person at retirement, shall be increased to a monthly amount equal to such product. Every disability retirement allowance under the same circumstances, shall be increased to an amount equal to ninety (90) per cent of such product. This section does not give any person retired prior to January 1, 1958, or his successors in interest, any claim against the Retirement System for any increase in any retirement allowance paid or payable for time prior to said effective date.

(b) If a member elected at retirement to have his retirement allowance modified under Options 2 or 3, or Option 4 involving life contingency of a beneficiary, and if his beneficiary is living on said effective date, the increase under this section based on his allowance before such modification, shall be modified under the option elected at retirement, and on the basis of current ages, mortality tables and interest rate. If the beneficiary of such a person who elected at retirement to have his allowance modified under one of said options is not living on said effective date, or
if the retired member is not living on said effective date and the beneficiary is receiving the modified retirement allowance, then the increased allowance based on his allowance before such modification, shall be reduced by an amount equal to the reduction made at retirement on account of such election. If a member elected at retirement to have his allowance modified under Option 1, or Option 4 not involving life contingency of a beneficiary, the increased allowance based on his allowance before such modification, shall be reduced by an amount equal to the reduction made at retirement on account of the election.

(c) The increase in the retirement allowance shall be apportioned between service rendered prior to the entry of the member into the Retirement System and service rendered as a member, in the manner which would have applied if this section had been in effect at the time of retirement. Contributions to the Retirement System necessary for the payment of the increases in the retirement allowances provided in this section, shall be provided from the reserves held by the Retirement System on account of active members, the necessary amount being transferred upon said effective date, from said reserves to the reserves held by the Retirement System to meet the obligations on account of service annuities that have been granted. The contributions being required of the State shall be increased by a percentage of members’ salaries to replace the reserves so transferred.

Approved February 15, 1961.

CHAPTER 32
(H. B. No. 70)

AN ACT
AMENDING SECTION 21-114, IDAHO CODE, AS AMENDED, RELATING TO REGISTRATION OF PILOTS AND AIRCRAFT, TO PROVIDE FOR A CHANGE IN THE AIRCRAFT REGISTRATION FEE FROM A FEE NOT EXCEEDING ONE DOLLAR TO A FEE OF TWO DOLLARS; TO PROVIDE THAT THE SEARCH AND RESCUE FOR WHICH SAID FEES ARE TO BE USED SHALL BE UNDER THE DIRECTION OF THE DIRECTOR OF AERONAUTICS; AND TO CHANGE REFERENCES TO “CIVIL AERONAUTICS AUTHORITY,” WHICH AUTHORITY NO LONGER EXISTS, TO ITS SUCCESSOR AGENCY, “FEDERAL AVIATION AGENCY.”
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 21-114, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

SECTION 21-114. REGISTRATION OF PILOTS AND AIRCRAFT — REQUISITES — (a) Pilot Registration — Fees. — Subject to the limitation of subsections (c) and (d) of this section, the department is authorized to require that every individual who pilots an aircraft within this state is to register with the department and to renew such registration each year thereafter in which he pilots an aircraft within this state. The department may charge for each such registration, and for each annual renewal thereof, a fee of TWO dollars. Such Income shall be used for search and rescue of lost aircraft and airmen, which said search and rescue shall be under the direction and supervision of the Director of Aeronautics.

(b) Aircraft Registration—Fees. (1) Private Aircraft. Subject to the limitations of section (c) and (d) of this section, the department is authorized to require that every aircraft operating within this state shall be registered with the department for each calendar year in which the aircraft is operated within this state. The department may charge for each such registration, and for each annual renewal thereof, the fees at the rate of two and one-half (2½) cents per pound of useful load, being the difference between the weight of an aircraft empty and the gross weight authorized in the license of said aircraft issued by the Federal Aviation Agency, and in no case to exceed $100.00 upon any one aircraft, provided that such fee shall be in lieu of all personal property taxes on such aircraft.

Registration certificates issued after expiration of the first six months of the annual registration year, as prescribed by the department, shall be issued at the rate of fifty (50) per cent of the annual fee.

(2) Manufacturers and Dealers License. It shall be unlawful for any person to carry on or conduct the business of buying, selling, or dealing in aircraft unless registered with the department, as such manufacturer or dealer. Any manufacturer or dealer in aircraft owning, having an interest in, or having in his possession an aircraft for the purpose of sale, in lieu of registering each such aircraft, may upon the registration and payment of fees as in this act required, acquire one or more registration certificates, which certificates shall each bear the distinctive registra-
tion number issued to such manufacturer or dealer, and any such registration certificates so issued, may, during the calendar year for which issued, be transferred from one aircraft to another which is owned, in the possession of, or in which such manufacturer or dealer may have an interest in and which is held for the purpose of sale or demonstration.

Where such manufacturer or dealer owns, has an interest in, or has in his possession two or more types of aircraft, such manufacturer or dealers registration certificates may be transferred to another aircraft of a different classification having less useful load as authorized by the ***Federal Aviation Agency but may not be transferred to an aircraft having a higher useful load.

No registration certificate issued to a manufacturer or dealer as herein provided may be transferred to an aircraft owned or in the possession of such manufacturer or dealer when such aircraft is used solely for commercial purposes.

The fee to be paid by a manufacturer or dealer in aircraft shall be at the rate of two and one-half (2½) cents per pound useful load, being the difference between the weight of an aircraft empty and the gross weight authorized in the license of said aircraft issued by the ***Federal Aviation Agency on the first aircraft and in no case to exceed $100.00 upon such aircraft and one ($1.00) dollar on each additional registration certificate issued to such manufacturer or dealer.

(c) Requirements for Registration, Issuance of Certificates. Possession of the appropriate effective federal certificate, permit, rating or license relating to competency of the pilot or ownership and airworthiness of the aircraft, as the case may be, and payment of the fee duly required pursuant to the provisions of this section shall be the only requisites for registration of a pilot or an aircraft under this section. Registration shall be effected by filing with the department a written statement containing the information reasonably required by the department for such purpose. It shall not be necessary for the registrant to provide the department with originals or copies of federal certificates, permits, ratings or licenses. The department may issue certificates of registration, or such other evidences of registration or payment of fees as it may deem proper, and in connection therewith may prescribe requirements for the possession and exhibition of such certificates
or other evidences similar to the requirements of section 21-113 (b) for the possession and exhibition of federal airman and aircraft certificates, permits, ratings or licenses. Failure to register, if required, shall be unlawful.

(d) Exemptions. The provisions of this section shall not apply to:

(1) An aircraft owned by, and used exclusively in the service of, any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia, which is not engaged in carrying persons or property for commercial purposes;

(3) An aircraft which is owned by a bona-fide non-resident of this state; provided, however, that this exemption shall not apply to such aircraft operated in the transportation of persons or property for hire, in dusting, seeding, or spraying for hire, or in any other activity for hire in this state, whether such aircraft so operated be engaged casually or continuously.

(4) An aircraft engaged principally in commercial airline or air freight flying constituting an act of interstate or foreign commerce while operating under a certificate, permit or license issued by the civil aeronautics board or other appropriate agency of the United States Government;

(5) An individual piloting an aircraft owned by, and used exclusively in the service of, any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia, which is not engaged in carrying persons or property for commercial purposes;

(6) An individual piloting any aircraft registered under the laws of a foreign country;

(7) A bona fide non-resident of this state piloting aircraft in this state; provided, however, that this exemption shall not apply to any non-resident piloting an aircraft in this state for hire whether such non-resident is so engaged casually or continuously;

(8) An individual piloting an aircraft engaged principally in commercial airline or air freight flying constituting an act of interstate or foreign commerce; while such aircraft is being operated under a certificate, permit or
license issued by the civil aeronautics board or other appropriate agency of the United States Government;

(9) An individual operating model aircraft;

(10) An individual piloting an aircraft which is equipped with fully functioning dual controls when a properly certified pilot is in full charge of one set of said controls and such flight is solely for instruction or for the demonstration of said aircraft to a bona fide prospective purchaser.

Approved February 15, 1961.

CHAPTER 33
(H. B. No. 92)

AN ACT

AMENDING SECTION 36-1705, IDAHO CODE, TO REMOVE THE REQUIREMENT THAT THE SKINS OF CERTAIN ANIMALS BE TAGGED FOR SHIPMENT AND TO GIVE THE DIRECTOR OF THE FISH AND GAME DEPARTMENT THE AUTHORITY TO REQUIRE SUCH TAGS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 36-1705, Idaho Code, be, and the same is hereby amended to read as follows:

36-1705. SHIPPER'S PERMIT AND RECORDS — TAGS. — No live beaver shall be transferred from out of or within this state until the shipper or the one from whom the direct sale or transfer is made shall have secured from the department a shipper's permit, which permit shall be made in duplicate and shall state the name and address of the shipper, the number of his permit, the number of beavers, whether male or female, and the name and address of the person to whom the shipment or transfer is to be made. The department shall furnish every licensed fur breeder with necessary forms for keeping a record of all and any transfers of such beaver. Record account must be afforded the department of all beaver shipped or transferred into or out of this state as provided by the department: provided, that when a beaver or beaver skin is shipped into this state with bill of lading attached, such bill of lading or a copy thereof must be filed with the department.
Provided, that whenever a fur or skin which has been taken from any of the animals mentioned in this chapter is transferred or shipped, the one transferring or shipping such skin or fur * may be required by the director of the department to attach a metal tag to the fur or skin which tag shall be furnished by the department at a cost not to exceed twenty-five cents per tag, such tag to serve to identify the fur or skin in the manner adopted by the department.

SECTION 2. 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.

Approved February 15, 1961.

CHAPTER 34
(H. B. No. 7)

AN ACT AMENDING SECTION 40-1639, IDAHO CODE, AS AMENDED BY CHAPTER 55, IDAHO SESSION LAWS OF 1911, AND CHAPTER 87, IDAHO SESSION LAWS OF 1947, TO PROVIDE EQUAL DISTRIBUTION OF HIGHWAY TAX MONEY TO CITIES OF THE FIRST CLASS AND TO CITIES OF THE SECOND CLASS.

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

SECTION 1. That section 40-1639, Idaho Code, as amended by Chapter 55, Idaho Session Laws of 1911, and Chapter 87, Idaho Session Laws of 1947, be, and the same hereby is, amended to read as follows:

40-1639. APPORTIONMENT OF HIGHWAY DISTRICT TAXES.—Of the taxes levied by the highway board under section 40-1636, the proceeds of all taxes assessed and collected outside of the limits of included municipalities, as defined in section 40-1665, shall be paid to the highway district. In respect to all taxes levied by the highway board under section 40-1636, that portion thereof assessed and collected within the limits of any included municipality shall be paid and applied as follows:

1. To such municipality, ***fifty per cent thereof.***
2. To the highway district, ***fifty per cent thereof.

Approved February 16, 1961.
AN ACT

APPROPRIATING TWO HUNDRED FIFTY THOUSAND ($250,000) DOLLARS OR SUCH AMOUNT THEREOF AS MAY BECOME AVAILABLE FROM FUNDS MADE AVAILABLE TO THE EMPLOYMENT SECURITY AGENCY OF THE STATE OF IDAHO PURSUANT TO SECTION 903 OF THE FEDERAL SOCIAL SECURITY ACT, AS AMENDED, FOR THE PURCHASE OF REAL PROPERTY AND THE CONSTRUCTION OF OFFICE BUILDINGS, AND PROVIDING THAT THE APPROPRIATION BE MADE PURSUANT TO THE PROVISIONS OF SECTION 72-1346, IDAHO CODE, AS AMENDED, AND DECLARING AN EMERGENCY.

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 Employment Security Agency of the State of Idaho, pursuant to section 903 of the Federal Social Security Act, as amended, the sum of Two Hundred Fifty Thousand ($250,000) Dollars, or such amount thereof as may become available as its share of funds allocated under the provisions of said section 903 of the Federal Social Security Act, as amended, to be used for the following purpose:

PURPOSE: Purchase of real property and the construction of office buildings to be used as local offices of the Employment Security Agency of the State of Idaho.

SECTION 2. The money hereby appropriated shall be requisitioned by the Director from the Unemployment Trust Fund maintained by the Secretary of the Treasury of the United States and deposited in the Employment Security Administrative and Reimbursement Fund in accordance with the provisions of section 72-1348, Idaho Code, as amended.

SECTION 3. No part of the money hereby appropriated may be obligated after the expiration of the two-year period beginning with the date of enactment of this act.

SECTION 4. The amount obligated pursuant to this act during any twelve-month period beginning on July 1 and ending on June 30 shall not exceed the aggregate of all amounts credited to this State's account pursuant to section 903 of the Social Security Act, as amended, during
such twelve-month period and the four (4) preceding twelve-month periods, less the aggregate of moneys obligated for administrative purposes or paid out for benefits and charged against the moneys thus credited to this State's account during such five (5) twelve-month periods.

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

Approved February 16, 1961.

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CHAPTER 36
(H. B. No. 151)

AN ACT

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

SECTION 1. There is hereby appropriated out of the Wheat Commission fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense, capital outlay, refunds and payments as agent of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  
WHEAT COMMISSION

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CHAPTER 37
(H. B. No. 152)

AN ACT

APPROPRIATING MONEYS FROM THE BEE INSPECTION FUND
OF THE STATE OF IDAHO, TO THE COMMISSIONER OF
AGRICULTURE, FOR BEE INSPECTION, FOR THE PUR-
POSE OF PAYING SALARIES AND WAGES, TRAVEL EX-
PENSE AND OTHER CURRENT EXPENSE, FOR THE PERIOD
COMMENCING JULY 1, 1961, AND ENDING JUNE 30, 1963;
SUBJECT TO THE PROVISIONS OF THE STANDARD APPRO-
PRIATIONS ACT OF 1945.

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

SECTION 1. There is hereby appropriated out of the Bee
Inspection Fund of the State of Idaho, the following sums
of money, or so much thereof as may be necessary, for the
purpose of paying salaries and wages, travel expense, and
other current expense of the agency herein named, for the
period commencing July 1, 1961, and ending June 30, 1963;
subject to the provisions of the Standard Appropriations
Act of 1945:

To Whom Appropriated: Appropriations:
COMMISSIONER OF AGRICULTURE FOR
BEE INSPECTION.
For: Salaries and Wages $5,600
Travel Expense 2,000
Other Current Expense 250

TOTAL $7,850

From the Bee Inspection Fund $7,850

Approved February 16, 1961.
CHAPTER 38
(H. B. No. 153)

AN ACT


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

SECTION 1. There is hereby appropriated out of the Fresh Fruit and Vegetable Inspection fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense, capital outlay, refunds and payments as agent, of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
COMMISSIONER OF AGRICULTURE:
For: Salaries and Wages $1,287,065
Travel Expense 241,800
Other Current Expense 81,375
Capital Outlay 4,300
Refunds 500
Payments as Agent 84,100
TOTAL $1,699,140

From the Fresh Fruit & Vegetable Inspection Fund $1,699,140

Approved February 16, 1961.

CHAPTER 39
(H. B. No. 157)

AN ACT

APPROPRIATING MONEYS FROM THE BEAN COMMISSION FUND OF THE STATE OF IDAHO, TO THE BEAN COMMIS-

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

SECTION 1. There is hereby appropriated out of the Bean Commission fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense, capital outlay, refunds and payments as agents of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:

BEAN COMMISSION

For: Salaries and Wages .................. $ 12,500
Travel Expense ........................ 7,500
Other Current Expense ................. 10,000
Capital Outlay ......................... 1,000
Refunds .................................. 500
Payments as Agent ..................... 193,500

TOTAL .................................. 225,000

From the:

Bean Marketing and Production Promotion Fund .................. 225,000

Approved February 16, 1961.

CHAPTER 40
(H. B. No. 159)

AN ACT

APPROPRIATING MONEYS FROM THE HOP GROWERS COMMISSION FUND OF THE STATE OF IDAHO, TO THE HOP GROWERS COMMISSION FOR THE PURPOSE OF PAYING SALARIES AND WAGES, TRAVEL EXPENSE, OTHER CURRENT EXPENSE AND CAPITAL OUTLAY FOR THE PERIOD COMMENCING JULY 1, 1961, AND ENDING JUNE 30, 1963;
SUBJECT TO THE PROVISIONS OF THE STANDARD APPROPRIATIONS ACT OF 1945.

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

SECTION 1. There is hereby appropriated out of the Hop Growers Commission fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  
HOP GROWERS COMMISSION:

<table>
<thead>
<tr>
<th>Appropriations:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and Wages</td>
<td>$2,800</td>
</tr>
<tr>
<td>Travel Expense</td>
<td>1,900</td>
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<tr>
<td>Other Current Expense</td>
<td>25,100</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>200</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>30,000</strong></td>
</tr>
</tbody>
</table>

From the Hop Growers Commission Fund ......$30,000

Approved February 16, 1961.

CHAPTER 41  
(H. B. No. 160)

AN ACT


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

SECTION 1. There is hereby appropriated out of the Bar Commission fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other
current expense and capital outlay of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945.

To Whom Appropriated: Appropriations:
For: Salaries and Wages $16,800
Travel Expense 16,750
Other Current Expense 12,435
Capital Outlay 1,000

TOTAL $46,985
From the Bar Commission Fund $46,985

Approved February 16, 1961.

CHAPTER 42
(H. B. No. 17)

AN ACT

FROM FOR IRRIGATION, IS EXEMPT FROM TAXATION, DEFINING THE TERM "OPERATING PROPERTY", AND PROVIDING IF IRRIGATION STRUCTURES ARE USED FOR PURPOSES OTHER THAN IRRIGATION OF LANDS OR IF THE OPERATING PROPERTY IS USED FOR COMMERCIAL PURPOSES BY OTHER THAN THE LANDOWNERS, MEMBERS OR SHAREHOLDERS OF SUCH ORGANIZATION THE ASSESSOR SHALL ASSESS THE PROPORTIONATE PART APPLIED TO SUCH USES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 63-105, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

63-105. PROPERTY EXEMPT FROM TAXATION.—
** Property shall be * exempt from taxation * as provided in this chapter; provided, *** that no deduction shall be made in assessment of shares of capital stock of any corporation or association for exemptions claimed under this section, and provided further, that the term full cash value wherever used in this act shall mean the actual assessed value of the property as to which an exemption is claimed. ***

SECTION 2. That Title 63, Chapter 1, Idaho Code, as amended, be and the same is hereby amended by adding a new section thereto following Section 63-105, to read as follows:

63-105A. PROPERTY EXEMPT FROM TAXATION—GOVERNMENT PROPERTY.—The following property is exempt from taxation: Property belonging to the United States, except when taxation thereof is authorized by the Congress of the United States, this state, or to any county or municipal corporation or school district within this state.

SECTION 3. That Title 63, Chapter 1, Idaho Code, as amended, be and the same is hereby amended by adding a new section thereto following Section 63-105, to read as follows:

63-105B. PROPERTY EXEMPT FROM TAXATION—RELIGIOUS CORPORATIONS OR SOCIETIES.—The following property is exempt from taxation: Property belonging to any religious corporation or society of this state, used exclusively for and in connection with public worship, and any parsonage belonging to such corporation or society and occupied as such, and any recreational hall belonging to
and used in connection with the activities of such corporation or society.

SECTION 4. That Title 63, Chapter 1, Idaho Code, as amended, be and the same is hereby amended by adding a new section thereto following Section 63-105, to read as follows:

63-105C. PROPERTY EXEMPT FROM TAXATION—FRATERNAL, BENEVOLENT, OR CHARITABLE CORPORATIONS OR SOCIETIES.—The following property is exempt from taxation: Property belonging to any fraternal, benevolent, or charitable corporation or society, the World War veteran organization buildings and memorials of this state, used exclusively for the purposes for which such corporation or society is organized; provided, that if any building or property belonging to any such corporation or society is leased by such owner or if such corporation or society uses such property for business purposes from which a revenue is derived, then the same shall be assessed and taxed as any other property, and if any such property is leased in part or used in part by such corporation or society for commercial purposes the assessor shall determine the value of the entire building and assess such proportionate part of such building including the value of the real estate as is so leased or used for commercial purposes, and shall assess all merchandise kept for sale, and the trade fixtures used in connection with the sale of such merchandise.

SECTION 5. That Title 63, Chapter 1, Idaho Code, as amended, be and the same is hereby amended by adding a new section thereto following Section 63-105, to read as follows:

63-105D. PROPERTY EXEMPT FROM TAXATION—BLIND PERSONS, FATHERLESS CHILDREN, WIDOWS, HONORABLY DISCHARGED SOLDIERS AND SAILORS OF CERTAIN WARS, DISABLED AMERICAN VETERANS.—The following property is exempt from taxation, provided that the total amount of all exemptions allowed to any one family under this section shall not exceed $1,000 of full cash 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 full cash value of which exceeds $3,600.00; nor shall the exemption herein provided inure to the benefit of any person
whose net income, as defined in section 63-3022, exceeds the sum of $3,600.00 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 $50.00 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 person during any one 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 wilfully 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 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 years of age.

(c) Property belonging to widows;

(d) Property belonging to honorably discharged soldiers and sailors who served in the armed forces of the United States during the War between the States, the Spanish-American War, the Philippine Insurrection, and the Indian Wars.

(e) Property belonging to disabled American veterans of any other war engaged in by the United States, whose disability is recognized as a service-connected disability of a degree of ten (10) per cent or more, or who are in receipt of pension or compensation for non-service-connected disabilities in accordance with laws and regulations admin-
istered by the United States veterans administration; pro-
vided, however, that in all cases under this sub-paragraph
the veteran claiming exemption shall furnish a statement
as to his status signed by a responsible officer of the United
States veterans administration.

SECTION 6. That Title 63, Chapter 1, Idaho Code, as
amended, be and the same is hereby amended by adding a
new section thereto following Section 63-105, to read as
follows:

63-105E. PROPERTY EXEMPT FROM TAXATION
—CERTAIN CAPITAL STOCK AND DEPOSITS.—The
following property is exempt from taxation: Capital stock
of corporations to the amount actually invested in or rep-
resented by property which has been assessed. The de-
posits in national banks, state banks, savings banks, and
trust companies. Stock of building and loan corporations
or associations organized under the laws of the state of
Idaho for the purpose of accumulating the savings and
funds of their members and lending the same to their
members.

SECTION 7. That Title 63, Chapter 1, Idaho Code, as
amended, be and the same is hereby amended by adding a
new section thereto following Section 63-105, to read as
follows:

63-105F. PROPERTY EXEMPT FROM TAXATION
—HOUSEHOLD GOODS, WEARING APPAREL AND
OTHER PERSONAL EFFECTS IN CERTAIN CASES.—
The following property is exempt from taxation: All house-
hold goods, furniture and furnishings actually in use by
the owner in his private home or dwelling place, or tem-
porarily in storage pending delivery by a vendor to him
for his personal use, and not for sale or in commercial
use, and all wearing apparel and other personal effects
held by any person for the exclusive use and benefit of him-
self or family and not for sale or commercial use.

SECTION 8. That Title 63, Chapter 1, Idaho Code, as
amended, be and the same is hereby amended by adding a
new section thereto following Section 63-105, to read as
follows:

63-105G. PROPERTY EXEMPT FROM TAXATION
—POSSESSORY RIGHTS TO PUBLIC LANDS.—The fol-
lowing property is exempt from taxation: Possessory rights
to public lands.
SECTION 9. That Title 63, Chapter 1, Idaho Code, as amended, be and the same is hereby amended by adding a new section thereto following Section 63-105, to read as follows:

63-105H. PROPERTY EXEMPT FROM TAXATION —MINING CLAIMS NOT PATENTED.—The following property is exempt from taxation: Mining claims not patented.

SECTION 10. That Title 63, Chapter 1, Idaho Code, as amended, be and the same is hereby amended by adding a new section thereto following Section 63-105, to read as follows:

63-105I. PROPERTY EXEMPT FROM TAXATION —IRRIGATION WATER AND STRUCTURES—OPERATING PROPERTY OF IRRIGATION DISTRICTS OR CANAL COMPANIES.—Water rights for the irrigation of lands are exempt from taxation. Canals, ditches, pipelines, flumes, aqueducts, reservoirs, and dams, used primarily for the irrigation of lands, are exempt from taxation to the extent irrigation water is thereby conveyed, stored or diverted; provided that if any portion of such property is used for purposes other than irrigation of lands the assessor shall determine the entire value of such property so used and assess the proportionate part of such property that is devoted to such use.

The operating property of all organizations, whether incorporated or unincorporated, heretofore organized or which shall hereafter be organized, for the operation, maintenance, or management of an irrigation project or irrigation works or system or for the purpose of furnishing water to its landowners, members or shareholders, the control of which is actually vested in those entitled to the use of the water from such irrigation works or system for the irrigation of lands to which the water from such irrigation works or system is appurtenant, is exempt from taxation. The term “operating property” as used in this section shall include all real and personal property owned, used, operated or occupied primarily for the maintenance and operation of such irrigation project or or irrigation works and system or in conducting its business of furnishing water to its landowners, members or shareholders and shall include all title and interest in such property as owner, lessee, or otherwise; provided, that if any portion of such operating property is used for commercial purposes by others than its landowners, members or shareholders the assessor shall de-
termine the entire value of such portion of the operating property so used and assess the proportionate part of such operating property that is used for commercial purposes.

SECTION 11. That Title 63, Chapter 1, Idaho Code, as amended, be and the same is hereby amended by adding a new section thereto following Section 63-105, to read as follows:

63-105J. PROPERTY EXEMPT FROM TAXATION—PROPERTY USED FOR GENERATING AND DELIVERING ELECTRICAL POWER FOR IRRIGATION OR DRAINAGE PURPOSES.—The following property is exempt from taxation: Property used for generating and delivering electrical power to the extent that such property is used for furnishing power for pumping water for irrigation or drainage purposes on lands in the state of Idaho. This exemption shall accrue to the benefit of the consumer of such power except in cases where the water so pumped is sold or rented to irrigate lands, in which event the property used for generating and delivering power shall be assessed for taxation to the extent that such water is so sold or rented.

SECTION 12. That Title 63, Chapter 1, Idaho Code, as amended, be and the same is hereby amended by adding a new section thereto following Section 63-105, to read as follows:

63-105K. PROPERTY EXEMPT FROM TAXATION—CERTAIN HOSPITALS AND REFUGE HOMES.—The following property is exempt from taxation: Hospitals and refuge homes, and their furniture and equipment, owned, operated and controlled by any religious or benevolent corporation or society with the necessary grounds used therewith, and from which no gain or profit is derived by reason of their operation.

SECTION 13. That Title 63, Chapter 1, Idaho Code, as amended, be and the same is hereby amended by adding a new section thereto following Section 63-105, to read as follows:

63-105L. PROPERTY EXEMPT FROM TAXATION—PROPERTY USED FOR SCHOOL OR EDUCATIONAL PURPOSES.—The following property is exempt from taxation: All property used exclusively by the owner for school or educational purposes, from which no profit is derived, and all property from which no profit or rental is derived and which is held or used exclusively for en-
dowment, building or maintenance purposes of schools or educational institutions.

SECTION 14. That Title 63, Chapter 1, Idaho Code, as amended, be and the same is hereby amended by adding a new section thereto following Section 63-105, to read as follows:

63-105M. PROPERTY EXEMPT FROM TAXATION—PUBLIC CEMETERIES.—The following property is exempt from taxation: All public cemeteries.

SECTION 15. That Title 63, Chapter 1, Idaho Code, as amended, be and the same is hereby amended by adding a new section thereto following Section 63-105, to read as follows:

63-105N. PROPERTY EXEMPT FROM TAXATION—CERTAIN COOPERATIVE TELEPHONE LINES.—The following property is exempt from taxation: Cooperative telephone lines from which no profit is derived and upon or over which no fees or tolls are charged or collected.

SECTION 16. That Title 63, Chapter 1, Idaho Code, as amended, be and the same is hereby amended by adding a new section thereto following Section 63-105, to read as follows:

63-105O PROPERTY EXEMPT FROM TAXATION—PUBLIC LIBRARIES.—The following property is exempt from taxation: All public libraries.

SECTION 17. That Title 63, Chapter 1, Idaho Code, as amended, be and the same is hereby amended by adding a new section thereto following Section 63-105, to read as follows:

63-105P. PROPERTY EXEMPT FROM TAXATION—MOTOR VEHICLES PROPERLY REGISTERED.—The following property is exempt from taxation: Motor vehicles properly registered and for which the required fee has been paid under the provisions of the laws of the state of Idaho.

SECTION 18. That Title 63, Chapter 1, Idaho Code, as amended, be and the same is hereby amended by adding a new section thereto following Section 63-105, to read as follows:

63-105Q. PROPERTY EXEMPT FROM TAXATION—CERTAIN SECURED DUES AND CREDITS.—The following property is exempt from taxation: All dues and
credits secured by mortgage, trust deed or other liens except as otherwise provided by law.

SECTION 19. That Title 63, Chapter 1, Idaho Code, as amended, be and the same is hereby amended by adding a new section thereto following Section 63-105, to read as follows:

63-105R. PROPERTY EXEMPT FROM TAXATION—GROWING CROPS.—The following property is exempt from taxation: Growing crops, fruits and nut-bearing trees and grape vines, except as the value of the land may be increased on account of said trees and vines growing thereon; provided that nothing herein contained shall be construed to exempt standing timber or nursery stock under this section.

SECTION 20. That Title 63, Chapter 1, Idaho Code, as amended, be and the same is hereby amended by adding a new section thereto following Section 63-105, to read as follows:

63-105S. PROPERTY EXEMPT FROM TAXATION—EFFECT OF CHANGE OF STATUS.—If any property, real or personal, which is exempted from taxation on the second Monday in January shall thereafter have a changed status, either by change in ownership, or otherwise, during the year, in such a manner that if the changed status had existed on the second Monday in January such property would have been taxable at that time, then such property shall be assessed in the following manner: If the status changed before April first, then for its full assessed value; if between April first and July first, for three-fourths of its full assessed value; if between July first and October first, then for one-half of its full assessed value; and if the status changed after October first, then for one-fourth of its full assessed value.

SECTION 21. 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.

Approved February 18, 1961.
CHAPTER 43  
(H. B. No. 71)  
AN ACT  
CREATING A PERMANENT BUILDING FUND AND DEDICATING THE MONEYS THEREIN FOR THE PURPOSE OF BUILDING NEEDED STRUCTURES, RENOVATIONS AND REPAIRS AT THE SEVERAL STATE INSTITUTIONS AND FOR THE SEVERAL STATE AGENCIES; AMENDING SECTION 63-2503, IDAHO CODE, TO IMPOSE AN ADDITIONAL TAX OF ONE-TWENTIETH OF ONE CENT ON EACH CIGARETTE SOLD AT RETAIL TO BE DEPOSITED TO THE PERMANENT BUILDING FUND; AMENDING SECTION 23-1008, IDAHO CODE, BY IMPOSING AN ADDITIONAL TAX OF $1.55 PER BARREL OF 31 GALLONS OF BEER TO BE DEPOSITED TO THE PERMANENT BUILDING FUND; PROVIDING THAT ALL NET REVENUES DERIVED UNDER THE PROVISIONS OF H. B. NO. 16 36TH LEGISLATURE OF IDAHO, BE DEPOSITED TO THE PERMANENT BUILDING FUND; AMENDING SECTION 23-404, IDAHO CODE, TO PROVIDE THAT $800,000 OF THE LIQUOR SURPLUS ACCRUING TO THE GENERAL FUND IN EACH FISCAL PERIOD SHALL BE CREDITED TO THE PERMANENT BUILDING FUND; PROVIDING THAT THE PROCEEDS OF THE TAX IMPOSED BY CHAPTER 303, IDAHO SESSION LAWS OF 1959, BE DEPOSITED TO THE CREDIT OF THE PERMANENT BUILDING FUND; APPROPRIATING $7,415,000 FROM THE PERMANENT BUILDING FUND TO THE COMMISSIONER OF PUBLIC WORKS TO BUILD BUILDINGS AND TO MAKE NECESSARY RENOVATIONS, REPAIRS AND REMODELINGS; CREATING A PERMANENT BUILDING FUND ADVISORY COUNCIL AND PRESCRIBING DUTIES THEREFORE; PROVIDING A METHOD OF FISCAL ADMINISTRATION OF THE FUND; PROVIDING FOR THE ISSUANCE OF TAX ANTICIPATION NOTES AGAINST SAID FUND BY THE STATE TREASURER; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. The Permanent Building Fund is hereby created and established in the State Treasury to which shall be deposited all revenues derived from taxes imposed and transfers authorized pursuant to the provisions of this Act. All moneys now or hereafter in the Permanent Building Fund are hereby dedicated for the purpose of building needed structures, renovations, repairs to and remodeling...
of existing structures at the several state institutions and for the several agencies of state government.

SECTION 2. That Section 63-2503, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

63-2503. IMPOSITION OF TAX — RATE. — There is hereby levied, and there shall be collected as hereinafter provided, a tax upon the retail sale of cigarettes, to an amount equal to one-fourth of one cent for each cigarette*, to which shall be added one-twentieth of one cent for each cigarette, and the proceeds of this additional tax shall be deposited directly to the credit of the Permanent Building Fund herein created. The total tax shall be six-twentieths of one cent for each cigarette.

SECTION 3. That Section 23-1008, Idaho Code, as amended by Chapter 281 of the Session Laws of 1949, be, and the same is hereby amended to read as follows:

23-1008. TAX — STAMPS — REFUNDS — RULES — REPORTS. — (1) A tax of three dollars and ten cents ($3.10) per barrel of 31 gallons, to which shall be added an additional tax of $1.55 per barrel of 31 gallons, and a like rate for any other quantity or fraction thereof, is hereby levied and imposed upon each and every barrel of beer sold for use within the state of Idaho. The proceeds of the additional tax hereby imposed shall be deposited directly to the credit of the Permanent Building Fund. (2) The payment of the tax hereby imposed shall be evidenced by the affixing of tax stamps to each barrel or keg of beer and to each case or carton containing bottles or cans of beer. Such stamps shall be cancelled by the person affixing the same. Provided, however, that nothing in this act shall be construed to require, or to permit the commissioner to require, the affixing of tax stamps to bottles or cans of beer.

Brewers or other persons shipping or transporting beer into this state from without the state and brewers within this state may purchase stamps from the commissioner and shall affix, in the manner prescribed, the proper tax stamps to each barrel or keg of beer and to each case or carton, containing bottles or cans, of beer to be consumed or sold in this state or to be shipped or transported in this state for consumption or sale herein.

Before beer may be transported or imported into this state for sale, delivery, use or storage herein, and before
any brewer within this state shall sell or deliver any beer to any purchaser or consumer within this state, each barrel or keg of beer and each case or carton, containing bottles or cans of beer must bear the proper tax stamp tax, affixed and cancelled in the manner required.

Upon receipt by the commissioner of an application for tax stamps, accompanied by proper remittance in payment of the tax represented by such stamp, the commissioner shall sell and deliver such tax stamps so ordered to brewers within this state and to brewers and other persons outside this state.

Any brewer who shall sell beer to a wholesaler or retailer licensed in this state, and any wholesaler who shall purchase, receive, possess or sell beer, upon which the tax herein imposed has not been paid or upon the barrel, keg, case or carton to which the proper tax stamps have not been affixed, and any person who shall purchase, receive, transport, store or sell any beer upon which the tax herein imposed has not been paid, or upon the barrel, keg, case or carton to which the proper tax stamps have not been affixed, shall be guilty of a misdemeanor, and any beer so purchased, received, transported, stored or possessed or sold shall be subject to seizure by the commissioner, any inspector or investigator of the commissioner, or by any sheriff, constable or other police officer, and same may be removed and kept for evidence. Upon conviction of any person for violation of this section, the said beer, and all barrels, kegs, cases, cartons and cans containing the same shall be forfeited to the state of Idaho, and, in addition, the person so convicted shall be subject to the other penalties in this act prescribed.

Beer and all barrels, kegs, cases, cartons or cans so forfeited to the state of Idaho shall be sold by the commissioner at public auction to any brewer, wholesaler or retailer, licensed under the provision of this act, making the highest bid. Such sale shall be held at such place and time as may be designated by the commissioner after reasonable notice thereof given in such manner and for such time as the commissioner may by regulation prescribe. From the purchase price received upon such sale, the commissioner shall first deduct an amount sufficient to pay the tax due on such beer, and shall affix the proper amount of stamps to the barrels, cases or cartons as herein required, and to pay all costs incurred in connection with such sale. He shall deposit the balance remaining with the state
treasurer, who shall place the same in the general fund of the state of Idaho, and it shall become a part thereof.

Brewers, and/or others shall be entitled to monthly refunds on all breakages in transit and on all beer exported from the state of Idaho.

The commissioner is hereby empowered, and it shall be his duty, to make reasonable regulations governing the form and denominations of said revenue stamps, the manner of affixation, the procedure for making refunds, and the manner and places of sale of said stamps. Such rules and regulations shall be promulgated by filing the same with the secretary of state.

(3) The commissioner is hereby empowered, and it shall be his duty to prescribe rules and regulations,—

(a) For reports by carriers for hire and also all other carriers owned and/or employed, directly or indirectly, by out of state brewers, dealers or other persons, of all deliveries of beer in and into the state of Idaho, stating especially the origin and destination of the beer, the quantity thereof, and also the names and addresses, respectively of the consignors and consignees.

(b) For reports by out of state brewers and manufacturers of beer, of all shipments by them of beer into the state of Idaho, stating especially the matters mentioned in sub-section (a) hereof.

SECTION 4. Any net revenues derived under and pursuant to the provisions of H. B. 16, 36th Legislature of the State of Idaho, shall be deposited by the authority collecting the same directly to the credit of the Permanent Building Fund.

SECTION 5. That Section 23-404, Idaho Code, as amended by Chapter 270, Idaho Session Laws of 1953, be, and the same is hereby amended to read as follows:

23-404. DISTRIBUTION OF SURPLUS OF LIQUOR FUND.—Whenever, at the end of each quarter of the fiscal year, the moneys belonging to the liquor fund shall exceed the amounts provided for retention by the foregoing section, such excess shall be distributed as follows: Forty-two and one-half per cent of such excess to the general fund of the state; Seven and one-half per cent 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; fifty per cent of 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 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 * ; provided, however, that the forty-two and one-half per cent allocated in this section to the general fund of the State shall be reduced by $800,000 in the fiscal period beginning July 1, 1963, and in each fiscal period thereafter, and the said $800,000 of the excess in the liquor fund shall be deposited to the credit of the Permanent Building Fund at such times as the Superintendent shall determine.

SECTION 6. The Tax Collector of the State of Idaho is hereby directed to deposit the proceeds of the tax imposed by Chapter 303, Idaho Session Laws of 1959, directly to the credit of the Permanent Building Fund.

SECTION 7. There is hereby appropriated to the Commissioner of Public Works from the Permanent Building Fund, the sums of money set forth in the following schedule, or so much thereof as may in each case be necessary, for the purpose of paying the cost of any land, building, equipment, furniture, or the rebuilding, reconstruction, renovation or repair of the following buildings, installations and facilities at the institutions and agencies named in the following schedule. It is the express intention of the Legislature that construction or work under and pursuant to this authorization and appropriation, or from appropriations subsequently made from the Permanent Building Fund, shall be undertaken in the order of priority listed in the following schedule, and that so much of the work authorized hereby as can be accomplished with the moneys accruing to the Permanent Building Fund in any fiscal period be undertaken as rapidly as possible.

1. Administration of the Permanent Building Fund ............................................$ 50,000

2. Nampa State School, Nampa, Idaho,
   to construct A New Ward Building to replace White Hall, ................................. 850,000
   and to construct A Grade "A" Dairy Barn .................................................... 20,000
3. Industrial Training School, St. Anthony, Idaho
   To construct a dining, administration & school building ........................................ 300,000
   To construct a girls’ dormitory .................. 100,000

4. Nampa State School, Nampa, Idaho
   To construct a central heating plant ...... 400,000

5. State Hospital South, Blackfoot, Idaho
   To construct a central facilities building. 100,000

6. State Hospital North, Orofino, Idaho
   To make building repairs and provide a laundry .................................................... 50,000

7. School for the Deaf and Blind, Gooding, Idaho
   To construct a dining hall and infirmary ............................................................... 140,000

8. Armories at Boise, Lewiston, Caldwell and Buhl, Idaho ........................................ 145,000

9. Soldiers’ Home, Boise, Idaho
   For building maintenance and repairs and furnishings ............................................. 50,000

10. Lewis-Clark Normal School, Lewiston, Idaho
    For maintenance and repairs to unused buildings .................................................. 50,000

11. State owned buildings at Albion, Idaho
    For necessary maintenance ...................... 50,000

12. To construct a laboratory for the Department of Agriculture and Public Health at Boise, Idaho ................................................................. 160,000

13. University of Idaho and Idaho State College
    To construct science building and a heating plant at the University of Idaho, Moscow, Idaho ................................................................. 2,600,000
    To construct an education building and a science building at Idaho State College, Pocatello, Idaho ............................................................ 2,200,000

14. School for the Deaf and Blind, Gooding, Idaho
    To construct a girls’ dormitory .................. 130,000
15. State Tuberculosis Hospital, Gooding, Idaho
   To remodel the basement of the old building ........................................ 20,000

   GRAND TOTAL ........................................... $7,415,000

The appropriation made in item number 8 above may, with the approval of the Director of the Budget, by the Commissioner of Public Works, be made available to the Adjutant General of Idaho for the Armory Construction Fund in such amounts and at such times as may be advisable in order to match available federal and local contributions.

SECTION 8. There is hereby created in the Department of Public Works a Permanent Building Fund Advisory Council which shall be appointed by the Governor. This Council shall be composed of one member of the Senate, one member of the House of Representatives, a citizen engaged in the contracting business, a citizen engaged in the banking business, and a citizen who is a member of the business community not engaged in contracting or banking. The Commissioner of Public Works and the responsible heads of the agencies for which appropriations for construction, renovations, remodelings or repairs are made in this Act shall consult, confer and advise with the Permanent Building Fund Advisory Council in connection with all decisions concerning the administration of these appropriations and the planning and construction or execution of work or works pursuant thereto. The approval of the Permanent Building Fund Advisory Council shall be a condition precedent to the undertaking of planning or construction.

The Commissioner of Public Works is hereby directed to work in close cooperation with the responsible heads of institutions and agencies for which appropriations are made herein and no building proposals shall be approved by the Commissioner of Public Works nor any planning or work undertaken by that officer pursuant to these appropriations without the prior approval of the responsible chief officer of the institutions and agencies for whom appropriations are made herein.

SECTION 9. All appropriations made herein shall be exempt from the provisions of Chapter 35, 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 36 of Title 67, Idaho Code, as amended, and all appropriations made hereunder shall be subject to the provisions of Section 67-2304, Idaho Code, as amended, except as otherwise provided herein.

SECTION 10. 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, as amended by Chapter 172, Idaho Session Laws of 1957, and in accordance with the procedures and subject to the limitations provided in those sections, as amended, in the same manner as though the revenues in the general fund were being anticipated.

SECTION 11. This Act shall be effective on and after July 1, 1961.

Approved February 18, 1961.

CHAPTER 44
(H. B. No. 154)

AN ACT

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

SECTION 1. There is hereby appropriated out of the Dairy Industry and Inspection fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense, capital outlay and refunds, of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject
to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
COMMISSIONER OF AGRICULTURE
For: Salaries and Wages .......................... $157,200
     Travel Expense ................................ 50,000
     Other Current Expense ....................... 17,500
     Capital Outlay ................................ 3,500
     Refunds ........................................ 350

     TOTAL ........................................ 228,550
From: Dairy Industry and Inspection Fund ... 228,550

Approved February 18, 1961.

CHAPTER 45
(H. B. No. 155)

AN ACT


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

SECTION 1. There is hereby appropriated out of the Commercial Feed and Fertilizer fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense, capital outlay and refunds, of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:
To Whom Appropriated:  
COMMISSIONER OF AGRICULTURE  
For:  
Salaries and Wages $ 73,040  
Travel Expense 15,000  
Other Current Expense 15,000  
Capital Outlay 7,200  
Refunds 100  

TOTAL 110,340

From the:  
Commercial Feed and Fertilizer Fund 110,340

Approved February 18, 1961.

CHAPTER 46  
(H. B. No. 156)

AN ACT


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

SECTION 1. There is hereby appropriated out of the Honey Advertising fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, and other current expense of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  
HONEY ADVERTISING COMMISSION:  
For:  
Salaries and Wages $ 60  
Travel Expense 600
Other Current Expense .......... 4,600

TOTAL .................................. $5,260

From the Honey Advertising Fund .............. $5,260

Approved February 18, 1961.

CHAPTER 47
(H. B. No. 161)

AN ACT

APPROPRIATING MONEYS FROM THE AERONAUTICS FUND
OF THE STATE OF IDAHO, TO THE DIRECTOR OF AERO-
NAUTICS FOR THE PURPOSE OF PAYING SALARIES AND
WAGES, TRAVEL EXPENSE, OTHER CURRENT EXPENSE
AND CAPITAL OUTLAY FOR THE PERIOD COMMENCING
JULY 1, 1961, AND ENDING JUNE 30, 1963; SUBJECT TO
THE PROVISIONS OF THE STANDARD APPROPRIATIONS
ACT OF 1945.

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

SECTION 1. There is hereby appropriated out of the
Aeronautics fund of the State of Idaho, the following sums
of money, or so much thereof as may be necessary, for
the purpose of paying salaries and wages, travel expense,
other current expense and capital outlay of the agency
herein named, for the period commencing July 1, 1961,
and ending June 30, 1963; subject to the provisions of the
Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:

DIRECTOR OF AERONAUTICS:
For: Salaries and Wages ................. $52,500
Travel Expense .......................... 12,000
Other Current Expense ............. 179,500
Capital Outlay ......................... 6,000

TOTAL ................................ $250,000

From the Aeronautics Fund .............. $250,000

Approved February 18, 1961.
CHAPTER 48  
(H. B. No. 162)

AN ACT


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

SECTION 1. There is hereby appropriated out of the Brand Inspection fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense, capital outlay of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963, subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  
STATE BRAND INSPECTOR:

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<th>Appropriations:</th>
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<td>For:</td>
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<td>Salaries and Wages</td>
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<td>Travel Expense</td>
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<td>Capital Outlay</td>
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<td>TOTAL</td>
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From the Brand Inspection Fund ............ $499,480

Approved February 18, 1961.

CHAPTER 49  
(H. B. No. 163)

AN ACT

APPROPRIATING MONEYS FROM THE IDAHO POTATO AND ONION FUND OF THE STATE OF IDAHO, TO THE IDAHO POTATO AND ONION COMMISSION FOR THE PURPOSE

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

SECTION 1. There is hereby appropriated out of the Idaho Potato and Onion Fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense, capital outlay and refunds of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:

IDAHO POTATO AND ONION COMMISSION
For: Salaries and Wages ....................... $ 52,000
     Travel Expense ......................... 33,000
     Other Current Expense .............. 1,784,650
     Capital Outlay ....................... 1,000
     Refunds ................................ 2,500

TOTAL .................................. $1,873,150
From the Idaho Potato and Onion Fund ..... $1,873,150

Approved February 18, 1961.

CHAPTER 50
(H. B. No. 165)

AN ACT

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

SECTION 1. There is hereby appropriated out of the Occupational License fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense, capital outlay and refunds of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
COMMISSIONER OF LAW ENFORCEMENT FOR OCCUPATIONAL LICENSE BUREAU:
For: Salaries and Wages $77,900
     Travel Expense 29,076
     Other Current Expense 27,824
     Capital Outlay 5,700
     Refunds 100

TOTAL $140,600
From the Occupational License Fund $140,600

Approved February 18, 1961.

CHAPTER 51
(H. B. No. 101)

AN ACT
RELATING TO BOISE CITY AND TO THE CHARTER OF BOISE
CITY, SAID CHARTER BEING AN ACT OF THE THIRD
SESSION OF THE TERRITORY OF IDAHO, APPROVED JANUARY 11, 1866, ENTITLED "AN ACT TO INCORPORATE BOISE CITY, IN ADA COUNTY", AS AMENDED, BY REPEALING SAID CHARTER, SUBJECT TO THE PROVISIONS OF THIS ACT, AND DECLARING BOISE CITY TO BE A CITY OF THE FIRST CLASS TO BE GOVERNED BY THE PROVISIONS OF TITLE 50, IDAHO CODE, RELATING TO CITIES OF THE FIRST CLASS; PROVIDING FOR THE CHANGE IN FORM OF GOVERNMENT; PRESERVING EXISTING RIGHTS AND LIABILITIES; PROVIDING FOR THE ELECTION OF OFFICERS; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ACT.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. Subject to the provisions of this act, the special charter of Boise City, being an act entitled "An Act to incorporate Boise City, in Ada County", approved January 11, 1866, and amendatory acts thereto, be, and the same is hereby, repealed.

SECTION 2. That Boise City, a municipal corporation, situate in Ada County, Idaho, being a city of over 15,000 population, which has heretofore operated under and been governed by a special charter, being an act enacted by the Third Session of the Assembly of the Territory of Idaho, entitled "An Act to incorporate Boise City, in Ada County," approved January 11, 1866, and amendatory acts thereto, is hereby declared to be a city of the First Class and from and after the effective date of this act shall be subject to and shall be governed by the provisions of Title 50, Idaho Code, relating to cities of the first class in the State of Idaho, and shall be subject to all duties, obligations, liabilities and limitations, and shall exercise all powers, functions, rights and privileges now or hereafter granted or imposed upon municipalities of the first class in the State of Idaho; provided that this act shall not in any manner or degree affect any existing rights, liabilities, contracts, or ordinances of said city, but shall merely extend to such change in form of government; provided, that the officers of said city shall hold office for the time elected or appointed, or until their successors are elected and qualified, and at the next election of officers of said city following the effective date of this act, at which it is necessary to elect officers, the number of officers to be elected shall be elected under and as provided by Section 50-112 and 50-113, Idaho Code.

SECTION 3. This act shall be in full force and effect from and after September 1, 1961.

Approved February 23, 1961.

CHAPTER 52
(H. B. No. 109)

AN ACT
AMENDING SECTION 71-402, IDAHO CODE, AS AMENDED, BY ADDING TO THE LIST OF PERSONS WHO SHALL MAKE
APPLICATION TO THE COMMISSIONER OF AGRICULTURE
FOR A WEIGHMASTER'S LICENSE.

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

SECTION 1. That Section 71-402, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

71-402. LICENSING OF WEIGHMasters. — Any person acting as a public weighmaster of grains, dry peas, potato starch, dry beans, leguminous and all other small seeds, hay, wool, bulk potatoes, bulk fertilizers and feeds (not including minerals) or any of them shall make application to the commissioner of agriculture for a weighmaster's license. Application for a weighmaster's license shall be in writing on a form prescribed by the commissioner of agriculture. Each applicant shall furnish satisfactory evidence of good moral character, ability to weigh accurately and to make correct weight tickets. Upon receipt of the application with satisfactory evidence of qualifications, on or before July 1, 1949, and annually thereafter, and a license fee of $2.50, the commissioner shall issue an annual weighmaster's license. No weighmaster's license shall be issued to any applicant for such license who is under the age of eighteen or who has been convicted of any felony within five years or has paid any fine or completed any sentence of confinement for any felony within five years, or to any person whose license issued under this act has been revoked.

Approved February 25, 1961.

CHAPTER 53
(H. B. No. 164)

AN ACT

APPROPRIATING MONEYS FROM THE PRUNE ADVERTISING

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. There is hereby appropriated out of the Prune Advertising fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense and refunds of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
PRUNE ADVERTISING COMMISSION:
For: Salaries and Wages $4,000
     Travel Expense 2,000
     Other Current Expense 73,500
     Refunds 500

         TOTAL $80,000
From the Prune Advertising Fund $80,000
Approved February 25, 1961.

CHAPTER 54
(H. B. No. 166)

AN ACT


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

SECTION 1. There is hereby appropriated out of the Athletic fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense, capital outlay and refunds of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:
To Whom Appropriated:  

ATHLETIC COMMISSION:

For:  

- Salaries and Wages: $8,000
- Travel Expense: 4,500
- Other Current Expense: 1,280
- Capital Outlay: 250
- Refunds: 200

TOTAL: $14,230

From the Athletic Fund: $14,230

Approved February 25, 1961.

CHAPTER 55  
(H. B. No. 167)

AN ACT


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

SECTION 1. There is hereby appropriated out of the Industrial Administration fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  

INDUSTRIAL ACCIDENT BOARD:

For:  

- Salaries and Wages: $140,680
- Travel Expense: 8,050
- Other Current Expense: 38,711
- Capital Outlay: 9,265
TOTAL ........................................ $196,706
Less Other Income ...................... 4,400

From the Industrial Administration Fund ...... $192,306

Approved February 25, 1961.

CHAPTER 56
(S. B. No. 20)

AN ACT
RELATING TO PROHIBITIONS ON HUNTING FROM MOTOR BOATS, VEHICLES, AIRPLANES, OR WITH ARTIFICIAL LIGHT, BY PRESCRIBING CERTAIN METHODS OF PROHIBITED HUNTING; AMENDING SECTION 36-1301, IDAHO CODE; AND PROVIDING A PENALTY.

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

SECTION 1. That Section 36-1301, Idaho Code, be, and the same is hereby amended to read as follows:

36-1301. HUNTING FROM MOTOR BOATS, VEHICLES, AIRPLANES, OR WITH ARTIFICIAL LIGHT UNLAWFUL.—It shall be a misdemeanor for any person or persons to hunt for, shoot at, shoot, kill or attempt to kill or capture any ducks, geese or other migratory birds while in a launch or boat of any kind propelled by means of steam, gasoline, electricity or other mechanical power. Provided, further, that any person in the state of Idaho who shoots at any game animal or game bird from a power boat, sail boat, automobile, airplane, railroad or interurban car or any vehicle of any kind propelled by means of steam, gasoline, electricity or other mechanical power, or who shoots a pistol, rifle, shotgun or other firearm from or across a public highway is guilty of a misdemeanor. Provided, also, that it shall be a misdemeanor to hunt, take, kill or attempt to kill any game with the aid of a spot light, flash light or artificial light of any kind.

The act of casting or throwing after sunset the beam or rays of any spot light, head light or other artificial light utilizing six volts or more of electrical power upon any field, forest or other place where big game animals may reasonably be expected to be present or upon any big game
animal, or in attempting to locate any such big game ani-
mal by any person or persons while having in their posses-
sion or under their control any uncased firearm or con-
trivance capable of killing a big game animal, shall be
prima facie evidence of unlawful hunting.

Provided, that the provisions of this act shall not apply
where the headlights of a motor vehicle, operated and pro-
ceeding in a normal manner, on any highway or roadway
cast a light upon such game animal on or adjacent to such
highway or roadway and there is no intent or attempt to
locate such animal.

Any person or persons found guilty of violating the pro-
visions of this act shall be guilty of a misdemeanor.

Approved February 25, 1961.

CHAPTER 57
(S. B. No. 33)

AN ACT

AMENDING SECTION 56-210 OF THE IDAHO CODE, AS AMEND-
ED, TO PROVIDE THAT THE FIRST EIGHTY-FIVE DOLLARS
PER MONTH OF INCOME EARNED BY A RECIPIENT OF
AID TO THE BLIND PLUS ONE-HALF OF INCOME IN
EXCESS OF EIGHTY-FIVE DOLLARS PER MONTH EARNED
BY SUCH RECIPIENT MAY BE DISREGARDED IN DETER-
MINING THE AMOUNT OF ASSISTANCE WHICH A RE-
CIPIENT SHALL BE ELIGIBLE TO RECEIVE.

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

SECTION 1. That Section 56-210, Idaho Code, as amend-
ed, be, and the same is hereby amended to read as follows:

56-210. AMOUNT OF ASSISTANCE.—The amount of
assistance which any recipient shall be eligible to receive
shall be determined, in accordance with the rules and regu-
lations of the state department, with due regard to his re-
quirements, and the conditions existing in his case, and to
the income and resources available to him from whatever
source, and which shall be sufficient, when added to the in-
come and resources determined to be available to him, to
provide him with a reasonable subsistence compatible with
health and his well-being: provided that * * * the first eighty-five dollars per month of income earned by a recipient of aid to the blind plus one-half of income in excess of eighty-five dollars per month earned by a recipient of aid to the blind may be disregarded in making such determination in respect to said recipient or any other recipient.

Approved February 25, 1961.

CHAPTER 58
(H. B. No. 48)

AN ACT

AMENDING SECTION 18-1507, IDAHO CODE, BY INSERTING THEREIN THE WORDS "SALE OR" AND STRIKING THEREFROM THE LIMITING WORDS "COMMONLY KNOWN AS COMIC BOOKS."

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

SECTION 1. That Section 18-1507, Idaho Code, be, and the same is hereby amended to read as follows:

18-1507. No person, firm, or corporation shall publish or distribute for sale or resale any book, pamphlet, magazine, or other printed paper consisting of narrative material in pictorial form, colored or uncolored, * * * the contents of which is devoted to or principally made up of pictures or accounts of methods of crime, terror, physical violence, or flagrant flouting of sex. Whoever violates any provision of this section shall be fined not more than $1,000 or imprisoned not more than two years or both. This section shall not be construed to apply to those pictures or factual accounts of crime, terror, physical violence, or flagrant flouting of sex which are part of the ordinary and general dissemination of news, nor to legitimate historical accounts of crime or crimes.

SECTION 2. 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.

Approved February 27, 1961.
CHAPTER 59
(H. B. No. 54)

AN ACT
AMENDING TITLE 39, CHAPTER 13, IDAHO CODE, BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 39-1356, TO BE KNOWN AND DESIGNATED AS SECTION 39-1356A, PROVIDING THAT HOSPITAL DISTRICTS MAY BE FORMED INCLUDING A PORTION OF MORE THAN ONE COUNTY, AS PROVIDED, UPON A FINDING OF FEASIBILITY OF THE OVER-ALL DISTRICT BY THE BOARD OF COUNTY COMMISSIONERS OF EACH COUNTY INVOLVED.

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

SECTION 1. That Title 39, Chapter 13, Idaho Code, be, and the same is hereby amended by adding a new Section thereto following Section 39-1356, to be known as Section 39-1356A, to read as follows:

39-1356A.—That a hospital district as provided in Section 39-1356 may be organized where it appears that said district will be within the boundaries of one or more counties, where all the other requirements provided in Section 39-1356 have been met, and the County Commissioners of each county in which such district will be formed shall affirmatively find that the public welfare of that portion of the county will be served by the inclusion thereof in such joint county district, that such district is not an unnatural extension of a service district for hospital services, and that the petition for such district has been signed by not less than 10% of the qualified electors and taxpayers of that portion of the proposed district lying within the county.

Approved February 27, 1961.

CHAPTER 60
(H. B. No. 60)

AN ACT
AMENDING TITLE 31, CHAPTER 35, IDAHO CODE, BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 31-3501, TO BE KNOWN AND DESIGNATED AS SECTION 31-3501A,
Providing for the boards of county commissioners to jointly and severally enter into contracts or agreements to share in the cost of construction and maintenance and operation of joint county hospitals, either within or without the boundaries of one or more of the counties, upon a finding of public necessity for joint county hospital operation.

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

Section 1. That Title 31, Chapter 35, Idaho Code, be, and the same is hereby amended by adding a new section thereto, following Section 31-3501, to be known as Section 31-3501A to read as follows:

31-3501A. Joint county hospital.—Recognizing the need of hospitals for the public welfare and the burden for one county to finance the cost of such construction, operation and maintenance thereof within its own boundaries under certain circumstances, the boards of county commissioners in their respective counties shall have the power to jointly and severally enter into contracts or agreements with one or more adjoining counties to construct, operate and maintain joint county hospitals, either within or without the boundaries of such counties, upon a finding of each such board that there is a public necessity requiring the financing of such hospital facilities jointly with one or more adjoining counties. The boards of county commissioners shall have the same powers to operate, finance and bond for such joint county hospitals as they would have for a county hospital.

Approved February 27, 1961.

Chapter 61

(H.B. No. 130)

An act

Amending Section 36-428, Idaho Code, by deleting obsolete terms and inserting the words, conservation officer, providing for the issuance of a duplicate license upon verification that an original license had been purchased, declaring it unlawful to purchase more than one
LICENS...
OR NATIVE TROUT BY THE OPERATOR OF A PRIVATE POND UNDER THE CONDITIONS SPECIFIED FOR SUCH PROPAGATION AND SALE OF OTHER FISH.

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

SECTION 1. That Section 36-502, Idaho Code, be, and the same is hereby amended to read as follows:

36-502. PRIVATE FISH PONDS—MAINTENANCE—SALE OF FISH.—Any person, association or corporation may establish, maintain or own a private pond, lake or stream for fish, on premises owned by him or it respectively and to that end may employ means to preserve and propagate such fish and it shall be a misdemeanor to trespass thereon; provided, that no private pond shall be established under the provisions of this act such as to contain any waters where game fish naturally abound * * * ; provided further, that the owner or owners of the said private fish pond or any other person or persons, may barter or sell any * kind of fish raised or grown in such private fish pond, * * * and provided further, that the owner or owners of such private fish pond shall, before selling any fish from the same, make application to the director of the fish and game department by affidavit describing accurately such pond or ponds, where located, when such pond or ponds were started and stocked with fish, from whence the fish were procured, the kind of fish to be sold or shipped, the railroad station from which it is desired to ship such fish, the destination and to whom shipped, and upon a satisfactory showing being so made to the director, that such private pond is in fact a private pond, within the meaning of this act, and that the fish desired to be shipped have been reared in said pond; and upon the payment of the sum of ten dollars the said director shall issue to the owner or owners of such private pond a permit of the form prescribed by him to ship such fish.

SECTION 2. That Section 36-503, Idaho Code, be, and the same is hereby amended to read as follows:

36-503. PERMIT FOR SALE FROM PRIVATE POND.—Such permit must contain the permit number, the date when issued, the name of the person to whom issued, and the location of the pond from whence the fish are to be shipped, and shall specify the kind or kinds of fish to be shipped. All permits issued under provisions of this section shall continue in force from the date of issuance until the thirty-first day of March thereafter, and may be re-
voked at any time by the director of the fish and game department * * * for * * good or sufficient cause. Such permits shall be issued in duplicate, one copy to be given to the shipper and one to be placed on file in the director's office. As authority to make shipment, the shipper shall exhibit his permit to the common carrier. A copy of the bill of lading for each and every such shipment must be transmitted to the director on the day the shipment is made by the shipper.

Approved February 27, 1961.

CHAPTER 63
(H. B. No. 196)

AN ACT


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

SECTION 1. There is hereby appropriated and transferred out of the Highway fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying travel expense and other current expense of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
GOVERNOR FOR WESTERN INTERSTATE COMMITTEE ON HIGHWAY POLICY PROBLEMS:
For: Travel Expense $5,100
     Other Current Expense 400
     TOTAL $5,500
From the Highway Fund $5,500

Approved February 27, 1961.
CHAPTER 64
(H. B. No. 197)

AN ACT


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

SECTION 1. There is hereby appropriated out of the Nurse Registration and Nursing Education fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense, capital outlay and refunds of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
COMMISSIONER OF LAW ENFORCEMENT FOR THE NURSE REGISTRATION AND NURSING EDUCATION BOARD:
For: Salaries and Wages $30,000
     Travel Expense 9,200
     Other Current Expense 21,000
     Capital Outlay 1,000
     Refunds 500

TOTAL $61,700

From the Nurse Registration and Nursing Education Fund $61,700

Approved February 27, 1961.
AN ACT

AMENDING SECTION 38-108, IDAHO CODE, AS AMENDED, TO PROVIDE THAT ALL PERSONS ENGAGING IN THE PRODUCTION OF, OR BUYING OF, RAW FOREST PRODUCTS MUST SECURE OR REQUIRE A CERTIFICATE OF COMPLIANCE FROM THE STATE FORESTER OR HIS AGENT TO SHOW OBEDIENCE TO THE LAW AS TO FIRE HAZARD REDUCTION; PROVIDING FOR THE WITHHOLDING OF FIRE HAZARD REDUCTION MONIES BY THE BUYER AND THE SENDING AND TIME OF SENDING OF SUCH MONIES TO THE STATE FORESTER AND THE DEPOSIT OF SAID MONIES WITH THE STATE TREASURER AND HIS HANDLING OF THE FUND AS A TRUST UNTIL SAID FIRE HAZARD HAS BEEN REDUCED; AND PROVIDING FOR A CERTIFICATE OF CLEARANCE AND ITS ISSUANCE BY THE STATE FORESTER WITHIN A LIMITED TIME IN ORDER TO OBTAIN REFUND OF SUCH MONIES AND THE DISPOSITION OF SUCH MONIES IF THE FIRE HAZARD IS NOT REDUCED WITHIN THE TIME LIMITED; AND PROVIDING FOR THE NONLIABILITY OF RAW FOREST PRODUCT BUYERS AFTER FIRE HAZARD REDUCTION MONIES HAVE BEEN FORWARDED TO THE STATE FORESTER AND PROVIDING THAT NONCOMPLIANCE WITH THIS SECTION CONSTITUTES A MISDEMEANOR AND THE PENALTY FOR SAID MISDEMEANOR.

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

SECTION 1. That Section 38-108, Idaho Code, as amended, be and the same is hereby amended to read as follows:

38-108. PROTECTION BY LOGGING OUTFITS.—Everyone engaged, or about to engage, in the cutting of timber, ties, logs, poles, posts, cord wood, pulp wood or any other forest product or potential forest product upon lands within the state of Idaho shall provide for the management and reduction of the fire hazard thus created or to be created by first securing a certificate of compliance from the State Forester or his agent, said compliance to provide the option of entering into a fire hazard reduction agreement as provided in sections 38-401 * to 38-410, inclusive, or by posting a bond to the state of Idaho in such form and for such amount as may be prescribed by the state forester; provided, however, that the amount of the
bond so prescribed shall not be in excess of the amount which such person would be required to pay under said sections 38-401 * to 38-410, inclusive, and that the bond shall be conditioned upon full and faithful compliance with all requirements under said section 38-401 * to 38-410, inclusive, and the faithful reduction of such fire hazards in the manner prescribed by law. * * * Provided further that the initial purchaser of ties, logs, poles, posts, cord wood, pulpwood and other similar forest products which have been cut from lands within the State of Idaho shall not make such purchase from anyone not having a proper compliance. When the compliance provides for withholding hazard reduction money in lieu of posting a bond, the purchaser of forest products shall withhold the money and said money so withheld in any one calendar month shall be sent to the State Forester on or before the 15th day of the next calendar month. After sending such monies to the State Forester the purchaser shall not be further liable to the State of Idaho or to the person from whom the money was withheld. The State Forester, upon receipt of the money so transmitted, shall promptly deposit the same with the State Treasurer to be held in trust until the hazard has been reduced as required by law. Such hazard reduction shall be accomplished by the responsible party within 18 months of the cutting of the forest products and upon completion thereof, the State Forester or his agent shall issue a certificate of clearance, stating that all the terms of this section have been complied with and such clearance shall constitute reason for the release of said hazard reduction money and payment to the person entitled thereto or release of the bond posted. In the event the hazard reduction shall not be accomplished within said period of time, the money shall be released by the State Treasurer on direction from the State Forester and credited to the “Forest Management Fund” for the management and reduction of any fire hazard and for the protection of forest resources as provided by Section 38-408.

A violation of any of the provisions of this section shall be deemed a misdemeanor and be punishable by a fine of not less than $100.00 nor more than $300.00 for each offense.

Approved February 28, 1961.
CHAPTER 66
(H. B. No. 199)

AN ACT


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

SECTION 1. There is hereby appropriated out of the Agriculture Inspection fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense, capital outlay, refunds and payments as agent of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
COMMISSIONER OF AGRICULTURE FOR AGRICULTURE INSPECTION:
For: Salaries and Wages ...................... $25,450
Travel Expense ............................ 6,950
Other Current Expense .................... 5,000
Capital Outlay ............................. 1,400
Refunds .................................. 100
Payments as Agent ....................... 9,500

TOTAL ..................................... $48,400

From the Agriculture Inspection Fund ........ $48,400

Approved February 28, 1961.

CHAPTER 67
(H. B. No. 199)

AN ACT

APPROPRIATING MONEYS FROM THE LAVA HOT SPRINGS FOUNDATION FUND OF THE STATE OF IDAHO, TO THE

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

SECTION 1. There is hereby appropriated out of the Lava Hot Springs Foundation fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945.

To Whom Appropriated: Appropriations:
LAV A HOT SPRINGS FOUNDATION
For: Salaries and Wages $ 89,770
    Travel Expense 4,000
    Other Current Expense 32,023
    Capital Outlay 122,350

TOTAL 248,143

From the Lava Hot Springs Foundation Fund 248,143

Approved February 28, 1961.

CHAPTER 68
(H. B. No. 201)

AN ACT


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

SECTION 1. There is hereby appropriated out of the Board of Medicine fund of the State of Idaho, the following
sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense and other current expense of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:

STATE BOARD OF MEDICINE:

For: Salaries and Wages $20,000
Travel Expense 6,400
Other Current Expense 1,600

TOTAL 28,000

From the Board of Medicine Fund 28,000

Approved February 28, 1961.

CHAPTER 69
(H. B. No. 202)

AN ACT


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

SECTION 1. There is hereby appropriated out of the Pharmacy fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense, capital outlay and refunds of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:

PHARMACY BOARD:
For:
Salaries and Wages $40,300
Travel Expense 17,600
Other Current Expense 6,400
Capital Outlay 1,000
Refunds 100

TOTAL 65,400

From the Pharmacy Fund 65,400

Approved February 28, 1961.

CHAPTER 70
(H. B. No. 203)
AN ACT

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

SECTION 1. There is hereby appropriated out of the Professional Engineers' fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense, capital outlay and refunds of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
PROFESSIONAL ENGINEERS' BOARD:
For: Salaries and Wages $11,920
Travel Expense 2,650
Other Current Expense 9,050
Capital Outlay 1,325
Refunds 100

TOTAL 25,045

From the Professional Engineers' Fund 25,045

Approved February 28, 1961.
CHAPTER 71
(H. B. No. 205)

AN ACT


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

SECTION 1. There is hereby appropriated out of the Livestock Disease Control fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense, capital outlay and refunds of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
COMMISSIONER OF AGRICULTURE FOR LIVESTOCK DISEASE CONTROL:
For: Salaries and Wages ......................... $431,170
Travel Expense ..................................  40,000
Other Current Expense ......................  45,000
Capital Outlay ..................................  7,700
Refunds ..........................................  200

TOTAL ........................................  524,070

From the Livestock Disease Control Fund ....... $524,070

Approved February 28, 1961.

CHAPTER 72
(H. B. No. 206)

AN ACT

APPROPRIATING MONEYS FROM THE STATE INSURANCE FUND OF THE STATE OF IDAHO, TO THE MANAGER,
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated out of the State Insurance fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense, capital outlay and State Insurance of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:

MANAGER, STATE INSURANCE FUND:
For: Salaries and Wages $396,760
      Travel Expense 18,200
      Other Current Expense 152,400
      Capital Outlay 26,500

TOTAL 593,860
From the State Insurance Fund 593,860

Approved February 28, 1961.

CHAPTER 73
(H. B. No. 207)

AN ACT


Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. There is hereby appropriated out of the Real Estate Brokers fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
REAL ESTATE BROKERS BOARD:
For: Salaries and wages $48,000
Travel Expense 18,000
Other Current Expense 28,000
Capital Outlay 2,000
TOTAL 96,000
From the Real Estate Brokers Fund 96,000

Approved February 28, 1961.

CHAPTER 74
(H. B. No. 208)

AN ACT


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

SECTION 1. There is hereby appropriated out of the Contractors License fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense, capital outlay and refund of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:
To Whom Appropriated:  Appropriations:

CONTRACTORS LICENSE BOARD:
For:  Salaries and Wages $56,670
      Travel Expense  2,500
      Other Current Expense  17,300
      Capital Outlay  300
      Refunds  200

      TOTAL  76,970

From the Contractors License Fund  76,970

Approved February 28, 1961.

CHAPTER 75
(H. B. No. 57)

AN ACT

AMENDING SECTION 34-638, IDAHO CODE, RELATING TO FILLING OF VACANCIES AFTER NOMINATING ELECTION BY PROVIDING FOR REFERENCE TO VACANCIES OTHER THAN THOSE SPECIFIED IN SECTION 34-648, IDAHO CODE, AND PRESCRIBING A TIME LIMIT FOR FILLING SUCH VACANCIES.

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

SECTION 1. That Section 34-638, Idaho Code, be, and the same is hereby amended to read as follows:

34-638. VACANCIES EXISTING AFTER NOMINATION ELECTION.—Vacancies * other than those specified in Section 34-648, existing after the holding of any nominating election may be filled by the party committee of the party wherein they occur, of the state, district or county, as the case may be, at any time before the sixtieth day prior to the general election.

Approved March 2, 1961.
CHAPTER 76
(H. B. No. 66)

AN ACT
TO ENABLE COUNTIES TO PROVIDE FINANCIAL SUPPORT FOR MUSEUMS, HISTORICAL SOCIETIES, HISTORICAL RESTORATIONS, AND SIMILAR PROJECTS; PROVIDING FOR A SPECIAL ASSESSMENT FOR SUCH PURPOSES; AND PROVIDING FOR FINANCIAL CONTROL OF PRIVATE ORGANIZATIONS RECEIVING COUNTY SUPPORT.

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

SECTION 1. DECLARATION OF PURPOSE.—The purpose of this act is to enable counties to support worthy and desirable county and local projects for the preservation of Idaho's historical heritage and for the improvement of cultural and educational facilities by supporting museums, historical societies, historical restorations, and similar projects, and by supporting and improving the operation of such organizations and projects.

SECTION 2. COUNTY FUNDS AUTHORIZED FOR NON-PROFIT CORPORATIONS QUALIFYING UNDER THIS ACT.—The Board of County Commissioners of any county may expend annually not more than $2,500 for the support of county or local historical societies which are incorporated as Idaho non-profit corporations and which operate primarily within the county, or for the support of museums or of historical restoration projects within the county undertaken or operated by Idaho non-profit organizations, or for the marking and development of historic sites by Idaho non-profit corporations. For the purposes of this act, the Board of County Commissioners of any county is authorized and empowered to levy not more than six-tenths of one mill on each dollar of assessed valuation of taxable property within the county.

SECTION 3. BUDGETING AND AUDITING OF FUNDS.—Before money is granted under this act, the directors of such non-profit corporations shall present to the county commissioners a proposed budget which shall indicate anticipated revenues and expenditures of the non-profit corporation (including the sums requested from the county), and shall indicate the purposes of the proposed expenditures. The Board of County Commissioners may require an audit of the accounts and financial records of any such non-profit corporations receiving county funds.

Approved March 2, 1961.
CHAPTER 77
(H. B. No. 93)

AN ACT

AMENDING CHAPTER 1 OF TITLE 71, IDAHO CODE, AS AMENDED, BY ADDING A NEW SECTION GIVING THE DEPARTMENT OF AGRICULTURE AUTHORITY TO INSPECT WEIGHTS OF COMMODITIES OFFERED FOR SALE; PROVIDING METHODS OF INSPECTION AND PROVIDING METHODS OF ENFORCEMENT; AMENDING CHAPTER 2 OF TITLE 71, IDAHO CODE, AS AMENDED, BY ADDING A NEW SECTION REQUIRING WEIGHTS OF COMMODITIES TO BE INDICATED ON CONTAINERS; MAKING IT UNLAWFUL TO SELL OR OFFER TO SELL ANY COMMODITIES OR ARTICLES OR MERCHANDISE EXCEPT BY TRUE WEIGHT OR NUMERICAL COUNT UNLESS THE PARTIES AGREE OTHERWISE; MAKING IT UNLAWFUL FOR PERSONS BUYING OR SELLING ANY COMMODITY OR ARTICLE OF MERCHANDISE TO MAKE FALSE OR SHORT WEIGHT OR MEASURE, OR USE A FALSE WEIGHT MEASURE OR MEASURING DEVICE, AND PROVIDING THAT THE SELLING AND DELIVERY OF ANY COMMODITY OR ARTICLE OF MERCHANDISE SHALL BE PRIMA FACIE EVIDENCE THAT THE QUANTITY SOLD AND DELIVERED WAS THE QUANTITY BOUGHT BY THE PURCHASER, MAKING ALLOWANCE FOR LEAKAGE, EVAPORATION, WASTE AND SLIGHT VARIATIONS; MAKING IT A MISDEMEANOR FOR ANY PERSON TO REFUSE TO EXHIBIT ANY ARTICLE, COMMODITY, OR CONTAINER FOR PURPOSES OF TESTING; DEFINING THE TERM CONTAINER AND PROVIDING REQUIREMENTS FOR CONTAINERS; PROVIDING FOR SEIZURE OF ANY CONTAINERS WHICH DO NOT MEET THE REQUIREMENTS AND FOR THEIR DISPOSITION.

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

Section 1. That Chapter 1 of Title 71, Idaho Code, as amended, be and the same is hereby amended by adding a new section thereto following Section 71-106, to be known and designated as Section 71-107, and to read as follows:

71-107. AUTHORITY TO INSPECT WEIGHT OF COMMODITIES OFFERED FOR SALE. The department of agriculture, through its officers, shall at irregular intervals examine all commodities sold and offered for sale and test them for correct weight, measure, or count and shall have the power to and shall, form time to time, weigh or
measure packages or amounts of commodities of whatsoever kind kept for the purpose of sale, offered for sale, or sold, or in the process of delivery, in order to determine whether the same contain the quantity of amount represented and whether they are being offered for sale or sold in accordance with law and may seize for use as evidence any such amounts of commodities or package or packages which shall be found to contain a less amount than that represented. The department of agriculture, through its officers, shall, for the purposes above mentioned, and in the general performance of their official duties, enter or go into or upon any stand, place, building, or premises, or may stop any vendor, peddler, junk dealer, coal wagon, or any dealer whatsoever and require him, if necessary, to proceed to some place specified by the department of agriculture, through its officers, for the purpose of making the proper tests; and in the exercise of such duties they shall have power to enforce any and all reasonable measures for testing such weights and measures, and also in ascertaining whether false or short weights and measures are being given in any sales or transfer of articles or merchandise taking place within the state. Whenever the department of agriculture has reason to believe that any person or persons or corporation is violating the provisions of this act, or any act relating to weights and measures it shall submit the evidence to the properly constituted authority in the county in which such violation occurs, who shall thereupon prosecute the persons alleged to have violated the provisions of this act, or any act relating to weights and measures.

SECTION 2. That Chapter 2 of Title 71, Idaho Code, as amended, be and the same is hereby amended by adding a new section thereto following 71-227, to be known and designated as Section 71-228, and to read as follows:

71-228. WEIGHT OF COMMODITIES TO BE INDICATED ON CONTAINERS—PENALTY.—It shall be unlawful for any person or persons, association, or corporation, to sell or offer for sale in this state any commodity or article of merchandise in a package or container, without having such package or container labeled in plain, intelligible words and figures, with a correct statement of the net weight measure, or numerical count of its contents. Provided, that nothing in this Section shall prevent the sale of a commodity within the provisions of this act when such sale is made from bulk and the quantity is weighed, measured, or counted for the immediate purpose of such sales; provided, further, that nothing in this Section shall
apply to commodities or articles of merchandise offered for sale or sold in packages or containers at a price of ten Cents (10¢) or less per such package, or to commodities or articles of merchandise in packages or containers which are sold by the aggregate net weight of the contents thereof. It shall be unlawful for any person to sell or offer for sale in this state any commodity or article of merchandise, except by true net weight, measure, or numerical count, except where the parties otherwise agree. It shall be unlawful for any person, in buying or selling any commodity or article of merchandise, to make or give false or short weight or measure, or to sell or offer for sale any commodity or article of merchandise less in weight or measure than he represents, or to use a weight, measure, balance, or measuring device that is false and does not conform to the authorized standard for determining the quantity of any commodity or article of merchandise, or to have a weight, measure, balance or measuring device adjusted for the purpose of giving false or short weight or measure, or to use in buying or selling of any commodity or article of merchandise a computing scale or device indicating the weight and price of such commodity or article of merchandise, upon which scale or device the graduations or indications are falsely or inaccurately placed, either as to weight or price, or to use any computing scale having a horizontal registering bar with a barrel computing device, unless such scale is adjusted to register the correct weight from all angles of vision, and the view on the customer's side shall never be, in any manner, obstructed. The selling and delivering of any commodity or article of merchandise shall be prima facie evidence of the representation on the part of the vendor that the quantity sold and delivered was the quantity bought by the vendee. There shall be taken into consideration the usual and ordinary leakage, evaporation, or waste that there may be from the time a package or container is filled by a vendor until he sells the same. A slight variation from the stated weight, measure or quantity for individual packages not to exceed three per cent is permissible; provided, the variation is as often above as below the weight, measure or quantity stated. Any person, who by himself, or his employee or as a proprietor or manager, shall refuse to exhibit any article, commodity or the container of any commodity, produce or anything being sold or offered for sale at a given weight or quantity, or ordinarily so sold, to the department of agriculture, or its officers, for the purpose of allowing the same to be tested and proved as to the quantity contained therein as in this act provided, shall be guilty of a misdemeanor. The term
container used in this act is hereby defined to be ANY receptacle or carton into which a commodity is packed, or any wrappings with which any commodity is wrapped or put up for sale, or to be offered or exposed for sale. No containers, boxes, or baskets wherein food products or other commodities are packed shall have a false bottom, false side walls, false lid or covering, or be otherwise so constructed as to facilitate the perpetration of deception or fraud. The department of agriculture, through its officers, may seize any container which facilitates the perpetration of deception or fraud. By order of a court having jurisdiction the containers seized shall be condemned and destroyed or released upon such conditions as the court in its discretion may impose, to insure against their use in violation of this Section.

Approved March 2, 1961.

CHAPTER 78  
(H. B. No. 106)  
AN ACT  
AMENDING SECTION 49-337, IDAHO CODE, AS AMENDED, BY PROVIDING FOR DIFFERENT MINIMUM IMPRISONMENT TERMS FOR PERSONS WHO ARE CONVICTED ONE, TWO OR THREE TIMES WITHIN A ONE YEAR PERIOD OF THE CRIME OF DRIVING A MOTOR VEHICLE ON THE HIGHWAYS OF THIS STATE WHILE SAID PERSON'S OPERATOR'S OR CHAUFFEUR'S LICENSE, OR DRIVING PRIVILEGE AS A NONRESIDENT, HAS BEEN CANCELED, SUSPENDED, OR REVOKED; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-337, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

49-337. DRIVING WHILE LICENSE SUSPENDED OR REVOKED.—Any person whose operator's or chauffeur's license, or driving privilege as a nonresident, has been canceled, suspended or revoked as provided in this act, and who drives any motor vehicle upon the highways of this state while such license or privilege is canceled,
suspended, or revoked, is guilty of a misdemeanor and upon conviction shall be punished by imprisonment for not less than * 10 days nor more than 6 months for the first conviction and there shall be imposed in addition thereto a fine of not less than $100 nor more than $300; and for a second conviction occurring within a period of 12 months of the first conviction said person shall be punished by imprisonment for not less than 30 days nor more than 6 months and there shall be imposed in addition thereto a fine of not less than $100 nor more than $300; and for a third conviction occurring within a period of 12 months of the first conviction said person shall be punished by imprisonment for not less than 6 months and there shall be imposed in addition thereto a fine of not less than $100 nor more than $300.

SECTION 2. 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.

Approved March 2, 1961.

CHAPTER 79
(H. B. No. 108)

AN ACT

AMENDING TITLE 40, CHAPTER 3, IDAHO CODE, BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 40-307, TO BE KNOWN AND DESIGNATED AS SECTION 40-308, PROVIDING FOR A PROHIBITION AGAINST THE CONDUCTING OF BUSINESS WITHIN OR UPON ANY PROPERTY DESIGNATED AS, OR ACQUIRED FOR, OR IN CONJUNCTION WITH A PROHIBITED ACCESS HIGHWAY, DESIGNATED BY THE IDAHO BOARD OF HIGHWAY DIRECTORS, AND PROVIDING THAT THE STATE HIGHWAY COMMISSION MAY CONSTRUCT CONNECTING SERVICE ROADS PARALLEL TO THE PROHIBITED ACCESS HIGHWAY, AS DESIGNATED BY THE IDAHO BOARD OF HIGHWAY DIRECTORS, TO FACILITATE THE ESTABLISHMENT AND OPERATION OF COMMERCIAL ENTERPRISES.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Title 40, Chapter 3, Idaho Code, be, and the same is hereby amended by adding a new Section thereto following Section 40-307, to be known as Section 40-308, to read as follows:

40-308. No commercial enterprise or activity for serving motor vehicle users, other than emergency services for disabled vehicles, shall be conducted within or on any property designated as, or acquired for, or in connection with a prohibited access highway, as designated by the Idaho Board of Highway Directors. However, the Idaho Board of Highway Directors may construct on such property, at locations it deems appropriate, connecting service roads parallel to the prohibited access highways in such manner as to facilitate the establishment and operation of commercial enterprises for serving motor vehicle users on private property abutting such service roads.

Approved March 2, 1961.

CHAPTER 80
(H. B. No. 125)

AN ACT

AMENDING SECTION 39-1602, IDAHO CODE, AS AMENDED, RELATING TO THE DEFINITION OF "EATING PLACE" AS SAID TERM IS USED IN TITLE 39, CHAPTER 16, IDAHO CODE, AS AMENDED, BY ADDING A PROVISION EXCLUDING FROM SUCH DEFINITION PRIVATE CLUBS, FRATERNAL AND CHURCH ORGANIZATIONS WHICH DO NOT REGULARLY SERVE OR PREPARE MEALS MORE THAN ONCE A WEEK, AMENDING SECTION 39-1603, IDAHO CODE, BY ADDING THERETO PROVISIONS FOR ISSUANCE OF A CERTIFICATE OF SANITARY COMPLIANCE UPON INSPECTION OF AN EATING PLACE, PROVIDING PROCEDURE RELATING TO SAID INSPECTION AND ISSUANCE OF SAID CERTIFICATE, OR UPON REFUSAL TO ISSUE OR RENEW SAID CERTIFICATE HEARING BEFORE ADMINISTRATOR AND APPEAL TO THE DISTRICT COURT FOR TRIAL DE NOVO.

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

SECTION 1. That Section 39-1602, Idaho Code, as amended, be, and the same hereby is, amended to read as follows:
39-1602. "EATING PLACE" DEFINED. — The term "eating place" as used in this chapter shall be held to mean a restaurant, a cafe, a lunch counter, a lunch stand, a beer parlor, a hotel dining room, a coffee shop, a cafeteria, a short order cafe, a luncheonette, a tavern, a sandwich stand, a soda fountain, and any and all other eating and drinking establishments where food and/or drink are offered for sale for consumption on the premises, and kitchens and other places where food and/or drink is prepared for sale elsewhere *; provided there shall not be included private clubs, fraternal and church organizations which do not serve or prepare meals more than once a week.

SECTION 2. That Section 39-1603, Idaho Code, be, and the same hereby is amended to read as follows:

39-1603. APPROVAL BY DEPARTMENT.—No person, firm or corporation shall conduct, operate or carry on an eating place, as defined in this chapter, unless such place is approved by the department of *health. Such approval shall be obtained in the following manner: Before any eating place shall be open for business, or where an eating place is presently operating but has not been inspected within one year as hereinafter provided, fifteen days written notice requesting an inspection shall be given to the Department of Health at its office in Boise, Idaho. Whereupon said department shall cause an inspection to be made of the eating place to determine compliance with this Act, the applicable provisions of Title 39, and the rules and regulations issued thereunder, and shall issue to said eating place a certificate of sanitary compliance, if said eating place receives a rating of 80 points or better on said inspection, which certificate shall at all times be displayed and posted in said eating place. The rating shall be based on numerical values of items of sanitation in accordance with the latest edition of the U. S. Public Health Service Sanitation Rating of Eating and Drinking Establishments form and recommended Ordinance and Code Regulating Eating and Drinking Establishments. Any eating place receiving a rating of less than 80 points shall be given 30 days within which to comply on a reinspection for obtaining said certificate. Any eating place failing to obtain a rating of 80 points after such 30 days, or incurs a second consecutive violation of one of the various provisions of the inspection, as provided under Statute or regulation made thereunder, shall have any outstanding certificate of sanitary compliance revoked, or such certificate shall not be issued. Any person, firm, or corporation
aggrieved by a ruling of an inspector shall have the right
to appeal within 10 days to the Administrator of Health
by filing therewith written objections to the ruling and the
Administrator shall upon notice hold due hearing and sus­
tain said ruling or order the issuance of the said certificate.
Any party aggrieved by the ruling of the Administrator
may appeal the same to the district court of the State of
Idaho in the county in which he is a resident within 30
days of the Administrator’s final determination for trial
de novo.

Approved March 2, 1961.

CHAPTER 81
(H. B. No. 136)

AN ACT
AMENDING TITLE 16, CHAPTER 16, IDAHO CODE, BY ADDING
A NEW SECTION THERETO FOLLOWING SECTION 16-1842,
TO BE KNOWN AND DESIGNATED AS SECTION 16-1843,
TO PROVIDE THAT A SPECIAL COMMISSIONER MAY BE
APPOINTED TO ASSIST IN THE CONDUCT OF PROCEED­
INGS UNDER THE YOUTH REHABILITATION ACT.

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

SECTION 1. That Title 16, Chapter 16, Idaho Code, be,
and the same is hereby amended by adding a new Section
thereto following Section 16-1842, to be known as Section
16-1843, to read as follows:

16-1843.—The Court is authorized to appoint a Special
Commissioner to assist in the conduct of proceedings under
the Youth Rehabilitation Act. In any case in which the
court refers a petition to the Commissioner, the Commis­
sioner shall promptly cause the matter to be investigated
and on the basis thereof shall either recommend dismissal
of the Petition or hold a hearing as provided in the Youth
Rehabilitation Act and make recommendations to the Court
regarding the disposition of the matter and such Commis­
sioner shall be paid for the services rendered on order of
the court from county funds such amount as is determined
by the judge.

Approved March 2, 1961.
CHAPTER 82
(H. B. No. 148)

AN ACT
AMENDING SECTION 39-1802, IDAHO CODE, TO CLARIFY THE DEFINITION OF A HOTEL DAY BY PROVIDING THAT SUCH A DAY SHALL COMMENCE AT THREE O'CLOCK IN THE AFTERNOON OF EACH DAY.

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

SECTION 1. That Section 39-1802, Idaho Code, be, and the same is hereby amended to read as follows:

39-1802. HOTEL DAY.—It is hereby held and construed that a hotel day shall mean a twenty-four hour period commencing at three o'clock in the afternoon of each day, and that rates per day for furnished rooms shall mean for such period, or any part thereof, following the time of acceptance of a room by the guest.

Approved March 2, 1961.

CHAPTER 83
(H. B. No. 176)

AN ACT
MAKING IT UNLAWFUL TO OPERATE ANY PASSENGER MOTOR VEHICLE WHICH HAS BEEN MODIFIED IN EXCESS OF A SPECIFIED LIMIT AS TO CLEARANCE FROM THE ROADWAY; MAKING VIOLATION A MISDEMEANOR; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. It shall be unlawful to operate any passenger motor vehicle which has been modified from the original design so that any portion of such vehicle other than the wheels has less clearance from the surface of a level roadway than the clearance between the roadway and the lowermost portion of any rim of any wheel in contact with such roadway.

SECTION 2. Any person violating the provisions of this act shall be guilty of a misdemeanor.
SECTION 3. This act shall become effective on and after January 1, 1962.

Approved March 2, 1961.

CHAPTER 84
(H. B. No. 188)

AN ACT

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

SECTION 1. That Section 26-601, Idaho Code, as amended, be and the same is hereby amended to read as follows:

26-601. INVESTMENT OF FUNDS — CERTAIN LOANS PROHIBITED. — No bank shall employ its moneys, directly or indirectly, in trade or commerce, by buying and selling goods, chattels, wares and merchandise. Provided, that it may hold and sell all kinds of property which may come into its possession as collateral security for loans, or any ordinary collection of debts, as prescribed by law: provided, further, that any goods, chattels, wares or merchandise coming into the possession of any bank as aforesaid, shall be disposed of as soon as possible, and shall not be considered as a part of the bank's assets after the expiration of one year from the date of acquirement.

No bank shall accept as collateral, nor make any loans or discounts on the security of nor purchase any shares of its own capital stock nor purchase the shares of any other bank wherever organized, or situated, except stock
of federal reserve banks, unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith; and stock so purchased or acquired shall within six months from the date of acquirement be sold or disposed of at public or private sale; after the expiration of six months any such stock shall not be considered as a part of the assets of such bank.

Any bank may make real estate loans secured by first liens upon improved real estate, including improved farm land and improved business and residential properties. A loan secured by real estate within the meaning of this section shall be in the form of an obligation or obligations secured by mortgage, trust deed, or other such instrument upon real estate, and any bank may purchase any obligation so secured when the entire amount of such obligation is sold to the bank. The amount of any such loan hereafter made shall not exceed 50 per centum of the appraised value of the real estate offered as security and no such loan shall be made for a longer term than five years; except that (1) any such loan may be made in an amount not to exceed sixty-six and two-thirds per centum of the appraised value of the real estate offered as security and for a term not longer than ten years if the loan is secured by an amortized mortgage, deed of trust, or other such instrument under the terms of which the installment payments are sufficient to amortize 40 per centum or more of the principal of the loan within a period of not more than ten years, and (2) any such loan may be made in an amount not to exceed sixty-six and two-thirds per centum of the appraised value of the real estate offered as security and for a term not longer than twenty years if the loan is secured by an amortized mortgage, deed of trust, or other such instrument under the terms of which the installment payments are sufficient to amortize the entire principal of the loan within a period of not more than twenty years, and (3) any such loan may be made in an amount not to exceed 75 per centum of the appraised value of the real estate offered as security and for a term not longer than twenty years if the loan is secured by an amortized mortgage, deed of trust, or other such instrument under the terms of which the installment payments are sufficient to amortize the entire principal of the loan within the period ending on the date of its maturity, and (4) the foregoing limitations and restrictions shall not prevent the renewal or extension of loans heretofore made and shall not apply to (A) real estate loans which are insured under the provisions of the Act of Congress of June 27, 1934, and
amendatory and supplemental legislation relating to loans insured by the Federal Housing Administration.

No such bank shall make such loans in an aggregate sum in excess of the amount of the capital stock of such bank paid in and unimpaired plus the amount of its unimpaired surplus fund, or in excess of 60 per centum of the amount of its time and savings deposits, whichever is the greater. Provided, that loans guaranteed under the provisions of title III of the Act of Congress of June 22, 1944, cited as "Servicemen’s Readjustment Act of 1944," as amended December 28, 1945, and legislation amendatory and supplemental thereto, may be made or purchased by any bank, and any loan, at least 20 per centum of which is guaranteed under said title III of the "Servicemen's Readjustment Act of 1944," as amended, may be made or purchased by any bank without regard to the limitations and restrictions of this chapter with respect to:

(1) The ratio of the amount of the loan to the value of the property.

(2) Requirements as to duration or maturity of loan.

(3) Requirements for mortgage or other security.

(4) Requirements as to priority or dignity of lien.

(5) Any limitation as to percentage of assets which may be invested in real estate loans.

Loans made to finance the construction of residential or farm buildings and having maturities of not to exceed six months, whether or not secured by a mortgage or similar lien on the real estate upon which the residential or farm building is being constructed, shall not be considered as loans secured by real estate within the meaning of this section, but shall be classed as ordinary commercial loans: provided, that no bank shall invest in, or be liable on, any such loans in an aggregate amount in excess of 50 per centum of its actually paid-in and unimpaired capital.

Loans made to established industrial or commercial businesses (a) which are in whole or in part discounted or purchased or loaned against as security by a federal reserve bank under the provisions of an Act of Congress of June 19, 1934, as amended, (b) for any part of which a commitment shall have been made by a federal reserve bank under the provisions of said Act of Congress, (c) in the making of which a federal reserve bank participates under the provisions of said Act of Congress shall not be
subject to the restrictions or limitations of this section upon loans secured by real estate.

These provisions, however, shall not prevent any bank from taking another and immediate subsequent mortgage or deed of trust thereon when it already holds a first mortgage or deed of trust on such real estate, nor from accepting a second lien on real estate to secure the repayment of a debt previously contracted in good faith or for facilitating the sale of property owned by it; nor shall it prevent subsequent liens of any kind from being taken where such are supplemental to, and in addition to, other adequate security; nor shall it prevent subsequent liens of any kind from being taken when in the judgment of the directors of said bank such subsequent liens are necessary further to secure the payment of any debts and save such bank from losses.

The words "goods and chattels" as used in this section shall not be construed to include bonds or securities.

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

Approved March 2, 1961.

CHAPTER 85
(S. B. No. 38)

AN ACT
CREATING AN ADDITIONAL OFFICE OF DISTRICT JUDGE IN AND FOR THE THIRD JUDICIAL DISTRICT; PROVIDING FOR THE APPOINTMENT OF A QUALIFIED PERSON TO FILL THAT OFFICE FOR THE REMAINDER OF THE PRESENT TERM, AND UNTIL THE NEXT GENERAL ELECTION FOR DISTRICT JUDGES; FOR THE FILLING OF SUCH OFFICE THEREAFTER BY ELECTION OR APPOINTMENT; FIXING THE COMPENSATION AND DEFINING THE POWERS AND DUTIES OF SUCH JUDGE; FIXING THE EFFECTIVE DATE THEREOF; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. An additional office of district judge is hereby created in and for the Third Judicial District as that district is defined in Section 1-804, Idaho Code.

SECTION 2. Upon the passage and approval of this act, the Governor shall forthwith appoint a person possessing the qualifications required by the constitution and laws of this state to fill the office created by Section 1 hereof. Such appointee shall hold such office until the next general election for district judges and until his successor is elected and qualified. Thereafter such office shall be filled by election and appointment as provided by law. Such appointee and persons thereafter elected or appointed to fill the office created by Section 1 hereof, shall receive the same compensation, and have and exercise the same powers and duties as other district judges, and as provided by the constitution and laws of this state.

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

This Bill became Law without signature of Governor.

CHAPTER 86
(H. B. No. 30)

AN ACT

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

SECTION 1. That Section 59-1101, Idaho Code, as amended, be, and the same is hereby amended to read as follows:
59-1101. ACCEPTANCE OF BENEFITS OF FEDERAL SECURITY ACT.—The State of Idaho in behalf of all of its officers and employees and the officers and employees of all of its counties, cities, and towns and of any and all of its municipal corporations and political subdivisions, including, for the purpose of this chapter, drainage districts organized under chapter 29, title 42, Idaho Code, and irrigation districts organized under chapter 1, title 43, Idaho Code, and water districts and boards of control of federal reclamation projects, and soil conservation districts, and housing authorities organized and created pursuant to chapter 44, title 50, Idaho Code, hereby accepts the benefits of the provisions of the Federal Security Act, 53 Stat. 1373, for Old Age and Survivors' Insurance Benefits, whenever the provisions of such act are extended to embrace their officers and employees; provided, however, that any services of an emergency nature, *** positions the compensation for which is on a fee basis, or service performed by a student, shall not be considered as employment within the meaning of this chapter.

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


CHAPTER 87
(H. B. No. 149)

AN ACT
AMENDING SECTION 31-3501, IDAHO CODE, AS AMENDED, PROVIDING FOR THE BOARD OF COUNTY COMMISSIONERS TO CONTRACT FOR THE CARE OF DEPENDENT, POOR AND NEGLECTED CHILDREN WITH ANY BENEVOLENT ORGANIZATION OR SOCIETY INCORPORATED UNDER TITLE 30, CHAPTER 11, IDAHO CODE.

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

SECTION 1. That Section 31-3501, Idaho Code, As Amended, be, and the same is hereby amended to read as follows:
31-3501. Power of boards of county commissioners.—
The boards of county commissioners in their respective counties shall have the jurisdiction and power under such limitations and restrictions as are prescribed by law,

(1) To care for and maintain the indigent sick or otherwise dependent poor of the county and to contract with any benevolent organization or society incorporated under Title 30, Chapter 11, Idaho Code, for the care of the dependent poor or neglected children of the county and to pay therefor, and for this purpose said boards are authorized to levy an ad valorem tax not to exceed five mills on the dollar on all taxable property in the county.

(2) To provide public general hospitals for indigents of the county and others who are sick, injured or maimed and to erect, enlarge, purchase, lease, or otherwise acquire, and to officer and maintain hospitals, hospital grounds, nurses' homes, superintendent's quarters or any other necessary buildings, and to equip the same, and for this purpose said boards may levy, an additional tax of not to exceed one and one-half mills on the dollar, or a levy in mills sufficient to raise $20,000.00, whichever is greater, on all taxable property in those counties wherein the assessed valuation is $7,500,000.00 or over, and three mills on the dollar on all taxable property in those counties wherein the assessed valuation is less than $7,500,000.00.


CHAPTER 88
(H. B. No. 179)

AN ACT

AMENDING SECTION 61-801, IDAHO CODE, AS AMENDED, BY CHANGING THE WORD "TRANSPORTATION" TO "PROPERTY" IN PARAGRAPH h.; BY PROVIDING FOR THE EXEMPTION OF SCHOOL-OWNED MOTOR VEHICLES TRANSPORTING SCHOOL CHILDREN AND TEACHERS TO AND FROM SCHOOL AND SCHOOL-APPROVED ACTIVITIES IN PARAGRAPH k. (1); BY RE-DEFINING THE EXEMPTION OF CARRIERS OF PRODUCTS OF AGRICULTURE IN PARAGRAPH k. (10); AND BY SEPARATING TRANSPORTATION
OF PRODUCTS OF THE FOREST AND MINES IN NEW SUBDIVISIONS (11) AND (12).

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

SECTION 1. That Section 61-801, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

61-801. DEFINITIONS OF TERMS.—a. The term “person” when used in this act means any individual, firm, copartnership, corporation, company, association, or joint-stock association, and includes any trustee, receiver, assignee, or personal representative thereof.

b. The term “permit” means a permit issued under this chapter to any motor carrier.

c. The term “highway” means the roads, highways, streets, and ways of the state.

d. The term “department” when used in this chapter means the department of law enforcement of this state acting directly or through its duly authorized officers and agents.

e. The term “motor vehicle” means any vehicle, machine, tractor, trailer, or semi-trailer propelled or drawn by mechanical power and used upon the highway in the transportation of passengers and/or property but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails.

f. The term “common carrier” means any person, which holds itself out to the general public to engage in the transportation by motor vehicle in commerce in the state of Idaho of passengers or property or any class or classes thereof for compensation, whether over regular or irregular routes.

g. The term “contract carrier” means any person which, under individual contracts or agreements, engages in the transportation (other than transportation referred to in paragraph (f)) by motor vehicle of passengers or property in commerce in the state for compensation.

h. The term “private carrier” means any person not included in the terms “common carrier” or “contract carrier” who or which transports in commerce in the state by motor vehicle property of which such person is the owner, lessee, or bailee, when such property is for the purpose of sale, lease, rent, or bailment, or in the furtherance of any commercial enterprise.
i. The term "motor carrier" means common carrier, contract carrier or private carrier.

j. The term "transportation" to which this act applies includes all vehicles operated by, for, or in the interest of any motor carrier irrespective of ownership or contract, express or implied, together with all services, facilities and property furnished, operated or controlled by any such carrier or carriers and used in the transportation of passengers and/or property in commerce in the state.

k. Nothing in this act shall be construed to include (1) motor vehicles employed solely in transporting school children and teachers to or from school or to and from approved school activities, when the motor vehicles are wholly owned and operated by such school; or (2) taxicabs or other motor vehicles performing a bona fide taxicab service, having a seating capacity of not more than seven passengers or (3) motor vehicles owned or operated by or on behalf of hotels and used exclusively for the transportation of hotel patrons between hotels and local railroads or other common carrier stations; or (4) motor vehicles controlled and operated by any farmer when used in the transportation of his agricultural commodities and products thereof, or in the transportation of supplies to his farm; or (5) motor vehicles used exclusively in the distribution of newspapers; or (6) transportation of persons or property by motor vehicle when incidental to transportation by aircraft; or (7) transportation of persons and/or property within a municipality or territory contiguous to such municipality if such operation outside such municipality be a part of a service maintained within the limits of the municipality with the privilege of transfer of passengers to vehicles within the municipality without additional fare; or (8) the casual, occasional, or reciprocal transportation of persons or property by motor vehicle in commerce in the state of Idaho for compensation by any person not engaged in transportation by motor vehicle as a regular occupation or business, unless, in the case of transportation of passengers, such transportation is sold or offered for sale, or provided or procured or furnished; or (9) motor propelled vehicles for the sole purpose of carrying United States mail or property belonging to the United States or casual transportation of freight in connection therewith not exceeding 200 pounds; or (10) private carriers primarily engaged in transportation of products of agriculture between the farm and the first point of storage or processing plants; or (11) motor
carriers transporting products of the forest *; or (12) motor carriers transporting products of the mine, except petroleum products and except carriers for compensation, either common or contract, primarily engaged in transportation of sand, gravel and aggregates thereof.


CHAPTER 89
(H. B. No. 209)

AN ACT
AMENDING SECTION 33-909, IDAHO CODE, TO REMOVE THEREFROM THE TIME LIMITATION; SPECIFYING THAT THE FAVORABLE VOTE REQUIRED FOR THE APPROVAL OF THE ISSUANCE OF SCHOOL DISTRICT BONDS SHALL BE THAT WHICH IS NOW, OR MAY HEREAFTER, BE ESTABLISHED BY THE CONSTITUTION OF THE STATE OF IDAHO; AND OTHERWISE CLARIFYING THE LANGUAGE OF SAID SECTION.

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

SECTION 1. That Section 33-909, Idaho Code, be, and the same is hereby amended to read as follows:

33-909. BONDS — LIMITATION ON AMOUNT — ELECTIONS TO AUTHORIZE ISSUANCE — DEFINITION OF OUTSTANDING INDEBTEDNESS. — The board of trustees of any school district in the state of Idaho, upon approval of a majority thereof, may submit to the qualified electors who are resident taxpayers of the district, the question as to whether or not the board shall be empowered to issue negotiable coupon bonds of the district in an amount and for a period of time to be named in the notice of election. The amount in * * * districts not qualified to operate high schools shall not exceed at any time, ten per cent of the assessed valuation thereof less outstanding indebtedness in the aggregate; and the amount in high school operating districts shall not exceed at any time, fifteen per cent of the assessed valuation thereof less outstanding indebtedness in the aggregate.

Outstanding indebtedness within the meaning of this section shall be interpreted as the total sum of unredeemed
outstanding bonds \* \* minus all moneys in the sinking or bond redemption fund accumulated for the redemption of such outstanding bonds and \* minus the sum of all taxes levied for the redemption of such bonds which taxes remain uncollected.

No person shall vote at any such bond election who is not:

1. A qualified elector of the district; and,
2. A bona fide resident thereof for more than thirty days last past; and,
3. a. A taxpayer; or,
   b. The wife or husband of a taxpayer.

A taxpayer within the meaning of this section is a person who pays taxes on real property or who is obligated as owner or as a contract purchaser to pay taxes on real property within the boundaries of the district.

Except as herein otherwise provided, such bond election shall be conducted as are other school elections. If \* such percentage as now is, or may hereafter be, set by the Constitution of the state of Idaho, of the votes cast at such election are in favor of the issuance of such bonds the same may be issued at any time within two years from the date of such election.


CHAPTER 90
(H. B. No. 247)

AN ACT

AMENDING SECTION 33-4105, IDAHO CODE, TO CLARIFY THE LANGUAGE IN ONE PARTICULAR AND TO INCREASE THE ALLOWANCE PER HANDICAPPED CHILD TO $150 PER YEAR; AMENDING SECTION 33-4106, IDAHO CODE, TO PROVIDE A METHOD OF PRO-RATING CAPITAL COSTS.

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

SECTION 1. That Section 33-4105, Idaho Code, be, and the same is hereby amended to read as follows:
33-4105. ESTABLISHMENT OF CLASSROOM UNITS. —Any public school district may establish classroom unit(s) and employ teacher(s) for the education of handicapped children. Handicapped classroom units shall be allotted to each public school district on the basis of number of handicapped children enrolled and receiving instruction in the handicapped unit in the current year. Except as hereinafter provided, handicapped units for each district shall be determined in accordance with the following schedule: If there are not less than five nor more than eight handicapped children enrolled and one teacher is employed, one classroom unit shall be allowed; if more than one teacher is employed and there are more than eight handicapped children enrolled, one classroom unit shall be allowed for the first eight handicapped children enrolled and one-eighth classroom unit for each additional handicapped child enrolled. A handicapped child shall not again be included in average daily attendance for computing classroom units in section 33-1006 as amended. Section 33-1007 shall apply to handicapped units; and * * * there shall be further provided in the foundation program of any district maintaining a handicapped unit, $150 for each handicapped child enrolled, in accordance with this act, in addition to all other moneys.

SECTION 2. That Section 33-4106, Idaho Code, be, and the same is hereby amended to read as follows:

33-4106. CONTRACTING FOR EDUCATION BY ANOTHER SCHOOL DISTRICT OR APPROVED REHABILITATION CENTER OR HOSPITAL.—The trustees of a school district may contract for the education of handicapped children by another school district or by any suitable private rehabilitation center or hospital and agree to pay therefor a sum not to exceed the local per student cost of current expenditures to the institution or district contracting to educate such students. In the event that the parents of any such child or children and the trustees of the school district within which they reside cannot agree upon any private rehabilitation center or hospital as being suitable for the education of such child or children, or if they cannot agree on the amount to be paid such rehabilitation center or hospital for such education, the disputed matter or matters shall be submitted by such trustees to the state board of education, and said board shall determine the same and notify said trustees of its determination, and no contract shall be made by any such board of trustees contrary to any such determination by the state
board of education. This section does not prohibit public school districts from co-operatively organizing for the education of all handicapped children residing within the several districts and pro-rating capital costs among the several districts; provided the district in which the handicapped children receive education shall be designated as the educating district for the purpose of this act, and the pro-rating of such capital costs shall be on the basis of the number of handicapped children enrolled from each district respectively the first year the unit or units operate.


CHAPTER 91
(S. B. No. 105)

AN ACT

RATION AND APPROVAL OF THE COLUMBIA INTERSTATE COMPACT IS SUBJECT, HOWEVER, TO APPROVAL BY APPROPRIATE LEGISLATIVE ACTION BY THE STATES OF WASHINGTON, OREGON, MONTANA, AND CONSENT BY APPROPRIATE LEGISLATIVE ENACTMENT BY THE CONGRESS OF THE UNITED STATES; AND PROVIDING THAT ALL LAWS OR PARTS OF LAWS IN CONFLICT WITH THE PROVISIONS OF THIS ACT, AND SPECIFICALLY CHAPTER 185 OF THE IDAHO SESSION LAWS OF 1955, ARE HEREBY REPEALED.

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

SECTION 1. Ratification and approval is hereby given the Columbia Interstate Compact, and each and every part thereof, as signed at the City of Spokane, Washington, on the 3rd day of October, 1960, by commissioners representing the State of Idaho, acting pursuant to authority granted by Chapter 61 of the Idaho Session Laws of 1951, and the commissioners representing the States of Washington, Oregon, Montana, Wyoming, Nevada and Utah and approved by the representative of the United States, which Compact is in full as follows:

COLUMBIA INTERSTATE COMPACT

ARTICLE 1—PURPOSES

The purposes of this Compact with respect to the land and water resources of the Columbia River Basin are:

A. To facilitate and promote their orderly, integrated and comprehensive development, use, conservation and control for various purposes.

B. To further intergovernmental cooperation and comity with respect to these resources and the programs for their use and development by, among other things,

(1) Providing for the relationships between certain beneficial uses of water as a practicable means of effecting an equitable apportionment thereof, and for means of facilitating and effecting additional interstate agreements with respect thereto, and

(2) Providing an interstate body to consider the various common problems with respect to the use and development of these resources and to plan for, review and recommend plans for their development.
ARTICLE II—DEFINITION OF TERMS

As used in this Compact:

A. “Columbia River System” means the Columbia River and its tributaries within the United States.

B. “Columbia River Basin” means all the drainage area of the Columbia River System within the United States.

C. “State” or “member state” means a state which has ratified and is a party to this Compact.

D. “Upstream state” means any of the states of Idaho, Montana, Nevada, Utah or Wyoming.

E. “Downstream state” means either of the states of Oregon or Washington.

F. “Upstream area” means all the area of the states of Idaho, Montana, Nevada, Utah and Wyoming situated within the Columbia River Basin, and all those portions of the states of Oregon and Washington situated within the Columbia River Basin, lying east of the summit of the Cascade mountains.

G. “Beneficial consumptive use” means any use of waters, recognized as a beneficial use under the law of the member state involved, resulting in a substantial amount of the water diverted being consumed or so used as not to return to the Columbia River System. Such uses include those for domestic, livestock and municipal purposes, irrigation of land and such industrial and other beneficial uses as involve consumptive use of the water diverted.

H. “Nonconsumptive use” means any control or use of water in which, exclusive of seepage and evaporation of water incidental to its control or use, the water remains in or returns to the Columbia River System substantially undiminished in volume. Such uses include use for navigation, flood control, production of hydro-electric power, the maintenance of stream flows for pollution control, fish and wildlife and recreational purposes and such industrial and other beneficial uses as result in nonconsumptive use of the water involved.

I. “Government” means, severally, the member states and the United States.

J. “Commission” means the Columbia Compact Commission as authorized by this Compact.
A. There is hereby created an agency of the member states, and of each of them, to be known as the Columbia Compact Commission. The Commission shall be composed of three commissioners from each of the states of Idaho, Montana, Oregon and Washington, and, if they ratify the Compact, two commissioners from Wyoming and one each from Nevada and Utah. The commissioners of the respective states shall be designated or appointed in accordance with the laws of the state which they represent and shall serve and be subject to removal in accordance with those laws. A commissioner shall be named to represent the United States, to be designated and to serve as provided by the laws of the United States.

B. Each commissioner of a state shall be entitled to one vote in the Commission. The commissioner of the United States shall serve as chairman of the Commission but shall have no vote. In the absence of any commissioner, his vote may be cast by another commissioner of his state or by another representative designated or appointed in accordance with the laws of that state if such other commissioner or representative shall have a written proxy in such form as may be established by rule of the Commission.

C. The requirements as to a quorum for the transaction of business at any meeting of the Commission shall be as follows:

1. Commencing with the date the Compact becomes effective as to all seven states named in subdivision A of this Article, the presence in person of twelve or more commissioners shall constitute a quorum for the transaction of business; such a quorum shall include at least two commissioners, in person, from such of the states of Idaho, Montana, Oregon and Washington as have appointed or designated commissioners. For the duration of any called meeting of the Commission the presence of a quorum shall be determined at the commencement of such meeting.

2. If any duly called meeting is recessed because of a lack of a quorum initially, a reconvened meeting may be set by written notice, given in accordance with the by-laws, to all commissioners not less than ten days in advance of such reconvened meeting. At such reconvened meeting, the requirements for
personal attendance by two commissioners from each of the states of Idaho, Montana, Oregon and Washington shall not apply, and the presence of twelve or more commissioners in person or by proxy shall constitute a quorum.

(3) Commencing with the date the Compact becomes effective, but before all seven states have ratified, the requirements as to a quorum shall be modified as follows:

(a) If only four or five states have ratified, the phrase “nine or more” shall be substituted for the phrase “twelve or more” in subsections (1) and (2) of this section C.

(b) If only six states have ratified, the phrase “ten or more” shall be substituted for the phrase “twelve or more” in subsections (1) and (2) of this section C.

D. The requirements as to votes required to carry an action at any meeting of the Commission shall be as follows:

(1) Commencing with the date the Compact becomes effective as to all seven states named in section A of this Article, any action by the Commission shall be effective only if it be carried by a vote of twelve or more of the voting membership of the Commission.

(2) Commencing with the date the Compact becomes effective but before all seven states have ratified, the requirements as to votes necessary for Commission action shall be modified as follows:

(a) If only four or five states have ratified, the phrase “nine or more” shall be substituted for the phrase “twelve or more” in subsection (1) of this section D.

(b) If only six states have ratified, the phrase “ten or more” shall be substituted for the phrase “twelve or more” in subsection (1) of this section D.

E. The Commission shall meet to establish its formal organization within ninety (90) days of the effective date of this Compact, such meeting to be at the call of the chairman or by a majority of the commissioners then appointed or designated. The Commission shall then adopt its initial
set of by-laws providing for, among other things: the adoption of a seal, the management of its internal affairs and the authority and duties of its officers. The Commission shall also then elect from among its members a vice-chairman and treasurer to serve for the first full or part annual term, these offices to be filled thereafter from among Commission members by annual elections. The Commission shall appoint an executive director, who shall also act as secretary, to serve at the pleasure of the Commission and at such compensation and under such terms and conditions as it may fix. The executive director shall be the custodian of the records of the Commission with authority to affix the Commission’s official seal and to attest to and certify such records or copies thereof.

F. The executive director, subject to the approval of the Commission in such cases as its by-laws may provide, shall, without regard to the provisions of the civil service laws of any member state or of the United States, appoint and remove or discharge such engineering, legal, expert, clerical and other personnel as may be necessary for the performance of the Commission’s functions; may fix their compensation and define their duties; and require bonds of such of them as the Commission may designate.

G. The Commission may:

(1) Borrow, accept, or contract for the services of personnel from any government, agency thereof or any intergovernmental agency.

(2) Acquire by purchase or otherwise, hold and dispose of such real and personal property as may be necessary or convenient in the performance of its functions.

(3) Establish and maintain one or more offices for the transaction of its business.

H. The Commission and its executive director shall make available to the member states or the United States any information in its possession at any time and shall provide free access to its records during established office hours to duly authorized representatives of member states or the United States or to any interested person.

I. The Commission shall make and transmit annually to the legislative bodies and executive head of each government, a report covering the activities of the Commission for the preceding year and embodying such plans, recom-
mendations and findings as may have been adopted by the Commission. The Commission may issue such additional reports as it may deem desirable.

J. All meetings of the Commission shall be open to the public.

**ARTICLE IV—FINANCE**

A. The compensation and expenses of each commissioner shall be fixed and paid by the government which he represents. All other expenses incurred by the Commission in the course of exercising the powers conferred upon it by this Compact shall be paid by the Commission out of its own funds.

B. The Commission shall submit to the executive head or designated officer of each member state for presentation to its legislature a budget of its estimated expenditures. This budget shall contain specific recommendations of the amount to be appropriated by each of the member states. The time of submission and the fiscal period of the Commission's budget shall conform as nearly as possible to the requirements of the laws of the member states.

C. The Commission shall, at the initial organizational meeting after this Compact becomes effective, or as soon thereafter as is practicable, establish the initial fiscal period and shall establish the budget of expenditures for this initial period. The budget for the initial period, if it be a full biennium, shall be not less than $65,000.00. If the initial fiscal period is only a portion of a biennium, the minimum budget therefor shall be the proportion of $65,000.00 derived by applying thereto the ratio that the initial period bears to a full biennium. The respective shares of the budget for the initial fiscal period shall be as follows:

<table>
<thead>
<tr>
<th>Member State</th>
<th>Percent of Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Idaho</td>
<td>23.5</td>
</tr>
<tr>
<td>Montana</td>
<td>23.5</td>
</tr>
<tr>
<td>Nevada</td>
<td>2.0</td>
</tr>
<tr>
<td>Oregon</td>
<td>23.5</td>
</tr>
<tr>
<td>Utah</td>
<td>2.0</td>
</tr>
<tr>
<td>Washington</td>
<td>23.5</td>
</tr>
<tr>
<td>Wyoming</td>
<td>2.0</td>
</tr>
</tbody>
</table>

If any of the states of Nevada, Utah or Wyoming fail to ratify during the initial period, the total budget for that
period shall be reduced by the amount of the share of the state failing so to ratify, but the amounts to be paid by the other states shall remain unchanged.

D. Subsequent budgets shall be recommended by the Commission and the amounts shall be allocated among the member states. The shares of Idaho, Montana, Oregon and Washington shall be equal and in no event shall the share of Wyoming exceed three per cent (3%), the share of Nevada exceed two per cent (2%) and the share of Utah one per cent (1%) of the total budget for any fiscal period.

E. The Commission shall not pledge the credit of any government except by and with the authority of the legislative body thereof given pursuant to and in keeping with the Constitution of said government. The Commission shall not incur any obligations prior to the availability of funds adequate to meet the same.

F. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be open for examination or audit by any member state but the Commission shall not be required to adopt the auditing or accounting procedures of any particular state. All receipts and disbursements of funds handled by the Commission shall be audited yearly by an independent certified public accountant and the report of the audit shall be included in and become a part of the annual report of the Commission.

G. The accounts of the Commission shall be open for public inspection during established office hours.

ARTICLE V—GENERAL POWERS

The Commission shall have power when authorized by such majority vote as provided by Article III hereof:

A. To collect, correlate and report on data relating to present and potential uses of water and other related resources of the Columbia River Basin and relating to available sources of water for use in the Columbia River Basin; conduct investigations and surveys to determine the extent of those resources and the nature of the problems involved in their present and future development and management; and recommend plans and programs for their development.

B. To undertake itself, or in cooperation with governments or agencies thereof or other entities, with respect to the Columbia River Basin the review of all plans for the con-
struction of works authorized or reauthorized to be undertaken after the effective date of this Compact for flood control, navigation, power development, irrigation, or other water use or management which involve facilities having capacity for the diversion or use of flows of more than 200 cubic feet per second or the capacity to store at any time more than 25,000 acre-feet of water and which are proposed to be undertaken pursuant to laws of the United States, whether under permission granted by the United States, by means of financing in whole or in part by the United States, or otherwise.

C. To appear and make recommendations before appropriate governmental or intergovernmental agencies or other entities in public hearings or otherwise, in connection with any plans, projects or programs.

D. To collect, correlate and publish water facts necessary for the purpose of the Compact directly or in cooperation with any governmental or intergovernmental agencies or other entities.

E. To cooperate with the International Joint Commission—United States and Canada, the appropriate agencies of Canada and the Province of British Columbia, as well as with agencies of the member states and the United States and with other entities, in studies, plans and recommendations with respect to any project which may have a substantial effect on the uses of waters of the Columbia River and its tributaries that are of international concern.

ARTICLE VI—STORAGE IN UPSTREAM STATES AND ALLOCATION OF POWER

A. It is to the best interests of the region that power projects be constructed in sufficient number and with sufficient speed and capacity to meet the energy requirements of the region as those requirements arise so that there will always be a pool of available energy for the development of the region.

B. Maximum utilization of storage is important to the full development of the region and to control floods. Downstream states desire assistance from upstream states in achieving this control of the Columbia River System. Before giving such assistance, the upstream states wish to be assured of a reasonable reservation of power, without regard to their existing power needs, in order to meet future requirements.
C. So far as the states are concerned, by ratification of this Compact:

(1) It is the declared purpose and intent of the member states that there shall be a fair and equitable allocation of the hydroelectric power developed in the Columbia River Basin.

(2) The member states recognize that full development and utilization of the waters of the Columbia River Basin requires storage reservoirs in the upstream states and the member states concur in and will use their best efforts to achieve a plan for storage which would control maximum flows of the river to no more than 600,000 cubic feet per second measured at The Dalles gauging station during a runoff period no greater than that experienced in 1894.

(3) The member states recognize that on federally developed storage projects wholly or partly in upstream states a reservation shall be made of the equivalent of a major part of the at site power and energy for use in meeting future needs of such state or states without regard to their existing energy requirements. "At site power and energy" means an annual amount of power and energy, equal to the quantity of system firm (prime) power and energy, which such project would be capable of producing at site as an addition (determined as of the date of the recommendation) to the system firm (prime) power and energy, when operated to produce maximum coordinated benefits to the system, assuming full release of all storage water during the system's drawdown period with stream flows in the Columbia River Basin as at the historical minimums.

ARTICLE VII—APPORTIONMENT OF WATER AND RELATED MATTERS

A. So far as the states are concerned, all waters of the Columbia River System shall be available for appropriation for beneficial purposes under and to the extent permitted by the laws of the states involved, but, except for the provisions in this subdivision A relating to certain relationships between consumptive and nonconsumptive uses, no apportionment of waters or determination of rights to the use thereof is made by this Compact. So far as the states are concerned, rights to beneficial consumptive uses of water
within the upstream area, whether established heretofore or hereafter under the laws of the states involved, shall be recognized up to the average annual depletions shown in Plate 7 of the Report of the North Pacific Division, U. S. Army Engineers dated 1, June, 1958, as against, and shall not be limited by, any rights, existing or future, to the quantity of such waters for nonconsumptive uses.

In the case of a stream situation wholly within a downstream state and tributary to the Snake River or to the Columbia River, however, the relationships as between nonconsumptive use rights appurtenant to a development located thereon and consumptive use rights as to the waters of such a tributary upstream from that development shall be governed by the laws of that state without regard to the foregoing limitations of this subdivision.

B. No waters of the Columbia River System shall be diverted out of the Columbia River Basin for use for any purpose except with the approval of all of the member states, but this provision shall not affect rights so to divert which are existing on the effective date of this Compact.

C. The member states hereby designate, appoint and empower their commissioners to draft, negotiate and propose any and all compacts apportioning waters of any tributary stream forming part of the Columbia River System among or between the states through which said tributary stream flows, or amendments to this Compact. Any such supplementary compacts or amendments to this Compact negotiated as herein provided shall become effective upon approval by the Commission, ratification by the legislatures of the member states party thereto, and consent thereto by the Congress.

D. All interstate compacts affecting the waters of the Columbia River System which are in effect as of the date this Compact becomes operative shall remain unaffected hereby.

E. In the event this Compact is terminated, any right to the beneficial consumptive use of water which, prior to the date of termination, is required to be recognized under the provisions of this Compact shall continue to be recognized after such termination to the extent herein provided. Unless otherwise expressly provided in a supplemental compact, made pursuant to the provisions of subdivision C of this article, no such right required to be recognized as of the effective date of such supplement shall be impaired by such supplemental compact.
ARTICLE VIII—POLLUTION CONTROL

A. The states and the United States recognize that the rapid increase of the population of the Columbia River Basin and the growth of industrial, mining, and related activities within that area can lead to such pollution of the waters of the Columbia River System as might constitute a menace to the health and welfare of the people. The states and the United States further recognize that maintenance and improvement of the quality of the waters of the Columbia River System require cooperative action and that pollution abatement and control are essential to the proper realization of the objectives of this Compact and to the safe, profitable, and efficient multiple-purpose use of the waters of said Columbia River System.

B. In addition to the powers enumerated in Article V, it shall be the duty of the Commission and the Commission shall have the power:

1. To engage in such investigations, analyses or other appropriate means as are deemed necessary to obtain, coordinate, tabulate and summarize technical and other data on the pollution of the waters of the Columbia River System or any portion thereof and on the character and condition of such waters and the needs of the Columbia River Basin for improved water quality; and to prepare reports thereon at such times as may be deemed advisable by the Commission.

2. To cooperate with governments or agencies thereof or other entities for the purpose of promoting uniform laws, rules or regulations for the abatement and control of pollution of the waters of the Columbia River System or any portion thereof, and to make, revise and recommend to the governments water quality objectives necessary to protect the public health, public water supplies, propagation of fish and aquatic life and wildlife, recreational purposes, and agricultural, industrial and other uses.

3. To disseminate to the public, by any and all appropriate means, information respecting pollution abatement and control in the waters of the Columbia River System or any portion thereof and on the harmful and uneconomic results of such pollution.

C. Each state shall have the primary obligation and responsibility to take appropriate action under its own laws
to abate and control interstate pollution, which is defined as the deterioration of the quality of the waters of the Columbia River Basin within the boundaries of such state which materially and adversely affects beneficial uses of waters of the Columbia River Basin in other states. Upon complaint to the Commission by the state water pollution control agency of one state that interstate pollution originating in another state or states is not being prevented or abated, the procedure shall be as follows:

(1) The Commission shall call a hearing, giving not less than 30 days notice in writing thereof to the water pollution control agencies of the states involved and to each person or entity which the Commission finds is charged with causing such interstate pollution.

(2) Such hearing shall be held in accordance with rules and regulations prescribed by the Commission.

(3) At the conclusion of such hearing, the Commission shall make a finding as to whether interstate pollution exists, and if so, shall recommend to the appropriate agency that action be taken under State or Federal law to abate or correct such interstate pollution.

D. The water pollution control agencies of the member states shall from time to time, make available to the Commission all data relating to the quality of the waters of the Columbia River Basin which they possess as the result of studies, surveys and investigations thereof which they may have made.

ARTICLE IX—FISH AND WILDLIFE AND RECREATION

A. In the exercise of the powers and functions conferred on the Commission, it shall be the policy of the Commission to prepare and review plans for development and application of measures for preventing damage to and enhancing the fish and wildlife and recreational resources of the Columbia River Basin and to cooperate with all agencies charged with the responsibility for protecting and fostering these resources.

B. In the furtherance of this policy the Commission shall:

(1) Submit pertinent information to, and receive recommendations from official agencies of the governments having jurisdiction or otherwise affected, with re-
spect to projects and programs in which the Commission may be concerned.

(2) Taking into consideration recommendations of governmental agencies responsible for fish and wildlife administration, recommend appropriate steps to assure that in all projects which are within the purview of the Commission, effective fish and wildlife protective facilities or compensatory measures as required by the laws of the member states, shall be incorporated into water use developments; that the costs thereof including operation and maintenance be included as a part of the cost of said projects; and that the responsibility for the provision of such effective fish and wildlife protective facilities or compensatory measures as are recommended as a part of the project plan shall continue beyond completion of construction of the individual projects. The fish and wildlife facilities and compensatory measures referred to in this article may include physical installations located elsewhere than at the actual site of the project.

(3) In connection with projects coming within the purview of the Commission, give proper recognition to recreational and fish and wildlife values by recommending such steps as may be necessary and practicable—to protect or develop recreational resources; to assure the maintenance of necessary minimum stream flows, reliable and adequate pool levels, and allocation of water for fish and wildlife protective or compensatory facilities, and for the regulation of such stream flows and pool levels so as to conform to sound fish and wildlife management practices.

ARTICLE X—RULES AND REGULATIONS

The Commission shall have the power to adopt and issue by-laws, rules and regulations to effectuate the purposes of this Compact, as in its judgment may be appropriate. The Commission shall publish its by-laws, rules and regulations in convenient form, but shall not be subject to the procedural requirements of any particular state.

ARTICLE XI—EXISTING RIGHTS RECOGNIZED

Nothing in this Compact shall be deemed:
(1) To impair or affect any rights, powers or jurisdiction of the United States, or those acting by or under its authority, in, over and to the waters of the Columbia River Basin, except as otherwise provided by the Federal legislation required for the implementation of this Compact.

(2) To affect the obligation of the United States to the Indians and Indian tribes, or any right owned or held by or for Indians or Indian tribes which is subject to the jurisdiction of the United States.

(3) To impair or affect the capacity of the United States, or those acting by or under its authority, to acquire in accordance with the laws of the state involved rights in and to use of waters of the Columbia River Basin.

(4) To subject any property of the United States, its agencies or instrumentalities, to taxation by any member state or subdivision thereof.

(5) To subject any property of the United States, its agencies or instrumentalities, to the laws of any member state to any extent other than the extent those laws would apply without regard to this Compact, except as otherwise provided by Federal legislation required for the implementation of this Compact.

(6) To affect the applicability of the laws of any member state with respect to water rights properly claimed thereunder, except to the extent that the applicability in a given case would be inconsistent with the provisions of this Compact.

(7) To affect adversely the areas of Mount Rainier, Glacier, Yellowstone, or Grand Teton National Parks or Craters of the Moon, Fort Vancouver or Whitman National Monuments or to limit the operation of laws relating to the preservation thereof.

ARTICLE XII—TERMINATION

This Compact shall remain in full force and effect unless and until terminated by action of the legislatures of the states of Idaho, Montana, Oregon and Washington which action is consented to and approved by the Congress of the United States; provided, that in the event of any termination all rights theretofore established hereunder or
recognized hereby shall continue to be recognized as valid notwithstanding such termination.

ARTICLE XIII—SEVERABILITY

The provisions of this Compact shall be severable. If any phrase, clause, sentence, or provision of this Compact is declared to be contrary to the constitution of any government or the applicability thereof to any government or agency thereof or other entity or to any circumstances is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government or agency thereof or other entity or to any other circumstance shall not be affected thereby, unless it is authoritatively and finally determined judicially that the remaining provisions cannot operate for the purposes, or substantially in the manner, intended by the member states independently of the portions declared to be unconstitutional or invalid.

ARTICLE XIV—RATIFICATION AND EFFECTIVE DATE

A. This Compact shall become effective and binding when it has been ratified by the legislatures of the states of Idaho, Montana, Oregon and Washington, and when consented to by an Act of the Congress of the United States, which will, in substance, provide that the United States, or any agency thereof, or any non-federal entity acting under any future license or other authority granted under the laws of the United States, in connection with water control or use projects located wholly or partly in a downstream state shall be governed by the following limitation:

Rights to beneficial consumptive uses within the upstream area, whether established heretofore or hereafter under applicable laws, shall be recognized as against any rights, existing or future, to such waters for nonconsumptive uses by projects located wholly or partly within a downstream state, to the extent that average annual depletions resulting from such upstream consumptive uses above any property or authorized structure of the United States, located wholly or partly in a downstream state, were assumed in Plate 10 of “Report of the Division Engineer” Volume I of House Document No. 531, 81st Congress, 2nd Session, and to the extent any additional depletions subsequently are recognized by the Congress as the basis of operation of existing projects, or as the basis for authorization of additional or revised projects.
B. If this Compact becomes effective in accordance with the above provision, it shall also become effective and binding as to any of the states of Nevada, Utah or Wyoming if ratified by the legislature of any such state.

SECTION 2. The Compact set forth in Section 1 of this Act shall not become operative unless and until it has been ratified and approved by appropriate legislative enactment by the states of Washington, Oregon and Montana, and has been consented to and approved by the Congress of the United States by legislation conforming to the requirement of Subdivision A of Article XIV of said Compact. The Governor of Idaho shall give notice of the ratification and approval of this Compact by the Idaho Legislature to the Governors of the states of Washington, Oregon, Montana, Wyoming, Nevada and Utah and to the President of the United States.

SECTION 3. There shall be three members of the Columbia Compact Commission from the State of Idaho. They shall be appointed by the Governor with the consent of the senate and shall hold office at the pleasure of the Governor. The terms of each of the initial three members shall begin at the time of appointment, provided said Compact shall then have gone into effect; otherwise, shall begin upon the date which said Compact shall become effective. The term of one of said three commissioners first appointed shall be two years, one shall be four years, and one shall be six years; and their successors shall be appointed by the Governor with the consent of the senate for terms of six years each. Each commissioner shall hold office until his successor shall be appointed or qualified. Vacancies occurring in the office of any such commissioner for any reason or cause shall be filled by appointment by the Governor with the consent of the senate for the unexpired term. Any appointment made by the Governor while the senate is not in session shall be effective as a temporary appointment until the next meeting of the senate when the Governor shall present to that body his nomination for the office.

SECTION 4. There is hereby granted to the commission and the commissioners thereof all the powers provided for in said Compact and all powers necessary or incidental to the carrying out of said Compact in every particular.

SECTION 5. Each member of the commission from the state of Idaho shall be paid, from funds appropriated by the legislature for that purpose, the sum of twenty-five
dollars per day for each day devoted to the business of the commission, together with his traveling and other necessary expenses. Such member may, regardless of any charter or statutory provisions to the contrary, be an officer or employee holding another public position.

SECTION 6. The remuneration and expenses of the commissioners and the share of the state of Idaho in the expenses of the Columbia Compact Commission shall be appropriated by the Legislature to the State Department of Reclamation for these purposes.

SECTION 7. All officers of this state are hereby authorized and directed to do all things, falling within their respective provinces and jurisdiction, necessary to or incidental to the carrying out of said Compact in every particular. All officers, bureaus, departments and persons of and in the government or administration of this state are hereby authorized and directed, at convenient times and upon the request of the said commission, to furnish said commission with information and data possessed by them or any of them, and to aid said commission by any means lying within their legal powers respectively.

SECTION 8. Any powers herein granted to the commission shall be regarded as in aid of and supplemental to and in no case a limitation upon any of the powers vested in said commission by other laws of this state or by the laws of other signatory states or by Congress or by the terms of said Compact, which shall be liberally construed.

SECTION 9. All laws or parts of laws in conflict with the provisions of this Act, and specifically Chapter 185 of the Idaho Session Laws of 1955, are hereby repealed.

Approved March 6, 1961.

CHAPTER 92
(S. B. No. 123)

AN ACT

APPROPRIATING $33,000,000 FROM THE GENERAL FUND OF THE STATE OF IDAHO TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING THE SAME MONEYS OUT OF THE PUBLIC SCHOOL INCOME FUND FOR THE PURPOSES OF SUCH FUND; PROVIDING FOR THE TIME AND MAN-
NER OF SUCH TRANSFERS; AND EXEMPTING THIS ACT FROM THE PROVISIONS OF THE STANDARD APPROPRIATIONS ACT OF 1945.

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 to the Public School Income Fund the sum of $33,000,000, which sum shall be transferred from the General Fund to the Public School Income Fund as follows:

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<td>September 30, 1961</td>
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<td>December 31, 1961</td>
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<td>March 31, 1962</td>
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$16,000,000.00

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<td>December 31, 1962</td>
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<td>March 31, 1963</td>
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$17,000,000.00

Biennial Total $33,000,000.00

SECTION 2. All moneys hereby appropriated to the Public School Income Fund are hereby appropriated out of said Public School Income Fund for the purposes of said fund.

SECTION 3. On each of the above dates only so much may be transferred from the General Fund as is necessary to meet the needs of the State's share of the Public School Equalization Program.

SECTION 4. The State Auditor and State Treasurer shall make the transfer from the General Fund to the Public School Income Fund as provided in Section 1 of this act upon order of the State Board of Examiners. The State Board of Examiners may order the transfer of only a portion of the above stated sums if for any reason revenues to the General Fund are insufficient to meet in full the appropriations to be made from the General Fund. In such event, the above stated transfers shall be made in the same pro rata share as the total income bears to the total appropriations and transfers to be made out of the General Fund.
SECTION 5. This act is expressly exempt from the provisions of the Standard Appropriations Act of 1945.

Approved March 6, 1961.

CHAPTER 93
(S. B. No. 11)

AN ACT
AMENDING SECTION 50-1701, IDAHO CODE, AS AMENDED BY CHAPTER 103, IDAHO SESSION LAWS OF 1913, TO PROVIDE THAT CITY AND VILLAGE ELECTIONS BE HELD DURING THE MONTH OF NOVEMBER.

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

SECTION 1. That Section 50-1701, Idaho Code, as amended by Chapter 103, Idaho Session Laws of 1913, be, and the same hereby is, amended to read as follows:

50-1701. TIME FOR HOLDING ELECTIONS — TERMS OF OFFICERS — HOURS FOR VOTING. — On the * Tuesday succeeding the first Monday of * * * November, 1963, and biennially thereafter, an election shall be held in each city and village governed by this title, for officers as in this title provided. All of such officers shall be elected and hold their respective offices for a * * * specified term, and until their successors are elected and qualified. At said election the qualified voters of such city may cast their ballots between the hours of * * * twelve noon and eight o'clock p. m.

Approved March 6, 1961.

CHAPTER 94
(S. B. No. 12)

AN ACT
AMENDING SECTION 50-3701, IDAHO CODE, TO PROVIDE FOR ELECTION OF CITY OFFICIALS DURING THE MONTH OF NOVEMBER.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 50-3701, Idaho Code, be, and the same hereby is, amended to read as follows:

50-3701. REGULAR AND SPECIAL MUNICIPAL ELECTIONS.—A general municipal election shall be held in such city organized under this act on the * Tuesday succeeding the first Monday in * * * November, 1963, and on the * Tuesday succeeding the first Monday in * November in every second year thereafter, and shall be known as a general municipal election. A second election shall be held, when necessary, as provided in Section 50-3724, on the third Tuesday after said general municipal election, and shall be known as the second general municipal election.

All other municipal elections that may be held by authority of this act, or of general law, shall be known as special municipal elections.

Approved March 6, 1961.

CHAPTER 95
(S. B. No. 13)

AN ACT

AMENDING SECTION 50-315, IDAHO CODE, AS AMENDED BY CHAPTER 169, IDAHO SESSION LAWS OF 1941, TO PROVIDE FOR ELECTION OF CITY OFFICIALS DURING THE MONTH OF NOVEMBER AND TO PROVIDE THAT ALL NEWLY ELECTED MUNICIPAL OFFICIALS SHALL TAKE OFFICE ON THE FIRST DAY OF JANUARY.

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

SECTION 1. That Section 50-315, Idaho Code, as amended by Chapter 169, Idaho Session Laws of 1941, be, and the same hereby is, amended to read as follows:

50-315. ELECTION AND QUALIFICATIONS OF COUNCILMEN—TERMS.—Each ward of said city shall have * * two councilmen, who shall be chosen by the electors of the entire city from the qualified electors of their respective wards and who shall serve for four years and until their successors shall be elected and qualified; provided, that * * * the next biennial election shall be held
on the Tuesday succeeding the first Monday of November and all terms previously designated to terminate during the year 1963 shall be extended through the last day of 1963 and all terms previously designated to terminate in 1965 shall extend through the last day of 1965. Hereafter, the terms of all newly elected officers shall commence on the first day of January. In the event a city is newly organized the two councilmen elected from each ward shall determine by lot which one is to serve the two year term and which one is to serve the four year term. Thereafter, at each biennial election, one Councilman shall be elected from each ward for a four year term. No person shall be eligible to the office of councilman who is not at the time of his election an actual resident of the ward for which he is elected, and a qualified elector under the constitution and laws of the state of Idaho, and if any councilman shall remove from the ward for which he is elected his office as a councilman shall thereby become vacant. Whenever there shall be a tie in the election of councilmen, it shall be determined by lot by the canvassing board.

Approved March 6, 1961.

CHAPTER 96
(S. B. No. 27)

AN ACT

AMENDING SECTION 50-115, IDAHO CODE, MAKING A UNIFORM RESIDENCE REQUIREMENT FOR ALL ELECTIVE CITY OFFICIALS AND; REMOVING THE RESIDENCE REQUIREMENTS FOR APPOINTIVE CITY OFFICERS.

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

SECTION 1. That Section 50-115, Idaho Code, be, and the same hereby is, amended to read as follows:

50-115. QUALIFICATIONS OF OFFICERS.—No person shall be eligible to hold any elective office in such city unless such person be a resident elector and taxpayer of the city at the time of his election. * * *

Approved March 6, 1961.
CHAPTER 97
(S. B. No. 28)

AN ACT
AMENDING SECTION 50-320, IDAHO CODE, AS AMENDED BY CHAPTER 1, IDAHO SESSION LAWS OF 1905, MAKING A UNIFORM RESIDENCE REQUIREMENT FOR ALL ELECTIVE CITY OFFICIALS.

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

SECTION 1. That Section 50-320, Idaho Code, as amended by Chapter 1, Idaho Session Laws of 1905, be, and the same hereby is, amended to read as follows:

50-320. QUALIFICATIONS OF OFFICERS.—All elective officers shall be qualified electors and taxpayers * * *

Approved March 6, 1961.

CHAPTER 98
(S. B. No. 40)

AN ACT
AMENDING SECTION 15-402, IDAHO CODE, TO ELIMINATE THE MAXIMUM OF $4.00 PER DAY TO BE ALLOWED APPRAISERS OF THE ESTATES OF DECEDEENTS FOR THEIR COMPENSATION AND TO PROVIDE THAT THE COMPENSATION OF APPRAISERS SHALL BE A REASONABLE AMOUNT TO BE ALLOWED BY THE COURT OR JUDGE UPON THE RECOMMENDATION OF THE EXECUTOR OR ADMINISTRATOR OF THE ESTATE.

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

SECTION 1. That Section 15-402, Idaho Code, be, and the same is hereby amended to read as follows:

15-402. APPOINTMENT OF APPRAISERS. — To make the appraisement, the probate judge or court must appoint three disinterested persons (any two of whom may act), who are entitled to receive a reasonable compensation for their services, * * * to be allowed by the court or judge upon the recommendation of the administrator or the ex-
executor of the estate. The appraisers must, with the inventory, file a verified account of their services and disbursements. If any part of the estate is in any other county than that in which letters issued, appraisers thereof may be appointed, either by the probate judge having jurisdiction of the estate or by the probate judge of such other county on request of the judge having jurisdiction.

Approved March 6, 1961.

CHAPTER 99
(S. B. No. 57)

AN ACT
RELATING TO CURRENT EXPENSE FUND OF COUNTIES;
AMENDING SECTION 63-903, IDAHO CODE, AS AMENDED,
TO PROVIDE A LEVY IN MILLS SUFFICIENT TO RAISE
$95,000.

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

SECTION 1. That Section 63-903, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

63-903. CURRENT EXPENSE FUND — ANNUAL TAX LEVY. — The board of county commissioners of each county in this state may levy annually upon all taxable property of said county, a tax for general county purposes, to be collected and paid into the county treasury and apportioned to the county current expense fund, which levy shall not exceed seventy-five cents on each $100.00 of the assessed valuation of said property, or a levy in mills sufficient to raise * $95,000, whichever is greater in the counties where the assessed valuation is $6,500,000 or over, and one dollar twenty-five cents on each $100.00 of the assessed valuation of said property where the assessed valuation is less than $6,500,000 for the year in which such levy is made.

Approved March 6, 1961.
AN ACT

RELATING TO LEASES AND OTHER AGREEMENTS BY COUNTIES, CITIES, TOWNS, VILLAGES, SCHOOL DISTRICTS OR OTHER MUNICIPAL CORPORATIONS OR POLITICAL SUBDIVISIONS OF THE STATE OF IDAHO OWNING REAL PROPERTY FOR THE DEVELOPMENT AND PRODUCTION OF OIL, GAS, OR OTHER HYDROCARBONS; PROVIDING THAT COUNTIES, CITIES, TOWNS, VILLAGES, SCHOOL DISTRICTS OR OTHER MUNICIPAL CORPORATIONS OR POLITICAL SUBDIVISIONS OF THE STATE OF IDAHO MAY ENTER INTO LEASES, CONTRACTS AND COOPERATIVE OR UNIT DEVELOPMENT AGREEMENTS FOR THE DEVELOPMENT AND PRODUCTION OF OIL, GAS OR OTHER HYDROCARBONS.

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

SECTION 1. That the governing body of any county, city, town, village, school district or other municipal corporation or political subdivision of the state of Idaho authorized to acquire and hold real property may, upon determining that such action will be in the best interest of such county, city, town, village, school district or other municipal corporation or political subdivision of the state of Idaho, lease, or enter into a community lease with respect to, any mineral interest owned by such county, city, town, village, school district or other municipal corporation or political subdivision of the state of Idaho, for the exploration for and development and production of oil, gas or other hydrocarbons, and otherwise contract for such exploration, development and production, upon such terms as such governing body may determine and as are not inconsistent with the provisions of this Act.

SECTION 2. That any such governing body may, by such lease or contract, or by other agreement, include, or provide for the inclusion of, any such interest with other interests in any plan or agreement for cooperative or unit development or operation for oil, gas or other hydrocarbons, and modify and change any and all terms of any such lease or contract heretofore entered into or hereafter entered into under the provisions of this Act, including the extension of the terms of any such lease or contract for the full period of time such cooperative or unit plan or agree-
ment may remain in effect, as required to conform the terms of any such lease or contract to such cooperative or unit plan or agreement.

SECTION 3. That any such governing body may, in its discretion, make and establish such rules and regulations governing the issuance of such leases and contracts as are not inconsistent with the provisions of this Act. Any such lease or contract (1) shall be entered into pursuant to resolution duly adopted by the governing body, (2) may be for a term not exceeding ten years and as long thereafter as oil, gas or other hydrocarbons shall be, or can be, produced in commercial quantities, except as such term may be extended pursuant to the provisions of Section 2 of this Act, and (3) shall reserve to the governing body a royalty of not less than one-eighth of all oil, gas or other hydrocarbons produced from said lands.

Approved March 6, 1961.

CHAPTER 101
(S. B. No. 63)

AN ACT
AMENDING SECTION 50-1914, IDAHO CODE, AS AMENDED BY CHAPTER 108, IDAHO SESSION LAWS OF 1931, TO PROVIDE THAT THE FISCAL YEAR OF EACH CITY OR VILLAGE SHALL COMMENCE ON THE FIRST DAY OF JANUARY; PROVIDING FOR THE TRANSITION PERIOD FROM MAY 1 TO DECEMBER 31, 1961, AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 50-1914, Idaho Code, as amended by Chapter 108, Idaho Session Laws of 1931, be, and the same hereby is, amended to read as follows:

50-1914. FISCAL YEAR.—The fiscal year of each city or village shall commence on the first day of * January.

SECTION 2. For the transition period hereby created, the period of time from May 1 to December 31, 1961, shall be deemed as one year wherever the term year is used in any statute relating to fiscal matters of any municipality.
SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1961.

CHAPTER 102
(S. B. No. 69)

AN ACT
AMENDING SECTION 50-1148, IDAHO CODE, RELATING TO LEASING FOR MINING PURPOSES REAL PROPERTY OWNED BY MUNICIPAL CORPORATIONS, BY ADDING TO SAID SECTION THE PHRASE "EXCEPT AS OTHERWISE PROVIDED BY LAW".

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

SECTION 1. That Section 50-1148, Idaho Code, is amended to read as follows:

50-1148. LEASE OF MINING PROPERTY OWNED BY CITY.—Except as otherwise provided by law, * the corporate authorities of any municipal corporation whenever it has been determined or becomes probable that any of the property of the said municipal corporation has become valuable by reason of any veins or lodes or other deposits of mineral underlying said property, upon a vote of three-fourths of the members of said council or board of trustees, shall have the right to grant a lease by ordinance in and to such minerals, with the right to mine for and extract the same, provided that the surface of said property shall be in no wise disturbed or interfered with. Such lease shall provide for such royalties and shall contain such other terms and provisions as to said council or board of trustees may seem proper; but in no case shall any such lease be made for a greater period than twenty-five years.

Approved March 6, 1961.
CHAPTER 103
(S. B. No. 70)

AN ACT

AMENDING SECTION 31-836, IDAHO CODE, AS AMENDED, RELATING TO LEASING OF COUNTY PROPERTY, BY ADDING TO SAID SECTION THE PHRASE "EXCEPT AS OTHERWISE PROVIDED BY LAW."

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

SECTION 1. That Section 31-836, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

31-836. LEASE OF COUNTY PROPERTY.—Except as otherwise provided by law, * the board of county commissioners may lease any property belonging to the county for a term not exceeding five years at such rental as may be determined upon by the unanimous vote of such board, or said board may in its discretion lease any property belonging to the county at public auction to the highest bidder, and may enter into such leasing contracts as may be provided for by order of the board, and as herein limited; such rents shall be paid annually in advance; provided, however, that the provision requiring the payment of rent in advance shall not apply to a lease to the federal or state government, a municipal corporation of this state, or any governmental agency or department; providing, however, that any hospital or hospital equipment belonging to the county may be leased for a term not exceeding twenty years. Provided that the board of county commissioners may lease any property belonging to the county and not necessary for its use to any nonprofit corporation or association organized for the purpose of erecting and maintaining thereon any play field, recreation park or stadium to serve as a memorial to the deceased soldiers, sailors and marines of World War II. Such lease may be for any term not to exceed ninety-nine years, may provide for only a nominal rental to the county and will, by its provisions, terminate when the property so leased ceases to be used as a play field, recreation park or stadium serving as a memorial.

Approved March 6, 1961.
CHAPTER 104
(H. B. No. 45)

AN ACT

AMENDING SECTION 31-2015, IDAHO CODE, BY INCREASING THE MAXIMUM OFFICIAL BOND OF JUSTICES OF THE PEACE TO $10,000.00; ADDING A NEW SUB-SECTION 15 FOR CONSTABLES ONLY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 31-2015, Idaho Code, be, and the same is hereby amended to read as follows:

31-2015. BONDS OF OFFICERS—AMOUNT OF PENALTY.—County, district and precinct officers must execute official bonds in the following amounts:

1. County commissioners each in the sum of $5000.
2. Probate judges each in the sum of $5000.
3. County treasurers each in double the probable amount of money that may at any time come into his hands as such treasurer, to be fixed by the board of county commissioners: provided, if surety bond be given as provided in section 41-2707, the bond need not exceed twenty-five per cent of the probable amount that may be at hand at any one time, but in no case to be less than $10,000.
4. Sheriffs each in the sum of $10,000.
5. Clerks of the district court each in the penal sum of $5000, with two sufficient sureties, to be approved by the judge of the district, conditioned that he will faithfully perform the duties of his office and at all times account for and pay over all moneys in his hands as clerk; and the penalty of such bond may at any time be increased by the judge of the district. The clerk may require a bond from any deputy.
6. County recorders each in the sum of not less than $5000 nor more than $20,000, to be fixed by the board of county commissioners, and to cover his duties and liabilities as recorder, auditor and clerk of the board of county commissioners.
7. Assessors each in the sum of $5000.
8. Tax collectors and license collectors each in the sum
of not less than $2000 nor more than $50,000 to be fixed by the board of county commissioners.


10. County superintendents of public instruction each in the sum of $2000.

11. County surveyors each in the sum of $2000, and with at least two sureties for the faithful and impartial performance of his duties.

12. Coroners each in the sum of $1000.


14. Justices of the peace * * * in the sum of not more than * $10,000.00, to be fixed by the board of county commissioners.

15. Constables in the sum of not less than $500.00 nor more than $1,000.00, to be fixed by the board of county commissioners.

SECTION 2. 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.

Approved March 6, 1961.

CHAPTER 105
(H. B. No. 50)

AN ACT

AMENDING SECTION 33-905A, IDAHO CODE, AS AMENDED, TO INCREASE TO TEN MILLS THE LEVY WHICH MAY BE MADE FOR THE SCHOOL PLANT FACILITIES RESERVE FUND AND TO PROVIDE THAT THE FUND MAY BE USED IN REMODELING EXISTING BUILDINGS WHEN THE COST IS FIVE THOUSAND DOLLARS OR MORE.

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

SECTION 1. That Section 33-905A, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

33-905A. SCHOOL PLANT FACILITIES FUND. —
School plant facilities reserve funds are hereby authorized for any school district in Idaho which exercises the authority granted in this section. Such fund may be established by resolution adopted at any regular or special meeting of the board of trustees of any school district. All moneys which accrue from taxes levied under the provisions of this act shall be placed in such reserve fund, together with all interest accruing from the investment of moneys in the fund, and together with any appropriation made from district maintenance and operation funds for depreciation of school plant facilities, and together with all receipts from any source for depreciation of plant facilities.

Moneys placed in said fund shall be expended by the board of trustees at such times as said board may determine, solely for the purposes set forth in this section and for no other purpose whatsoever; nor shall the fund at any time be depleted by temporary transfer to other school funds for expenditure therefrom; provided, that if it is decided to discontinue the financing of school plant facilities from such fund and to discontinue the establishment of such funds, any balance therein remaining at such discontinuance shall be transferred to the bond interest and redemption fund and to that fund only. If there is no outstanding bonded indebtedness in the district the moneys in such school plant facilities reserve fund shall remain invested as in this section provided.

Moneys may be expended from the school plant facilities reserve fund for the following purposes and for no other purpose: the purchase of school sites; the construction of new school buildings including architectural and engineering services and including heating, plumbing, ventilating and electrical facilities; the enlargement, or major remodeling when the cost is five thousand dollars ($5,000.00) or more, of existing school buildings, including architectural and engineering services, heating, plumbing, ventilating and electrical system; the purchase of necessary furniture, fixtures and equipment required to fully operate such school; the purchase of school buses for use in furnishing transportation services or for the replacement of obsolete buses, chassis or bodies; the participation in local improvement districts when the board of trustees has previously determined that such improvements as are contemplated thereby will have a direct benefit to the school plant and facilities; provided, however, that no lien against any school property situate within the boundaries of such improvement district will be created.
Should any school district having a balance in its school plant facilities reserve fund be consolidated with one or more school districts to form a new school district, the moneys in such fund may be applied to any outstanding bond or judgment obligations, to retire such obligations according to law; or, in the event there be no outstanding bond or judgment indebtedness, then such fund may accrue to the new school district to be added to or to create a school plant facilities reserve fund for such new school district.

Should a school district having a balance in its school plant facilities reserve fund be divided for the formation of new school districts or for consolidation with other school districts, the moneys in such fund shall be disposed of in the manner prescribed in the preceding paragraph, except, that the division of such fund among such new school districts shall be in the proportion that the assessed valuation of each segment of such school district being divided bears to the total assessed valuation of the district before the division.

School plant facilities reserve funds may be invested, at the discretion of the board of trustees, in United States bonds, state bonds, state warrants or county warrants.

Any school district which has, pursuant to this section, established a school plant facilities reserve fund shall have authority to levy an annual tax not to exceed ten mills for ten years or less to provide moneys in such fund, subject to the following limitations and conditions:

Such levy as the board of trustees may determine, shall be subject to approval of the qualified electors of the district at a regular or special tax levy election, such election to be called and conducted in accordance with the provisions of section 33-909 and the qualification of electors and the percentage of votes required for approval, at such special or regular tax levy election, shall be the same as specified in said section, except proceeds of any such levy, during the period herein authorized, shall not be considered in determining the limits of any bonded debt of such district.

Pursuant to authority granted at such regular or special tax levy election, said board may determine and certify such levy, in the same manner as other district levies are certified, for a period of not to exceed ten consecutive years.
Whenever any district has established a school plant facilities reserve fund an election may be called, as herein provided, on the question of increasing the school plant facilities reserve fund levy to not to exceed *ten* mills and for a period of not to exceed *ten* consecutive years. If such levy be approved by the qualified electors of the district, such levy shall be in lieu of any levy theretofore approved and shall be so certified by the board of trustees to the board of county commissioners. If any such increased levy shall be disapproved by the qualified electors of the district, such disapproval shall not operate to invalidate any levy for school plant facilities reserve fund theretofore approved and in effect.

A detailed financial report of the operations in and the condition of the school plant facilities reserve fund shall be included in the annual report of each school district. Forms for such reporting shall be provided by the state board of education. Such report shall be published as provided * * * by law for the publication of annual reports of school districts.

Approved March 6, 1961.

CHAPTER 106
(H. B. No. 73)
AN ACT
AMENDING SECTION 49-1506, IDAHO CODE, TO EXEMPT FROM THE REQUIREMENTS AS TO SECURITY AND SUSPENSION UNDER THE MOTOR VEHICLE SAFETY RESPONSIBILITY ACT, PERSONS WHO HAVE RECEIVED PAYMENT FOR THEIR DAMAGE TO PROPERTY OR BODILY INJURY RESULTING FROM AN ACCIDENT.

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

SECTION 1. That Section 49-1506, Idaho Code, be, and the same is hereby amended to read as follows:

49-1506. EXCEPTIONS TO REQUIREMENT OF SECURITY.—The requirements as to security and suspension in Section 49-1505 shall not apply:

(a) To the operator or the owner of a motor vehicle involved in an accident wherein no injury or damage was caused to the person or property of any one other than such operator or owner.
(b) To the operator or the owner of a motor vehicle legally parked at the time of the accident.

(c) To the owner of a motor vehicle if at the time of the accident the vehicle was being operated without his permission, express or implied, or was parked by a person who had been operating such motor vehicle without such permission.

(d) If, prior to the date that the commissioner would otherwise suspend license and registration of nonresident's operating privilege under section 49-1505, there shall be filed with the commissioner evidence satisfactory to him that the person who would otherwise have to file security has been released from liability or been finally adjudicated not to be liable or has executed a warrant for confession of judgment, payable when and in such instalments as the parties have agreed to, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in instalments, with respect to all claims for injuries or damages resulting from the accident.

(e) If the commissioner has received satisfactory evidence of a payment to a driver or to the owner of a vehicle involved in any accident by the insurance carrier of any other person involved in the accident on account of damage to property or bodily injury as effective to relieve the driver or owner from the security and suspension provisions of this chapter in respect to any claim for property damaged or bodily injury arising out of the accident by the person on whose behalf such payment has been made. A payment to the insurance carrier of a driver or owner having a right of subrogation is equivalent to a payment to the driver or owner.

Approved March 6, 1961.

CHAPTER 107
(H. B. No. 82)

AN ACT

AMENDING SECTION 49-1105, IDAHO CODE, BY PROVIDING THAT THE 20% OF FINES AND FORFEITURES DEPOSITED IN THE TREASURY OF COUNTIES, CITIES OR TOWNS BE CREDITED TO THE CURRENT EXPENSE FUND; AND DECLARING AN EMERGENCY.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 49-1105, Idaho Code, be, and the same is hereby amended to read as follows:

49-1105. DISPOSITION OF FINES AND FORFEITURES.—(a) 80% of all fines and forfeitures collected upon conviction or upon forfeiture of bail or any person charged by a state officer with a violation of any of the provisions of this act ** constituting a misdemeanor shall be deposited in the treasury of the state in the state highway fund not later than the end of each quarter of each fiscal year by the treasurer of the county, city, or village maintaining the court wherein such convictions or forfeitures were had. The other 20% of the fines and forfeitures shall be deposited in the treasury of the county, city, or town maintaining the court wherein such conviction or forfeiture was had and credited to the current expense fund.

(b) Failure, refusal, or neglect on the part of any judicial or other officer or employee receiving or having custody of any such fine or forfeiture either before or after a deposit in said state highway fund to comply with the foregoing provisions of this section shall constitute misconduct in office and shall be grounds for removal therefrom.

SECTION 2. 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.

Approved March 6, 1961.

CHAPTER 108
(H. B. No. 84)

AN ACT

AMENDING CHAPTER 21, TITLE 54, IDAHO CODE, RELATING TO THE PRACTICE OF VETERINARY MEDICINE BY AMENDING SECTION 54-2103 OF THE IDAHO CODE TO PROVIDE THAT THE PERSONS ADVISING THE COMMISSIONER OF LAW ENFORCEMENT SHALL BE KNOWN AS THE STATE BOARD OF VETERINARY MEDICAL EXAMIN-
ERS AND ESTABLISHING THE NUMBER, QUALIFICATION, APPOINTMENT, TERM, REMOVAL, FILLING OF VACANCIES, AND COMPENSATION OF THE STATE BOARD OF VETERINARY MEDICAL EXAMINERS, AND PROVIDING FOR THE RECOMMENDATION OF QUALIFIED PERSONS FOR APPOINTMENT AS A MEMBER OF SUCH BOARD BY THE IDAHO STATE VETERINARY MEDICAL ASSOCIATION; AMENDING SECTION 54-2106, IDAHO CODE, TO INCREASE THE NUMBER OF EXAMINERS THEREIN NAMED FROM THREE TO FIVE QUALIFIED PERSONS AND REMOVING CERTAIN RESTRICTIONS CONCERNING SAID EXAMINERS AND REPEALING SECTION 54-2114 AND SECTION 54-2116, IDAHO CODE.

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

SECTION 1. That Section 54-2103, Idaho Code, be, and the same is hereby amended to read as follows:

54-2103. DEPARTMENT OF LAW ENFORCEMENT—POWERS AND DUTIES—DESIGNATION OF PERSONS TO REPORT TO DEPARTMENT.—The department of law enforcement (hereinafter referred to as the department) shall have the following powers:

1. To conduct examinations to ascertain the qualifications and fitness of applicants to practice veterinary medicine; to pass upon the qualifications of applicants for reciprocal licenses.

2. To prescribe rules and regulations for a fair and wholly impartial method of examinations of candidates to practice veterinary medicine.

3. To prescribe rules and regulations defining, for the veterinarians, what shall constitute a school, college or university, or other institution, reputable and in good standing and to determine the reputability and good standing of a school, college or university, or department of a university, or other institution, by reference to and compliance with such rules and regulations.

4. To establish a standard of preliminary education deemed requisite to admission to a school, college, or university, and to require satisfactory proof of the enforcement of such standards by schools, colleges and universities.

5. To conduct hearings on proceedings to revoke licenses of persons practicing veterinary medicine and to revoke such licenses.
6. To formulate rules and regulations when required in this chapter to be administered; all of said rules and regulations to be in conformity with the provisions of this chapter.

Except as herein provided, none of the functions and duties of the department enumerated in this chapter shall be exercised by the department except upon the action and report in writing of persons designated from time to time by the commissioner of law enforcement to take such action and to make such report as follows: Three persons, each of whom shall be a registered, licensed, practicing veterinarian of the state of Idaho, a graduate of a reputable veterinary college of the veterinary department of a reputable college or university, and a resident of the state for a period of at least five years next before his appointment, during which time he shall have been engaged in the lawful and ethical practice of veterinary medicine as defined in this chapter. No person shall be eligible for such duties who is in any way connected with or directly or indirectly interested in any veterinary college, or the veterinary department of any institution of learning or who is in the veterinary supply business—a State Board of Veterinary Medical Examiners to be appointed as follows: The State Board of Veterinary Medical Examiners, hereinafter referred to as the “Board”, shall consist of five members, with four 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. The Governor shall appoint the four appointive members of the Board, with one member for a term of one year, one member for a term of two years, one member for a term of three years, and one member for a term of four years. Thereafter, upon the expiration of the term of any of the appointive members of the Board, the Governor shall appoint a qualified person for a term of four years. Any vacancies on the Board shall be filled by the Governor by appointment of a qualified person for the unexpired term.

The Governor may remove any of the appointive members of the Board for inefficiency, neglect of duty or misconduct in office, delivering to such Board member a statement of the charges, and affording such Board member an opportunity of being heard in person or by counsel in his own defense upon not less than ten days’ notice.

Whenever the term of an appointive member of the Board expires or becomes vacant for any cause, the Idaho
State Veterinary Medical Association shall nominate at least two qualified persons for each vacancy and shall forthwith forward such nominations to the Governor, who shall make his appointment from those nominated. Each nominee shall be a graduate of a recognized veterinary college or university, a bona fide resident of the state of Idaho licensed to practice in the state of Idaho for at least five years immediately preceding his nomination or appointment. Such persons shall be allowed their actual expenses incurred in the performance of their duties and a per diem allowance each of ten dollars for each day of actual service.

The action or report in writing of a majority of the persons designated for the veterinarians—State Board of Veterinary Medical Examiners shall be sufficient authority upon which the commissioner of law enforcement may act.

In making the designation of persons to act for the veterinarians the commissioner shall give due consideration to recommendations by members of the veterinary profession and by organizations therein.

All licenses for the practice of veterinary medicine shall be issued by the department of law enforcement in the name of such department, with the seal thereof attached.

SECTION 2. That Section 54-2106, Idaho Code, be, and the same is hereby amended to read as follows:

54-2106. QUALIFICATION OF APPLICANT—EXAMINATION—MISREPRESENTATION OF CREDITS. — Each applicant must be at least twenty-one years of age, of good moral character and reputation and must show that he is a graduate from a reputable veterinary college or the veterinary department of some reputable college or university the schools or the courses thereof, in all instances to be approved by the department of law enforcement. Said department is authorized and empowered to appoint five examiners whose duties it shall be to ascertain and determine by proper examination of credentials or certificates of preparation and qualifications presented by such applicant, and where said applicant does not present such certificates of standing, the said entrance examiners shall be empowered to examine such applicants as to their literary qualifications on the basis required for entrance into any legally chartered or authorized veterinary college or school or veterinary department of any school or college or university, and to prepare written examination questions or questions and clinics for examina-
tion of applicants. Said examiners shall not be members of the faculty of any veterinary school or college or university, or the veterinary department of any school or college or university, or connected with or employed by any veterinary supply house or supply house of any kind furnishing materials used in the practice of veterinarians. The method of examination shall from time to time be determined by said department. Should any applicant for entrance misrepresent his actual credits to which he may be entitled or shall receive any certificate which was a misstatement as to his actual literary qualifications, he shall be, upon conviction, adjudged guilty of a misdemeanor. Any person who assists any applicant to misrepresent or fraudulently obtain any certificate or writing showing credits to which said applicant is not entitled, shall likewise upon conviction thereof be guilty of a misdemeanor.

SECTION 3. That Section 54-2114, Idaho Code, be, and the same is hereby repealed:

54-2114. NONGRADUATE VETERINARIANS. — All persons not holding or possessing diplomas from (a) legally chartered veterinary college, school or university, nor the veterinary department of the same who shall hereafter receive licenses from the department of law enforcement as provided in this chapter, shall be regarded and known as nongraduate veterinarians and so publicly confess at all times to be such and may prescribe, for sick domestic animals needing medical or surgical aid, or both, or dental attention, and may charge and receive therefor money or other compensation.

SECTION 4. That Section 54-2116, Idaho Code, be, and the same is hereby repealed:

54-2116. VETERINARIANS PRACTICING FOR TEN YEARS PRIOR TO CERTAIN DATE LICENSE WITHOUT EXAMINATION. Any person of good moral character, who has been practicing veterinary medicine within this state continuously for a period of ten years preceding March 2, 1921, shall, upon application to said department, and upon the payment of a fee of twenty-five dollars, be entitled to receive a license without examination, which license shall set out that the holder thereof has been duly licensed to practice veterinary medicine in the state of Idaho; provided, that the application for a license under this section must be made prior to January 1, 1926.

Approved March 6, 1961.
CHAPTER 109
(H. B. No. 94)

AN ACT

REQUIRING THE ENRICHMENT OF FLOUR AND BREAD TO MEET CERTAIN STANDARDS OF VITAMIN AND MINERAL CONTENT; DEFINING FLOUR, WHITE BREAD, ROLLS, DIRECTOR AND PERSON; PROVIDING FOR REGULATIONS TO EFFECTUATE THE ACT; PROVIDING FOR REGULATIONS TO BRING STANDARDS ESTABLISHED BY THIS ACT INTO CONFORMITY WITH AMENDED STANDARDS IN INTERSTATE COMMERCE; PROVIDING FOR REGULATIONS PERMITTING THE OMISSION OF ANY INGREDIENT THAT MAY BE SHORT; AND FIXING PENALTIES FOR VIOLATION OF THIS ACT.

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

SECTION 1. When used in this act, unless the context otherwise requires:

(1) Flour includes and shall be limited to the foods commonly known in the milling and baking industries as (a) white flour, also known as wheat flour or plain flour; (b) bromated flour; (c) self-rising flour, also known as self-rising white flour; and (d) phosphated flour, also known as phosphated white flour or phosphated wheat flour, but excludes whole wheat flour and also excludes special flour not used for bread, roll, bun, or biscuit baking, such as specialty cake, pancake and pastry flour.

(2) White bread means any bread made with flour, as defined in subdivision (1) (a) of this section, whether baked in a pan or on a hearth or screen, which is commonly known or usually represented and sold as white bread, including Vienna bread, French bread, and Italian bread.

(3) Rolls include plain white rolls and buns of the semibread dough type, namely: soft rolls, such as hamburger rolls, hot dog rolls, Parker House rolls, and hard rolls, such as Vienna rolls and Kaiser rolls, but shall not include yeast-raised sweet rolls or sweet buns made with fillings or coatings, such as cinnamon rolls or buns, and butterfly rolls.

(4) Director means the Director of the Department of Agriculture and Inspection.

(5) Person means an individual, a corporation, a part-
nership, an association, a joint stock company, a trust, or any group of persons whether incorporated or not, engaged in the commercial manufacture or sale of flour, white bread, or rolls.

SECTION 2. It shall be unlawful for any person to manufacture, mix, compound, sell or offer for sale, for human consumption in this state flour, as defined in section (1), unless the following vitamins and minerals are contained in each pound of such flour: Not less than 2.0 mg. and not more than 2.5 mg. of thiamine; not less than 1.2 mg. and not more than 1.5 mg. of riboflavin; not less than 16.0 mg. and not more than 20.0 mg. of niacin or niacinamide; and not less than 13.0 mg. and not more than 16.5 mg. of assimilable iron, expressed as Fe.; except in the case of self-rising flour which in addition to the above ingredients shall contain not less than 500 mg. and not more than 1500 mg. of assimilable calcium, expressed as Ca.; provided, that the provisions of this section shall not apply to flour sold to distributors, bakers, or other processors if the purchaser furnishes to the seller a certificate, in such form as the director shall prescribe by regulation, that such flour will be (1) resold to a distributor, baker, or other processor, (2) used in the manufacture, mixing, or compounding of flour, white bread, or rolls enriched to meet the requirements of section 1 to 10, or (3) used in the manufacture of products other than flour, white bread, or rolls. It shall be unlawful for any such purchaser so furnishing any such certificate to use or resell the flour so purchased in any manner other than as prescribed in this section.

SECTION 3. It shall be unlawful for any person to manufacture, bake, sell or offer for sale, for human consumption in this state, any white bread or rolls, as defined in section 1, unless the following vitamins and minerals are contained in each pound of such bread or rolls: Not less than 1.1 mg. and not more than 1.8 mg. of thiamine; not less than 0.7 mg. and not more than 1.6 mg. of riboflavin; not less than 10.0 mg. and not more than 15.0 mg. of niacin; and not less than 8.0 mg. and not more than 12.5 mg. of iron (Fe.).

SECTION 4. The commissioner of agriculture is hereby charged with the duty of enforcing the provisions of section 1 to 10 and he is hereby authorized and directed to make, amend, or rescind rules, regulations, and orders for the efficient enforcement of sections 1 to 10.
SECTION 5. Whenever the vitamin and mineral requirements set forth in section 2 and 3 are no longer in conformity with the legally established standards governing the interstate shipment of enriched flour, enriched white bread, or enriched rolls, the commissioner in order to maintain uniformity between intrastate and interstate vitamin and mineral requirements for the foods within the provisions of sections 1 to 10, is authorized and directed to modify or revise such requirements to conform with amended standards governing interstate shipments.

SECTION 6. If the commissioner finds that there is an existing or imminent shortage of any ingredient required by section 2 or 3, and that because of such shortage the sale and distribution of flour, white bread, or rolls may be impeded by the enforcement of sections 1 to 10, he shall issue an order, to be effective immediately upon issuance, permitting the omission of such ingredient from flour, white bread, or rolls and, if he finds it necessary, or appropriate, excepting such foods from labeling requirement until the further order of the commissioner. Any such findings may be made without hearing, on the basis of an order or of factual information supplied by the appropriate federal agency or officer. In the absence of any such order of the appropriate federal agency or factual information supplied by it, the commissioner on his own motion may, and upon receiving the sworn statements of ten or more persons subject to sections 1 to 10 that they believe such a shortage exists or is imminent shall, (1) within twenty days thereafter hold a public hearing with respect thereto at which any interested person may present evidence and (2) make findings based upon evidence presented. The commissioner shall publish a notice in a newspaper, having a general circulation in the state, of any such hearing at least ten days prior thereto. Whenever the commissioner has reason to believe that such shortage no longer exists, he shall hold a public hearing, after at least ten days notice shall have been published in a newspaper having a general circulation in the state, at which any interested person may present evidence, and he shall make findings based upon the evidence presented. If his findings be that such shortage no longer exists, he shall issue an order to become effective not less than thirty days after publication thereof, revoking such previous order; provided that undisposed floor stocks of flour on hand at the effective date of such revocation order or flour manufactured prior to such effective date for sale in this state may thereafter be lawfully sold or disposed of.
SECTION 7. All orders, rules, and regulations adopted by the commissioner as provided by section 1 to 10 shall be published in the manner hereinafter prescribed and, within the limits of specified sections 1 to 10, shall become effective upon such date as the commissioner shall fix.

SECTION 8. Whenever under sections 1 to 10 publication of any notice, order, rule, or regulation is required, such publication shall be made at least once each week in at least one daily newspaper of general circulation printed and published in this state.

SECTION 9. For the purpose of section 1 to 10, the commissioner, or such officers or employees under his supervision as he may designate, is authorized (1) to take samples for analysis, (2) to conduct examinations and investigations, (3) to enter at reasonable times, any factory, mill, bakery, warehouse, shop, or establishment where flour, white bread, or rolls are manufactured, processed, packed, sold, or held, or any vehicle being used for the transportation thereof, and (4) to inspect any such place or vehicle and any flour, white bread, or rolls therein, and all pertinent equipment, materials, containers, and labeling.

SECTION 10. Any person who violates any of the provisions of sections 1 to 10 or the orders, rules, or regulations promulgated by the commissioner under the authority thereof shall, upon conviction thereof, be fined for each and every offense, in a sum not exceeding one hundred dollars, or imprisoned in the county jail for not more than thirty days.

Approved March 6, 1961.

CHAPTER 110
(H. B. No. 96)

AN ACT

TO AMEND THE CHARTER OF THE CITY OF LEWISTON, BEING AN ACT PASSED BY THE ELEVENTH SESSION OF THE TERRITORIAL LEGISLATURE OF THE STATE OF IDAHO IN 1881, 1880-1881 SESSION LAWS, PAGE 384, ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF LEWISTON, AS AMENDED; BY AMENDING SECTION 27, 29 AND 31 OF SAID CHARTER PROVIDING FOR THE
QUALIFICATIONS OF ELECTORS IN SAID CITY, AUTHORIZING THE CITY CLERK AS EX OFFICIO REGISTRAR OF ELECTIONS TO REGISTER ELECTORS, ADMINISTER OATHS, FILE AND PRESERVE SAID OATHS, PROVIDING HOURS DURING WHICH REGISTRATION MAY BE ACCOMPLISHED AND PROVIDING THE TIME DURING WHICH REGISTRATIONS SHALL BE ACCOMPLISHED; AND PROVIDING THAT THE CITY COUNCIL OF SAID CITY MAY PASS ANY ORDINANCE AFFECTING ELECTION OR REGISTRATION OF ELECTORS NOT INCONSISTENT WITH THE PROVISIONS OF SAID CHARTER.

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

SECTION 1. That Section 27 of the Charter of the City of Lewiston, as amended, be, and the same is hereby amended to read as follows:

SEC. 27. No person shall vote at any city election who does not possess the qualifications of an elector of the State of Idaho and who has not been a resident of the City of Lewiston for six months, and of the precinct where he offers to vote for ten days, next preceding such election, and who is not registered as provided by *this act and by the ordinances of the city*; nor shall any person vote at any such election who shall have been convicted, in any court of competent jurisdiction, within six months next preceding the date of such election, of vagrancy, gambling, violation of any ordinances regulating the sale or other disposition of intoxicating liquors, or of conducting, or being an inmate of, a bawdy house or house of prostitution.

SECTION 2. That Section 29 of the Charter of the City of Lewiston, as amended, be, and the same is hereby amended to read as follows:

SEC. 29. The city clerk shall be *ex officio registrar of elections*. He shall keep a record to be known as the Register of Electors, in which shall be kept alphabetically, by precincts, the names of all electors duly registered. He shall administer the oaths to electors and shall number, file, and preserve such oaths.

Registration may be made at any time during office hours before the city clerk, except that the registration shall be closed for ten days next preceding the date of any general or special city election or primary.

No qualified elector who voted at the last preceding general or special municipal election shall be required to regis-
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ter so long as he remains or has remained continuously after such election a duly qualified elector of Lewiston in the precinct in which he voted, otherwise the clerk shall strike the name of such elector from the Register of Electors, and such elector, in order to vote, must again register. Whenever an elector shall have died, his name shall be stricken from said register, or shall have removed from the municipality and remained away from the same for a period of one year, his name shall be stricken from said register.

Upon the first secular day of January of each year, the city clerk shall open a new register of electors, which shall be the register of electors for the next succeeding year. He shall, before any election for that year, enter in the Register of Electors, for the precinct in which they voted, the names of all qualified electors who voted at the next preceding general or special election, and such electors shall thereby be registered for that year.

SECTION 3. That Section 31 of the Charter of the City of Lewiston, as amended, be, and the same is hereby amended to read as follows:

SEC. 31. The city council may pass any ordinance supplementary hereto affecting elections or registration of electors, not inconsistent herewith or contradictory hereof * * *.

Approved March 6, 1961.

CHAPTER 111
(H. B. No. 137)

AN ACT

AMENDING SECTION 69-207, IDAHO CODE, TO CHANGE THE RENEWAL DATE OF BONDED WAREHOUSE LICENSES AND PROVIDING FOR A TRANSITION PERIOD.

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

SECTION 1. That Section 69-207, Idaho Code, be, and the same is hereby amended to read as follows:

69-207. TERM OF LICENSE — RENEWAL. — Each license issued under section 69-206 and section 69-215 shall be issued for a period not exceeding one year, except for
the transition period hereby created, the period of time from July 1, 1961, to August 31, 1962. All licenses thereafter shall terminate on June thirtieth. August 31 following their issuance.

Approved March 6, 1961.

CHAPTER 112
(H. B. No. 138)
AN ACT
AMENDING TITLE 72, CHAPTER 13, IDAHO CODE, BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 72-1316A TO BE KNOWN AND DESIGNATED AS SECTION 72-1316B PROVIDING FOR COVERAGE OF EMPLOYEES OF COUNTIES, MUNICIPALITIES, INCORPORATED VILLAGES, AND EMPLOYEES OF PUBLIC INSTITUTIONS OR INSTRUMENTALITIES WHICH PAY THE WAGES OF EMPLOYEES OUT OF MONEYS RAISED SOLELY BY THE EXERCISE OF THE POWER OF TAXATION, AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. That Title 72, Chapter 13, Idaho Code, be, and the same is hereby amended by adding a new section thereto to be known and designated as Section 72-1316B to read as follows:

72-1316B. On and after January 1, 1962, the term “covered employment” in addition to the definition contained in section 72-1316 shall include an individual’s entire service for wages when performed for and paid by any county, municipality, incorporated village, or any public institution or instrumentality other than the State of Idaho, which pays the wages of its employees out of moneys raised solely by the exercise of the power of taxation, excluding the following:

(1) Elective officials.
(2) Members of the faculties of public schools, colleges or universities.
(3) Physicians, dentists, student nurses or other professional specialists in institutions, or attached to departments of the government employed on a part-time, irregular or fee basis.

Approved March 6, 1961.
CHAPTER 113
(H. B. No. 139)

AN ACT
AMENDING SECTION 72-1228, IDAHO CODE, RELATING TO THE
NOTICE OF AN OCCUPATIONAL DISEASE BY PROVIDING
FOR ADDITIONAL TIME IN WHICH A WORKMAN MAY
GIVE NOTICE AFTER THE EMPLOYMENT HAS CEASED
AND AN ADDITIONAL LENGTH OF TIME IN WHICH TO
FILE A CLAIM FOR DISABLEMENT OR DEATH, WHERE
SUCH DISABLEMENT OR DEATH RESULTS FROM EXPO­
SURE TO RADIOACTIVE PROPERTIES OR SUBSTANCES
OR SOURCE OF THE IONIZING RADIATION IN ANY OC­
CUPATION INVOLVING DIRECT CONTACT THEREWITH,
HANDLING THEREOF AND EXPOSURE THERETO.

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

SECTION 1. That Section 72-1228, Idaho Code, be, and
the same is hereby amended to read as follows:

72-1228. NOTICE OF CONTRACTION OF DISEASE
AND CLAIM FOR COMPENSATION.—Unless written
notice of the manifestation of an occupational disease shall
be given by the workmen to the employer within 60 days
after the first manifestation thereof, and, except in the
case of silicosis, within five months after the employment
has ceased in which it is claimed the disease was contracted,
and, in case of death, unless written notice of such death
shall be given within 90 days after the occurrence, and,
unless claim for disability, or death, shall be made within
one year after the disablement, or death, respectively, all
rights to compensation for disability, or death, from an
occupational disease shall be forever barred, provided that
when disablement or death is the result of exposure to
radioactive properties or substances or source of the ioniz­
ing radiation in any occupation involving direct contact
therewith, handling thereof or exposure thereto, written
notice may be given anytime and a claim filed within one
year after the date upon which the employee first suffered
incapacity, disability or death from such exposure and knew
or in the exercise of reasonable diligence should have known
that the occupational disease was caused by his present or
prior employment.

Where compensation payments have been made and dis­
continued and further compensation is claimed, the claim
for such further compensation shall be made within one
year after the last payment.

Approved March 6, 1961.
CHAPTER 114  
(H. B. No. 210)  
AN ACT  
AMENDING IDAHO CODE, TITLE 33, CHAPTER 5, BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 33-539, TO BE KNOWN AND DESIGNATED AS SECTION 33-540, IDAHO CODE, PROVIDING AN APPEAL TO THE DISTRICT COURT FROM CERTAIN SPECIFIED DECISION OF THE STATE BOARD OF EDUCATION BY ANY PARTY, PARTIES OR ELECTORS AFFECTED THEREBY, WITHIN 60 DAYS AFTER NOTICE OF THE DECISION; FIXING THE VENUE OF SUCH APPEALS; PROVIDING FOR A DE NOVO TRIAL OF THE ISSUES THEREIN; AND DECLARING AN EMERGENCY.  

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

SECTION 1. That Idaho Code, Title 33, Chapter 5, be, and the same is hereby amended by adding thereto a new section following Section 33-539, to be known and designated as Idaho Code, Section 33-540, and to read as follows:  
33-540. Any decision of the State Board of Education affecting the organization, reorganization, partition, annexation, or a change in boundaries, of any school district or districts shall be subject to appeal to the district court of the county, or one of the counties, in which the school district or districts affected by the decision lie, or in which the parties or electors, or some of them, affected by the decision, reside. Such appeal may be taken by any interested elector, electors, party or parties, within 60 days after notice of the decision. In the district court the issues shall be tried de novo.  

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

Approved March 6, 1961.  

CHAPTER 115  
(H. B. No. 220)  
AN ACT  
AMENDING SECTION 49-134, IDAHO CODE, RELATING TO EXEMPTIONS FROM MOTOR VEHICLE OPERATING FEES TO
EXTEND SUCH EXEMPTIONS TO ORGANIZATIONS ORGANIZED FOR IRRIGATION WORK.

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

SECTION 1. That Section 49-134, Idaho Code, be and the same is hereby amended to read as follows:

49-134. EXEMPTIONS FROM OPERATING FEES.—The provisions hereof with respect to operating fees shall not apply to: a. motor vehicles owned by the United States, or by the state, or city, or county, or any department thereof, or to any political subdivision or municipal corporation of the state, or to any taxing district thereof, or to any organization, whether incorporated or unincorporated, heretofore organized or which shall hereafter be organized, for the operation, maintenance, or management of an irrigation project or irrigation works or system or for the purpose of furnishing water to its members or shareholders, but in other respects shall be applicable.

b. Any motor vehicle which is over 30 years of age and which is primarily a collectors' item and used for participation in club activities, exhibitions, tours, parades and similar uses, but is not for general transportation and which shall, for the purposes of this section, be known as an "Idaho Old Timer."

1. In lieu of the annual registration fees levied in sections 49-126 and 49-127, Idaho Code, the registration fees for any "Idaho Old Timer" shall be $10.00 (Ten Dollars) but no annual renewal of registration shall be required.

2. The owner of a vehicle applying for registration under this act shall execute an affidavit that the vehicle for which registration is requested is owned and operated solely for the purpose enumerated in division (a) above of this section, and also setting forth in said affidavit that said vehicle has been inspected and found safe to operate on the highways of this state.

3. The registration certificate need not specify the weight of such antique vehicle, and the plates issued shall bear no date but shall bear the inscription "Idaho Old Timer," and the registration number which shall be shown thereon, and they shall be valid without renewal as long as the vehicle is in existence. The plates are issued for the applicant's use only for such vehicle, and in the event of a transfer of the title the transferor must surrender the plates for said transfer.
4. The commissioner of the department of law enforce-
ment has the power to revoke such registrations as issued 
under this act, for cause shown for failure of the appli-
cant to comply with this section.

Approved March 6, 1961.

CHAPTER 116
(H. B. No. 224)

AN ACT
AMENDING SECTION 50-4404, IDAHO CODE, RELATING TO
THE CREATION OF HOUSING AUTHORITIES BY PROVID-
ING FOR THE DETERMINATION AND DISSOLUTION OF
A HOUSING AUTHORITY AND PROCEDURE OF TERMi-
NATION.

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

SECTION 1. That Section 50-4404, Idaho Code, be, and 
the same is hereby amended to read as follows:

50-4404. Creation of housing authorities and termina-
tion thereof.—In each city (as herein defined) of the state 
there is hereby created an independent public body corpo-
rerate and politic to be known as a housing authority, which 
shall not be an agency of the city; provided, however, that 
such authority shall not transact any business or exercise 
its powers hereunder until or unless the governing body 
of the city, by proper resolution shall declare at any time 
hereafter that there is need for an authority to function 
in such city. The determination as to whether or not 
there is such need for an authority to function (a) may 
be made by the governing body on its own motion or (b) 
shall be made by the governing body upon the filing of 
a petition signed by twenty-five residents of the city assert-
ing that there is need for an authority to function in such 
city and requesting that the governing body so declare.

The governing body shall adopt a resolution declaring 
that there is need for a housing authority in the city if 
it shall find (a) that insanitary or unsafe inhabited dwelling 
accommodations exist in such city or (b) that there is 
a shortage of safe or sanitary dwelling accommodations 
in such city available to persons of low income or rentals 
they can afford. In determining whether dwelling accom-
modations are unsafe or insanitary said governing body
may take into consideration the degree of overcrowding,
the percentage of land coverage, the light, air, space and
access available to the inhabitants of such dwelling ac-
commodations, the size and arrangement of the rooms, the
sanitary facilities, and the extent to which conditions exist
in such buildings which endanger life or property by fire
or other causes.

In any suit, action or proceeding involving the validity
or enforcement of or relating to any contract of the au-
thority, the authority shall be conclusively deemed to have
become established and authorized to transact business and
exercise its powers hereunder upon proof of the adoption
of a resolution by the governing body declaring the need
for the authority. Such resolution or resolutions shall be
deemed sufficient if it declares that there is such need
for an authority and finds in substantially the foregoing
terms (no further detail being necessary) that either or
both of the above enumerated conditions exist in the city.
A copy of such resolution duly certified by the clerk shall
be admissible in evidence in any suit, action or proceeding.

The authority shall terminate at such time as the gov-
erning body of the city, by proper resolution, shall declare
that there is no longer a need for an authority to function
within such city. The determination that there is no longer
a need for such authority to function (a) may be made by
the governing body on its own motion or (b) may be made
by the governing body upon motion of the duly appointed
and acting commissioners of the authority that they no
longer have any need to function within said city.

The governing body of such city shall, however, before
adopting a resolution terminating such authority, deter-
mine, by audit if necessary, the financial condition of said
authority and if there be any outstanding liabilities due
and owing by said authority, the city shall provide the
necessary funds for satisfaction thereof; if, however, there
is found to be funds over and above such liabilities, the
city shall provide for satisfaction of said liabilities and
the balance of the funds shall be accepted by the city and
the authority released from their responsibility therefor.

Any funds so received by such city as a result of the
termination of the authority shall be dedicated to the ex-
tension, maintenance and promotion of the public parks
system of said city for the benefit and welfare of the city.

Approved March 6, 1961.
CHAPTER 117
(H. B. No. 245)

AN ACT
AMENDING SECTION 63-921, IDAHO CODE, TO DEFINE AND CLARIFY "ASSESSMENT DATE" AS THE SECOND MONDAY OF JANUARY, AND TO PROVIDE THAT NO EXISTING DISTRICT WHICH SHALL ANNEX TERRITORY AFTER THE SECOND MONDAY OF JANUARY MAY LEVY A TAX FOR SUCH YEAR UPON SAID PROPERTY, AND PROVIDING FOR THE TAXATION THEREOF, AND TO PROVIDE FOR LEVYING OF TAXES BY REORGANIZED OR ANNEXED COMMON OR JOINT COMMON SCHOOL DISTRICTS.

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

SECTION 1. That Section 63-921, Idaho Code, be, and the same is hereby amended to read as follows:

63-921. LEVY BY NEW TAXING UNITS—DUTIES OF AUDITOR.—No city, town, village, school district, cemetery, fire, water, sewer, hospital, or other district or municipality which has the power to levy taxes, formed or organized after the assessment date, second Monday of January, in any year, shall be authorized to make a levy for such year, nor shall the auditor of any county wherein such taxing unit may be situated be required to extend any levy on behalf of any such taxing unit upon the county rolls extended by him for such year. No existing district or municipality, which has the power to levy taxes, which shall annex any territory thereto after the assessment date, second Monday of January of the current year, shall be authorized to levy a tax for such year upon the property situated in such annexed territory and such property shall in all respects be taxed as if such annexation had not taken place. Provided, however, that should any existing school district or school districts consolidate or reorganize after the assessment date in any year, said consolidated or reorganized school district shall have the power to levy taxes for such year in the same manner and according to the same boundaries which the separate school districts involved in the consolidation or reorganization could have levied taxes had such consolidation or reorganization not taken place; and provided further, that any common or joint common school district not having the power to levy a tax beyond the school year ending June 30, 1961, as provided by law,
when reorganized or annexed as provided by law, shall be taxed according to the approved reorganization or annexation procedures.

Approved March 6, 1961.

CHAPTER 118
(H. B. No. 250)

AN ACT

AMENDING SECTION 49-901, IDAHO CODE, TO INCREASE THE ALLOWED WEIGHT FOR VEHICLES WITH AXLE DISTANCES BETWEEN 39 AND 51 FEET INCLUSIVE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-901, Idaho Code, be, and the same is hereby amended to read as follows:

49-901. ALLOWABLE GROSS LOADS.—No Vehicle, motor vehicle, trailer and/or semi-trailer, or combination thereof, which with the load thereon exceeds the following weight limitations, shall be operated on a public highway of this state:

(a) The total gross weight imposed on the highway by any one axle shall not exceed 18,000 pounds, nor shall the total gross weight imposed on the highway by any one wheel exceed 9,000 pounds.

(b) The total gross weight imposed on the highway by any group of consecutive axles shall not exceed the weight set forth for the respective axle spacing in the following table:

<table>
<thead>
<tr>
<th>Distance in Feet between First and Last Axles of any Group of Axles</th>
<th>Allowed Weight in Pounds</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>30,500</td>
</tr>
<tr>
<td>4</td>
<td>32,000</td>
</tr>
<tr>
<td>5</td>
<td>32,000</td>
</tr>
<tr>
<td>6</td>
<td>32,200</td>
</tr>
<tr>
<td>7</td>
<td>32,900</td>
</tr>
<tr>
<td>8</td>
<td>33,600</td>
</tr>
<tr>
<td>9</td>
<td>34,300</td>
</tr>
<tr>
<td>10</td>
<td>35,000</td>
</tr>
<tr>
<td>11</td>
<td>35,700</td>
</tr>
<tr>
<td>12</td>
<td>36,400</td>
</tr>
<tr>
<td>Distance in Feet between First and Last Axles of any Group of Axles</td>
<td>Allowed Weight in Pounds</td>
</tr>
<tr>
<td>---------------------------------------------------------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>13</td>
<td>37,100</td>
</tr>
<tr>
<td>14</td>
<td>43,200</td>
</tr>
<tr>
<td>15</td>
<td>44,000</td>
</tr>
<tr>
<td>16</td>
<td>44,800</td>
</tr>
<tr>
<td>17</td>
<td>45,600</td>
</tr>
<tr>
<td>18</td>
<td>46,400</td>
</tr>
<tr>
<td>19</td>
<td>47,200</td>
</tr>
<tr>
<td>20</td>
<td>48,000</td>
</tr>
<tr>
<td>21</td>
<td>48,800</td>
</tr>
<tr>
<td>22</td>
<td>55,000</td>
</tr>
<tr>
<td>23</td>
<td>56,470</td>
</tr>
<tr>
<td>24</td>
<td>57,940</td>
</tr>
<tr>
<td>25</td>
<td>59,400</td>
</tr>
<tr>
<td>26</td>
<td>60,000</td>
</tr>
<tr>
<td>27</td>
<td>60,000</td>
</tr>
<tr>
<td>28</td>
<td>60,000</td>
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<tr>
<td>29</td>
<td>60,000</td>
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<tr>
<td>30</td>
<td>60,000</td>
</tr>
<tr>
<td>31</td>
<td>60,000</td>
</tr>
<tr>
<td>32</td>
<td>61,200</td>
</tr>
<tr>
<td>33</td>
<td>62,050</td>
</tr>
<tr>
<td>34</td>
<td>62,900</td>
</tr>
<tr>
<td>35</td>
<td>63,750</td>
</tr>
<tr>
<td>36</td>
<td>64,600</td>
</tr>
<tr>
<td>37</td>
<td>65,450</td>
</tr>
<tr>
<td>38</td>
<td>66,300</td>
</tr>
<tr>
<td>39</td>
<td>* 68,000</td>
</tr>
<tr>
<td>40</td>
<td>* 70,000</td>
</tr>
<tr>
<td>41</td>
<td>* 72,000</td>
</tr>
<tr>
<td>42</td>
<td>* 73,280</td>
</tr>
<tr>
<td>43</td>
<td>* 73,280</td>
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<tr>
<td>44</td>
<td>* 73,280</td>
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<tr>
<td>45</td>
<td>* 73,280</td>
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<td>46</td>
<td>* 73,280</td>
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<td>47</td>
<td>* 73,280</td>
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<td>48</td>
<td>* 73,280</td>
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<td>49</td>
<td>* 73,280</td>
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<tr>
<td>50</td>
<td>* 73,280</td>
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<tr>
<td>51</td>
<td>* 73,280</td>
</tr>
<tr>
<td>52</td>
<td>73,600</td>
</tr>
<tr>
<td>53</td>
<td>74,400</td>
</tr>
<tr>
<td>54</td>
<td>75,200</td>
</tr>
<tr>
<td>55</td>
<td>76,000</td>
</tr>
<tr>
<td>56 and over</td>
<td>76,800</td>
</tr>
</tbody>
</table>
(c) The weight limitations set forth in subsections (a) and (b) hereof shall not apply to any vehicle, motor vehicle, trailer and/or semi-trailer, or combination thereof, engaged in the transportation of logs, pulp wood, stull, poles or piling; nor to any such vehicle engaged in the transportation of ores, concentrates, sand and gravel, and aggregates thereof, in bulk; nor to any such vehicle engaged in the transportation of unprocessed agricultural commodities including livestock, but no such vehicle shall be operated on the highways of this state where the total gross weight imposed on the highway by any one axle exceeds 18,900 pounds, or where the total gross weight imposed on the highway by any one wheel exceeds 9,450 pounds, or where the total gross weight imposed on the highway by any group of consecutive axles exceeds the weight set forth for the respective axle spacing in the following table:

<table>
<thead>
<tr>
<th>Distance in Feet between First and Last Axles of any Group of Axles</th>
<th>Allowed Load in Pounds Vehicles with Three * or Four Axles</th>
<th>Allowed Load in Pounds Vehicles with Five or More Axles</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>37,800</td>
<td>37,800</td>
</tr>
<tr>
<td>4</td>
<td>37,800</td>
<td>37,800</td>
</tr>
<tr>
<td>5</td>
<td>37,800</td>
<td>37,800</td>
</tr>
<tr>
<td>6</td>
<td>37,800</td>
<td>37,800</td>
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<tr>
<td>7</td>
<td>37,800</td>
<td>37,800</td>
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<tr>
<td>8</td>
<td>37,800</td>
<td>37,800</td>
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<tr>
<td>9</td>
<td>37,800</td>
<td>37,800</td>
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<tr>
<td>10</td>
<td>37,800</td>
<td>37,800</td>
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<tr>
<td>11</td>
<td>37,800</td>
<td>37,800</td>
</tr>
<tr>
<td>12</td>
<td>37,800</td>
<td>37,800</td>
</tr>
<tr>
<td>13</td>
<td>56,470</td>
<td>56,470</td>
</tr>
<tr>
<td>14</td>
<td>57,940</td>
<td>57,940</td>
</tr>
<tr>
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<td>59,400</td>
<td>59,400</td>
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<tr>
<td>16</td>
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<tr>
<td>17</td>
<td>61,820</td>
<td>61,820</td>
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<tr>
<td>18</td>
<td>63,140</td>
<td>63,140</td>
</tr>
<tr>
<td>19</td>
<td>64,350</td>
<td>64,350</td>
</tr>
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<td>20</td>
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<td>Distance in Feet between First and Last Axles of any Group of Axles</td>
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<td>56 and over</td>
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(d) In applying the weight limitations imposed by this section the distance between axles shall be measured to the nearest even foot. When a fraction is exactly one-half foot the next larger whole number shall be used.

(e) The limitations imposed by this section are in addition and supplemental to all other laws imposing limitations upon the size and weight of vehicles.

SECTION 2. 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.

Approved March 6, 1961.
CHAPTER 119
(H. B. No. 361)

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
STATE BOARD OF HEALTH FOR
STATE HOSPITAL NORTH:
For: Salaries and Wages $1,250,274.00
Travel Expense 14,000.00
Other Current Expense 540,000.00
Capital Outlay 60,000.00

TOTAL $1,864,274.00

Less Other Income 242,617.00

From the General Fund $1,621,657.00

Approved March 11, 1961.

CHAPTER 120
(H. B. No. 362)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO, TO THE STATE TREASURER

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay, of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  Appropriations:

STATE TREASURER:
For: Salaries and Wages ................. $65,560.00
     Travel Expense ........................ 2,000.00
     Other Current Expense ............ 16,040.00
     Capital Outlay ...................... 500.00

       TOTAL ............................... $84,100.00

From the General Fund .................. $84,100.00

Approved March 11, 1961.

CHAPTER 121
(H. B. No. 371)

AN ACT


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

SECTION 1. There is hereby appropriated out of the gen-
eral fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay, of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:

BOARD OF TRUSTEES, TEACHERS RETIREMENT SYSTEM:

For: Salaries and Wages ...................... $32,550.00
     Travel Expense ........................ 2,200.00
     Other Current Expense ............... 6,340.00
     Capital Outlay .......................  50.00

     TOTAL ................................ $41,140.00

     Less Other Income ..................... 17,000.00

     From the General Fund ................ $24,140.00

Approved March 11, 1961.

CHAPTER 122
(H. B. No. 375)

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense, capital outlay and refunds of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:
CHAPTER 123
(H. B. No. 378)

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay, of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
BUREAU OF MINES AND GEOLOGY:
For: Salaries and Wages $93,075.
Travel Expense 10,800.
Other Current Expense 15,750.
Capital Outlay 8,400.
CHAPTER 124
(H. B. No. 372)

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense, capital outlay and relief and pensions, of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; and in accordance with the current Idaho State Plan for Vocational Education, subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  Appropriations:
STATE BOARD OF VOCATIONAL EDUCATION:
For:  Salaries and Wages ..................... $ 202,530.
      Travel Expense .........................  35,729.
      Other Current Expense ..................  32,407.
      Capital Outlay .........................  2,255
      Relief and Pensions .................... $1,618,997.

Total .................................... $1,891,918.
Less Other Income .........................  571,106.
From the General Fund .................... $1,320,812.

Approved March 11, 1961.
CHAPTER 125
(H. B. No. 370)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND OF
THE STATE OF IDAHO, TO THE STATE AUDITOR FOR THE
PURPOSE OF PAYING SALARIES AND WAGES, TRAVEL
EXPENSE, OTHER CURRENT EXPENSE AND CAPITAL OUT­
LAY FOR THE PERIOD COMMENCING JULY 1, 1961, AND
ENDING JUNE 30, 1963; SUBJECT TO THE PROVISIONS OF
THE STANDARD APPROPRIATIONS ACT OF 1945.

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

SECTION 1. There is hereby appropriated out of the Gen­
eral Fund of the State of Idaho, the following sums of
money, or so much thereof as may be necessary, for the
purpose of paying salaries and wages, travel expense, other
current expense, and capital outlay of the agency herein
named, for the period commencing July 1, 1961, and end­
ing June 30, 1963; subject to the provisions of the Standard
Appropriations Act of 1945:

To Whom Appropriated:                                    Appropriations:
STATE AUDITOR:
For: Salaries and Wages ...........................................$275,000.
       Travel Expense ........................................... 4,000.
       Other Current Expense .................................  62,500.
       Capital Outlay ...........................................  6,000.

Total ..............................................................$347,500.
From the General Fund ...........................................$347,500.

Approved March 11, 1961.

CHAPTER 126
(H. B. No. 334)

AN ACT

APPROPRIATING MONEY FROM THE STATE LIQUOR FUND
OF THE STATE OF IDAHO STATE LIQUOR DISPENSARY
FOR SALARIES AND WAGES AND OTHER CURRENT EX­
PENSE, FOR THE PERIOD COMMENCING JANUARY 1, 1961
AND ENDING JUNE 30, 1961; AND DECLARED AN EMERGENCY.

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

SECTION 1. There is hereby appropriated out of the State Liquor Fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages and other current expense, for the period commencing January 1, 1961 and ending June 30, 1961:

To Whom Appropriated: Appropriations:
STATE LIQUOR DISPENSARY:
For: Salaries and Wages .................. $17,709.00
     Other Current Expense ............ 12,083.00
     TOTAL ................................ $29,792.00

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

Approved March 11, 1961.

CHAPTER 127
(H. B. No. 328)

AN ACT

AMENDING SECTION 16-1833, IDAHO CODE, RELATING TO JUVENILES COMMITTED TO THE BOARD OF HEALTH UNDER PROVISIONS OF THE YOUTH REHABILITATION ACT TO PROVIDE THAT THE CONSENT OF THE SUPERINTENDENT OF THE IDAHO INDUSTRIAL TRAINING SCHOOL SHALL BE OBTAINED BY THE BOARD BEFORE IT ENTERS AN ORDER COMMITTING A JUVENILE TO OR DISCHARGING A JUVENILE FROM THE IDAHO INDUSTRIAL TRAINING SCHOOL; AND PRESCRIBING AN EFFECTIVE DATE.

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

SECTION 1. That Section 16-1833, Idaho Code, be, and the same is hereby amended to read as follows:
16-1833. DISPOSITION OF COMMITTED PERSON.—When a person has been committed to the board it may:

(a) Permit him his liberty under supervision and upon such conditions as it believes conducive to satisfactory conduct;

(b) Order his confinement under such conditions as it believes best designed for the interest of the individual and protection of the public;

(c) Order reconfinement or renewed release under supervision as often as conditions indicate either is desirable;

(d) Revoke or modify any order, except an order of discharge, as often as conditions indicate it to be desirable;

(e) Discharge him from control when it is satisfied that such discharge is consistent with the protection of the public, or when he reaches the age of twenty-one.

Provided, however, that whenever the Board shall transfer a person to, or order a person's discharge or parole from the Idaho Industrial Training School, the Board shall first obtain approval of its proposed action from the Superintendent of the Industrial Training School.

SECTION 2. This act shall be in full force and effect on and after July 1, 1961.

Approved March 11, 1961.

CHAPTER 128
(H. B. No. 287)

AN ACT

AMENDING SECTION 61-802, IDAHO CODE, AS AMENDED, PROVIDING THAT PERMITS FOR MOTOR CARRIERS SHALL BE ISSUED WHEN IT IS SHOWN THAT PUBLIC CONVENIENCE AND NECESSITY REQUIRE THE OPERATION FOR WHICH THE PERMIT IS SOUGHT.

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

SECTION 1. That Section 61-802, Idaho Code, as amended, be, and the same is hereby amended to read as follows:
61-802. PERMIT REQUIRED—SCOPE OF PERMIT—COMMISSION MAY REFUSE PERMIT.—It shall be unlawful for any motor carrier, as the term is defined in this chapter, to operate any motor vehicle in motor transportation without first having obtained from the commission a permit covering such operation.

A permit shall be issued to any qualified applicant authorizing the whole or any part of his operations covered by the application made to the commission in accordance with the provisions of this chapter, if it is found that the applicant is fit, willing, and able properly to perform the service proposed and to conform to the provisions of this chapter and the requirements, rules and regulations of the commission thereunder, and that the proposed service, to the extent authorized by the permit, is or will be **required by the present or future public convenience and necessity.**

Approved March 11, 1961.

CHAPTER 129
(H. B. No. 355)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO TO THE STATE BOARD OF LAND COMMISSIONERS, CENTRAL POSTAL SYSTEM, FOR THE PURPOSE OF PAYING SALARIES AND WAGES AND OTHER CURRENT EXPENSE FOR THE PERIOD COMMENCING JANUARY 1, 1961, AND ENDING JUNE 30, 1961; 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 following sums of money, or so much thereof as may be necessary, for the purpose of paying Salaries and Wages and Other Current Expense, for the period commencing January 1, 1961, and ending June 30, 1961:

To Whom Appropriated: Appropriations:
STATE BOARD OF LAND COMMISSIONERS, CENTRAL POSTAL SYSTEM:
For:  Salaries and Wages .................................. $400  
Other Current Expense ................................. 400  

Total ......................................................... $800  
From the General Fund ................................. $800  

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

Approved March 11, 1961.

CHAPTER 130  
(H. B. No. 185)  
AN ACT  
AMENDING SECTION 61-901, IDAHO CODE, TO INCLUDE AMONG PUBLIC UTILITIES, TELEPHONE AND WATER UTILITIES AND PROVIDING AN EXCEPTION.

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

SECTION 1. That Section 61-901, Idaho Code, be, and the same is hereby amended to read as follows:

61-901. ELECTRIC, TELEPHONE, WATER AND GAS UTILITIES — ISSUANCE OF SECURITIES AUTHORIZED — LIENS — PLEDGES — PURPOSES — TERMS — SUPERVISION AND CONTROL OF PUBLIC UTILITIES COMMISSION. — The right of every public utility, as defined in section 61-129, Idaho Code, furnishing electric, telephone, water or gas service in the state of Idaho, to issue, assume or guarantee securities and to issue mortgages, deeds of trust or other instruments of security with respect to its property situated within the state of Idaho, is hereby subjected to the regulation and supervision of the public utilities commission of the state of Idaho, as hereinafter set forth in this act. Such public utility when authorized by order of the commission and not otherwise, may issue stocks and stock certificates and may issue, assume or guarantee bonds or other securities payable at periods of more than twelve (12) months after the date thereof, for the following purposes; for the acquisition of property; for the construction, completion, extension or
improvement of its facilities; for the improvement or main-
tenance of its service; for the discharge or lawful refund-
ing of its obligations; for the reimbursement of monies
actually expended for said purposes from income or from
other monies in the treasury not secured by or obtained
from the issue, assumption or guarantee of securities; or
for any other purpose approved by the commission, pro-
vided, however, this section shall not apply to any telephone
corporation when three-fourths or more of the total gross
revenue of such corporation is derived from sources out-
side the state of Idaho.

Approved March 11, 1961.

CHAPTER 131
(H. B. No. 303)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND OF
THE STATE OF IDAHO, TO THE COMMISSIONER OF PUB-
LIC WORKS FOR THE PURPOSE OF PAYING SALARIES
AND WAGES, OTHER CURRENT EXPENSE AND CAPITAL
OUTLAY FOR THE PERIOD COMMENCING JULY 1, 1961,
AND ENDING JUNE 30, 1963; SUBJECT TO THE PROVISIONS
OF THE STANDARD APPROPRIATIONS ACT OF 1945.

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

SECTION 1. There is hereby appropriated out of the Gen-
eral fund of the State of Idaho, the following sums of
money, or so much thereof as may be necessary, for the
purpose of paying salaries and wages, other current ex-
pense and capital outlay of the agency herein named, for
the period commencing July 1, 1961, and ending June 30,
1963; subject to the provisions of the Standard Appropri-
ations Act of 1945:

To Whom Appropriated: Appropriations:
COMMISSIONER OF PUBLIC WORKS:
For: Salaries and Wages .........................$21,450.00
     Other Current Expense .................. 2,255.00
     Capital Outlay ..........................  800.00
     Total ..................................$24,505.00
From the General Fund .......................$24,505.00

Approved March 11, 1961.
CHAPTER 132
(H. B. No. 302)

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay, of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:

SOLDIERS’ HOME:

For: Salaries and Wages $ 67,650
Travel Expense 2,400
Other Current Expense 129,450
Capital Outlay 26,500

Total 226,000
Less Other Income 149,000
From the General Fund 77,000

Approved March 11, 1961.

CHAPTER 133
(H. B. No. 313)

AN ACT

AMENDING SECTION 37-1935, IDAHO CODE, AS AMENDED, TO DEPOSIT THE FEES FOR MEAT INSPECTION TO THE MEAT INSPECTION FUND AND NOT TO THE LIVESTOCK
DISEASE CONTROL AND T. B. INDEMNITY FUND; TO PROVIDE FOR A GENERAL FUND APPROPRIATION AND THE APPROPRIATION OF MEAT INSPECTION FEES; WITH AN EFFECTIVE DATE.

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

SECTION 1. That Section 37-1935, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

37-1935. FEES.—Every person, firm, corporation or association having carcasses of animals inspected as in this act provided, shall compensate the state for the expense of carrying out such inspection. For this purpose the department may collect a reasonable fee to be fixed by the department not exceeding the actual cost to the state, or the following sums, whichever shall be higher:

- For cattle: $0.50 per head
- For calves: $0.25 per head
- For sheep: $0.25 per head
- For lambs: $0.25 per head
- For goats: $0.25 per head
- For swine, hogs or pigs: $0.25 per head

Said fees shall be collected by the meat inspector at the time of inspection and delivered to the commissioner of agriculture and deposited by him in the state treasury in the **meat inspection fund**. All wages and expenses of the meat inspectors appointed under the provisions of this act shall be paid out of either the **meat inspection fund**, the general fund, or any other moneys to be made available for this purpose. *This act to become effective July 1, 1961.*

In the event any person, firm, corporation or association having carcasses of animals inspected as provided herein should require the services of an official inspector on any Saturday, Sunday or holiday or for more than eight hours on any other day Monday through Friday inclusive, the hours so worked by said inspector shall be considered as overtime pay hours. The commissioner of agriculture of the state of Idaho shall be authorized to determine said hourly overtime pay rates and said rates shall be charged to the party requesting such inspection as a part of the actual cost to the state of Idaho for such inspection service. The commissioner of agriculture is further authorized to pay said official inspector said overtime pay rate in addition to his usual salary.

Approved March 11, 1961.
CHAPTER 134
(H. B. No. 304)

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense, capital outlay and Relief and Pensions, of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  Appropriations:
STATE BOARD FOR VOCATIONAL EDUCATION FOR VOCATIONAL REHABILITATION:
For:  Salaries and Wages ......................$125,366.00
      Travel Expense .......................... 20,500.00
      Other Current Expense .................. 16,370.00
      Capital Outlay .......................... 1,425.00
      Relief and Pensions ..................... 421,281.00
      Total ..................................$584,942.00

      Less Other Income ..................... 393,442.00

From the General Fund ....................... 191,500.00

SECTION 2. The sum of $1,500.00 is included in the above appropriation for payment of expenses of the Governor's Committee for Employment of the Physically Handicapped.

Approved March 11, 1961.
AN ACT

AMENDING SECTION 3212, TITLE 42, IDAHO CODE, RELATIVE TO THE POWERS AND DUTIES OF THE BOARD OF DIRECTORS OF WATER AND SEWER DISTRICTS TO PROVIDE THAT THE RATES, TOLLS AND CHARGES WHICH BECOME DELINQUENT SHALL BE CERTIFIED BY THE BOARD OF DIRECTORS OF SUCH DISTRICT IN THE SAME MANNER AS IT CERTIFIES REGULAR TAX LEVIES OF THE DISTRICT AND PROVIDING THAT SUCH RATES, TOLLS AND CHARGES ARE A LIEN AGAINST PROPERTY UPON WHICH THEY ARE LEVIED AND THAT THE SAME SHALL BE COLLECTIBLE AS OTHER TAXES AND ELIMINATING THE PROVISION THAT SUCH RATES, TOLLS OR CHARGES SHALL CONSTITUTE A LIEN AGAINST THE PROPERTY SERVED, WHICH LIEN MAY BE FORECLOSED IN THE MANNER PROVIDED FOR FORECLOSURE OF MECHANICS' LIENS; FIXING THE DATE OF PRIORITY OF SUCH LIENS.

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

SECTION 1. That Section 3212 of Title 42, Idaho Code, be, and the same is hereby amended to read as follows:

42-3212. GENERAL POWERS OF BOARD.—For and on behalf of the district the board shall have the following powers:

(a) To have perpetual existence;

(b) To have and use a corporate seal;

(c) To sue and be sued, and be a party to suits, actions and proceedings;

(d) Except as otherwise provided in this act, to enter into contracts and agreements, cooperative and otherwise, affecting the affairs of the district, including contracts with the United States of America and any of its agencies or instrumentalities, and contracts with corporations, public or private, municipalities, or governmental subdivisions, and to cooperate with any one or more of them in building, erecting or constructing works, canals, pipelines, sewage treatment plants, and other facilities within or without the district. Except in cases in which a district will receive aid from a governmental agency, a notice shall be
published for bids on all construction contracts for work or material, or both, involving an expense of $5,000.00 or more. The district may reject any and all bids, and if it shall appear that the district can perform the work or secure material for less than the lowest bid, it may proceed so to do;

(e) To borrow money and incur indebtedness and evidence the same by certificate, notes or debentures, and to issue bonds, in accordance with the provisions of this act;

(f) To acquire, dispose of and encumber real and personal property, water, water rights, water and sewage systems and plants, and any interest therein, including leases and easements within or without said district;

(g) To refund any bonded indebtedness of the district without an election; provided, however, that the obligations of the district shall not be increased by any refund of bonded indebtedness. Otherwise, the terms and conditions of refunding bonds shall be substantially the same as those of an original issue of bonds;

(h) To have the management, control and supervision of all the business and affairs of the district, and the construction, installation, operation and maintenance of district improvements therein or therefor;

(i) To hire and retain agents, employes, engineers and attorneys;

(j) To have and exercise the power of eminent domain in the manner provided by law for the condemnation of private property for public use to take any property necessary to the exercise of the powers herein granted, both within and without the district;

(k) To construct and maintain works and establish and maintain facilities across or along any public street or highway, and in, upon, or over any vacant public lands, which public lands are now, or may become, the property of the state of Idaho, and to construct works and establish and maintain facilities across any stream of water or water course; provided, however, that the district shall promptly restore any such street or highway to its former state of usefulness as nearly as may be, and shall not use the same in such manner as to completely or unnecessarily impair the usefulness thereof;

(l) To fix and from time to time to increase or decrease
water and sewer rates, tolls or charges for services or facilities furnished by the district, and to pledge such revenue for the payment of any indebtedness of the district. The board shall fix rates, tolls and charges *** and the time or times for the payment thereof. All such rates, tolls and charges not paid within thirty days after the date fixed for the payment thereof shall become delinquent; the board shall certify all such delinquent rates, tolls and charges at the same time and in the same manner it certifies the rate of the regular tax levy of the district, as provided in section 42-3214, and when so certified such delinquent rates, tolls and charges shall be and are hereby imposed as a lien upon and against the property served or premises against which the same are levied or assessed, and shall be collectible as other taxes. The date of priority of such lien shall be the date upon which such charge becomes delinquent. The board shall shut off or discontinue service for delinquencies in the payment of such rates, tolls or charges, or in the payment of taxes levied pursuant to this act, and prescribe and enforce rules and regulations for the connection with and the disconnection from properties of the facilities of the district. For health and sanitary purposes the board shall have the power to compel the owners of inhabited property within a sewer district to connect their property with the sewer system of such district, and upon a failure so to connect within sixty days after written notice by the board so to do the board may cause such connection to be made and a lien to be filed against the property for the expense incurred in making such connection, provided, however, that no owner shall be compelled to connect his property with such system unless a service line is brought, by the district, to a point within two hundred feet of his dwelling place;

(m) To adopt and amend by-laws not in conflict with the constitution and laws of the state for carrying on the business, objects and affairs of the board and of the district;

(n) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted herein. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of this act.

Approved March 11, 1961.
198 IDAHO SESSION LAWS C. 136 '61

CHAPTER 136
(H. B. No. 119)

AN ACT
AMENDING SECTION 49-1501, 49-1505, 49-1521 AND 49-1525, IDAHO CODE, RELATING TO THE MOTOR VEHICLE SAFETY RESPONSIBILITY ACT SO AS TO INCREASE THE AMOUNT OF THE PROPERTY DAMAGE REQUIRED TO BRING A PERSON WITHIN THE PURVIEW OF THE ACT, AND TO INCREASE THE MINIMUM AMOUNTS REQUIRED FOR PROOF OF FINANCIAL RESPONSIBILITY.

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

SECTION 1. That Section 49-1501, Idaho Code, be and the same is hereby amended to read as follows:

49-1501. MOTOR VEHICLE RESPONSIBILITY.—(1) Definitions. The following words and phrases, when used in this act, shall, for the purposes of this act, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(a) "Commissioner." The commissioner of law enforcement of this state.

(b) "Judgment." Any judgment which shall have become final by expiration without appeal of (by) the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages.

(c) "License." Any operator's license, temporary instruction of permit or temporary license issued under the laws of this state pertaining to the licensing of operators.

(d) "Motor vehicle." Every self-propelled vehicle which is designed for use upon a highway, including trailers designed for use with such vehicles (except traction engines, roadrollers, farm tractors, tractor cranes, power shovels, and well drillers) and every vehicle which is propelled by
electric power obtained from overhead wires but not operated upon rails.

(e) "Nonresident." Every person who is not a resident of this state.

(f) "Nonresident's operating privilege." The privilege conferred upon a nonresident by the laws of this state pertaining to the operation by him of a motor vehicle, or the use of a motor vehicle owned by him, in this state.

(g) "Operator." Every person who is in actual physical control of a motor vehicle.

(h) "Owner." A person who holds the legal title of a motor vehicle, or in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of this act.

(i) "Person." Every natural person, firm, copartnership, association or corporation.

(j) "Proof of financial responsibility." Proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of * $10,000 because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of *$20,000 because of bodily injury to or death of 2 or more persons in any one accident, and in the amount of *$5,000 because of injury to or destruction of property of others in any one accident.

(k) "Registration." Registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of motor vehicles.

(l) "State." Any state, territory or possession of the United States, the District of Columbia, or any province of the Dominion of Canada.

SECTION 2. That Section 49-1505, Idaho Code, be and the same is hereby amended to read as follows:
49-1505. SECURITY REQUIRED FOLLOWING ACCIDENT UNLESS EVIDENCE OF INSURANCE—SUSPENSION FOR FAILURE TO DEPOSIT SECURITY—EXCEPTIONS—(a) If 20 days after the receipt of a report of a motor vehicle accident within this state which has resulted in bodily injury or death, or damage to the property of any one person in excess of $100.00, the commissioner does not have on file evidence satisfactory to him that the person who would otherwise be required to file security under sub-section (b) of this section has been released from liability, or has been finally adjudicated not to be liable, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident, the commissioner shall determine the amount of security which shall be sufficient in his judgment to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against each operator or owner.

(b) Within 60 days after the receipt of a report of a motor vehicle accident within this state which has resulted in bodily injury or death, or damage to the property of any one person in excess of $100.00, the commissioner shall suspend the license of each operator and all registrations of each owner of a motor vehicle in any manner involved in such accident, and if such operator is a nonresident the privilege of operating a motor vehicle within this state, and if such owner is a nonresident the privilege of the use within this state of any motor vehicle owned by him, unless such operator or owner or both shall deposit security in a sum which shall be sufficient in the judgment of the commissioner to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against such operator or owner; provided notice of such suspension shall be sent by the commissioner to such operator and owner not less than 10 days prior to the effective date of such suspension and shall state the amount required as security.

(c) This act shall not apply:

1. To such operator or owner if such owner had in effect at the time of such accident an automobile liability policy with respect to the motor vehicle involved in such accident;

2. To such operator, if not the owner of such motor vehicle, if there was in effect at the time of such accident an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him;
3. To such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the commissioner, covered by any other form of liability insurance policy or bond; or

4. To the operator or owner of any vehicle the owner of which has qualified as a self-insurer under section 49-1534.

(d) No such policy or bond shall be effective under this section unless issued by an insurance company or surety company authorized to do business in this state, except that if such motor vehicle was not registered in this state, or was a motor vehicle which was registered elsewhere than in this state at the effective date of the policy or bond, or the most recent renewal thereof, such policy or bond shall not be effective under this section unless the insurance company or surety company if not authorized to do business in this state shall execute a power of attorney authorizing the commissioner to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident; provided, however, every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than * $10,000 because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than * $20,000 because of bodily injury to or death of 2 or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than * $5,000 because of injury to or destruction of property of others in any one accident.

(e) Upon receipt of notice of such accident, the insurance company or surety company which issued or is alleged to have issued such policy or bond shall notify the commissioner in such manner as he may require in case such policy or bond was not in effect at the time of such accident.

SECTION 3. That Section 49-1521, Idaho Code, be and the same is hereby amended to read as follows:

49-1521—“MOTOR VEHICLE LIABILITY POLICY” DEFINED—EXPRESSED, PERMITTED AND IMPLIED PROVISIONS—(a) A “motor vehicle liability policy” as said term is used in this act shall mean an owner’s or an operator’s policy of liability insurance, certified as provided in section 49-1519 or 49-1520 as proof of financial responsibility, and issued, except as otherwise provided in
section 49-1520, by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured.

(b) Such owner's policy of liability insurance.

1. Shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted; and

2. Shall insure the person named therein and any other person, as insured, using any such motor vehicle or motor vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such motor vehicle or motor vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle, as follows: * $10,000 because of bodily injury to or death of one person in any one accident and, subject to said limit for one person * $20,000 because of bodily injury to or death of 2 or more persons in any one accident, and * $5,000 because of injury to or destruction of property of others in any one accident.

(c) Such operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon him by law for damages arising out of the use by him of any motor vehicle not owned by him, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance.

(d) Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period and the limits of liability, and shall contain an agreement or be indorsed that insurance is provided thereunder in accordance with the coverage defined in this act as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this act.

(e) Such motor vehicle liability policy shall not insure any liability under any workman's compensation law as provided in title 72, nor any liability on account of bodily injury to or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance or repair of any such motor vehicle nor any liability for
damage to property owned by, rented to, in charge of or transported by the insured.

(f) Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein:

1. The policy may not be canceled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of any injury or damage covered by said motor vehicle liability policy.

2. The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage.

3. The insurance carrier shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in paragraph (b) 2 hereof.

4. The policy, the written application therefor, if any, and any rider or indorsement which does not conflict with the provisions of the act shall constitute the entire contract between the parties.

(g) Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and such excess or additional coverage shall not be subject to the provisions of this act. With respect to a policy which grants such excess of additional coverage the term “motor vehicle liability policy” shall apply only to that part of the coverage which is required by this section.

(h) Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this act.

(i) Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

(j) The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carriers which policies together meet such requirements.
(k) Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.

SECTION 4. That Section 49-1525, Idaho Code, be and the same is hereby amended to read as follows:

49-1525. MONEY OR SECURITIES AS PROOF.—(a) Proof of financial responsibility may be evidenced by the certificate of the state treasurer that the person named therein has deposited with him *$25,000 in cash, or securities such as may legally be purchased by savings banks or for trust funds of a market value of *$25,000. The state treasurer shall not accept any such deposit and issue a certificate therefor and the commissioner shall not accept such certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

(b) Such deposit shall be held by the state treasurer to satisfy, in accordance with the provisions of this act, any execution on a judgment issued against such person making the deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a motor vehicle after such deposit was made. Money or securities so deposited shall not be subject to attachment or execution unless such attachment or examination shall arise out of a suit for damages as aforesaid.

Approved March 11, 1961.

CHAPTER 137
(H. B. No. 351)

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense, and capital outlay of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
STATE FORESTER FOR TREE PLANTING: Total .................................................$30,000.00
From the General Fund .................................................$30,000.00

Approved March 11, 1961.

CHAPTER 138
(H. B. No. 350)

AN ACT
APPROPRIATING MONEYS FROM THE FISH AND GAME FUND OF THE STATE OF IDAHO TO THE FISH AND GAME COMMISSION FOR THE PURPOSE OF CONSTRUCTING AN OFFICE BUILDING FOR THE USE OF THE DEPARTMENT OF FISH AND GAME IN ADA COUNTY, IDAHO, PROVIDING A METHOD OF FISCAL ADMINISTRATION OF THIS APPROPRIATION.

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

SECTION 1. There is hereby appropriated out of the Fish and Game Fund of the State of Idaho the sum of $350,000 or so much as may be necessary, for the purpose of constructing an office building for the use of the Department of Fish and Game in Ada County, Idaho.

SECTION 2. The appropriation made herein shall be exempt from the provisions of Section 67-3516, Idaho Code, but shall be available for expenditure only after allotment in accordance with the provisions of Chapter 36 of Title 67, Idaho Code, as amended, and shall also be subject to the provisions of Section 67-2304, Idaho Code, as amended.

Approved March 11, 1961.
CHAPTER 139  
(H. B. No. 346)

AN ACT

RECOGNIZING THAT APPROPRIATIONS HAVE BEEN MADE HERETOFORE TO PAY COMPENSATION TO CERTAIN PERSONS FOR INJURIES INCURRED WITH THE IDAHO NATIONAL GUARD AND THAT PAYMENT OF SAID COMPENSATION IS AN OBLIGATION OF THE STATE OF IDAHO; TO PROVIDE THAT SAID PAYMENTS TO SUCH PERSONS SHALL BE PAID HEREAFTER BY STATE INSURANCE FUND; AND PROVIDING A MEANS FOR STATE INSURANCE FUND TO BE REIMBURSED.

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

SECTION 1. Appropriations have been made for many years to pay compensation for injuries sustained in the line of duty with the Idaho National Guard to George Eddins, Eugene Lister, E. R. Neibauer, and Oliver Virgin, and it is hereby recognized that the payment of said compensation to said individuals is an obligation of the state of Idaho and should be paid to them for the remainder of their lives. To provide for the payment of such compensation to these individuals in an orderly fashion and to avoid an appropriation during each legislature, for this purpose it is hereby declared that the responsibility for the payment of this compensation to these individuals should be that of the State Insurance Fund.

SECTION 2. Commencing on July 1, 1961, and monthly thereafter, the manager of the State Insurance Fund shall pay the following amounts to the following named individuals for so long as each shall live:

- George Eddins — $ 50.00
- Eugene Lister — $ 50.00
- E. R. Neibauer — $ 50.00
- Oliver Virgin — $ 25.00

SECTION 3. The State Insurance Fund shall be reimbursed for all payments made under the authority granted herein in accordance with the provisions of section 72-928, Idaho Code.

Approved March 11, 1961.
CHAPTER 140
(H. B. No. 343)

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense, capital outlay and payments as agent, of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945.

To Whom Appropriated: Appropriations:
STATE LIBRARY BOARD:
For: Salaries and Wages .................. $110,000.00
Travel Expense ...................... 10,000.00
Other Current Expense .......... 30,129.00
Capital Outlay .................... 60,329.00
Payments as Agent ............... 60,000.00

Total ................................... $270,458.00
Less Other Income ............... $145,458.00
From the General Fund .......... $125,000.00

Approved March 11, 1961.

CHAPTER 141
(H. B. No. 341)

AN ACT

APPROPRIATING MONEYS FROM THE FISH AND GAME FUND OF THE STATE OF IDAHO, TO THE FISH AND GAME

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

SECTION 1. There is hereby appropriated out of the Fish and Game Fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense, capital outlay and refunds of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
FISH AND GAME COMMISSION:
For: 
Salaries and Wages $2,184,813.
Travel Expense 169,980.
Other Current Expense 1,279,401.
Capital Outlay 977,406.
Refunds 2,000.

Total $4,613,600.

From the Fish and Game Fund $4,613,600.

Approved March 11, 1961.

CHAPTER 142
(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 General Fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay, of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
BOARD OF LAND COMMISSIONERS
FOR LANDS ADMINISTRATION:
For: Salaries and Wages $195,000
     Travel Expense 9,000
     Other Current Expense 25,187
     Capital Outlay 13,000

     Total $242,187
From the General Fund $242,187

Approved March 11, 1961.

CHAPTER 143
(H. B. No. 354)

AN ACT


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

SECTION 1. There is hereby appropriated out of the General Fund and the Meat Inspection Fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay, of the agency herein named, for the period com-
mencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:                  Appropriations:

COMMISSIONER OF AGRICULTURE FOR MEAT INSPECTION:

For:                         Salaries and Wages $253,000
                                  Travel Expense  40,000
                                  Other Current Expense  11,000
                                  Capital Outlay       25,000
                                  Total               $329,000

From the General Fund $185,000
From the Meat Inspection Fund $144,000

Approved March 11, 1961.

CHAPTER 144
(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 general fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense, capital outlay and payments as agent, of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:                  Appropriations:

STATE FORESTER FOR FOREST CONSERVATION:
CHAPTER 145
(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 following sums of money or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay, of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945.

To Whom Appropriated: Appropriations:
STATE HISTORICAL SOCIETY:
For:
Salaries and Wages .........................$ 96,025.00
Travel Expense .......................... 3,500.00
Other Current Expense ................. 19,000.00
Capital Outlay .......................... 8,000.00

Total ..................................$126,525.00
From the General Fund ..................$126,525.00

Approved March 11, 1961.
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 following sums of money, or so much thereof as may be necessary, for the purpose of paying other current expense, of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:       Appropriations:
PLANT PEST CONTROL AND     
RESEARCH COMMISSION:       
For:       Other Current Expense .................. $30,000

Total ...........................................$30,000

From the General Fund .........................$30,000

Approved March 11, 1961.

CHAPTER 147
(H. B. No. 329)

AN ACT
AMENDING TITLE 33, CHAPTER 10, IDAHO CODE, BY ADDING THEREIN A NEW SECTION TO BE DESIGNATED AS SECTION 33-1013B TO PROVIDE THE MANNER FOR COMPUTING THE MINIMUM PROGRAM FOR THE FIRST YEAR OF OPERATION OF A SECONDARY SCHOOL BY A CLASS C SCHOOL DISTRICT WHICH HAS MET THE QUALIFICATIONS PRESCRIBED BY LAW FOR BECOMING A CLASS A SCHOOL DISTRICT AND WHICH PROPOSES TO ESTABLISH AND MAINTAIN A SECONDARY SCHOOL.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Title 33, Chapter 10, Idaho Code, be, and the same is hereby amended by the addition of a new section therein, immediately to follow Section 33-1013A, designated as Section 33-1013B, and to read as follows:

33-1013B. Should any class C district which has met the qualifications prescribed by law for re-classification as a class A school district propose to be so re-classified and to begin the establishment and maintenance of secondary school, such district shall be allowed educational and transportation minimum programs to be computed as follows for the first year of the operation of such secondary school:

For the educational minimum program, such district shall include in its annual report for the year preceding the proposed establishment of such secondary school the aggregate of the products of the number of pupils resident in such district who attended secondary schools in other school districts during such preceding year, multiplied by the per-pupil state and county apportionments for the educational minimum program, to such other secondary schools as shown on the last approved tuition report of such other secondary schools.

For the transportation minimum program, such district shall include in its annual report for the year preceding the proposed establishment of such secondary school the aggregate of the product of the number of pupils proposed to be transported to such newly established secondary school but attending secondary schools in other school districts such preceding year, multiplied by the state and county apportionments per pupil transported as shown in the last approved tuition reports of such other districts.

Approved March 11, 1961.

CHAPTER 148
(H. B. No. 314)

AN ACT
AMENDING SECTION 57-127, IDAHO CODE, RELATING TO THE DEPOSIT OF PUBLIC MONEYS IN PUBLIC DEPOSITORIES BY PROVIDING THAT WITH THE APPROVAL OF THE
SUPERVISING BOARD OF THE DEPOSITING UNIT THE TREASURER MAY INVEST SURPLUS OR IDLE FUNDS IN BONDS OR OTHER EVIDENCES OF INDEBTEDNESS OF THE UNITED STATES, AND INTEREST RECEIVED ON SUCH INVESTMENTS, UNLESS OTHERWISE REQUIRED BY LAW, SHALL BE PAID INTO THE GENERAL FUND OF THE DEPOSITING UNIT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 57-127, Idaho Code, be, and the same is hereby amended to read as follows:

57-127. DEPOSIT OF PUBLIC FUNDS—DUTIES OF TREASURER AND SUPERVISING BOARD. — Except where the public moneys of a depositing unit in the custody of the treasurer at any one time are less than $1000, the treasurer shall deposit, and at all times keep on deposit, subject to the provisions of this law, in designated depositories, all public moneys coming into his hands, but not in excess of the maximum sum he is entitled so to keep on deposit therein under this chapter; and it is hereby made the duty of said supervising board at the time it makes its investigation of bonds or securities as provided in the public depository law to fix by order, the maximum sum the treasurer may so keep on deposit in said depository, a copy of which order shall immediately after it is made be served on the treasurer by the supervising board or its clerk; provided, that with the approval of the supervising board of the depositing unit, the treasurer is authorized and empowered to invest surplus or idle funds of the depositing unit in short term interest bearing bonds or other evidences of indebtedness of the United States of America, and interest received on all such investments, unless otherwise required by law, shall be paid into the general fund of the depositing unit: and provided further, that as to all public moneys in the custody of the treasurer of a depositing unit for which there is no legal depository available under this chapter, it shall be the duty of the supervising board of the depositing unit to designate and place for the safekeeping of such public moneys, and until such designation it shall be the duty of the treasurer to deposit such excess sums on special deposit in some bank or trust company, and the expense of such service shall be borne by the depositing unit.

SECTION 2. 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.

Approved March 11, 1961.

CHAPTER 149
(H. B. No. 319)

AN ACT

AMENDING SECTION 39-1704, IDAHO CODE, WHICH CONSTITUTES PART OF THE IDAHO LAW REGULATING (1) EATING AND DRINKING ESTABLISHMENTS WHERE FOOD AND/OR DRINK ARE OFFERED FOR SALE FOR CONSUMPTION ON THE PREMISES (2) KITCHENS AND OTHER PLACES WHERE FOOD AND/OR DRINK IS PREPARED FOR SALE ELSEWHERE (3) BUTCHER SHOPS AND PLACES WHERE MEAT OR MEAT PRODUCTS ARE MADE, PREPARED OR SOLD (4) BAKERIES AND PLACES WHERE BAKERY GOODS ARE MADE (5) AND ALL PLACES WHERE CANDY IS MADE, THUS ELIMINATING THE REQUIREMENT THAT PERSONS CONDUCTING, OPERATING OR EMPLOYED IN OR ABOUT SUCH PLACES, OR HANDLING ANY FOODSTUFFS OR PRODUCTS USED THEREIN HOLD HEALTH CERTIFICATES; REPEALING SECTION 39-1707, RELATING TO THE DESIGNATION OF PHYSICIANS TO CONDUCT EXAMINATIONS FOR SUCH CERTIFICATES; AND DECLARING AN EMERGENCY AND FIXING AN EFFECTIVE DATE FOR THIS ACT.

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

SECTION 1. That Section 39-1704, Idaho Code, be, and the same is hereby amended to read as follows:

39-1704. No person having tuberculosis in a communicable form as evidenced by the finding of an open lesion in the chest or tubercle bacilli in the sputum, or who is a typhoid carrier as evidenced by the finding of typhoid organisms in the urine or stool, or who has syphilis in a communicable form as evidenced by a positive serological and clinical examination, shall conduct, operate, or be employed in or about any eating place, as defined in this chapter, or in handling of any foodstuffs, or products used therein. ***
SECTION 2. That Section 39-1707, 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 immediately upon its passage and approval.

Approved March 11, 1961.

CHAPTER 150
(H. B. No. 36)

AN ACT
AMENDING SECTION 48-410, IDAHO CODE, TO PROVIDE THAT THE TAX IMPOSED BY THAT SECTION SHALL BE COLLECTED BY THE STATE TAX COLLECTOR AND MAKING PROVISION FOR THE PROMULGATION OF NECESSARY RULES AND REGULATIONS AND FORMS; AND STATING AN EFFECTIVE DATE.

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

SECTION 1. That Section 48-410, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

48-410. Levy and Collection of Idaho Development and Publicity Fund Tax—Appropriation and Disbursements.—There is hereby levied on each and every store or outlet of each and every retailer or wholesaler as defined in this act, and every hotel as defined in section 39-1801, Idaho Code, every eating place as defined in section 39-1602, Idaho Code, and every trailer court, defined as any area of land held out for hire to the transient public for parking of house trailers a tax of six dollars per year, upon the privilege of operating and maintaining such store, outlet, hotel, eating place, or trailer court in the state of Idaho.

The tax levied by this section shall be paid on *** April 15, 1962, and on the same day of each year thereafter to the * State Tax Collector, whose duty it is to collect said tax, and if such tax by any person or business subject to this act, be not paid *** when due a penalty of $10.00 is hereby levied and assessed to be collected by said * col-
lector in the same manner as taxes imposed by Title 63, Chapter 30, Idaho Code. All monies collected by the collector under this act shall be deposited to the credit of the Idaho development and publicity fund ***.

All monies so deposited are hereby perpetually appropriated to the department and shall be used to administer this act, to pay the collection costs of said tax, the cost of supervising and administering this act, the Fair Trade Act, being chapters 3 and 4 of title 48, Idaho Code, and the promotion, advertisement and development of the state of Idaho, its industries, products, natural resources and tourist attraction as in this act directed.

The Tax Collector is authorized and directed to make and promulgate such regulations and prepare and publish such forms as may be necessary to carry out the provisions of this section.

Approved March 11, 1961.

CHAPTER 151
(H. B. No. 397)

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
SUPREME COURT:
CHAPTER 152
(H. B. No. 222)

AN ACT

DECLARING FUR-BEARING ANIMALS RAISED IN CAPTIVITY AS DOMESTIC ANIMALS, AND RAISING THEREOF AS AN AGRICULTURAL PURSUIT FOR CLASSIFICATION AND ADMINISTRATION OF ALL LAWS, ADMINISTRATIVE ORDERS, AND RULES AND REGULATIONS OF THE STATE; TRANSFERRING FUNCTIONS OF FISH AND GAME DEPARTMENT RELATING TO DOMESTIC FUR-BEARING ANIMALS TO DEPARTMENT OF AGRICULTURE; PROVIDING THAT THE PROVISIONS OF CHAPTER 2 OF TITLE 25, IDAHO CODE, AS AMENDED, APPLICABLE TO LIVESTOCK AND DOMESTIC ANIMALS GENERALLY, ARE APPLICABLE TO DOMESTIC FUR-BEARING ANIMALS; AUTHORIZING DIRECTOR OF BUREAU OF ANIMAL INDUSTRY TO PROMULGATE AND ENFORCE RULES AND REGULATIONS TO PREVENT DISEASE AMONG DOMESTIC FUR-BEARING ANIMALS, AND TO OTHERWISE ENFORCE THE PROVISIONS OF CHAPTER 2 OF TITLE 25, IDAHO CODE, APPLICABLE THERETO; PROVIDING FOR INSPECTION OF FUR-FARMS BY BUREAU OF ANIMAL INDUSTRY; PROVIDING THAT VIOLATION OF PROVISIONS OF CHAPTER 2 OF TITLE 25, IDAHO CODE, AS AMENDED, APPLICABLE TO DOMESTIC ANIMALS, OR RULES AND REGULATIONS PURSUANT THERETO IS A MISDEMEANOR, AND PROVIDING FOR A PENALTY; PROVIDING THAT DOMESTIC FUR-BEARING ANIMALS MAY BE THE SUBJECT OF OWNERSHIP AND LIEN RIGHTS; AMENDING SECTION 36-305, IDAHO CODE, AS AMENDED, PROVIDING THAT MUSKRAT, NUTRIA, AND BEAVER MAY BE DOMESTIC FUR-BEARING ANIMALS, AND EXCLUDING DOMESTIC FUR-BEARING ANIMALS FROM THE PROVISIONS OF TITLE 36, IDAHO CODE, RELATING TO FUR-BEARING ANIMALS, EXCEPT AS TO FUR-BEARING ANIMALS UNLAWFULLY TAKEN INTO CAP-
TIVITY; AMENDING SECTION 36-1507, IDAHO CODE, PROVIDING FOR ISSUANCE OF PERMITS BY AND REQUIRING REPORTS TO FISH AND GAME DEPARTMENT AS TO FUR-BEARING ANIMALS TAKEN INTO CAPTIVITY, AND ELIMINATING PERMITS AND REPORTS AS TO KEEPING ON HAND OR SELLING FUR-BEARING ANIMALS; REPEALING SECTION 36-1512 AND SECTION 36-1513, IDAHO CODE; AMENDING CHAPTER 15 OF TITLE 36, IDAHO CODE, AS AMENDED, BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 36-1514, TO BE KNOWN AS SECTION 36-1515, IDAHO CODE, AUTHORIZING INSPECTION OF FUR FARMS BY EMPLOYEES OF FISH AND GAME DEPARTMENT; AMENDING CHAPTER 16 OF TITLE 36, IDAHO CODE, AS AMENDED, BY ADDING A NEW SECTION THERETO, FOLLOWING SECTION 36-1612, TO BE KNOWN AS SECTION 36-1613, IDAHO CODE, PROVIDING FOR SALE OF BEAVER BY DEPARTMENT OF FISH AND GAME TO FUR-FARMERS HOLDING A PERMIT, AT NOT LESS THAN TEN DOLLARS PER BEAVER, AND PROVIDING THAT FUNDS SHALL BE PAID INTO FISH AND GAME FUND; AMENDING CHAPTER 16 OF TITLE 36, IDAHO CODE, AS AMENDED, BY ADDING A NEW SECTION THERETO, FOLLOWING SECTION 36-1614, IDAHO CODE, REQUIRING BEAVER FARMS INCLUDING A NATURAL HABITAT BE INCLOSED, PROVIDING FOR ESTIMATES OF AND PAYMENT FOR BEAVER INCLOSED, AND PROVIDING THAT VIOLATORS MAY BE ENJOINED; AMENDING CHAPTER 16 OF TITLE 36, IDAHO CODE, AS AMENDED, BY ADDING A NEW SECTION THERETO, FOLLOWING SECTION 36-1614, TO BE KNOWN AS SECTION 36-1615, IDAHO CODE, REQUIRING SHIPPER'S PERMITS BE OBTAINED FROM AND RECORDS AND TAGS BE FURNISHED TO FISH AND GAME DEPARTMENT AS TO ALL NON-DOMESTIC BEAVER TRANSFERRED OR SHIPPED, AND AS TO ALL NON-DOMESTIC BEAVER FUR OR SKINS SHIPPED INTO THE STATE; REPEALING CHAPTER 17 OF TITLE 36, IDAHO CODE; AND AMENDING SECTION 72-105A, IDAHO CODE, TO MAKE MORE SPECIFIC AND COMPREHENSIVE THE DEFINITION OF AGRICULTURAL PURSUITS NOT COVERED BY THE WORKMEN'S COMPENSATION LAW.

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

SECTION 1. It shall be lawful for any person, persons, association or corporations to engage in the business of propagating, breeding, owning or controlling domestic fur-bearing animals, which are defined as fox, mink, chinchilla, karakul, marten, fisher, muskrat, nutria, beaver, and all
other fur-bearing animals, raised in captivity for breeding or other useful purposes. For the purposes of all classification and administration of the laws of the state of Idaho, and all administrative orders and rules and regulations pertaining thereto, the breeding, raising, producing or marketing of such animals or their products by the producer shall be deemed an agricultural pursuit; such animals shall be deemed livestock and their products shall be deemed agricultural products; the persons engaged in such agricultural pursuits shall be deemed farmers, fur-farmers, fur breeders, or fur-ranchers; the premises within which such pursuit is conducted shall be deemed farms, fur-farms, or fur-ranches.

SECTION 2. All the functions of the Fish and Game commission and the Fish and Game Department, which affect the breeding, raising, producing, marketing, or any other phase of the production or distribution, of domestic fur-bearing animals, or the products thereof, are hereby transferred to and vested in the Department of Agriculture and the Director of the Bureau of Animal Industry; provided, that this act shall not limit or affect the powers or duties of the Fish and Game Commission and the Fish and Game Department relating to non-domestic fur-bearing animals or the capture and taking thereof.

SECTION 3. All of the provisions of Title 25, Chapter 2, Idaho Code, as amended, applicable to livestock and domestic animals, except those provisions which by their terms are restricted to swine, bovine animals, dairy or breeding cattle, or range cattle, or other particular kind or kinds of livestock and domestic animals to the exclusion of livestock or domestic animals generally, are applicable to domestic fur-bearing animals.

SECTION 4. The Director of the Bureau of Animal Industry is hereby authorized and empowered to make, promulgate, and enforce general and reasonable rules and regulations not inconsistent with law, for the prevention of the introduction or dissemination of diseases among domestic fur-bearing animals of this state, and to otherwise effectuate enforcement of the provisions of Title 25, Chapter 2, Idaho Code, as amended, applicable to domestic fur-bearing animals.

SECTION 5. The Bureau of Animal Industry and any of its officers shall have the right at any time to inspect any fur-farm, and may go upon such farms or any part thereof to inspect and examine the same and any animals therein.
SECTION 6. Any person, firm or corporation violating any of the provisions of Title 25, Chapter 2, Idaho Code, as amended, applicable to domestic fur-bearing animals, or of the rules or regulations promulgated by the Bureau of Animal Industry for the enforcement thereof shall be guilty of a misdemeanor, and upon conviction, shall be subject to a fine of not less than $100.00, nor more than $5,000.00 for each offense.

SECTION 7. Domestic fur-bearing animals shall be, together with their offspring and increases the subject of ownership, lien and absolute property rights, (the same as purely domestic animals) in whatever situation, location, or condition such animals may thereafter become, or be, and regardless of their remaining in, or escaping from such restraint or captivity.

SECTION 8. That Section 36-305, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

36-305. FUR-BEARING ANIMALS.—Fur-bearing animals shall include beaver, otter, marten, mink, muskrat, fox and fisher, provided, however that fox, mink, chinchilla, karakul, marten, fisher, muskrat, nutria, beaver, and any and all other fur-bearing animals raised and kept in captivity for breeding or other useful purposes, shall be deemed domestic animals and shall not, except as to fur-bearing animals unlawfully taken into captivity, be governed by any provisions of Title 36, Idaho Code, relating to fur-bearing animals, or any kind of fur-bearing animals.

SECTION 9. That Section 36-1507, Idaho Code, be, and the same is hereby amended to read as follows:

36-1507. REPORT OF ANIMALS IN CAPTIVITY—PENALTY.—It shall be unlawful to * take any fur-bearing animal or animals into captivity at any time of the year for the purpose of propagation and sale only; unless a permit so to do shall first have been obtained from the director of the Fish and Game Department. No fur-bearing animal or animals which are caught during the closed season shall be kept in captivity. The director of the Fish and Game Department shall be furnished by holder of such permit with a verified yearly report under oath showing the number of animals *** taken into captivity during that year. Any person failing to make such report shall be guilty of a misdemeanor.

SECTION 10. That Section 36-1512 and Section 36-1513, Idaho Code, be, and the same are hereby repealed.
SECTION 11. That Chapter 15 of Title 36, Idaho Code, as amended, be, and the same is hereby amended by adding a new section thereto following Section 36-1514, to be known as Section 36-1515, Idaho Code, and to read as follows:

36-1515. INSPECTION OF FUR FARMS.—The department of fish and game and any of its officers shall have the right at any time to go upon and inspect any fur farm operated under the provisions of Title 25, Idaho Code, as amended, in discharging said department's powers and duties relating to the capture or taking of non-domestic fur-bearing animals.

SECTION 12. That Chapter 16 of Title 36, Idaho Code, as amended, be, and the same is hereby amended by adding a new section thereto following Section 36-1612, to be known as Section 36-1613, Idaho Code, and to read as follows:

36-1613. SALE OF BEAVER.—Department is authorized to sell beaver to any person holding a permit under the provisions of Section 36-1507, Idaho Code, as amended, who operates a fur-farm under the provision of Title 25, Idaho Code, as amended, for domestic fur-bearing animals, including domestic beaver, and the state shall be paid a fair market price to be determined by the Fish and Game Department which in no case shall be less than $10.00 per beaver. Whenever such a fur-farm is so located that a natural habitat is included therein, and the number of non-domestic beaver is not known and can not be definitely known, the department shall make an estimate of such number, and ownership and title to such beaver shall not pass from the state to the purchaser or one holding through or under him, until such purchaser or one holding through or under him shall have paid for the said beaver in full to the state. All sums received from the sale of such beaver shall be paid into and be for the benefit of the fish and game fund, and is hereby appropriated therefor.

SECTION 13. That Chapter 16 of Title 36, Idaho Code, as amended, be, and the same is hereby amended by adding a new section thereto following Section 36-1613, to be known as Section 36-1614, Idaho Code, and to read as follows:

36-1614. BEAVER FARMS TO BE INCLOSED.—Whenever a fur-farm operated under the provisions of Title 25, Idaho Code, as amended, for domestic fur-bearing ani-
mals including domestic beaver, is located so that a natural habitat is included therein, the owner or operator thereof shall, before engaging in the business of operating such fur-farm, inclose such parts thereof as are not already inclosed by natural barriers, the form and specifications of such artificial inclosures to be as prescribed by the department; provided, that inclosures for beaver shall be such that beaver cannot migrate into or out of such inclosure. Upon the completion of such inclosure, the beaver therein shall be immediately counted or estimated and paid for as provided in Section 36-1613, Idaho code, as amended, and failure to pay to the state the cost of such beaver shall work an immediate forfeiture of the permit, and the department may at once remove all inclosures and enjoin all interference with such animals. The estimate or count of such animals by the department shall be final.

SECTION 14. That Chapter 16 of Title 36, Idaho Code, as amended, be, and the same is hereby amended by adding a new section thereto following Section 36-1614, to be known as Section 36-1615, Idaho Code, and to read as follows:

36-1615. SHIPPER'S PERMIT AND RECORD TAGS. No live beaver, except domestic beaver, as defined in Section 36-305, Idaho Code, as amended, shall be transferred from out of or within this state until the shipper or the one from whom the direct sale or transfer is made shall have secured from the department a shipper's permit, which permit shall be made in duplicate and shall state the name and address of the shipper, the number of his permit, the number of beavers, whether male or female, and the name and address of the person to whom the shipment or transfer is to be made. The department shall furnish every person holding a permit under the provisions of Section 36-1507, Idaho Code, as amended, with necessary forms for keeping a record of all and any transfers of such beaver. Record account must be afforded the department of all such beaver shipped or transferred into or out of this state as provided by the department: provided, that when such beaver or beaver skin therefrom is shipped into this state with bill of lading attached, such bill of lading or a copy thereof must be filed with the department.

Provided, that whenever a fur or skin which has been taken from a beaver, except a fur or skin from a domestic beaver as defined in Section 36-305, Idaho Code, as amended, is transferred or shipped into the State of Idaho, the one transferring or shipping such skin or fur may be re-
required by the director of the department to attach a metal tag to the fur or skin which tag shall be furnished by the department at a cost not to exceed twenty-five cents per tag, such tag to serve to identify the fur or skin in the manner adopted by the department.

SECTION 15. That Chapter 17 of Title 36, Idaho Code, be, and the same is hereby repealed.

SECTION 16. That Section 72-105A, Idaho Code, be, and the same is hereby amended to read as follows:

72-105A. EMPLOYMENTS NOT COVERED.—None of the provisions of this act shall apply to the following employments, unless coverage thereof is elected as provided in section 72-105B:

1. Agricultural pursuits. Agricultural pursuits, as used herein, shall include the raising or harvesting of any agricultural or horticultural commodity including the raising, pelting, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife raised in captivity, on enclosed lands and public ranges.

2. Household domestic service.

3. Casual employment.

4. Employment by charitable organizations.

5. Employment of outworkers.

6. Employment of members of employer's family dwelling in his household.

7. Employment of airmen or individuals, including the person in command and any pilot, mechanic or member of the crew, engaged in the navigation of aircraft while under way.

8. Employment which is not carried on by the employer for the sake of pecuniary gain.

Approved March 11, 1961.
OVER PERSONS, FIRMS, COMPANIES, ASSOCIATIONS OR CORPORATIONS TRANSACTING BUSINESS WITHIN THE STATE OF IDAHO, COMMITTING TORTIOUS ACTS WITHIN THE STATE OF IDAHO, OWNING, USING OR POSSESSING REAL PROPERTY SITUATE WITHIN THE STATE OF IDAHO, OR CONTRACTING TO INSURE PERSONS, PROPERTY OR RISKS LOCATED WITHIN THE STATE OF IDAHO AT THE TIME OF CONTRACTING; DEFINING TRANSACTION OF BUSINESS; PROVIDING FOR SERVICE OF PROCESS OUTSIDE OF THE STATE OF IDAHO; LIMITING CAUSES OF ACTION TO THOSE ACTIVITIES ENUMERATED AND PROVIDING FOR OTHER SERVICE OF PROCESS WHERE SPECIFIED BY OTHER LAWS; AND DECLARING AN EMERGENCY.

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

SECTION 1. Any person, firm, company, association or corporation, whether or not a citizen or resident of this state, who in person or through an agent does any of the acts hereinafter enumerated, thereby submits said person, firm, company, association or corporation, and if an individual, his personal representative, to the jurisdiction of the courts of this state as to any cause of action arising from the doing of any of said acts:

(a) The transaction of any business within this state which is hereby defined as the doing of any act for the purpose of realizing pecuniary benefit or accomplishing or attempting to accomplish, transact or enhance the business purpose or objective or any part thereof of such person, firm, company, association or corporation;

(b) The commission of a tortious act within this state;

(c) The ownership, use or possession of any real property situate within this state;

(d) Contracting to insure any person, property or risk located within this state at the time of contracting.

SECTION 2. Service of process upon any such person, firm, company, association or corporation who is subject to the jurisdiction of the courts of this state, as provided herein, may be made by personally serving the summons upon the defendant outside the state with the same force and effect as though summons had been personally served within this state.

SECTION 3. Only causes of action arising from acts enumerated herein may be asserted against a defendant
in an action in which jurisdiction over such defendant is based upon this section.

SECTION 4. Nothing herein contained limits or affects the right to service of process in any other manner now or hereafter provided by law.

SECTION 5. 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.

Approved March 11, 1961.

CHAPTER 154
(H. B. No. 332)

AN ACT
APPROPRIATING MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO TO PAY THE DAMAGE CLAIM OF EMORY REID; AND EXCEPTING THIS APPROPRIATION FROM THE PROVISIONS OF THE STANDARD APPROPRIATIONS ACT OF 1945.

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 $3,600. to Emory Reid of Chatcolet, Heyburn Park, Idaho, as compensation for damage to his home caused in the felling of a tree by an employee of the State of Idaho.

Approved March 11, 1961.

CHAPTER 155
(H. B. No. 369)

AN ACT
RELATING TO TAXATION; LEVYING AN AD VALOREM TAX FOR EACH OF THE YEARS 1961 AND 1962 TO PROVIDE REVENUE TO PAY THE NECESSARY GENERAL EXPENSES OF THE STATE OF IDAHO DURING THE PERIOD BEGIN-
NING JULY 1, 1961 AND ENDING JUNE 30, 1963, AND
OTHER GENERAL EXPENDITURES OF THE STATE; AND
DECLARING AN EMERGENCY AND FIXING AN EFFECTIVE
DATE FOR THIS ACT.

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

SECTION 1. There is hereby levied an annual ad valorem
tax of $2,000,000.00 for each of the years 1961 and 1962
upon all property in the State of Idaho not legally exempt
from taxation for the purpose of providing revenue to pay
the necessary general expenses of the State during the
period beginning July 1, 1961, and ending June 30, 1963,
and other general expenditures of the State.

SECTION 2. The ad valorem tax levy made by this Act
is hereby declared made and levied after and in due con­
sideration of all excise and license taxes imposed by the
laws of this State and required by the acts imposing them
to be taken into consideration in the determination of the
amount of ad valorem taxation to be made hereby.

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

Approved March 11, 1961.

CHAPTER 156
(H. B. No. 388)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND OF
THE STATE OF IDAHO TO THE STATE BOARD OF HEALTH
FOR THE PURPOSE OF MAKING ECONOMIC AND FEASI­
BLE USE OF FACILITIES UNDER THE CONTROL OF THIS
BOARD, FOR THE PERIOD COMMENCING JULY 1, 1961
AND ENDING JUNE 30, 1963; SUBJECT TO THE PROVISIONS
OF THE STANDARD APPROPRIATIONS ACT OF 1945.

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

SECTION 1. There is hereby appropriated out of the Gen­
eral Fund to the State Board of Health the sum of $100,000,
or so much thereof as may be necessary, for the purpose
of paying Salaries and Wages, Travel Expense, Other Cur-
rent Expense and Capital Outlay for use at State Hospital North, State Hospital South, Nampa State School or at the State Tuberculosis Hospital. This appropriation is made in order that the Board of Health may transfer patients from the several institutions to make the most efficient use of space and facilities to the end that the presently unused building at State Hospital North shall be placed in service. This appropriation is made for the period commencing July 1, 1961 and ending June 30, 1963.

SECTION 2. The Board of Health is directed to prepare and submit to the Director of the Budget and to the State Board of Examiners prior to the fifteenth of May, 1961, a plan for the best utilization of all facilities at the several institutions and provide for the use for the presently unused building at State Hospital North. This plan shall set forth the amount of money and the number of patients affected at each of the above named institutions.

Approved March 11, 1961.

CHAPTER 157
(H. B. No. 305)

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:
To Whom Appropriated: Appropriations:

ADJUTANT GENERAL FOR THE DEPARTMENT OF DISASTER RELIEF AND CIVIL DEFENSE:
For: Salaries and Wages .........................$75,200.
      Travel Expense ............................ 7,870.
      Other Current Expense .................... 13,190.
      Capital Outlay ........................... 3,500.

Total ...........................................$99,760.
Less Other Income .........................$49,880.
From the General Fund ......................$49,880.

Approved March 11, 1961.

CHAPTER 158
(H. B. No. 285)

AN ACT


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

SECTION 1. There is hereby appropriated out of the Liquor Law Enforcement fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense, capital outlay and refunds of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
COMMISSIONER OF LAW ENFORCEMENT FOR LIQUOR LAW ENFORCEMENT:
For: Salaries and Wages .......................$155,535
      Travel Expense .......................... 26,450
CHAPTER 159
(H. B. No. 277)

AN ACT

AMENDING TITLE 26, CHAPTER 21, IDAHO CODE, BY AMENDING SECTION 26-2106 THEREOF TO INCREASE THE MINIMUM AND MAXIMUM CHARGES TO BE FIXED BY THE COMMISSIONER OF FINANCE FOR EXAMINATION OF CREDIT UNIONS BY THE SAID COMMISSIONER OF FINANCE.

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

SECTION 1. That Section 26-2106, Idaho Code, be, and the same is hereby amended to read as follows:

26-2106. SUPERVISION AND REPORTS—EXAMINATION OR AUDIT—EXAMINATION FEES—REVOCATION OF CERTIFICATE FOR VIOLATION OF ACT.—Credit unions shall be under the supervision of the commissioner of finance. They shall report to him at least annually on or before the first day of March on blanks supplied by the said commissioner of finance for the purpose. Additional reports may be required. Credit unions shall be examined at least annually by the said commissioner of finance except that, if a credit union has assets of less than $25,000, he may accept the audit of a practicing public accountant in place of such examination. The commissioner of finance shall fix a scale of examination fees to be paid by state credit unions, giving due consideration to the time and expense incident to such examinations, and to the ability of state credit unions to pay such fees, such fees to be fixed at a minimum charge of $5.00 and not to exceed *** a charge of $50.00 per examiner day, plus three cents per $100.00 of assets up to and including $500,000, plus one cent per $100.00 of assets over
$500,000 but not in excess of $1,000,000, plus one-half cent per $100.00 of assets over $1,000,000, which fees shall be assessed against and paid by each state credit union promptly after the completion of such examination. Examination fees collected under the provisions of this section shall be deposited in the banking and investment company administration fund, and shall be available for the purposes specified in section 26-2101. For failure to file reports when due, unless excused for cause, the credit union shall pay to the treasurer of the state $5.00 for each day of its delinquency. If the said commissioner of finance determines that the credit union is violating the provisions of this act, or is insolvent the said commissioner of finance may serve notice on the credit union of his intention to revoke the certificate of approval. If, for a period of fifteen days after said notice, said violation continues, the said commissioner of finance may revoke said certificate and take possession of the business and property of said credit union and maintain possession until such time as he shall permit it to continue business or its affairs are finally liquidated. He may take similar action if said report remains in arrears for more than fifteen days.

Approved March 11, 1961.

CHAPTER 160
(H. B. No. 133)
AN ACT
TO REGULATE THE GRANTING OF RELEASES IN PERSONAL INJURY CASES.

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

SECTION 1. Any agreement entered into by any person within fifteen days after he incurs a personal injury, which may adversely affect his right to be compensated for such injury, may be disavowed by such injured person within one year after the making of the agreement. No agreement disavowed may be introduced as evidence in any subsequent court or administrative proceeding.

Approved March 11, 1961.
AMENDING CHAPTER 3, TITLE 54, IDAHO CODE, RELATING TO THE PRACTICE OF ARCHITECTURE IN THE STATE OF IDAHO, BY REPEALING SECTION 54-301 AND ADDING A NEW SECTION 54-301 REQUIRING LICENSES AND REQUIRING EXAMINATIONS OF APPLICANTS FOR LICENSES FOR THE PRACTICE OF ARCHITECTURE; REPEALING SECTION 54-302 AND ADDING A NEW SECTION 54-302 RELATING TO AND PROVIDING THE QUALIFICATIONS OF APPLICANTS FOR A LICENSE TO PRACTICE ARCHITECTURE AND PROVIDING FOR RECIPROCITY; REPEALING SECTION 54-303 AND ADDING A NEW SECTION 54-303 RELATING TO THE FREQUENCY OF THE HOLDING OF, AND PROVIDING FOR THE CONDUCTION OF, EXAMINATIONS FOR SUCH LICENSES; REPEALING SECTION 54-305 AND ADDING A NEW SECTION 54-305 PROVIDING FOR, AND PROVIDING THE GROUNDS FOR, THE REVOCATION OR THE SUSPENSION OF LICENSES, AND PROVIDING FOR THE GIVING OF NOTICE OF HEARING UPON, AND FOR THE HEARING OF, CHARGES FOR THE SUSPENSION OR REVOCATION OF SUCH LICENSES; PROVIDING FOR APPEAL TO THE DISTRICT COURT IN THE EVENT OF A REVOCATION OR SUSPENSION OF LICENSE AND FOR THE TRIAL UPON APPEAL; AND PROVIDING FOR THE REINSTATEMENT OF LICENSES; REPEALING SECTION 54-307 AND ADDING A NEW SECTION 54-307 PROVIDING THAT A LICENSE TO PRACTICE ARCHITECTURE SHALL ISSUE TO INDIVIDUALS ONLY, PROVIDING FOR THE EXCEPTIONS UNDER WHICH WORK MAY BE DONE UNDER THE SUPERVISION OF A LICENSED EMPLOYER, AND REGULATING FIRMS AND THE USE OF FIRM NAMES; REPEALING SECTION 54-309 AND ADDING A NEW SECTION 54-309 PROVIDING FOR THE DEFINITIONS OF TERMS USED IN CHAPTER 3, TITLE 54 AND PROVIDING FOR AND DEFINING THE EXCEPTIONS TO THE PROVISIONS OF CHAPTER 3, TITLE 54; REPEALING SECTION 54-310 AND ADDING A NEW SECTION 54-310 RELATING TO PENALTIES FOR VIOLATIONS OF CHAPTER 3, TITLE 54; AND ADDING A NEW SECTION 54-311 TO BE NUMBERED SECTION 54-311, IDAHO CODE, AND THEREBY PROVIDING FOR THE SEPARABILITY OF THE SEPARATE PROVISIONS CONTAINED IN CHAPTER 3, TITLE 54, IDAHO CODE.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 54-301, Idaho Code, be, and the same is hereby, repealed.

SECTION 2. That Title 54, Chapter 3, Idaho Code, be, and the same is hereby, amended by adding a new section designated as Section 54-301, to read as follows:

54-301. EXAMINATION REQUIRED FOR LICENSE. —In order to safeguard life, health, and property, and to promote the public welfare, any person practicing or offering to practice architecture, as herein defined, in the State of Idaho, shall submit evidence of his qualifications so to practice and be licensed as hereinafter provided. Except as herein otherwise expressly provided, no license shall be issued until an applicant has successfully passed an examination conducted by the Board of Architectural Examiners.

SECTION 3. That Section 54-302, Idaho Code, be, and the same is hereby, repealed.

SECTION 4. That Title 54, Chapter 3, Idaho Code, be, and the same is hereby, amended by adding a new section designated as Section 54-302, to read as follows:

54-302. QUALIFICATIONS FOR EXAMINATION AND LICENSE RECIPROCITY.—A person applying for examination and license shall submit satisfactory evidence of the following:

1. That he is a citizen of the United States or has duly declared his intention of becoming such citizen.

2. That he is of good moral character.

3. Graduation from an approved architectural curriculum in a school or college approved by the Board of Architectural Examiners as of satisfactory standing, and a specific record of an additional three years or more of experience in architectural work of a character satisfactory to the Board, and indicating that the applicant is competent to practice architecture, or,

4. Evidence satisfactory to the Board of Architectural Examiners that the applicant possesses knowledge and skill approximating that attained through graduation from an approved architectural curriculum, and a specific record of eight years or more of experience in architectural work of a character satisfactory to the Board, and indicating that the applicant is competent to practice architecture, or,
5. Upon recommendation of the Board of Architectural Examiners, the Department of Law Enforcement may exempt from examination an applicant for license who holds a valid license or certificate to practice architecture issued to him by the proper authority of another state or territory or political subdivision of the United States, or of a foreign country, and provided the applicant has successfully passed an examination equivalent in time and subject matter to the standards established by the National Council of Architectural Registration Boards, and furnishes to the Board a Council Certificate of such attainment, and further provided the state in which the applicant is licensed grants equivalent reciprocal privileges to licensed architects of this state.

SECTION 5. That Section 54-303, Idaho Code, be, and the same is hereby, repealed.

SECTION 6. That Title 54, Chapter 3, Idaho Code, be, and the same is hereby, amended by adding a new section designated as Section 54-303, to read as follows:

54-303. REGULAR EXAMINATIONS. — The Department of Law Enforcement shall hold each year at least two examinations for license to practice architecture, if there be any such applicants. The examinations shall be conducted by the Board of Architectural Examiners under fair and wholly impartial methods and subject to such rules and regulations as the Board may establish to test the applicant's qualifications in all branches of the professional practice of architecture with special reference to the structural stability of buildings and the protection of life, health, and property.

SECTION 7. That Section 54-305, Idaho Code, be, and the same is hereby, repealed.

SECTION 8. That Title 54, Chapter 3, Idaho Code, be, and the same is hereby, amended by adding a new section designated as Section 54-305, to read as follows:

54-305. REVOCATION AND SUSPENSION OF LICENSES — GROUNDS — APPEAL — SUBSEQUENT LICENSE — 1. The Department of Law Enforcement may refuse to grant, or may temporarily suspend a license to practice architecture in this state for a period not to exceed two years, or may revoke a license, upon any one of the following grounds:

a. The employment of any fraud or deception in apply-
b. The employment of a fraud or deceit in the practice of his profession or procuring any contract in the practice of his profession by fraudulent means, or upon conviction of a felony involving the practice of architecture.

c. A display of incompetency or recklessness in the practice of architecture resulting in a detriment to life, health or public safety.

d. The conviction of a crime involving moral turpitude, or adjudication of mental incompetency or insanity.

e. Affixing of his signature to, or impressing his seal upon, any plans, drawings, specifications, or other instruments of service which have not been prepared by him in his office, or under his immediate and responsible direction, or has permitted his name to be used for the purpose of assisting any person, not a licensed architect, to evade the provisions of this chapter.

f. Receiving of rebates, commissions, grants of money or other favors in connection with the work, without the knowledge of the party for whom he is working, or having a pecuniary interest in the performance of the contract for the work designed, planned or supervised by him without the knowledge and consent of the owner.

g. Practicing architecture contrary to the provisions and requirements of this chapter.

2. Before any license shall be revoked or suspended, the holder shall be entitled to at least twenty days' notice in writing of the nature of the charge against him and of the time and place of the meeting for the purpose of hearing and determining such charge. Any revocation or suspension of license shall be certified in writing by the said Department of Law Enforcement and attested to with the official seal of said department affixed thereto; and such revocation or suspension of license shall be filed in the office of the Secretary of State, who shall be paid the usual fee for filing similar documents in his office.

3. The holder of any license may within twenty days after the filing of such certificate with the Secretary of State appeal from such order of revocation or suspension to the district court in the county where a copy of such license is filed, by filing with the clerk of said court a
notice of appeal, together with a certified copy of the certificate of revocation or suspension and payment to said clerk a fee of five dollars. Such case shall be tried in said court de novo the same as all other cases are tried; and a notice of appeal duly filed shall stay any order of revocation or suspension until final determination of the matter on appeal.

4. Any person whose license has been revoked by said Department for cause and the order revoking or suspending the same not having been revoked by a court of competent jurisdiction, may apply for a reissuance or reinstatement of a license and the Board, for reasons it may deem sufficient, may reissue or reinstate the license to such person, provided, however, that it shall not reissue a license until the expiration of one year after the date of an order of revocation.

SECTION 9. That Section 54-307, Idaho Code, be, and the same is hereby, repealed.

SECTION 10. That Title 54, Chapter 3, Idaho Code, be, and the same is hereby, amended by adding a new section designated as Section 54-307, to read as follows:

54-307. LICENSE IS INDIVIDUAL—FIRM NAME. —1. Every person practicing or offering to practice architecture as herein defined shall have a separate license under his own name. A license shall not be issued in the name of any firm or corporation.

2. The holder of a license shall not maintain, in the practice of architecture, any person who does not hold a license to practice architecture in this State, unless such unlicensed person works under the immediate and personal direction and supervision of his licensed employer who shall regularly and customarily attend his business in the same quarters.

3. When an architectural firm maintains or professes to maintain a permanent office or facility within this State for the purpose of practicing architecture, a principal of the firm registered in the State of Idaho must establish and maintain residence within this State.

4. The name under which an individual or a partnership may practice architecture shall contain only the name of the licensed individual and the word "architect", or if a partnership, the name of one or more of the licensed members of the partnership and the word "architect" or "archi-
itects”; provided, however, the term “associate” or “associates” may be used if the firm consists of one or more licensed architects whose name or names do not appear in the firm title. All architects practicing architecture as individuals, all existing firms and all firms organized and formed henceforth, or when any change in the personnel of the partnership occurs, whether by withdrawal, addition, resignation or death, or upon a change in the firm name, shall make and file with the Department of Law Enforcement, a sworn statement giving the names and addresses of all its present members and the name under which the firm is practicing architecture. Nothing in this section shall prevent the surviving members of a partnership whose names appear in the firm name from continuing the existing firm name as long as the practice and business is continued under the existing firm name without change. Upon any change by deletion or addition to the firm name, the use of the name or names of the deceased or retiring members or partners shall be discontinued.

SECTION 11. That Section 54-309, Idaho Code, be, and the same is hereby, repealed.

SECTION 12. That Title 54, Chapter 3, Idaho Code, be, and the same is hereby, amended by adding a new section designated as Section 54-309, to read as follows:

54-309. DEFINITIONS — LIMITATION ON APPLICATION. — 1. Within the meaning and intent of this chapter, the following words shall be defined as follows:

a. “Architect” means a person who engages in the practice of architecture as herein defined, and is licensed under the provisions of this chapter.

b. “Building” is a structure consisting of foundations, floors, walls, columns, beams, and roof, or other structural features, or a combination of any number of these parts and may include related mechanical and electrical equipment and site, which are incidental thereto.

c. “Practice of architecture” consists of rendering or offering to render any one or combination of the following services: advice, consultation, preliminary studies, plans, drawings, specifications, designs, including aesthetic and structural design, or responsible supervision of construction, wherein expert knowledge and skill are required in connection with the erection, enlargement, alteration, or repair of any building or buildings, as defined herein, where-
in the safeguarding of life, health and property is concerned or involved.

2. Nothing contained in this chapter shall be held or construed to have any application to, or to prevent or affect the following:

a. The practice of engineering or any other profession or trade for which a license is required under any law of this state, or the practice of consultants, officers, and employees of the United States while engaged solely in the practice of architecture for said government.

b. Draftsmen, students, clerks of work, superintendents, and other employees of those lawfully practicing as architects under the provisions of this chapter from acting under the instruction, control, or supervision of their employers, or to prevent the employment of superintendents of buildings paid by the owners from acting, if under the control or direction of a licensed architect who has prepared the drawings and specifications for the building.

c. The rendering of any architectural service required in the erection, enlargement, alteration, or repair of any building, where such building is to be, or is used as a single or multiple family residence not exceeding two stories in height, or as a farm building; or for the purpose of outbuildings or auxiliary buildings in connection with such residential or farm premises.

d. The rendering of any architectural service required in the erection, enlargement, alteration, or repair of any building which does not involve the public health or safety.

e. The preparation of shop drawings by persons other than architects for use in connection with the execution of their work; or the preparation of drawings of fixtures, or other appliances or equipment, or for any work necessary to provide for their installation.

SECTION 13. That Section 54-310, Idaho Code, be, and the same is hereby, repealed.

SECTION 14. That Title 54, Chapter 3, Idaho Code, be, and the same is hereby, amended by adding a new section designated as Section 54-310, to read as follows:

54-310. VIOLATIONS AND PENALTIES. Any person who shall practice, or offer to practice, architecture in this state, or who shall advertise as an architect or put forth any card, sign or other device which would lead the pub-
lic to believe that he is qualified to practice architecture without first securing an architect's license, as provided by this chapter, or who shall violate any of the provisions of this chapter, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00), or suffer imprisonment for a period not exceeding three months, or both.

SECTION 15. That Chapter 3, Title 54, Idaho Code, be, and the same is hereby amended by adding a new section designated as Section 54-311, to read as follows:

54-311. Separability.—If any of the provisions of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this chapter, which can be given effect without the invalid reasons, provisions, or applications, and to this end the provisions of this chapter are declared to be severable.

Approved March 11, 1961.

CHAPTER 162
(H. B. No. 16)

AN ACT AMENDING TITLE 14 IDAHO CODE BY ADDING A NEW CHAPTER THERETO TO BE KNOWN AND DESIGNATED AS CHAPTER 5 CONTAINING THIRTY-ONE SECTIONS TO BE KNOWN AND DESIGNATED AS SECTIONS 14-501, 14-502, 14-503, 14-504, 14-505, 14-506, 14-507, 14-508, 14-509, 14-510, 14-511, 14-512, 14-513, 14-514, 14-515, 14-516, 14-517, 14-518, 14-519, 14-520, 14-521, 14-522, 14-523, 14-524, 14-525, 14-526, 14-527, 14-528, 14-529, 14-530 AND 14-531, SAID CHAPTER BEING AN ACT RELATING TO THE DISPOSITION OF UNCLAIMED PROPERTY; DEFINING ABANDONED PROPERTY; PROVIDING FOR REPORTS OF HOLDERS OF ABANDONED PROPERTY TO THE STATE TAX COLLECTOR AND PUBLICATION BY THE TAX COLLECTOR OF NOTICE OF ABANDONED PROPERTY REPORTED TO HIM; PROVIDING FOR PAYMENT OR DELIVERY BY THE HOLDER OF ABANDONED PROPERTY TO THE TAX COLLECTOR AND PRESCRIBING PROCEDEURE THEREFOR; PROVIDING FOR THE
SALE BY THE TAX COLLECTOR OF ABANDONED PROPERTY, PRESCRIBING PROCEDURE THEREFOR AND THE DISPOSITION BY THE TAX COLLECTOR OF FUNDS RECEIVED FROM THE SALE OF ABANDONED PROPERTY; PROVIDING FOR THE MAINTENANCE BY THE TAX COLLECTOR OF A TRUST FUND TO BE USED FOR REIMBURSEMENT OF CLAIMANTS OF PROPERTY PAID OR DELIVERED TO THE TAX COLLECTOR AND FIXING THE MINIMUM AMOUNT THEREOF; PROVIDING THE PROCEDURE FOR THE MAKING OF CLAIMS BY PERSONS OWNING PROPERTY REPORTED AS ABANDONED OR DELIVERED TO THE TAX COLLECTOR AS ABANDONED PROPERTY AND THE ALLOWANCE THEREOF; PROVIDING THE PROCEDURE FOR REIMBURSEMENT, BY THE TAX COLLECTOR, OR PERSONS ORIGINALLY HOLDING PROPERTY OR DELIVERED TO THE STATE, FOR AMOUNTS PAID TO CLAIMANTS; EXEMPTING RELIGIOUS, EDUCATIONAL, CHARITABLE AND FRATERNAL ORGANIZATIONS FROM THE PROVISIONS OF THIS ACT; PROVIDING FOR THE PROMULGATION OF REGULATIONS BY THE TAX COLLECTOR AND PROCEDURE FOR THE ENFORCEMENT OF THE PROVISIONS OF THE ACT; PROVIDING PENALTIES FOR VIOLATIONS OF THE ACT; APPROPRIATING MONEYS FOR THE ADMINISTRATION OF THE ACT; REPEALING ACTS IN CONFLICT HEREWITH; PROVIDING A SHORT TITLE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Title 14, Idaho Code, be, and the same is hereby amended by adding a new chapter thereto to be known as Chapter 5 and containing thirty-one sections to be known and designated as 14-501, 14-502, 14-503, 14-504, 14-505, 14-506, 14-507, 14-508, 14-509, 14-510, 14-511, 14-512, 14-513, 14-514, 14-515, 14-516, 14-517, 14-518, 14-519, 14-520, 14-521, 14-522, 14-523, 14-524, 14-525, 14-526, 14-527, 14-528, 14-529, 14-530 and 14-531, to read as follows:

14-501. DEFINITIONS AND USE OF TERMS.—As used in this act, unless the context otherwise requires:

(a) "Banking organization" means any bank, trust company, savings bank, land bank, safe deposit company, or a private banker engaged in business in this state.

(b) "Business association" means any corporation (other than a public corporation), joint stock company, broker, business trust, partnership, or any association for business purposes of two or more individuals.
(c) "Financial organization" means any savings and loan association, building and loan association, credit union, cooperative bank, industrial loan organization, or investment company, engaged in business in this state.

(d) "Holder" means any person in possession of property subject to this act belonging to another, or who is trustee in case of a trust, or is indebted to another on an obligation subject to this act.

(e) "Life insurance corporation" means any association or corporation, including mutual benefit, fraternal benefit and cooperative insurance organization, transacting within this state the business of insurance on the lives of persons or insurance appertaining thereto, including, but not by way of limitation, endowments and annuities.

(f) "Owner" means a depositor in case of a deposit, a beneficiary in case of a trust, a creditor, claimant, or payee in case of other choses in action, or any person having a legal or equitable interest in property subject to this act, or his legal representative.

(g) "Person" means any individual, business association, government or political subdivision, public corporation, public authority, estate, trust, two or more persons having a joint or common interest, or any other legal or commercial entity, except religious, educational, charitable and fraternal organizations.

(h) "Utility" means any person who owns or operates within this state, for public use, any plant, equipment, property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas.

(i) "Tax collector" shall mean the Office of Tax Collector for the State of Idaho.

14-502. PROPERTY HELD BY BANKING OR FINANCIAL ORGANIZATIONS.—The following property held or owing by a banking or financial organization is presumed abandoned:

(a) Any demand, savings, or matured time deposit made in this state with a banking organization, together with any interest or dividend thereon, excluding any charges that may lawfully be withheld, unless the owner has, within fifteen years:

(1) Increased or decreased the amount of the deposit,
or presented the passbook or other similar evidence of the deposit for the crediting of interest; or

(2) Corresponded in writing with the banking organization concerning the deposit; or

(3) Otherwise indicated an interest in the deposit as evidenced by a memorandum on file with the banking organization; or

(4) The owner is known by the holder to be alive and the holder certifies on its records that such is the fact.

(b) Any funds paid in this state toward the purchase of shares or other interest in a financial organization or any deposit made therewith in this state, and any interest or dividends thereon, excluding any charges that may lawfully be withheld, unless the owner has within fifteen years:

(1) Increased or decreased the amount of the funds, or deposit, or presented an appropriate record for the crediting of interest or dividends; or

(2) Corresponded in writing with the financial organization concerning the funds, or deposit; or

(3) Otherwise indicated an interest in the funds, or deposit, as evidenced by a memorandum on file with the financial organization; or

(4) The owner is known by the holder to be alive and the holder certifies on its records that such is the fact.

(c) Any sum payable on checks certified in this state or on written instruments issued in this state on which a banking or financial organization is directly liable, including, by way of illustration but not of limitation, certificates of deposit, drafts, and traveler's checks, that has been outstanding for more than fifteen years from the date it was payable, or from the date of its issuance if payable on demand, unless the owner has within fifteen years corresponded in writing with the banking or financial organization concerning it, or otherwise indicated an interest as evidenced by a memorandum on file with the banking or financial organization, or unless the owner is known by the issuing institution to be alive and the issuing institution certifies on its records that such is the fact.

(d) Any funds or other personal property, tangible or intangible, removed from a safe deposit box or any other safekeeping depository or agency or collateral deposit box
in this state on which the lease or rental period has expired due to nonpayment of rental charges or other reason, or any surplus amounts arising from the sale thereof pursuant to law, that have been unclaimed by the owner for more than fifteen years from the date on which the lease or rental period expired.

14-503. UNCLAIMED FUNDS HELD BY LIFE INSURANCE CORPORATIONS.—

(a) Unclaimed funds, as defined in this section held and owing by a life insurance corporation shall be presumed abandoned if the last known address, according to the records of the corporation, of the person entitled to the funds is within this state. If a person other than the insured or annuitant is entitled to the funds and no address of such person is known to the corporation or if it is not definite and certain from the records of the corporation what person is entitled to the funds, it is presumed that the last known address of the person entitled to the funds is the same as the last known address of the insured or annuitant according to the records of the corporation.

(b) "Unclaimed funds", as used in this section, means all moneys held and owing by any life insurance corporation unclaimed and unpaid for more than fifteen years after the moneys become due and payable as established from the records of the corporation under any life or endowment insurance policy or annuity contract which has matured or terminated. A life insurance policy not matured by actual proof of the death of the insured is deemed to be matured and the proceeds thereof are deemed to be due and payable if such policy was in force when the insured attained the limiting age under the mortality table on which the reserve is based, unless the person appearing entitled thereto has within the preceding fifteen years, (1) assigned, readjusted, or paid premiums on the policy, or subjected the policy to loan, or (2) corresponded in writing with the life insurance corporation concerning the policy. Moneys otherwise payable according to the records of the corporation are deemed due and payable although the policy or contract has not been surrendered as required.

14-504. DEPOSITS AND REFUNDS HELD BY UTILITIES.—The following funds held or owing by any utility are presumed abandoned:

(a) Any deposit made by a subscriber with a utility to secure payment for, or any sum paid in advance for, utility
services to be furnished in this state, less any lawful deductions, that has remained unclaimed by the person appearing on the records of the utility entitled thereto for more than fifteen years after the termination of the services for which the deposit or advance payment was made.

(b) Any sum which a utility has been ordered to refund and which was received for utility services rendered in this state, together with any interest thereon, less any lawful deductions, that has remained unclaimed by the person appearing on the records of the utility entitled thereto for more than fifteen years after the date it became payable in accordance with the final determination or order providing for the refund.

14-505. UNDISTRIBUTED DIVIDENDS AND DISTRIBUTIONS OF BUSINESS ASSOCIATIONS.—(1) Any stock certificate or other certificate of ownership, or any dividend, profit, distribution, interest, payment or principal, or other sum for which a negotiable instrument has not been issued and delivered in payment, held or owing by a business association for or to a shareholder, certificate holder, member, bondholder, or other security holder, or a participating patron of a cooperative, who has not claimed it, or corresponded in writing with the business association concerning it, within fifteen years after the date prescribed for payment or delivery, is presumed abandoned if:

(a) It is held or owing by a business association organized under the laws of or created in this state; or

(b) It is held or owing by a business association doing business in this state, but not organized under the laws of or created in this state, and the records of the business association indicate that the last known address of the person entitled thereto is in this state.

(2) Any security in whatever form held by a broker, dealer or nominee of a broker or dealer which remains unpaid to a person entitled thereto for fifteen years after the termination of the transaction for which such security was deposited.

14-506. PROPERTY OF BUSINESS ASSOCIATIONS AND BANKING OR FINANCIAL ORGANIZATIONS HELD IN COURSE OF DISSOLUTION.—All intangible personal property distributable in the course of a voluntary dissolution of a business association, banking organization, or financial organization organized under the laws
of or created in this state, that is unclaimed by the owner within two years after the date for final distribution, is presumed abandoned.

14-507. PROPERTY HELD BY FIDUCIARIES.—All intangible personal property and any income or increment accrued thereon, held in a fiduciary capacity for the benefit of another person is presumed abandoned unless the owner has, within fifteen years after it becomes payable or distributable, increased or decreased the principal, accepted payment of principal or income, corresponded in writing concerning the property, or otherwise indicated an interest as evidenced by a memorandum on file with the fiduciary:

(a) If the property is held by a banking organization or a financial organization, or by a business association organized under the laws of or created in this state; or

(b) If it is held by a business association, banking organization or financial organization doing business in this state, but not organized under the laws of or created in this state, and the records of such association or organization indicate that the last known address of the person entitled thereto is in this state; or

(c) If it is held in this state by any other person.

14-508. PROPERTY HELD BY STATE COURTS AND PUBLIC OFFICERS AND AGENCIES.—All intangible and tangible personal property held for the owner by any court, including federal courts within this state, public corporation, public authority, or public officer of this state, or a political subdivision thereof, that has remained unclaimed by the owner for more than fifteen years is presumed abandoned.

14-509. MISCELLANEOUS PERSONAL PROPERTY HELD FOR ANOTHER PERSON.—All intangible or tangible personal property, not otherwise covered by this Act, including any income or increment thereon and deducting any lawful charges, that is held or owing in this state in the ordinary course of the holder’s business and has remained unclaimed by the owner for more than fifteen years after it became payable or distributable is presumed abandoned provided that this section shall not apply to the contents of safe deposit boxes upon which the rent has been paid within the preceding seven years, nor shall it apply to such property as has become the subject of a proceedings before a probate court and is disposed of under
the terms of Section 14-117 or Sections 15-1326, and 15-1329 and 15-1330, Idaho Code.

14-510. RECIPROCITY FOR PROPERTY PRESUMED ABANDONED OR ESCHEATED UNDER THE LAWS OF ANOTHER STATE.—If specific property which is subject to the provisions of Sections 14-502, 14-505, 14-506, 14-507, and 14-509 is held for or owed or distributable to an owner whose last known address is in another state by a holder who is subject to the jurisdiction of that state, the specific property is not presumed abandoned in this state and subject to this act if:

(a) It may be claimed as abandoned or escheated under the laws of such other state; and

(b) The laws of such other state make reciprocal provisions that similar specific property is not presumed abandoned or escheatable by such other state when held for or owed or distributable to an owner whose last known address is within this state by a holder who is subject to the jurisdiction of this state. Provided however that payment or delivery in good faith, by the holder, to another state, in accordance with its laws, shall relieve the holder from liability to the State of Idaho.

14-511. REPORT OF ABANDONED PROPERTY.—
(a) Every person holding funds or other property, tangible or intangible, presumed abandoned under this act shall report to the tax collector with respect to the property as hereinafter provided.

(b) The report shall be verified and shall include:

(1) The name, if known, and last known address, if any, of each person appearing from the records of the holder to be the owner of any property of the value of $25.00 or more presumed abandoned under this act;

(2) In case of unclaimed funds of life insurance corporations, the full name of the insured or annuitant and his last known address according to the life insurance corporation's records:

(3) The nature and identifying number, if any, or description of the property and the amount appearing from the records to be due, except that items of value under $25.00 each may be reported in aggregate;

(4) The date when the property became payable, de-
mandable, or returnable, and the date of the last transaction with the owner with respect to the property; and

(5) Other information which the tax collector prescribes by rule as necessary for the administration of this act.

(c) If the person holding property presumed abandoned is a successor to other persons who previously held the property for the owner, or if the holder has changed his name while holding the property, he shall file with his report all prior known names and addresses of each holder of the property.

(d) The report shall be filed before November 1 of each year as of June 30 next preceding, but the report of life insurance corporations shall be filed before May 1 of each year as of December 31 next preceding, except that the initial report of life insurance corporations shall be filed by May 1, 1962. The tax collector may postpone the reporting date upon written request by any person required to file a report.

(e) Verification, if made by a partnership, shall be executed by a partner; if made by an unincorporated association or private corporation, by an officer; and if made by a public corporation, by its chief fiscal officer.

(f) In the absence of fraud, a report shall not be questioned by the tax collector as to completeness or accuracy in any action by him, unless brought within three years after filing.

(g) The initial report filed under this act shall include all items of property as to which the time period resulting in the presumption of abandonment commenced running on or after July 1, 1936.

14-512. NOTICE AND PUBLICATION OF LISTS OF ABANDONED PROPERTY.—(a) Within 120 days from the filing of the report required by section 14-511, the tax collector shall cause notice to be published at least once a week for two successive weeks in an English language newspaper of general circulation in the county in this state in which is located the last known address of any person to be named in the notice. If no address is listed or if the address is outside this state, the notice shall be published in the county in which the holder of the abandoned property has his principal place of business within this state.

(b) The published notice shall be entitled "Notice of
Names of Persons Appearing to be Owners of Abandoned Property,” and shall contain:

(1) The names in alphabetical order and last known addresses, if any, of persons listed in the report and entitled to notice within the county as hereinbefore specified.

(2) A statement that information concerning the amount or description of the property and the name and address of the holder may be obtained by any persons possessing an interest in the property by addressing an inquiry to the tax collector.

(3) A statement that if proof of claim is not presented by the owner to the holder and if the owner's right to receive the property is not established to the holder's satisfaction within 65 days from the date of the second published notice, the abandoned property will be placed not later than 85 days after such publication date in the custody of the tax collector.

(c) The tax collector is not required to publish in such notice any item of less than $25.00 unless he deems such publication to be in the public interest.

(d) Within 120 days from the receipt of the report required by Section 14-511, the tax collector shall mail by certified mail a notice to each person having an address listed therein who appears to be entitled to property of the value of $25.00 or more presumed abandoned under this act.

(e) The mailed notice shall contain:

(1) A statement that, according to a report filed with the tax collector, property is being held to which the addressee appears entitled.

(2) The name and address of the person holding the property and any necessary information regarding changes of name and address of the holder.

(3) A statement that, if satisfactory proof of claim is not presented by the owner to the holder by the date specified in the published notice, the property will be placed in the custody of the tax collector.

14-513. PAYMENT OR DELIVERY OF ABANDONED PROPERTY.—Every person who has filed a report as provided by Section 14-511 shall within 20 days after the time specified in Section 14-512 for claiming the property from
the holder pay or deliver to the tax collector all abandoned property specified in the report, except that, if the owner establishes his right to receive the abandoned property to the satisfaction of the holder within the time specified in Section 14-512, or if it appears that for some adequate reason, the presumption of abandonment is erroneous, the holder need not pay or deliver the property, which will no longer be presumed abandoned, to the tax collector, but in lieu thereof shall file a verified written explanation of the proof of claim or of the error in the presumption of abandonment.

14-514. RELIEF FROM LIABILITY BY PAYMENT OR DELIVERY.—Upon the payment or delivery of abandoned property to the tax collector, the state shall assume custody and shall be responsible for the safekeeping thereof. Any person who pays or delivers abandoned property to the tax collector under this act is relieved of all liability to the extent of the value of the property so paid or delivered for any claim which then exists or which thereafter may arise or be made in respect to the property. Any holder who has paid moneys to the tax collector pursuant to this act may make payment to any person appearing to such holder to be entitled thereto as provided by Section 14-518, and upon proof of such payment and proof that the payee was entitled thereto as provided by Section 14-518, the tax collector shall forthwith reimburse the holder for the payment.

14-515. INCOME ACCRUING AFTER PAYMENT OR DELIVERY.—When property is paid or delivered to the tax collector under this act, the owner is not entitled to receive income or other increments accruing thereafter.

14-516. SALE OF ABANDONED PROPERTY.—(a) All abandoned property other than money delivered to the tax collector under this act, shall within one year after the delivery be sold by him to the highest bidder at public sale in whatever city in the state affords, in his judgment, the most favorable market for the property involved. The tax collector may decline the highest bid and reoffer the property for sale if he considers the price bid insufficient. He need not offer any property for sale if, in his opinion the probable cost of sale exceeds the value of the property.

(b) Any sale held under this section shall be preceded by a single publication of notice thereof, at least 3 weeks in advance of sale in an English language newspaper of
general circulation in the county where the property is to be sold.

(c) The purchaser at any sale conducted by the tax collector pursuant to this act shall receive title to the property purchased, free from all claims of the owner or prior holder thereof and of all persons claiming through or under them. The tax collector shall execute all documents necessary to complete the transfer of title.

14-517. DEPOSIT OF FUNDS.—(a) All funds received under this act, including the proceeds from the sale of abandoned property under section 14-516, shall forthwith be deposited by the tax collector in the general funds of the state, except that the tax collector shall retain in a separate trust fund an amount not exceeding $250,000.00 from which he shall make prompt payment of claims duly allowed by him as hereinafter provided. Before making the deposit the state tax collector shall record the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned property and of the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of a life insurance corporation, its number, the name of the corporation, and the amount due. The record shall be available for public inspection at all reasonable business hours; whenever the payment of claims from said trust fund shall reduce the same below the sum of $250,000.00 the tax collector shall reimburse said trust fund from funds received under this act, including the proceeds from the sale of abandoned property under section 14-516, before depositing any of such funds in the general funds of the state, until such time as said trust fund equals the minimum of $250,000.00.

(b) Before making any deposit to the credit of the general funds with the state treasurer, the tax collector may deduct: (1) any costs in connection with sale of abandoned property, (2) any cost of mailing and publication in connection with any abandoned property, and (3) reasonable service charges.

14-518. CLAIM FOR ABANDONED PROPERTY PAID OR DELIVERED.—(1) Any person claiming an interest in any property paid or delivered to the state under this act may make his claim to such property at any time after it is paid or delivered to the tax collector.

(2) Such claim may be made to the person originally
holding the property, or to his successor or successors. If such person is satisfied that the claim is valid and that the claimant is the actual and true owner of the property he shall, in the case of money, forthwith issue his draft in payment of the claim and deliver it to the claimant. Upon receipt by the tax collector of a written statement attested by the person originally holding the money, under oath, or in the case of a corporation, by two principal officers, or one principal officer and an authorized employee thereof, certifying that the claimant is the actual and true owner of the money and that payment of the amount of the claim has been made by the original holder to the claimant, the tax collector shall forthwith authorize and make payment to the original holder of the full amount paid by him to the claimant. If the property be other than money and the original holder thereof is satisfied that the claim is valid and that the claimant is the actual and true owner of the property, he shall so certify to the tax collector by written statement attested by him under oath, or in the case of a corporation, by two principal officers, or one principal officer and an authorized employee thereof. Upon receipt of the certificate of the holder to this effect, the tax collector shall forthwith authorize and cause a return to be made of the property, or if the property has been sold by the tax collector as provided in section 14-516 of this act, the amount received from such sale to the owner, or to the holder in the event the owner has assigned the claim to the holder and the certificate of the holder is accompanied by such assignment. The determination of the holder that the claimant is the actual and true owner of money or other property shall, in the absence of fraud, be binding upon the tax collector. In the event the person originally holding any money or other property rejects the claim made against him, the claimant may appeal to the tax collector.

(3) Any claim to property as provided in this section may be filed directly with the tax collector. Such claim, or any appeal as provided in this section, shall be made on forms prescribed by the tax collector. The tax collector shall consider each claim or appeal filed as soon as practicable and approve or reject it in writing. If the claim or appeal is rejected the claimant may demand a hearing thereon, at which the tax collector shall hear evidence and thereafter issue written decision. Such decision shall state the substance of the evidence heard, if a transcript is not kept, and shall be a matter of public record.

(4) Upon approval of any claim or appeal by the tax
collector he shall authorize payment of the amount thereof or return of the property to the claimant, or if the property has been sold by the tax collector, the amount received from such sale.

14-519. JUDICIAL ACTION UPON DETERMINATIONS.—Any person aggrieved by a decision of the tax collector or as to whose claim the tax collector has failed to act within 90 days after the filing of the claim, may commence an action in any court of competent jurisdiction, to establish his claim. The proceeding shall be brought within 90 days after the decision of the tax collector or within 180 days from the filing of the claim if the tax collector fails to act. The action shall be tried de novo without a jury.

14-520. ELECTION TO TAKE PAYMENT OR DELIVERY.—The tax collector after receiving reports of property deemed abandoned pursuant to this act, may decline to receive any property reported which he deems to have a value less than the costs of giving notice and holding sale, or he may, if he deems it desirable because of the small sum involved, postpone taking possession until a sufficient sum accumulates. Unless the holder of the property is notified to the contrary within 120 days after filing the report required under section 14-511, the tax collector shall be deemed to have elected to receive the custody of the property.

14-521. EXAMINATION OF RECORDS.—The tax collector may at reasonable times and upon reasonable notice examine the records of any person if he has reason to believe that such person has failed to report property that should have been reported pursuant to this act.

14-522. PROCEEDING TO COMPEL DELIVERY OF ABANDONED PROPERTY.—If any person refuses to deliver property to the tax collector as required under this act, he shall bring an action in a court of appropriate jurisdiction to enforce such delivery.

14-523. PENALTIES.—(a) Any person who wilfully fails to render any report or perform other duties required under this act, shall be punished by a fine of $100.00 for each day such report is withheld, but not more than $5,000.00.

(b) Any person who wilfully refuses to pay or deliver abandoned property to the tax collector as required under this act or refuses to permit inspection of his records after due request under Section 14-521 shall be punished by a
fine of not less than one-half the value of the abandoned property, the delivery of which has been refused, or by a fine of $200.00 whichever is greater, or imprisonment for not more than 24 months, or both, such fine and imprisonment in the discretion of the court.

14-524. EXEMPTIONS — All religious, educational, charitable and fraternal organizations are exempt from the provisions of this act.

14-525. RULES AND REGULATIONS.—The tax collector is hereby authorized to make necessary rules and regulations to carry out the provisions of this act.

14-526. EFFECT OF LAWS OF OTHER STATES.—This act shall not apply to any property that has been presumed abandoned or escheated under the laws of another state prior to the effective date of this act.

14-527. SEVERABILITY.—If any provision of this act or the application thereof to any person or circumstances 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 act are severable.

14-528. UNIFORMITY OF INTERPRETATION. —This act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

14-529. SHORT TITLE.—This act may be cited as the Uniform Disposition of Unclaimed Property Act.

14-530. REPEAL.—The following acts and parts of acts are hereby repealed:

(a) Any act or parts of acts in conflict herewith.

14-531. APPROPRIATION.—There is hereby appropriated out of the general fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying the salaries and wages, traveling expense and other current expense of the agency herein named, for the period commencing July 1, 1961 and ending June 30, 1963, subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Office of Tax Collector: For: The administration of this act

Appropriation: $75,000.00
The general fund shall be reimbursed from the monies collected under the operation of this act and deducted by the tax collector under the provisions of Section 14-517, sub-section (b).

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

Approved March 11, 1961.

CHAPTER 163
(H. B. No. 376)
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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense, capital outlay and refunds, of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: 
SECRETARY OF STATE:
For: Salaries and Wages $63,170
Travel Expense 975
Other Current Expense 18,630
Capital Outlay 1,800
Refunds 500

Total $85,075

From the General Fund $85,075

Approved March 11, 1961.
CHAPTER 164
(H. B. No. 333)

AN ACT

APPROPRIATING MONEY FROM THE GENERAL FUND OF THE STATE OF IDAHO TO THE STATE FORESTER FOR THE PURPOSE OF PAYING OTHER CURRENT EXPENSE FOR THE PERIOD COMMENCING JANUARY 1, 1961 AND ENDING JUNE 30, 1961; 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 $94,639.00 for the purpose of paying Other Current Expense for the period commencing January 1, 1961 and ending June 30, 1961:

To Whom Appropriated: Appropriation:
IDAHO STATE FORESTER: Other Current Expense .................... $94,639.00

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

Approved March 11, 1961.

CHAPTER 165
(H. B. No. 312)

AN ACT

AMENDING CHAPTER 32 OF TITLE 66, IDAHO CODE, AS AMENDED, BY ADDING THERETO A NEW SECTION FOLLOWING SECTION 66-325, TO BE KNOWN AND DESIGNATED AS SECTION 66-328, IDAHO CODE, PROVIDING THAT JUDICIAL PROCEEDINGS FOR THE INVOLUNTARY CARE AND TREATMENT OF MENTALLY ILL PERSONS BY THE STATE BOARD OF HEALTH SHALL BE HAD IN THE PROBATE COURT OF THE COUNTY WHERE THE PERSON TO BE TREATED RESIDES, EXCEPT THAT SUCH PROCEEDINGS MAY BE FILED IN THE PROBATE COURT OF ANY OTHER COUNTY UPON THE PAYMENT OF CERTAIN COSTS TO SUCH OTHER COUNTY.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 32 of Title 66, Idaho Code, as amended, be, and the same is hereby amended by adding thereto a new section following Section 66-325, to be known and designated as Section 66-328, Idaho Code, and to read as follows:

66-328. Proceedings for the involuntary care of mentally ill persons by the state board of health shall be had in the probate court of the county where the person to be treated resides; except that such proceedings may be had in the probate court of any other county of this state upon the payment to such non-resident county of such additional filing and hearing costs, and such reasonable medical and attorney fees as may be fixed by law or by the court where the proceedings are proposed to be had.

Approved March 11, 1961.

CHAPTER 166
(H. B. No. 204)

AN ACT


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

SECTION 1. There is hereby appropriated out of the Motor Vehicle Fund and Highway fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense, capital outlay and refunds of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:
CHAPTER 167
(H. B. No. 307)

AN ACT


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

SECTION 1. There is hereby appropriated and transferred out of the Highway Fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages and travel expense of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
GOVERNOR FOR MOTOR VEHICLE RECIPROCITY:
For: Salaries and Wages $6,400.
Travel Expense $1,600.
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Total .................................................. $8,000.
From the Highway Fund .................................... $8,000.
Approved March 11, 1961.

CHAPTER 168  
(H. B. No. 237)

AN ACT
AMENDING CERTAIN SECTIONS OF CHAPTER 29, TITLE 50, IDAHO CODE, RELATING TO LOCAL IMPROVEMENT DISTRICTS TO PERMIT APPLICATION THEREOF TO COUNTIES; AMENDING SECTION 50-2901, IDAHO CODE, BY PROVIDING THE SAME SHALL APPLY TO COUNTIES WITH POPULATION OVER 25,000, AS WELL AS CITIES, VILLAGES AND LIKE MUNICIPALITIES; AMENDING SECTION 50-2902, IDAHO CODE, BY INCLUDING SUCH COUNTIES WITHIN THE MEANING OF THE TERMS CITY AND MUNICIPALITY UNLESS OTHERWISE SPECIFICALLY EXCEPTED, AND INCLUDING BOARDS OF COUNTY COMMISSIONERS WITHIN THE MEANING OF THE TERMS COUNCIL OR CITY COUNCIL, AND PROVIDING THAT WHERE REFERENCE IS MADE TO VARIOUS CITY OFFICERS THE SAME MEANS APPROPRIATE AND COMPARABLE COUNTY OFFICERS AS WELL; AMENDING SECTION 50-2905, IDAHO CODE, BY PROVIDING THAT LANDS AND PROPERTY OF PUBLIC UTILITIES WITHIN COUNTY LOCAL IMPROVEMENT DISTRICTS SHALL NOT BE SUBJECT TO ASSESSMENT FOR PAYMENT OF COST AND EXPENSE THEREOF UNLESS SUCH UTILITY CONSENTS THERETO IN WRITING FILED WITH THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 50-2908, IDAHO CODE, BY PROVIDING FOR ORGANIZATION OF COUNTY LOCAL IMPROVEMENT DISTRICTS ONLY UPON PETITION; AMENDING SECTION 50-2925, IDAHO CODE, BY EXCEPTING COUNTIES FROM THE PROVISIONS OF SECTIONS 50-3001-50-3008, IDAHO CODE; AMENDING SECTION 50-2927, IDAHO CODE, BY PROVIDING FOR SIGNING OF COUNTY LOCAL IMPROVEMENT DISTRICT BONDS BY THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 50-2901, Idaho Code, be, and the same is hereby amended to read as follows:

50-2901. SHORT TITLE — SCOPE AND APPLICATION.—This chapter shall be known and cited as the “Local Improvement District Code” and shall apply to all counties having a population of over 25,000 people as shown by the last official census, cities of the first class, cities of the second class, villages and to cities working under a special charter which have by such charter, accepted the provisions of this chapter, and to all cities, villages and like municipalities which may be hereafter created or authorized by the legislature.

SECTION 2. That Section 50-2902, Idaho Code, be, and the same is hereby amended to read as follows:

50-2902. DEFINITIONS. — Whenever in this chapter the word “city” or the word “municipality” is used such word or words shall be construed to mean and include counties, cities of the first class, cities of the second class, villages and cities working under a special charter which have by such charter, accepted the provisions of this chapter, and any city or village or like municipality hereafter created or authorized by the legislature unless one or more of the above shall be specifically excepted in any particular section of this chapter.

Whenever the word “street” or “streets” is used in this chapter such word or words shall be construed to mean and include highways, boulevards, avenues, streets, alleys, courts and all public places within an incorporated city or village.

Whenever in this chapter the word “council” or the words “city council” * are used such word or words shall be construed to mean and include the board of county commissioners, the mayor and council, the commissioners, or board of village trustees, of all incorporated cities or villages as well as any other municipal body or board which may now, or hereafter be authorized by law to do and perform any act in relation to the making of local improvements within in any city or village as provided for in this chapter.

Whenever in this chapter the words “city treasurer”, “city clerk”, “city attorney” or other municipal officer are used, such words shall be construed to mean the appropriate and comparable county officers with regard to county local improvement districts.
Whenever in this chapter the word "intersection" is used such word shall be construed to mean and include the space formed by the junction of two or more streets or wherein one street terminates in or crosses another street and also all street crossings or cross walks and the space in any street opposite an alley.

Whenever in this chapter the words "resident owner" or "resident owners" are used, such words shall be construed to mean the owner of property within, and who resides in a dwelling-house situate in whole or in part within the limits of a local improvement district, or a proposed local improvement district; also a corporation owning property within, and having its principal place of business within any such district or proposed district.

SECTION 3. That Section 50-2905, Idaho Code, be, and the same is hereby amended to read as follows:

50-2905. BASIS OF ASSESSMENTS.—Whenever any improvement authorized to be made by any municipality by the terms of this chapter or any law of this state, is ordered, the city council, may provide that such portion of the cost and expenses thereof as in their judgment may be fair and equitable in consideration of the benefits accruing to the general public by reason of such improvement may be expended from the general funds of the city, or may order that the whole or any part of the costs and expenses of such improvement shall be assessed upon the abutting, adjoining, contiguous and adjacent lots and lands and upon lots and lands benefited and included in the improvement district formed, each lot and parcel of land being separately assessed for the debt thereof in proportion to the number of square feet of such lands and lots abutting, adjoining, contiguous and adjacent thereto or included in the improvement district to the distance back from such street, if platted in blocks to the center of the block, if platted in lots to the center of the lots, and if not platted to the distance of one hundred twenty-five feet, and in proportion to the benefits derived to such property by said improvements, sufficient to cover the total cost and expense of the work to the center of the street. The cost and expenses to be assessed as herein provided for shall include the contract price of the improvement, engineering and clerical service, advertising, cost of inspection, cost of collecting assessments, and interest upon warrants if issued, and for legal services for preparing proceedings and advising in regard thereto. 

Lands and property of
public utilities shall not be considered as lands or property benefited by any county local improvement district and unless any such public utility within the boundaries of a county local improvement district consents in writing, filed with the board of county commissioners, before the board of county commissioners adopts the resolution provided for in Section 50-2910, the lands and property of any such public utility shall not be subject to assessment for the payment of any of the cost or expense of such improvement.

SECTION 4. That Section 50-2908, Idaho Code, be, and the same is hereby amended to read as follows:

50-2908. INITIATION OF ORGANIZATION OF DISTRICT.—The organization of any local improvement district herein provided for may be initiated upon a petition signed by not less than sixty per cent of the resident owners of property subject to assessment within such proposed improvement district, or in cities and villages, by resolution of the council adopted by an affirmative vote of three-fourths (or in case there are only five members of the council, then four-fifths) of all members of such council at a regular or special meeting thereof.

SECTION 5. That Section 50-2925, Idaho Code, be, and the same is hereby amended to read as follows:

50-2925. INSTALMENT IMPROVEMENT BONDS.—Whenever the city council of any municipality shall, under the authority of this chapter or any law of this state, cause any street in such municipality, to be improved, or any improvement to be made authorized by this chapter, or any law of this state, and shall create a local improvement district and assess the cost and expenses of such improvement against the property within such district as provided in this chapter, such city council may, in its discretion, provide for the payment of the cost and expenses thereof by instalments, instead of collecting the entire assessment therefor at one time, such instalments to be payable as nearly as may be in ten equal annual payments, and for such instalments shall issue, in the name of the municipality, improvement bonds of such improvement district, which shall include all the property included within such district liable to assessment for such local improvement, one-tenth in amount of which bonds as nearly as may be, shall be by their terms made payable each year from and after the date of such bonds and shall bear interest not exceeding the rate of seven per cent per annum,
the rate of interest, however, within said limit in each instance to be determined by the city council. Such bonds shall be in the form hereinafter provided, and shall not be issued in excess of the contract price and the expenses of such improvement to be made, and shall be of such denominations as the city council shall deem proper not exceeding $500.00: provided, however, that only bond No. 1 of any issue shall be of a denomination other than a multiple of $100.00. Provided further that in lieu of bonds, registered warrants of the district, county local improvement districts excepted, may be issued in payment of the cost and expense of the improvement, such warrants to be payable as nearly as may be in equal annual installments, not to exceed eight in all, to be fixed by the city council, and shall be redeemable in numerical order, and subject to all the provisions of this chapter relating to local improvement bonds so far as the same are applicable. If warrants are issued in lieu of bonds then the provisions of sections 50-3001–50-3008 shall apply to such warrants.

SECTION 6. That Section 50-2927, Idaho Code, be, and the same is hereby amended to read as follows:

50-2927. FORM OF BONDS.—Any bonds issued under the provisions of this chapter shall be in such form as may be provided by the city council except as in this chapter otherwise provided, but shall be serial in form and as nearly as may be with equal annual maturities, the first installment to mature within one year from date and the last installment is not more than ten years from date, and numbered from one upward consecutively. Interest on all such bonds shall be payable either annually or semiannually as may be determined by the city council, and each bond and coupon shall be signed by the mayor of the city or the chairman of the board of county commissioners or trustees of a village and countersigned by the city treasurer, and attested by the clerk of such municipality: provided, however, that such coupons may, in lieu of being signed have printed thereon the facsimile of the signature of said officers, and each bond shall have the seal of such municipality affixed thereto, and shall refer to the improvement district for the payment of which the same shall be issued. Each bond shall provide that the principal sum therein named and the interest thereon shall be payable out of the local improvement fund created for the payment of the cost and expenses of such improvement and not otherwise.

SECTION 7. 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.

Approved March 13, 1961.

CHAPTER 169
(H. B. No. 292)

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay of the agency herein named, for the period commencing July 1, 1961 and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
DEPARTMENT OF LABOR:
For: Salaries and Wages ......................... $61,040.00
   Travel Expense ............................ 7,400.00
   Other Current Expense .................... 12,410.00
   Capital Outlay ............................ 2,675.00

   Total ...................................... $83,525.00

From the General Fund ...................... $83,525.00

Approved March 11, 1961.
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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
BOARD OF LAND COMMISSIONERS
FOR HEYBURN STATE PARK:
For: Salaries and Wages .................. $26,000.
    Travel Expense .................. 700.
    Other Current Expense ............. 13,000.
    Capital Outlay .................. 31,142.

Total .................................. $70,842.
From the General Fund .................. $70,842.

Approved March 11, 1961.

CHAPTER 171
(H. B. No. 127)

AN ACT

AMENDING SECTION 63-2310, IDAHO CODE, RELATING TO THE DISBURSEMENT OF LICENSE FEES COLLECTED UNDER CHAPTER 23, TITLE 63, IDAHO CODE, BY PROVIDING
THAT THE PORTION OF SUCH LICENSE FEES COLLECTED WITHIN THE COUNTY AND OUTSIDE INCORPORATED TOWNS, CITIES AND VILLAGES HERETOFORE APPLIED TO THE GENERAL ROAD FUND AND STATE TREASURY BE CREDITED TO THE COUNTY CURRENT EXPENSE FUND, AND THAT THE PORTION OF SUCH LICENSE FEES COLLECTED FROM WITHIN INCORPORATED TOWNS, CITIES AND VILLAGES BE REAPPORTIONED AND AFTER PAYMENT TO TOWNS, CITIES AND VILLAGES, THE BALANCE BE DIVIDED BETWEEN SCHOOL FUNDS AND THE COUNTY CURRENT EXPENSE FUND; AND AMENDING SECTION 63-2313, IDAHO CODE, RELATING TO LICENSES FOR POOL TABLES AND BOWLING ALLEYS, BY PROVIDING THAT ONLY ONE LICENSE NEED BE ISSUED TO EACH ESTABLISHMENT, SPECIFYING THEREIN THE NUMBER OF SUCH TABLES OR BOWLING ALLEYS.

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

SECTION 1. That Section 63-2310, Idaho Code, be, and the same is hereby amended to read as follows:

63-2310. MONTHLY SETTLEMENT FOR LICENSES—APPLICATION OF LICENSE MONEYS.—On the first Monday in each month the collector must return to the auditor all licenses unsold and be credited therewith, and must, with the auditor, appear at the treasurer's office and pay into the county treasury all moneys collected for licenses sold during the preceding month, take the treasurer's receipt therefor and file a duplicate thereof with the auditor. The auditor must credit the collector and charge the treasurer therewith.

Fifty per cent of all moneys paid for licenses shall be applied to and constitute a part of the school fund of the school district in which said licenses are collected, and fifty * per cent paid to the * * current expense fund of the county * * *, provided, that forty per cent of all moneys paid for licenses by applicants within incorporated towns, cities and villages, or cities acting under special charters, shall be paid by the county treasurer to the municipal authorities of such town, city or village, for general revenue purposes of such town, city or village; * thirty per cent of said moneys so paid for licenses are to be applied and constitute a part of the school fund of the school district in which said licenses are collected, and thirty per cent shall be paid into the * * county current expense fund. The collector shall file with the treasurer a statement or report each quarter showing the amount of licenses collected in
each school district, incorporated town, city or village, or city acting under special charter.

SECTION 2. That Section 63-2313, Idaho Code, be, and the same is hereby amended to read as follows:

63-2313. EXHIBITIONS, PAWN BROKERS AND BILLIARD HALLS.—Licenses must be obtained for the purposes hereinafter named, for which the tax collector must require the payment as follows:

1. For each exhibition for pay of a caravan or menagerie, or any collection of animals, circus, equestrian or other acrobatic performance, ten dollars; and for each show for pay of any figures, jugglers, necromancers, magicians, wire or rope dancing, or sleight of hand exhibition, five dollars each day.

2. From each pawnbroker, fifty dollars per quarter.

3. In cities of the first and second class or incorporated villages, from each proprietor or keeper of a billiard, pool or bagatelle table, or any other kind of a table on which games are played with ball and cue, for each table, five dollars per quarter; and for a bowling alley, five dollars per quarter for each alley; but no license must be granted for a term less than three months; provided that only one license need be issued to any establishment operating such tables or bowling alleys, specifying therein the number of tables or alleys so licensed.

Approved March 11, 1961.

CHAPTER 172
(H. B. No. 120)

AN ACT
AMENDING SECTION 63-105N, IDAHO CODE, PROVIDING FOR EXEMPTION OF ONLY THOSE NON-PROFIT COOPERATIVE TELEPHONE LINES UPON AND OVER WHICH NO FEES OR TOLLS ARE CHARGED OR COLLECTED AND WHICH HAVE TWENTY FIVE OR LESS SUBSCRIBERS OR USERS; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 63-105N, Idaho Code, be, and the same is hereby amended to read as follows:

63-105N. PROPERTY EXEMPT FROM TAXATION—CERTAIN COOPERATIVE TELEPHONE LINES. The following property is exempt from taxation: Cooperative telephone lines from which no profit is derived and upon or over which no fees or tolls are charged or collected. This exemption shall only apply to any cooperative telephone system having twenty five (25) or less subscribers or users.

SECTION 2. 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.

Approved March 11, 1961.

CHAPTER 173
(H. B. No. 181)

AN ACT

AMENDING CHAPTER 29 OF TITLE 42, IDAHO CODE, AS AMENDED, RELATING TO THE FORMATION, POWERS AND DUTIES OF DRAINAGE DISTRICTS, BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 42-2979, TO BE KNOWN AND DESIGNATED AS SECTION 42-2980, IDAHO CODE, PROVIDING FOR THE DISSOLUTION OF DRAINAGE DISTRICTS UNDER SPECIFIED CONDITIONS, AND THE PROCEDURE THEREFOR.

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

SECTION 1. That Chapter 29 of Title 42, Idaho Code, as amended, be, and the same is hereby amended by adding thereto a new section following Section 42-2979, to be known and designated as Section 42-2980, Idaho Code, and to read as follows:

42-2980. A drainage district may be dissolved by the district court for the county in which the office of such drainage district was last located, on complaint or petition of parties holding and owning:

(a) Fifty percent or more of the issued, outstanding, unpaid bonds of such district; or,
(b) Fifty percent or more of all land situated within the boundaries of such district; or,

(c) Claims, warrants, liens or other legal obligations of such district in an amount equal to not less than thirty percent of the issued, outstanding and unpaid bonds of such district.

It must be made to appear to the satisfaction of the court, by such complaint or petition, that any one or more of the following conditions exist in or as to said district:

1. That the district has been abandoned, or for two or more years last past has ceased to function, and there is little or no possibility that it ever will 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.

4. That all essential functions of the district are or may be carried out and performed by another political subdivision of the state or other public or quasi public body to which all or any portion of the facilities of said district may be transferred by order of the court; provided, however, that the court, at its discretion, may require that interested persons be given further notice and opportunity to be heard with reference to any such proposed transfer.

Approved March 11, 1961.

CHAPTER 174
(H. B. No. 232)

AN ACT

AMENDING SECTION 1-706, IDAHO CODE, AS AMENDED, TO PROVIDE FOR THE SETTING OF CASES FOR TRIAL ON AT LEAST TWO SEPARATE DAYS OF EACH TERM, ONE AT THE OPENING OF THE TERM AND THE OTHER NEAR MID-TERM.

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

SECTION 1. That Section 1-706, Idaho Code, as amended, be, and the same hereby is amended to read as follows:
1-706. NUMBER AND DURATION OF TERMS.—At least two terms of the district court must be held in each county each year, and each term must be held until business is disposed of. Setting of cases for trial shall occur on at least two separate days during each term, one at the opening of the term and the other near mid-term. If a judge of said court deems it necessary, in order to dispose of business, to hold a term beyond the date set for the commencement of another term in the same district, he may, by order, so do and postpone the other term to a future date. When there is more than one judge in any district, or when another judge is called into the district, any or all of said judges may hold court at the same time in the same county or may hold terms concurrently in the different counties of the district.

Approved March 11, 1961.

CHAPTER 175
(H. B. No. 256)

AN ACT

AMENDING TITLE 58, CHAPTER 3, IDAHO CODE, BY ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 58-313(a), PROVIDING THAT COUNTY COMMISSIONERS SHALL RECEIVE NOTICE OF THE INTENTION TO SELL STATE LAND BY THE STATE BOARD OF LAND COMMISSIONERS AND PROVIDING THAT SAID COMMISSION MAY FILE OBJECTIONS IN WRITING AND THAT UPON RECEIPT OF SUCH OBJECTIONS THE BOARD OF LAND COMMISSIONERS SHALL RECONSIDER THE ORDER AND PROVIDING FOR AN APPEAL TO THE DISTRICT COURT FROM SUCH ORDER.

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

SECTION 1. That Title 58, Chapter 3, Idaho Code, be, and the same is hereby amended by adding thereto a new section to be known as Section 58-313(a), Idaho Code, which said section shall read as follows:

58-313(a) Whenever the state board of land commissioners shall have determined to direct the sale of state lands in the manner provided in section 58-313, they shall
first give notice in writing by certified mail to the com-
missoners of the county or counties in which said lands
are located of their intention to direct such sale. If, within
sixty days of the receipt of such notice the county com-
mission shall object to such sale, they shall file their objections
in writing with the state board of land commissioners who
shall thereupon at the next regular meeting reconsider the
order directing such sale and if good cause appears there-
fore they shall rescind the order directing such sale or re-
approving such sale. From any such order the applicant,
the county commission in the name of the people of the
county concerned, or any person aggrieved by such sale
may appeal to the District Court of the county in which
the land is located for a review of said order. If the court
finds such order to be arbitrary, erroneous or capricious,
the order of the state board of land commissioners may
be set aside and rendered null and void.

Approved March 11, 1961.

CHAPTER 176
(H. B. No. 255)

AN ACT

AMENDING SECTION 31-3501, IDAHO CODE, AS AMENDED,
TO INCREASE THE ADDITIONAL MAXIMUM AD VALO-
REM TAX LEVY FOR COUNTY HOSPITAL PURPOSES
FOR COUNTIES WHERE THE ASSESSED VALUATION IS
$7,500,000 OR OVER TO THREE MILLS ON THE DOLLAR
AS PROVIDED FOR OTHER COUNTIES, AND TO PROVIDE
THAT FUNDS FROM SUCH MILL LEVY MAY ALSO BE
USED FOR THE PURPOSE OF IMPROVING AND REPLAC-
ING EXISTING HOSPITAL FACILITIES AND EQUIPMENT;
AND AMENDING SECTION 31-3613, IDAHO CODE, TO IN-
CREASE THE MAXIMUM LEVY AVAILABLE FOR USE BY
COUNTY HOSPITAL BOARDS FROM ONE AND ONE-HALF
MILLS TO THREE MILLS ON THE DOLLAR.

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

SECTION 1. That Section 31-3501, Idaho Code, as amend-
ed, be, and the same is hereby amended to read as follows:

31-3501. POWER OF BOARDS OF COUNTY COMMISS-
SIONERS.—The boards of county commissioners in their
respective counties shall have the jurisdiction and power under such limitations and restrictions as are prescribed by law,

(1) To care for and maintain the indigent sick or otherwise dependent poor of the county and for this purpose said boards are authorized to levy an ad valorem tax not to exceed five mills on the dollar on all taxable property in the county.

(2) To provide public general hospitals for indigents of the county and others who are sick, injured or maimed and to erect, enlarge, purchase, lease, or otherwise acquire, and to officer, * maintain and improve hospitals, hospital grounds, nurses’ homes, superintendent’s quarters or any other necessary buildings, and to equip the same, and to replace equipment, and for this purpose said boards may levy * an additional tax of not to exceed *** three mills on the dollar ***.

SECTION 2. That Section 31-3613, Idaho Code, be, and the same is hereby amended to read as follows:

31-3613. ANNUAL BUDGET — TAX LEVY. — The county hospital board shall prepare and submit to the board of county commissioners each year a budget for the operation of the hospital property at the time and in the form as provided by law for the preparation and submission of budgets by other county departments. The board of county commissioners shall thereafter approve, or amend or modify such budget as it deems proper, and as approved or amended or modified shall include the same in the county budget. No tax levy for the purpose of this act shall exceed *** three mills on each dollar of assessed valuation of taxable property in the county. When taxes levied for the purposes of this act have been collected they shall be paid to the treasurer of the county hospital board, without charge for collection, to be used for the purposes authorized by this act.

Approved March 11, 1961.

CHAPTER 177
(H. B. No. 273)

AN ACT

AMENDING SECTION 70-507, IDAHO CODE, AS AMENDED, RELATING TO CONTROL AND SUPERVISION OF THE PRIEST
LAKE OUTLET CONTROL STRUCTURE BY AUTHORIZING THE STATE RECLAMATION ENGINEER TO CONTRACT FOR THE OPERATION AND MAINTENANCE OF THE PRIEST LAKE OUTLET CONTROL STRUCTURE AND CONDITIONS THEREOF, AND BY DELETING THE SPECIFICATION OF PERIODS DURING WHICH THE DRAWDOWN OF WATERS SHALL BE COMMENCED AND COMPLETED, AND AUTHORIZING THE STATE RECLAMATION ENGINEER TO MAKE DETERMINATIONS CONCERNING THE AMOUNT AND TIME OF THE DRAWDOWN, AFTER THE CLOSE OF THE MAIN RECREATIONAL SEASON; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 70-507, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

70-507. STATE RECLAMATION ENGINEER TO HAVE SUPERVISION AND CONTROL. — The Priest Lake outlet control structure shall, when constructed, be under the supervision and control of the State Reclamation Engineer*, who may enter into contracts for a period of one (1) year or more with persons or corporations, by him deemed qualified, to operate and maintain, at their sole expense, said outlet control structure or any other control structure erected as a replacement thereof; provided, however, that under no circumstances shall the water surface level of Priest Lake be maintained or regulated by said State Reclamation Engineer above 3.0 feet on the present United States Geological Survey Priest Lake outlet gage with gage datum of 2434.64 feet above mean sea level, datum of 1929, supplementary adjustment of 1947, or released below 0.1 feet * on said gage; provided further, that the water surface level of Priest Lake shall be maintained at 3.0 feet on the United States Geological Survey Priest Lake outlet gage, from and after the time * * * each year following the run-off of accumulated winter snows*, when the surface level of the waters of Priest Lake has receded to such elevation, until * * * the time after the close of the main recreational season, as determined by said State Reclamation Engineer, that said lake waters may be released and the surface level permitted to recede below said elevation 3.0.

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

Approved March 11, 1961.
AN ACT

AMENDING SECTIONS 36-2304 AND 36-2307, IDAHO CODE, BY CHANGING THE TITLE OF STATE FISH AND GAME WARDEN TO DIRECTOR OF DEPARTMENT OF FISH AND GAME AND TO PROVIDE FOR THE DISTRIBUTION OF CONFISCATED OR UNCLAIMED GAME TO TAX-SUPPORTED, NON-PROFIT OR CHARITABLE INSTITUTIONS OR INDIGENT PERSONS.

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

SECTION 1. That Section 36-2304, Idaho Code, be, and the same is hereby amended to read as follows:

36-2304. SALE OF CONFISCATED GAME.—All such fish or game so confiscated or taken shall, if it appears from the evidence before the magistrate trying the case that the said game or fish were unlawfully taken or killed or were unlawfully in the possession of the person or persons from whom they were seized, be ordered sold by the magistrate and proceeds applied as other moneys to the state fish and game fund ***; provided that the magistrate may, in his discretion, order the confiscated fish or game to be given to a designated tax-supported, non-profit or charitable institution or to any person upon the indigent rolls of the county as certified to the magistrate by the county auditor.

SECTION 2. That Section 36-2307, Idaho Code, be, and the same is hereby amended to read as follows:

36-2307. SEIZURE OF UNCLAIMED GAME.—CONFISCATION AND SALE.—Unless otherwise provided, all carcasses, hides, pelts or other portions of any animals, birds or fish protected by the provisions of this act and the taking or killing of which is prohibited by law may be seized and confiscated by the director of the department of fish and game or any of his deputies or by any sheriff, constable or other officer of the law wherever the same may be found, and upon being so seized and confiscated shall be sold under the direction of the *director of the department of fish and game* or the officer seizing the same at public or private sale and the proceeds from the sale thereof turned into the state fish and game fund ***; provided that the director of the fish and game department
or the officer seizing the same may, in his discretion, order fish and game so seized and confiscated to be given to a designated tax-supported, non-profit or charitable institution or to any person upon the indigent rolls of the county as certified to the director of the department by the county auditor. A written receipt must be executed for all fish and game distributed in this manner.

Approved March 11, 1961.

CHAPTER 179
(H. B. No. 359)

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay, of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945.

To Whom Appropriated:

STATE FORESTER:
For: Salaries and Wages $ 574,680.00
Travel Expense 25,000.00
Other Current Expense 419,971.00
Capital Outlay 90,000.00

Total 1,109,651.00
Less Other Income 18,000.00
From the General Fund $1,091,651.00

Approved March 11, 1961.
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CHAPTER 180
(H. B. No. 279)

AN ACT
AMENDING SECTION 59-502, IDAHO CODE, TO INCREASE THE
SALARIES OF THE JUSTICES OF THE SUPREME COURT
AND THE JUDGES OF THE DISTRICT COURTS AND PRE­
SCRIBING AN EFFECTIVE DATE.

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

SECTION 1. That Section 59-502, Idaho Code, as amend­
ed, be, and the same is hereby amended to read as follows:

59-502. SALARIES OF JUDGES.—The salary of the
Justices of the Supreme Court shall be * $19,500 per an­
num, and the salary of the Judges of the district courts
shall be * $12,000 per annum. Such compensation shall be
paid monthly as due out of the state treasury, but no
justice of the Supreme Court or judge of the district court
shall be paid his salary, or any part thereof, unless he shall
first take and subscribe an oath that there is not in his
hands any matter in controversy not decided by him, which
had been finally submitted for his consideration and de­
termination thirty days prior to his taking and subscrib­
ing said oath.

SECTION 2. This act shall be in full force and effect
from and after July 1, 1961.

Approved March 11, 1961.

CHAPTER 181
(H. B. No. 360)

AN ACT
APPROPRIATING MONEYS FROM THE GENERAL FUND OF
THE STATE OF IDAHO, TO THE STATE AGENCY RE­
SPONSIBLE FOR THE CENTRAL POSTAL SYSTEM FOR
THE PURPOSE OF PAYING SALARIES AND WAGES, OTHER
CURRENT EXPENSE AND CAPITAL OUTLAY FOR THE
PERIOD COMMENCING JULY 1, 1961, AND ENDING JUNE
30, 1963; SUBJECT TO THE PROVISIONS OF THE STAND­
ARD APPROPRIATIONS ACT OF 1945.
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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, other current expense, capital outlay, of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:          Appropriations:

STATE AGENCY RESPONSIBLE FOR THE CENTRAL POSTAL SYSTEM:
For: Salaries and Wages .............$31,650.00
Other Current Expense ........... 2,720.00
Capital Outlay .................. 1,000.00

Total .................................$35,370.00
From the General Fund ..............$35,370.00

Approved March 11, 1961.

CHAPTER 182
(H. B. No. 374)

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay of the agency herein named, for the period commencing July 1, 1961, and end-
CHAPTER 183
(H. B. No. 385)

AN ACT


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

SECTION 1. There is hereby appropriated out of the Highway fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense, capital outlay and refunds of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:

BOARD OF HIGHWAY DIRECTORS:

For:
Salaries and Wages .................. $17,416,680
Travel Expense ...................... 300,000
Other Current Expense .............. 7,500,000

Total .................................. $200,695

Approved March 11, 1961.
CHAPTER 184
(H. B. No. 380)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND AND
THE DEVELOPMENT AND PUBLICITY FUND OF THE
STATE OF IDAHO, TO THE DEPARTMENT OF COMMERCE
AND DEVELOPMENT FOR THE PURPOSE OF PAYING SAL-
ARIES AND WAGES, TRAVEL EXPENSE, OTHER CURRENT
EXPENSE, CAPITAL OUTLAY AND REFUNDS FOR THE
PERIOD COMMENCING JULY 1, 1961, AND ENDING JUNE
30, 1963; SUBJECT TO THE PROVISIONS OF THE STANDARD
APPROPRIATIONS ACT OF 1945.

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

SECTION 1. There is hereby appropriated out of the Gen-
eral Fund and the Commerce and Development Fund of
the State of Idaho, the following sums of money, or so much
thereof as may be necessary, for the purpose of paying sal-
aries and wages, travel expense, other current expense,
capital outlay and refunds, of the agency herein named, for
the period commencing July 1, 1961, and ending June 30,
1963; subject to the provisions of the Standard Appropri-
ations Act of 1945:

To Whom Appropriated: Appropriations:

DEPARTMENT OF COMMERCE AND
DEVELOPMENT:
For: Salaries and Wages .................$125,000.
Travel Expense ......................... 25,000.
Other Current Expense .................. 221,554.
Capital Outlay ......................... 6,000.
Refunds ............................. 96.

Total ..................................... $377,650.

From the General Fund .................. 212,650.
From the Development and Publicity Fund ...... $165,000.

Approved March 11, 1961.
AN ACT


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

SECTION 1. There is hereby appropriated out of the Electrical Contractors' fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense, capital outlay and refunds of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
COMMISIONER OF LAW ENFORCEMENT FOR ELECTRICAL CONTRACTORS' BOARD:
For: Salaries and Wages ....................... $115,200.
Travel Expense .............................. 43,650.
Other Current Expense .................... 12,650.
Capital Outlay ............................ $ 500.
Refunds .................................. 500.

Total .................................... $172,500.
From the Electrical Contractors' Fund .... $172,500.

Approved March 11, 1961.

CHAPTER 186
(H. B. No. 392)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO, TO THE SUPREME COURT FOR

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
SUPREME COURT:
For: Salaries and Wages $231,700.
   Travel Expense 11,500.
   Other Current Expense 12,950.
   Capital Outlay 5,000.
   Total $261,150.
From the General Fund $261,150.

Approved March 11, 1961.

CHAPTER 187
(H. B. No. 395)

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 to the Secretary of State the following sums of money, or so much thereof as may be necessary, for the purpose of paying the costs of advertising the Constitutional Amendments and printing and proof reading the Idaho Session Laws of the Thirty-sixth Session of the Legislature, as shown herein:

**ADVERTISING CONSTITUTIONAL AMENDMENTS:**
- Salaries and Wages: $500
- Other Current Expense: 7,000

**PRINTING IDAHO SESSION LAWS:**
- Salaries and Wages: $850
- Other Current Expense: 12,000

SECTION 2. The appropriation herein made is subject to the provisions of the Standard Appropriations Act of 1945.

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

Approved March 11, 1961.

CHAPTER 188
(H. B. No. 394)

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 following sums of money, or so much thereof as may be necessary, for the
purpose of paying salaries and wages, other current expense, and capital outlay of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  
SUPREME COURT FOR  
LAW LIBRARY:  
For:  
Salaries and Wages  $12,060.  
Other Current Expense  2,500.  
Capital Outlay  18,940.  
Total  $33,500.  
From the General Fund  $33,500.  

Approved March 11, 1961.

CHAPTER 189  
(H. B. No. 393)  
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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay, of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  
SUPREME COURT FOR DISTRICT COURTS:
CHAPTER 190
(H. B. No. 69)

AN ACT

AMENDING TITLE 49, CHAPTER 3, IDAHO CODE, AS AMENDED, BY AMENDING SECTION 49-330 THEREOF, AS AMENDED, TO AUTHORIZE THE DEPARTMENT OF LAW ENFORCEMENT TO SUSPEND THE LICENSE OF AN OPERATOR OR CHAUFFEUR WITHOUT PRELIMINARY HEARING UPON A SHOWING BY ITS RECORDS OR OTHER SUFFICIENT EVIDENCE THAT HE HAS BEEN CONVICTED IN ANY COURT IN IDAHO OF AN OFFENSE AGAINST A MUNICIPAL ORDINANCE WHICH WOULD HAVE BEEN GROUNDS FOR SUSPENSION OR REVOCATION OF LICENSE HAD THE CHARGE BEEN PROSECUTED UNDER A STATE LAW; AND BY AMENDING SECTION 49-334 THEREOF TO AUTHORIZE APPEALS TO THE DISTRICT COURTS, RATHER THAN THE PROBATE COURTS, FROM DETERMINATIONS OF THE DEPARTMENT OF LAW ENFORCEMENT IN CERTAIN CASES INVOLVING THE DENIAL, CANCELLATION, SUSPENSION, OR REVOCATION OF AN OPERATOR'S OR CHAUFFEUR'S LICENSE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-330, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

49-330. AUTHORITY OF DEPARTMENT TO SUSPEND OR REVOKE LICENSE.—(a) The department is hereby authorized to suspend the license of an operator or chauffeur without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:
1. Has committed an offense for which mandatory revocation of license is required upon conviction;

2. Has been convicted in any court in this state of an offense against a municipal ordinance which would have been grounds for suspension or revocation of license had the charge been prosecuted under a state law;

3. ***

4. Is an habitual violator of the traffic laws;

5. Is incompetent to drive a motor vehicle;

6. Has permitted an unlawful or fraudulent use of such license; or

7. Has committed an offense in another state which if committed in this state would be grounds for suspension or revocation.

(aa) The commissioner of law enforcement is hereby authorized and directed to establish a uniform system of demerit points for various moving traffic violations occurring either within or without the state of Idaho, affecting all holders of operators' or chauffeurs' driving licenses issued by his department.

The term “traffic violation” as herein used shall mean conviction on a charge involving a moving traffic violation in any police court, justice court, probate court or district court in the state of Idaho.

That said point system shall be a running system of demerits covering a period of twelve months next preceding any date the licensee may be called before the commissioner to show cause as to why his driving license should not be revoked.

That said system of demerits shall be uniform in its operation and the commissioner shall set up a system of demerits for each traffic violation coming hereunder, depending upon the gravity of each violation, on a scale of 5 demerit points for a minor violation of any traffic law to 100 demerit points for an extremely serious violation of the law governing moving traffic violations.

When any operator or chauffeur has accumulated 100 demerit points, the commissioner shall revoke such operator's license until the total of his demerits shall have dropped below 100 demerits in the next preceding 12 months.
The commissioner of law enforcement is hereby empowered to set up a scale of demerit values for each traffic violation, and the magistrate hearing each case shall recommend to the commissioner the number of demerits to be charged against the violator for each moving traffic violation.

(b) Upon suspending the license of any person as hereinbefore in this section authorized the department shall immediately notify the licensee in writing and upon his request shall afford him an opportunity for a hearing as early as practical within not to exceed 20 days after receipt of such request in the county wherein the licensee resides unless the department and the licensee agree that such hearing may be held in some other county. Upon such hearing the commissioner or his duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a re-examination of the licensee. Upon such hearing the department shall either rescind its order of suspension or, good cause appearing therefor, may extend the suspension of such license or revoke such license.

SECTION 2. That Section 49-334, Idaho Code, be, and the same is hereby amended to read as follows:

49-334. RIGHT OF APPEAL TO COURT.—Any person denied a license or whose license has been canceled, suspended, or revoked by the department except where such cancelation or revocation is mandatory under the provisions of this act shall have the right to file a petition within 30 days thereafter for a hearing in the matter in the **district court in the county wherein such person shall reside and such court is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing upon 30 days' written notice to the commissioner, and thereupon to take testimony and examine into the facts of the case and to determine whether the petitioner is entitled to a license or is subject to suspension, cancelation, or revocation of license under the provisions of this act.

SECTION 3. 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.

Approved March 11, 1961.
CHAPTER 191
(H. B. No. 46)

AN ACT
AMENDING SECTION 13 OF CHAPTER 167, IDAHO SESSION LAWS OF 1949, AS AMENDED, TO INCREASE THE FEE LEVIED ON EACH CIVIL ACTION IN THE DISTRICT COURTS FROM $2.50 TO $5.00; AND AMENDING SECTION 16 OF CHAPTER 167, IDAHO SESSION LAWS OF 1949, AS AMENDED, TO INCREASE THE MAXIMUM INTEREST TO BE PAID ON CODE FUND TREASURY NOTES FROM 3% PER ANNUM TO 4% PER ANNUM.

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

SECTION 1. That Section 13 of Chapter 167, Idaho Session Laws of 1949, as amended, be, and the same is hereby amended to read as follows:

§ 13. TAX LEVY ON ACTIONS. — There is hereby levied a fee of *$5.00 upon each and every civil action filed in the office of the clerk of the various district courts of the state of Idaho upon which a docket fee is now required to be paid, which fee shall be paid to the clerk at the time of the filing of an action by the party filing the same, and shall be in addition to the docketing fee now imposed by sections 1-1107 and 31-3201 of the Idaho Code, and the fee so collected shall be kept by the clerk in a separate fund and remitted on the first day of each month to the state treasurer of the state of Idaho, who shall deposit the same in the code fund created by section 15, chapter 167, Laws of 1949, for the following purposes:

1. To pay the principal and interest on any treasury notes according to their priority issued under authority of this act. When any such treasury notes are issued and remain outstanding and unpaid and the state treasurer has in the Idaho code fund sufficient moneys to pay the unpaid principal and interest of any treasury notes so issued and unpaid, the state treasurer, as soon as such notes may be paid by their terms, shall pay the same and shall certify such fact to the commission, and

2. To pay the cost of any compilations authorized under this act by the code commission, and

3. To pay the compensation and expenses of the code commission created by this act and its employees.
SECTION 2. That Section 16 of Chapter 167, Idaho Session Laws of 1949, as amended, be, and the same is hereby amended to read as follows:

§ 16. ISSUANCE OF TREASURY NOTES.—The commission is hereby authorized to anticipate the proceeds of the collection of any or all of the taxes or fees provided for in this act, and when necessary is hereby authorized to cause to be issued “Code Fund Treasury Notes,” bearing such rate of interest, not exceeding *** four percent (4%) per annum, as the commission may determine, in such amounts which, together with the moneys in the Code Fund, shall not exceed in the aggregate the sum of one hundred thousand dollars ($100,000) to carry out the purposes of this act. Said treasury notes may be issued in serial form to mature at stated times not exceeding ten years from date of issuance, shall be signed by the chairman of the code commission, attested by the secretary thereof, shall be countersigned by the treasurer of the state of Idaho, and shall be in such form as approved by the attorney general.

Approved March 11, 1961.

CHAPTER 192
(H. B. No. 398)

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, other current expense, capital outlay, of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963;
subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:

BOARD OF LAND COMMISSIONERS
FOR CAPITOL MAINTENANCE:
For: Salaries and Wages $177,500.
Other Current Expense 155,000.
Capital Outlay 35,000.

Total $367,500.

From the General Fund $367,500.

Approved March 11, 1961.

CHAPTER 193
(H. B. No. 289)

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay, of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:

DEPARTMENT OF FINANCE:
For: Salaries and Wages $100,470.00
Travel Expense 12,000.00
Other Current Expense 9,500.00
Capital Outlay 3,500.00
C. 194 '61

IDAHO SESSION LAWS

Total ........................................... $125,470.00
From the General Fund .......................... $125,470.00

Approved March 11, 1961.

CHAPTER 194
(H. B. No. 117)

AN ACT

STATING LEGISLATIVE FINDINGS AND POLICY; AUTHORIZING AND DIRECTING THE GOVERNOR TO EXECUTE A COMPACT ON BEHALF OF THE STATE OF IDAHO WITH ANY OTHER STATE OR STATES PROVIDING FOR COOPERATIVE SUPERVISION OF DELINQUENT JUVENILES ON PROBATION AND PAROLE AND THE RETURN, FROM ONE STATE TO ANOTHER, OF DELINQUENT AND NON-DELINQUENT JUVENILES WHO HAVE RUN AWAY, ESCAPED OR ABSCONDED, AUTHORIZING SUPPLEMENTARY AGREEMENTS FOR THE COOPERATIVE CARE, TREATMENT AND REHABILITATION OF DELINQUENT JUVENILES IN INSTITUTIONS LOCATED WITHIN ANY STATE ENTERING INTO SUCH SUPPLEMENTARY AGREEMENT AND CONTAINING CERTAIN OTHER PROVISIONS TO EFFECTUATE SUCH ENDS OF SUCH COMPACT; AUTHORIZING THE EXECUTION OF A CERTAIN ADDITIONAL ARTICLE TO SAID COMPACT; AUTHORIZING THE EXECUTION OF A CERTAIN AMENDMENT TO SAID COMPACT; PROVIDING FOR THE DESIGNATION OF A COMPACT ADMINISTRATOR AND PRESCRIBING HIS DUTIES; PROVIDING FOR SUPPLEMENTARY AGREEMENTS UNDER SAID COMPACT; PROVIDING FOR FINANCIAL ARRANGEMENTS UNDER SAID COMPACT; PROVIDING FOR FINANCIAL RESPONSIBILITY OF PARENTS AND GUARDIANS OF ESTATES OF IDAHO JUVENILES HANDLED UNDER THIS ACT; ESTABLISHING RESPONSIBILITIES OF ENFORCEMENT OF SAID COMPACT; AND CLARIFYING THE SCOPE OF SAID COMPACT.

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

SECTION 1. LEGISLATIVE FINDINGS AND POLICY. —It is hereby found and declared: (1) that juveniles who are not under proper supervision and control, or who have absconded, escaped or run away, are likely to endanger
their own health, morals and welfare, and the health, morals and welfare of others; (2) that the cooperation of this state with other states is necessary to provide for the welfare and protection of juveniles and of the people of this state.

It shall therefore be the policy of this state, in adopting the Interstate Compact on Juveniles, to cooperate fully with other states: (1) in returning juveniles to such other states whenever their return is sought; and (2) in accepting the return of juveniles whenever a juvenile residing in this state is found or apprehended in another state and in taking all measures to initiate proceedings for the return of such juveniles.

SECTION 2. EXECUTION OF COMPACT.—The governor is hereby authorized and directed to execute a compact on behalf of this state with any other state or states legally joining therein in the form substantially as follows:

INTERSTATE COMPACT ON JUVENILES

The contracting states solemnly agree:

ARTICLE I—FINDINGS AND PURPOSES

That juveniles who are not under proper supervision and control, or who have absconded, escaped or run away, are likely to endanger their own health, morals and welfare, and the health, morals and welfare of others. The cooperation of the states party to this compact is therefore necessary to provide for the welfare and protection of juveniles and of the public with respect to (1) cooperative supervision of delinquent juveniles on probation or parole; (2) the return, from one state to another, of delinquent juveniles who have escaped or absconded; (3) the return, from one state to another, of non-delinquent juveniles who have run away from home; and (4) additional measures for the protection of juveniles and of the public, which any two or more of the party states may find desirable to undertake cooperatively. In carrying out the provisions of this compact, the party states shall be guided by the non-criminal, reformative and protective policies which guide their laws concerning delinquent, neglected or dependent juveniles generally. It shall be the policy of the states party to this compact to cooperate and observe their respective responsibilities for the prompt return and acceptance of juveniles and delinquent juveniles who become
subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the foregoing purposes.

ARTICLE II—EXISTING RIGHTS AND REMEDIES

That all remedies and procedures provided by this compact shall be in addition to and not in substitution for other rights, remedies and procedures, and shall not be in derogation of parental rights and responsibilities.

ARTICLE III—DEFINITIONS

That, for the purposes of this compact, “delinquent juvenile” means any juvenile who has been adjudged delinquent and who, at the time the provisions of this compact are invoked, is still subject to the jurisdiction of the court that has made such adjudication or to the jurisdiction or supervision of an agency or institution pursuant to an order of such court; “probation or parole” means any kind of conditional release of juveniles authorized under the laws of the states party hereto; “court” means any court having jurisdiction over delinquent, neglected or dependent children; “state” means any state, territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico; and “residence” or any variant thereof means a place at which a home or regular place of abode is maintained.

ARTICLE IV—RETURN OF RUNAWAYS

(a) That the parent, guardian, person or agency entitled to legal custody of a juvenile who has not been adjudged delinquent but who has run away without the consent of such parent, guardian, person or agency may petition the appropriate court in the demanding state for the issuance of a requisition for his return. The petition shall state the name and age of the juvenile, the name of the petitioner and the basis of entitlement to the juvenile’s custody, the circumstances of his running away, his location if known at the time application is made, and such other facts as may tend to show that the juvenile who has run away is endangering his own welfare or the welfare of others and is not an emancipated minor. The petition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the document or documents on which the petitioner’s entitlement to the juvenile’s custody is based, such as birth certificates, let-
ters of guardianship, or custody decrees. Such further affidavits and other documents as may be deemed proper may be submitted with such petition. The judge of the court to which this application is made may hold a hearing thereon to determine whether for the purposes of this compact the petitioner is entitled to the legal custody of the juvenile, whether or not it appears that the juvenile has in fact run away without consent, whether or not he is an emancipated minor and whether or not it is in the best interest of the juvenile to compel his return to the state. If the judge determines, either with or without a hearing, that the juvenile should be returned, he shall present to the appropriate court or to the executive authority of the state where the juvenile is alleged to be located a written requisition for the return of such juvenile. Such requisition shall set forth the name and age of the juvenile, the determination of the court that the juvenile has run away without the consent of a parent, guardian, person or agency entitled to his legal custody, and that it is in the best interest and for the protection of such juvenile that he be returned. In the event that a proceeding for the adjudication of the juvenile as a delinquent, neglected or dependent juvenile is pending in the court at the time when such juvenile runs away, the court may issue a requisition for the return of such juvenile upon its own motion, regardless of the consent of the parent, guardian, person or agency entitled to legal custody, reciting therein the nature and circumstances of the pending proceeding. The requisition shall in every case be executed in duplicate and shall be signed by the judge. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of such court. Upon the receipt of a requisition demanding the return of a juvenile who has run away, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No juvenile detained upon such order shall be delivered over to the officer whom the court demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of a court in the state, who shall inform him of the demand made for his return, and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the
requisition is in order, he shall deliver such juvenile over to the officer whom the court demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a juvenile who has run away from another state party to this compact without the consent of a parent, guardian, person or agency entitled to his legal custody, such juvenile may be taken into custody without a requisition and brought forthwith before a judge of the appropriate court who may appoint counsel or guardian ad litem for such juvenile and who shall determine after a hearing whether sufficient cause exists to hold the person, subject to the order of the court, for his own protection and welfare, for such a time not exceeding 90 days as will enable his return to another state party to this compact pursuant to a requisition for his return from a court of that state. If, at the time when a state seeks the return of a juvenile who has run away, there is pending in the state wherein he is found any criminal charge, or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he ran away, the juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

(b) That the state to which a juvenile is returned under this Article shall be responsible for payment of the transportation costs of such return.

(c) That “juvenile” as used in this Article means any person who is a minor under the law of the state of residence of the parent, guardian, person or agency entitled to the legal custody of such minor.
ARTICLE V—RETURN OF ESCAPEES AND ABSCONDERS

(a) That the appropriate person or authority from whose probation or parole supervision a delinquent juvenile has absconded or from whose institutional custody he has escaped shall present to the appropriate court or to the executive authority of the state where the delinquent juvenile is alleged to be located a written requisition for the return of such delinquent juvenile. Such requisition shall state the name and age of the delinquent juvenile, the particulars of his adjudication as a delinquent juvenile, the circumstances of the breach of the terms of his probation or parole or of his escape from an institution or agency vested with his legal custody or supervision, and the location of such delinquent juvenile, if known, at the time the requisition is made. The requisition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the judgment, formal adjudication, or order of commitment which subjects such delinquent juvenile to probation or parole or to the legal custody of the institution or agency concerned. Such further affidavits and other documents as may be deemed proper may be submitted with such requisition. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of the appropriate court. Upon the receipt of a requisition demanding the return of a delinquent juvenile who has absconded or escaped, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such delinquent juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No delinquent juvenile detained upon such order shall be delivered over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of an appropriate court in the state, who shall inform him of the demand made for his return and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such delinquent juvenile over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.
Upon reasonable information that a person is a delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, such person may be taken into custody in any other state party to this compact without a requisition. But in such event, he must be taken forthwith before a judge of the appropriate court, who may appoint counsel or guardian ad litem for such person and who shall determine, after a hearing, whether sufficient cause exists to hold the person subject to the order of the court for such a time, not exceeding 90 days, as will enable his detention under a detention order issued on a requisition pursuant to this Article. If, at the time when a state seeks the return of a delinquent juvenile who has either absconded while on probation or parole or escaped from an institution or agency vested with his legal custody or supervision, there is pending in the state wherein he is detained any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency.

The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the delinquent juvenile being returned, shall be permitted to transport such delinquent juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he escaped or absconded, the delinquent juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

(b) That the state to which a delinquent juvenile is returned under this Article shall be responsible for the payment of the transportation costs of such return.

ARTICLE VI—VOLUNTARY RETURN PROCEDURE

That any delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, and any juvenile who has run away from any state party to this compact, who is taken into custody without a requisition in another state party
to this compact under the provisions of Article IV (a) or of Article V (a), may consent to his immediate return to the state from which he absconded, escaped or ran away. Such consent shall be given by the juvenile or delinquent juvenile and his counsel or guardian ad litem, if any, by executing or subscribing a writing, in the presence of a judge of the appropriate court, which states that the juvenile or delinquent juvenile and his counsel or guardian ad litem, if any, consent to his return to the demanding state. Before such consent shall be executed or subscribed, however, the judge, in the presence of counsel or guardian ad litem, if any, shall inform the juvenile or delinquent juvenile of his rights under this compact. When the consent has been duly executed, it shall be forwarded to and filed with the compact administrator of the state in which the court is located and the judge shall direct the officer having the juvenile or delinquent juvenile in custody to deliver him to the duly accredited officer or officers of the state demanding his return, and shall cause to be delivered to such officer or officers a copy of the consent. The court may, however, upon the request of the state to which the juvenile or delinquent juvenile is being returned, order him to return unaccompanied to such state and shall provide him with a copy of such court order; in such event a copy of the consent shall be forwarded to the compact administrator of the state to which said juvenile or delinquent juvenile is ordered to return.

ARTICLE VII—COOPERATIVE SUPERVISION OF PROBATIONERS AND PAROLEES

(a) That the duly constituted judicial and administrative authorities of a state party to this compact (herein called “sending state”) may permit any delinquent juvenile within such state, placed on probation or parole, to reside in any other state party to this compact (herein called “receiving state”) while on probation or parole, and the receiving state shall accept such delinquent juvenile, if the parent, guardian or person entitled to the legal custody of such delinquent juvenile is residing or undertakes to reside within the receiving state. Before granting such permission, opportunity shall be given to the receiving state to make such investigations as it deems necessary. The authorities of the sending state shall send to the authorities of the receiving state copies of pertinent court orders, social case studies and all other available information which may be of value to and assist the receiving state in supervising a probationer or parolee under this compact. A re-
ceiving state, in its discretion, may agree to accept supervision of a probationer or parolee in cases where the parent, guardian or person entitled to the legal custody of the delinquent juvenile is not a resident of the receiving state, and if so accepted the sending state may transfer supervision accordingly.

(b) That each receiving state will assume the duties of visitation and of supervision over any such delinquent juvenile and in the exercise of those duties will be governed by the same standards of visitation and supervision that prevail for its own delinquent juveniles released on probation or parole.

(c) That, after consultation between the appropriate authorities of the sending state and of the receiving state as to the desirability and necessity of returning such a delinquent juvenile, the duly accredited officers of a sending state may enter a receiving state and there apprehend and retake any such delinquent juvenile on probation or parole. For that purpose, no formalities will be required, other than establishing the authority of the officer and the identity of the delinquent juvenile to be retaken and returned. The decision of the sending state to retake a delinquent juvenile on probation or parole shall be conclusive upon and not reviewable within the receiving state, but if, at the time the sending state seeks to retake a delinquent juvenile on probation or parole, there is pending against him within the receiving state any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for any act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of the sending state shall be permitted to transport delinquent juveniles being so returned through any and all states party to this compact, without interference.

(d) That the sending state shall be responsible under this Article for paying the costs of transporting any delinquent juvenile to the receiving state or of returning any delinquent juvenile to the sending state.

ARTICLE VIII—RESPONSIBILITY FOR COSTS

(a) That the provisions of Articles IV (b), V (b) and
VII (d) of this compact shall not 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 payment of costs, or responsibilities therefor.

(b) That nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person, agency or other entity in regard to costs for which such party state or subdivision thereof may be responsible pursuant to Articles IV (b), V (b) or VII (d) of this compact.

ARTICLE IX—DETENTION PRACTICES

That, to every extent possible, it shall be the policy of states party to this compact that no juvenile or delinquent juvenile shall be placed or detained in any prison, jail or lockup nor be detained or transported in association with criminal, vicious or dissolute persons.

ARTICLE X—SUPPLEMENTARY AGREEMENTS

That the duly constituted administrative authorities of a state party to this compact may enter into supplementary agreements with any other state or states party hereto for the cooperative care, treatment and rehabilitation of delinquent juveniles whenever they shall find that such agreements will improve the facilities or programs available for such care, treatment and rehabilitation. Such care, treatment and rehabilitation may be provided in an institution located within any state entering into such supplementary agreement. Such supplementary agreements shall (1) provide the rates to be paid for the care, treatment and custody of such delinquent juveniles, taking into consideration the character of facilities, services and subsistence furnished; (2) provide that the delinquent juvenile shall be given a court hearing prior to his being sent to another state for care, treatment and custody; (3) provide that the state receiving such a delinquent juvenile in one of its institutions shall act solely as agent for the state sending such delinquent juvenile; (4) provide that the sending state shall at all times retain jurisdiction over delinquent juveniles sent to an institution in another state; (5) provide for reasonable inspection of such institutions by the sending state; (6) provide that the consent of the parent, guardian, person or agency entitled to the legal custody of said delinquent juvenile shall be secured prior to his
being sent to another state; and (7) make provision for such other matters and details as shall be necessary to protect the rights and equities of such delinquent juveniles and of the cooperating states.

**ARTICLE XI—ACCEPTANCE OF FEDERAL AND OTHER AID**

That any state party to this compact may accept any and all donations, gifts and grants of money, equipment and services from the federal or any local government, or any agency thereof and from any person, firm or corporation, for any of the purposes and functions of this compact, and may receive and utilize the same subject to the terms, conditions and regulations governing such donations, gifts and grants.

**ARTICLE XII—COMPACT ADMINISTRATORS**

That the governor of each state party to this compact 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 compact.

**ARTICLE XIII—EXECUTION OF COMPACT**

That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.

**ARTICLE XIV—RENUNCIATION**

That this compact shall continue in force and remain binding upon each executing state until renounced by it. Renunciation of this compact shall be by the same authority which executed it, by sending six months' notice in writing of its intention to withdraw from the compact to the other states party hereto. The duties and obligations of a renouncing state under Article VII hereof shall continue as to parolees and probationers residing therein at the time of withdrawal until retaken or finally discharged. Supplementary agreements entered into under Article X hereof shall be subject to renunciation as provided by such supplementary agreements, and shall not be subject to the six months' renunciation notice of the present Article.
ARTICLE XV—SEVERABILITY

That the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating 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 compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

SECTION 2 A. EXECUTION OF ADDITIONAL ARTICLE.—The governor is further authorized and directed to execute, with any other state or states legally joining in the same, an additional article to said compact in the form substantially as follows:

That this article shall provide additional remedies, and shall be binding only as among and between those party states which specifically execute the same.

For the purposes of this article, “child”, as used herein, means any minor within the jurisdictional age limits of any court in the home state.

When any child is brought before a court of a state of which such child is not a resident, and such state is willing to permit such child’s return to the home state of such child, such home state, upon being so advised by the state in which such proceeding is pending, shall immediately institute proceedings to determine the residence and jurisdictional facts as to such child in such home state, and upon finding that such child is in fact a resident of said state and subject to the jurisdiction of the court thereof, shall within five days authorize the return of such child to the home state, and to the parent or custodial agency legally authorized to accept such custody in such home state, and at the expense of such home state, to be paid from such funds as such home state may procure, designate, or provide, prompt action being of the essence.

SECTION 2 B. EXECUTION OF AMENDMENT.—The governor is further authorized and directed to execute, with any other state or states legally joining in the same,
an amendment to said compact in the form substantially as follows:

(a) This amendment shall provide additional remedies, and shall be binding only as among and between those party states which specifically execute the same.

(b) All provisions and procedures of Articles V and VI of the Interstate Compact on Juveniles shall be construed to apply to any juvenile charged with being a delinquent by reason of a violation of any criminal law. Any juvenile, charged with being a delinquent by reason of violating any criminal law, shall be returned to the requesting state upon a requisition to the state where the juvenile may be found. A petition in such case shall be filed in a court of competent jurisdiction in the requesting state where the violation of criminal law is alleged to have been committed. The petition may be filed regardless of whether the juvenile has left the state before or after the filing of the petition. The requisition described in Article V of the compact shall be forwarded by the judge of the court in which the petition has been filed.

SECTION 3. JUVENILE COMPACT ADMINISTRATOR.—Pursuant to said compact, the governor is hereby authorized and empowered to designate an officer who shall be the compact administrator and who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms of the compact. Said compact administrator shall serve subject to the pleasure of the governor. The compact administrator is hereby authorized, empowered and directed to cooperate with all departments, agencies and officers of and in the government of this state and its subdivisions in facilitating the proper administration of the compact or of any supplementary agreement or agreements entered into by this state thereunder.

SECTION 4. SUPPLEMENTARY AGREEMENTS. — The compact administrator is hereby authorized and empowered to enter into supplementary agreements with appropriate officials of other states pursuant to the compact. In the event that such supplementary agreement shall require or contemplate the use of any institution or facility of this state or require or contemplate the provision of any service of this state, said supplementary agreement shall have no force or effect until approved by the head of the department or agency under whose jurisdiction said
institution or facility is operated or whose department or agency will be charged with the rendering of such service.

Section 5. FINANCIAL ARRANGEMENTS. — The compact administrator, subject to the approval of the Board of Examiners, may make or arrange for any payments necessary to discharge any financial obligations imposed upon this state by the compact or by any supplementary agreement entered into thereunder.

Section 6. FINANCIAL RESPONSIBILITY OF PARENTS AND GUARDIANS OF ESTATE.—The compact administrator shall take appropriate action to effect the recovery from relevant parents or guardians of estate, at the option of said administrator, of any and all costs expended by the state, or any of its subdivisions, with respect to Idaho juveniles handled under said Compact.

Section 7. RESPONSIBILITIES OF ENFORCEMENT.—The courts, departments, agencies and officers of this state and its subdivisions shall enforce this compact and shall do all things appropriate to the effectuation of its purposes and intent which may be within their respective jurisdictions.

Section 8. CLARIFICATION.—The term “delinquent juvenile” includes any child defined in Section 16-1803, Idaho Code, as amended.

Approved March 11, 1961.

CHAPTER 195
(H. B. No. 288)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO TO THE GOVERNOR FOR AN EMERGENCY FUND FOR DISASTER RELIEF, CIVIL DEFENSE, LAW ENFORCEMENT AND OTHER EMERGENCIES FOR THE PERIOD COMMENCING JULY 1, 1961, AND ENDING JUNE 30, 1963; PROVIDING THAT ALL UNEXPENDED FUNDS REMAINING IN THE 1959-1961 BIENNIAL APPROPRIATION FOR THESE PURPOSES SHALL BE REAPPROPRIATED FOR THE SAME PURPOSES FOR THE 1961-1963 BIENNIAL, EXEMPTING THIS ACT FROM THE PROVI-
SIONS OF THE STANDARD APPROPRIATIONS ACT OF 1945.

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 following sums of money, or so much thereof as may be necessary, to the Governor for an emergency fund for disaster relief, civil defense, law enforcement and other emergencies, for the period commencing July 1, 1961, and ending June 30, 1963:

To Whom Appropriated: Governor:
For: An emergency fund for disaster relief, civil defense, law enforcement and other emergencies
Appropriation: $125,000.

SECTION 2. All unexpended funds remaining in the 1959-1961 Biennium appropriation for the purposes herein stated are herewith re-appropriated for the same purposes for the 1961-1963 Biennium.

SECTION 3. The appropriation herein made is exempt from the provisions of the Standard Appropriations Act of 1945.

Approved March 11, 1961.

CHAPTER 196
(H. B. No. 275)

AN ACT

PROHIBITING THE DISPLAY OF PROMOTIONAL OR ELECTION POSTERS OR LITERATURE ON PUBLIC OR PRIVATE PROPERTY WITHOUT PERMISSION; IMPOSING A SPECIAL CONDITION UPON THE GRANTING OF SUCH PERMISSION BY A PUBLIC UTILITY COMPANY; AND PROVIDING A PENALTY.

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

SECTION 1. It shall be unlawful for any person to place, paint, or cause to be placed or painted, election posters or literature or other promotional or sales materials upon public or private property, real or personal, in the State
of Idaho, unless such person has first obtained permission in writing from the owner or owners of such property. Provided, however, that the granting of such permission by any public utility company on behalf of any candidate for public office shall constitute the granting of like permission by such public utility company to all other candidates for the same public office.

SECTION 2. Any person committing or causing to be committed any of the acts herein declared to be unlawful shall be guilty of a misdemeanor.

Approved March 11, 1961.

CHAPTER 197
(H. B. No. 278)

AN ACT

AMENDING SECTION 1-2001, IDAHO CODE, AS AMENDED, TO PROVIDE THAT EACH SUPREME COURT JUSTICE AND EACH DISTRICT JUDGE WHO SERVES IN OFFICE FIFTEEN YEARS OR LESS AND RETIRES FROM OFFICE BEFORE ATTAINING THE AGE OF SEVENTY YEARS SHALL, AFTER ATTAINING THE AGE OF SIXTY-FIVE YEARS, BE ENTITLED TO SUCH PROPORTION OF RETIREMENT COMPENSATION AS THE PERIOD OF HIS SERVICE BEARS TO FIFTEEN YEARS.

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

SECTION 1. That Section 1-2001, Idaho Code, as amended, be, and the same hereby is amended to read as follows:

1-2001. SUPREME COURT JUSTICES AND DISTRICT COURT JUDGES — AGE OF RETIREMENT — COMPENSATION ON RETIREMENT. — Each person who is now serving as a justice of the Supreme Court or a judge of a district court of this state shall, upon attaining the age of seventy years, or who now is seventy years of age, and upon retirement from office either by expiration of his term or by voluntary retirement, be entitled to receive and to have paid to him the annual retirement compensation hereinafter provided.

Each person who shall hereafter serve as justice of the Supreme Court or district judge in the state of Idaho
for an aggregate period of ten years or more, continuous or otherwise, in either or both of such offices shall, upon attaining the age of seventy years retire from office, and every such justice or judge who, after a service of ten years, continuous or otherwise in either or both of said courts, shall resign, although under the age of seventy years, by reason of disability preventing him from further performance of the duties of his office, shall be entitled to receive and to have paid to him from the date of his retirement or resignation until his death, retirement or resignation compensation in an amount equal to one-half of the annual salary or compensation of his office at the time of his retirement or resignation, payable monthly on the first day of each calendar month. Each justice or judge hereafter appointed or elected who shall retire on account of age or by reason of such disability after a service in either or both of said courts of less than ten years, shall upon retirement or resignation, be entitled to receive and to have paid to him in such monthly installments compensation equal to that proportion of one-half of the annual salary or compensation of the office at the time of his retirement which his period of service bears to ten years. All retirement compensation shall be paid monthly out of the Judges' Retirement Fund hereinafter established.

Each person now serving or who shall hereafter serve as such justice or judge for an aggregate period of not less than fifteen years, or less, continuous or otherwise, in either or both such offices, and who shall retire from office either by expiration of his term or by voluntary retirement before attaining the age of seventy years, shall upon after attaining the age of seventy sixty-five years, provided he then be a resident of the state of Idaho and shall have made the contributions to the Judges' Retirement Fund hereinafter provided, also be entitled to all of the rights and privileges of this Act and shall be entitled to receive and have paid to him such proportion of the retirement compensation of the office from which he so retired, as in this Act provided, as the period of his service bears to fifteen years.

Approved March 11, 1961.
CHAPTER 198
(H. B. No. 284)

AN ACT


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

SECTION 1. There is hereby appropriated out of the State Liquor fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expenses, and capital outlay of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  
STATE LIQUOR DISPENSARY

Appropriations:

<table>
<thead>
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<th>For:</th>
<th>Appropriations:</th>
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</thead>
<tbody>
<tr>
<td>Salaries and Wages</td>
<td>$1,195,263</td>
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<tr>
<td>Travel Expense</td>
<td>12,000</td>
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<tr>
<td>Other Current Expense</td>
<td>432,000</td>
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<tr>
<td>Capital Outlay</td>
<td>25,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,664,263</strong></td>
</tr>
</tbody>
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From the State Liquor Fund  
1,664,263

Approved March 11, 1961.

CHAPTER 199
(H. B. No. 229)

AN ACT

AUTHORIZING THE IDAHO FISH AND GAME COMMISSION TO ENACT RULES AND REGULATIONS GOVERNING THE IMPORTATION, RELEASE, SALE, POSSESSION AND TRANSPORTATION OF BIRDS, ANIMALS AND FISH OR THE EGGS
THEREOF WITHIN THE STATE OF IDAHO, PROVIDING THAT SUCH RULES AND REGULATIONS SHALL NOT APPLY TO LIVESTOCK OR DOMESTIC ANIMALS AND PROVIDING A PENALTY.

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

SECTION 1. The Idaho Fish and Game Commission, in order to safeguard the native wild game, fish or fur-bearing animals of this state, may adopt rules and regulations pertaining to the importation, release, sale, possession or transportation within the state of Idaho of undesirable living birds, animals or fish or the eggs of undesirable birds or fish. Provided that said rules and regulations shall in no way be deemed to apply to livestock or domestic birds and animals.

SECTION 2. Any person or persons violating any of the rules or regulations adopted pursuant to this section shall be guilty of a misdemeanor.

Approved March 11, 1961.

CHAPTER 200
(H. B. No. 251)

AN ACT

AMENDING SECTION 49-1235, IDAHO CODE, TO REQUIRE SPECIAL FUEL DEALERS AND USERS TO FILE QUARTERLY INSTEAD OF MONTHLY RETURNS SHOWING THE AMOUNT OF MOTOR FUELS TAX LIABILITY, AND TO PROVIDE FOR THE FILING OF AN AFFIDAVIT IN LIEU OF A RETURN FOR QUARTERS IN WHICH NO TAX LIABILITY HAS ACCRUED.

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

SECTION 1. That Section 49-1235, Idaho Code, be, and the same is hereby amended to read as follows:

49-1235. (a) Returns: For the purpose of determining the amount of his liability for the tax herein imposed each special fuel dealer and each special fuel user shall file with the collector, on forms prescribed by said collector, a *quarterly* tax return. Such return shall contain a declaration by the person making the same, to the effect
that the statements contained therein are true and are made under penalties of perjury, which declaration shall have the same force and effect as a verification of the return and shall be in lieu of such verification. The return shall show such information as the collector may reasonably require for the proper administration and enforcement of this act; provided, however, that if a special fuel dealer or user is also a wholesale distributor of special fuel at a location where special fuel is delivered in the supply tank of a motor vehicle, and if separate storage is provided thereat from which special fuel is delivered or placed into fuel supply tanks of motor vehicles, the *quarterly return to the administrator need not include inventory control data covering bulk storage from which wholesale distribution of special fuel is made. No return need be made by any special fuel user, not licensed as a special fuel dealer, whose entire use of special fuels in this state is limited solely to special fuels delivered into the fuel supply tank of such user's motor vehicle by special fuel dealers. The special fuel dealer or special fuel user shall file the return on or before the 25th day of the next succeeding calendar month following the *quarterly period to which it relates, provided, however, that for good cause the collector may grant a taxpayer a reasonable extension of time for filing but not to exceed 30 days.

If the final filing date falls on a Saturday, Sunday or legal holiday the next secular or business day shall be the final filing date. Such reports shall be considered filed or received on the date shown by the post office cancellation mark stamped upon an envelope containing such report properly addressed to the collector, or on the date it was mailed if proof satisfactory to the collector establishes the date it was mailed.

(b) Computation: The tax imposed by this act shall be computed as follows: (1) with respect to special fuel used by the seller thereof as a special fuel dealer, by multiplying the tax rate per gallon provided in this act by the number of gallons of special fuel delivered or placed by him into the supply tank or tanks of a motor vehicle, (2) with respect to special fuel as to which the tax has not been paid to a special fuel dealer in this state and which has been consumed by the purchaser thereof as a special fuel user, by multiplying the tax rate per gallon provided in this act by the number of gallons of special fuel consumed by him in the propulsion of motor vehicle on the highways of this state.
(c) Payments: The *quarterly* tax return shall be accompanied by remittance covering the tax due hereunder on account of the use as defined in section 49-1230 (f) of special fuels during the preceding *quarter*.

(d) Refusal or failure to file return or pay tax when due: In case of any special fuel dealer or special fuel user who refuses or fails to file a return required by this act within the time prescribed by subsection (a) of this section, there is hereby imposed a penalty of $100 or a sum equal to 25% of the tax due, whichever is greater, together with interest at the rate of 1/2 of 1% on the tax due, for each calendar month or fraction thereof during which such refusal or failure continues; provided, however, that if any such special fuel dealer or special fuel user shall establish to the satisfaction of the collector that his failure to file a return within the time prescribed was due to reasonable cause and was not intentional or wilful, the collector shall waive the penalty provided by this subsection.

(e) Failure to pay tax: Where a special fuel dealer or a special fuel user files a return, but fails to pay in whole or in part the tax due hereunder, there shall be added to the amount due and unpaid interest at the rate of 1/2 of 1% per month or fraction thereof from the date such tax was due to the date of payment in full thereof.

(f) Deficiency: If it be determined by the collector that the tax reported by any special fuel dealer or special fuel user is deficient he shall proceed to assess the deficiency on the basis of information available to him and there shall be added to this deficiency interest at the rate of 1/2 of 1% per month or fraction thereof from the date the return was due.

(g) Determination if no return made: If any special fuel dealer or special fuel user, whether or not he is licensed as such, fails, neglects, or refuses to file a special fuel tax return when due, the collector shall on the basis of information available to him, determine the tax liability of the special fuel dealer or the special fuel user for the period during which no return was filed, and to the tax as thus determined the collector shall add the penalty and interest provided in section 8 (d) (this section).

An assessment made by the collector pursuant to this subsection or to subsection (f) of this section shall be presumed to be correct, and in any case where the validity
of the assessment is drawn in question, the burden shall be on the person who challenges the assessment to establish by a fair preponderance of the evidence that it is erroneous or excessive as the case may be.

(h) Fraudulent return: If any special fuel dealer or special fuel user shall file a false or fraudulent return with intent to evade the tax imposed by this act, there shall be added to the amount of deficiency determined by the collector a penalty equal to 25% of the deficiency together with interest at 1/2 of 1% per month, or fraction thereof, on such deficiency from the date such tax was due to the date of payment, in addition to all other penalties prescribed by law.

(i) Limitation: Except in the case of a fraudulent return or of neglect, or refusal to make a return, every deficiency shall be assessed under section 8 (f) of this act (this section) within 2 years after the 25th day of the next succeeding calendar month following the quarterly period for which the amount is proposed to be determined or within 2 years after the return is filed, whichever period expires the later.

(j) No tax return need be filed by any special fuel dealer or special fuel user for any quarter in which no tax liability has been accrued; provided, however, such dealer or user must file, in lieu thereof, an affidavit, under oath, stating that no such tax liability has accrued for the quarter covered by the affidavit and declaring that the statements contained therein are made under penalties of perjury.

Approved March 11, 1961.

CHAPTER 201
(H. B. No. 214)

AN ACT

RELATING TO PUBLIC LIVESTOCK MARKETS; PROVIDING A SHORT TITLE; DECLARING POLICY; DEFINING TERMS AND PROVIDING EXEMPTIONS; CREATING AND VESTING ADMINISTRATION OF THIS ACT AND RULE MAKING AUTHORITY IN A PUBLIC LIVESTOCK MARKET BOARD, PROVIDING FOR APPOINTMENT AND PAYMENT OF COMPENSATION AND EXPENSES OF MEMBERS OF SUCH
BOARD AND QUALIFICATIONS AND TERM OF OFFICE OF SAID MEMBERS THEREOF; MAKING IT UNLAWFUL TO OPERATE A PUBLIC LIVESTOCK MARKET WITHOUT FIRST COMPLYING WITH THIS ACT; PROVIDING FOR APPLICATION FOR A MARKET CHARTER; PROVIDING FOR HEARINGS ON APPLICATIONS AND NOTICE THEREOF AND FOR STANDARDS TO BE USED IN DETERMINING WHETHER TO ISSUE A CHARTER; PROVIDING FOR ISSUANCE OF MARKET CHARTERS TO EXISTING PUBLIC LIVESTOCK MARKETS; CREATING A PUBLIC LIVESTOCK MARKET FUND AND PROVIDING FOR ITS ADMINISTRATION; PROVIDING FOR PAYMENTS TO SAID FUND AND FOR THE PAYMENT OF CLAIMS AGAINST SAID FUND AND APPROPRIATING SAID FUND TO SAID BOARD TO PAY ITS EXPENSES AND CARRY OUT THE OBJECTS OF THIS ACT; PRESCRIBING ANNUAL CHARTER FEES; FIXING THE METHOD OF TRANSFER OF MARKET CHARTERS; PRESCRIBING BOND REQUIREMENTS; REQUIRING PUBLIC LIVESTOCK MARKET RECORDS; PROVIDING FOR THE FILING AND HEARING OF COMPLAINTS AND INVESTIGATION THEREOF; PROVIDING FOR THE SUSPENSION AND REVOCATION OF MARKET CHARTERS; FIXING THE TIME, METHOD AND PROCEDURE FOR APPEALS; PROVIDING PENALTIES FOR VIOLATIONS OF THE ACT; PROVIDING THAT ALL LICENSED PUBLIC LIVESTOCK MARKETS MUST EMPLOY LICENSED WEIGHTMASTERS; PROVIDING FOR BRAND INSPECTIONS AT PUBLIC LIVESTOCK MARKETS AND FOR FEES AND CHARGES IN CONNECTION THEREWITH; PROVIDING FOR RULES SETTING SANITARY STANDARDS FOR MARKETS; REPEALING SECTIONS 25-1701, 25-1702, 25-1703, 25-1704, 25-1705, 25-1707, 25-1708, 25-1709, 25-1710, 25-1711, 25-1712, 25-1713, 25-1714, 25-1715, 25-1716, 25-1717 AND 25-1718, IDAHO CODE, AND SECTION 25-1706, IDAHO CODE, AS AMENDED; PROVIDING A SAVING CLAUSE; AND DECLARING AN EMERGENCY.

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

SECTION 1. SHORT TITLE.—This Act shall be known and cited as the "Idaho Public Livestock Market Development Act."

SECTION 2. STATEMENT OF PURPOSE.—It is hereby declared to be the policy of the State of Idaho, and the purpose of this Act, to encourage, stimulate and stabilize the agricultural economy of the State in general, and the livestock economy in particular, by encouraging the construction, development and productive operation of public livestock markets as key industries of the State and those
markets' particular trade areas, with all benefits of fully open, free, competitive factors, in respect to sales and purchases of livestock.

SECTION 3. DEFINITION OF TERMS.—The following words and phrases as used in this Act, unless the context otherwise requires, shall have the meanings respectively ascribed to them in this section.

(a) “Persons” shall include any individual, firm, association, partnership or corporation.

(b) “Department” means the Department of Agriculture.

(c) “Commissioner” means the Commissioner of Agriculture.

(d) “Board” means the Public Livestock Market Board.

(e) “Livestock” means and includes cattle, calves, horses, mules, swine, sheep, and goats.

(f) “Public Livestock Market” means any place, establishment or facility commonly known as a “livestock market,” “livestock auction market,” “sales ring,” “stockyard,” or the like, conducted or operated for compensation or profit as a public market for livestock, consisting of pens, or other enclosures, and their appurtenances, in which livestock are received, held, sold, or kept for sale or shipment.

(g) “Market charter” means the charter for public livestock market operation authorized to be issued under the provisions of this Act.

(h) “Livestock market operator” means any person engaged in the business of conducting or operating a public livestock market, whether personally or through agents or employees.

SECTION 4. EXEMPTIONS.—This Act shall not be construed to include as a public livestock market:

(a) Any place or operation where Future Farmers or 4-H groups, or private fairs conduct sales of livestock.

(b) Any place or operation conducted for a dispersal sale of the livestock of a farmer, dairymen, livestock breeder or feeder who is discontinuing said business and no other livestock is sold or offered for sale.

(c) Any place or operation where a breeder or an association of breeders of livestock assemble and offer for sale
and sell under their own management any livestock when such breeders shall assume all responsibility of such sale and the title of livestock sold. This shall apply to all purebred livestock association sales.

(d) All sales of livestock by any generally recognized state-wide association or associations composed of persons engaged in the production in Idaho of cattle, calves, sheep, mules, horses, swine, or goats.

SECTION 5. PUBLIC LIVESTOCK MARKET BOARD. —There is hereby created a Public Livestock Market Board consisting of six members. The Commissioner of Agriculture shall be a member and chairman of the Board. The remaining five members shall be appointed by the Governor, two of whom shall be Democrats and two of whom shall be Republicans. The Governor shall appoint the five members of the Board, both initially and thereafter as vacancies occur, with one each of such five members being from a list of recommendations submitted by the following livestock organizations: Idaho Cattlemen’s Association—Idaho Wool Grower’s Association—Idaho Dairymen’s Association—Idaho Livestock Auction Association—Idaho Swinegrowers’ Association. The term of office of each appointed member of the Board shall be five years, excepting that the five members initially appointed shall be for terms of one, two, three, four and five years, as designated by the Governor making the initial appointments. Except for the Commissioner of Agriculture, the members of the Board shall receive as compensation for their services the sum of twenty-five dollars ($25.00) per day and actual expenses incurred while in the discharge of their duties in accordance with the laws of the State of Idaho. The Board shall meet at the call of the Commissioner.

The Board is hereby vested with power and authority, and it is hereby made its duty, to:

(a) Administer the provisions of this Act in respect to the issuances, suspensions and revocations of market charters.

(b) Prescribe by general order, or otherwise, rules and regulations in conformity with this Act, applicable to its efficient and effective administration.

SECTION 6. MARKET CHARTER AND APPLICATION.—No person shall conduct or operate a public livestock market unless and until he has a market charter therefor, upon which the current annual market charter
fee has been paid. Any person making application for such market charter shall do so to the Board in writing, verified by the applicant, in the form as prescribed by the Board, showing the following:

(a) The name and address of the applicant, with a statement of the names and address of all persons having any financial interest in the applicant and the amount of such interest.

(b) Financial responsibility of the applicant in the form of a statement of all assets and liabilities.

(c) A legal description of the property and its exact location with a complete description of the facilities proposed to be used in connection with such public livestock market.

(d) The schedule of charges applicant proposes to charge for all services proposed to be rendered.

(e) A detailed statement of the facts upon which the applicant relies showing the general confines of the trade area proposed to be served by such public livestock market, the benefits to be derived by the livestock industry and the services proposed to be rendered.

Such application shall be accompanied by the annual fee as prescribed in Section 10 hereof.

SECTION 7. NOTICE OF HEARING ON APPLICATION.—Upon the filing of such application, the Commissioner shall fix a reasonable time for the hearing thereon in the city itself, or the nearest city, where the public livestock market is proposed to be located. The Commissioner forthwith shall cause a copy of such application, together with notice of the time and place of hearing, to be served by mail not less than 15 days prior to such hearing, upon the following:

(a) All duly organized statewide livestock associations in the state who have filed written notice with the Board of a request to receive notice of such hearings and such other livestock associations as in the opinion of the Commissioner would be interested in such application.

(b) The operators of all public livestock markets in the state.

The Commissioner shall give further notice of such hearing by publication of the notice thereof once in a daily or weekly newspaper circulated in the city or town where
such hearing is to be held, as in the opinion of the Commissioner will give public notice of such time and place of hearing to persons interested therein.

SECTION 8. HEARING ON APPLICATION.—A hearing may be conducted by four members of the Board, one of whom shall be the Commissioner. If after a hearing upon such application at which interested persons may formally appear in support or opposition thereto, the Board finds from the evidence presented that such public livestock market for which a market charter is sought would beneficially serve the livestock economy, such market charter shall be issued the applicant. In determining whether or not the application should be granted or denied, the Board shall give reasonable consideration to:

(a) The ability of the applicant to comply with that certain Act of the Congress of the United States known as the Packers and Stockyards Act, as amended (7 USC 181, et seq.).

(b) The financial stability, business integrity and fiduciary responsibility of the applicant.

(c) The livestock industry marketing benefits to be derived from the establishment and operation of the public livestock market proposed in the application.

(d) The adequacy of the facilities set forth in the application, to permit the performance of market services proposed in the application.

(e) The present market services elsewhere available to the trade area proposed to be served.

(f) Whether the proposed public livestock market would be permanent and continuous.

(g) The economic feasibility of the proposed market services based on competent evidence in respect to such aspects.

(h) Proper facilities for health inspection and testing of livestock.

SECTION 9. EXISTING LICENSES.—Any stockyard, livestock market, sales ring, or other business within the definition of a public livestock market in this Act, operated and conducted as such at the effective date of this Act, and the holder of a license therefor as now provided by state law, shall be issued a market charter upon applica-
tion and payment of the annual fee without hearing as required by this Act. Provided, however, that such application and payment shall be made within 90 days after the effective date of this Act. Thereafter, such market charter holders shall be fully subject to the provisions of this Act.

SECTION 10. MARKET CHARTER FEE — PUBLIC LIVESTOCK MARKET FUND — APPROPRIATION — PAYMENT OF CLAIMS. —

(1) Every livestock market operator shall pay annually, on or before May 1, a market charter fee established by rules of the Board but not in excess of $100.00 to the Board for each public livestock market operated by him, which payment shall constitute a renewal of his license for one year.

(2) The Board shall promptly remit said fees to the State Treasurer of the State of Idaho and the sums so paid under the provisions of this Act shall be held by the State Treasurer as a separate fund to be known as the "Public Livestock Market Fund", which said fund is hereby created by this Act. The State Auditor is hereby authorized, upon presentation of the proper vouchers or claims against said fund, approved by the Board and the State Board of Examiners, as provided by law, to draw his warrant upon said fund.

(3) All monies in or hereafter to come into said fund are hereby appropriated to said Board for the purpose of carrying out the objects of this Act and to pay all costs and expenses heretofore or hereafter incurred therein or connected therewith. For the purpose of carrying out the objects of this Act, and in the exercise of the powers therein granted, and duties hereby imposed, the Board shall have power to make orders concerning the disbursement of said fund.

SECTION 11. TRANSFERS. — Each market charter is personal to the holder and the facilities covered thereby, and transferable only upon application in the same form and manner as new applications for such market charters.

SECTION 12. BOND.—No market charter or renewal of market charter shall be issued until the applicant shall have executed a surety bond as required under the provisions of that certain Act of the Congress of the United States known as the Packers and Stockyards Act, as amended (7 USC 181, et seq.) for market agencies selling on
commission. A certified copy of such bond in full force and effect as on file with the United States Department of Agriculture shall be filed with the Board and shall satisfy the requirements of this section.

SECTION 13. RECORDS.—Every market charter holder under this Act shall keep an accurate record of all transactions conducted in the ordinary course of his business. Such records shall be available for the examination of the Board, or its duly authorized representative, in respect to a market charter issued under the provisions of this Act.

SECTION 14. INVESTIGATION OF ACTIONS OF MARKET CHARTER HOLDERS—HEARINGS ON COMPLAINTS—WITNESSES—SUSPENSION OR REVOCATION OF MARKET CHARTERS.—The Board may, upon its own motion, whenever it has reason to believe the provisions of this Act have been violated, or upon verified complaint of any person in writing, investigate the actions of any market charter holder, and if it finds probable cause to do so, shall file a complaint against the market charter holder which shall be set down for hearing before the Board upon fifteen (15) days' notice served upon such market charter holder either by personal service upon him or by registered mail or telegram prior to such hearing.

The Commissioner shall have the power to administer oaths, certify to all official acts and shall have the power to subpoena and bring before the Board any person in this state as a witness, to compel the producing of books and papers and to take the testimony of any person on deposition in the same manner as is prescribed by law in the procedure before the courts of this state in civil cases. Processes issued by the Commissioner shall extend to all parts of the state and may be served by any person authorized to serve processes. Each witness that shall appear by the order of the Commissioner at any hearing before the Board shall receive for his attendance the same fees and mileage allowed by law to witnesses in civil cases appearing in the district court, which amount shall be paid by the party at whose request such witness is subpoenaed. When any witness has not been required to attend at the request of any party, but subpoenaed by the Commissioner, his fees and mileage shall be paid by the Commissioner in the same manner as other expenses of the Board are paid.

All powers of the Commissioner herein enumerated in respect to administering oaths, power of subpoena, etc., in hearings on complaints shall likewise be applicable to hear-
ings held on applications for the issuance of a market charter.

Formal finding by the Board after due hearing that any market charter hold:

(a) Has ceased to conduct a public livestock market business for at least twelve months; or

(b) Has been guilty of fraud or misrepresentation as to the titles, charges, number, brands, weights, proceeds of sale or ownership of livestock; or

(c) Has violated any of the provisions of this Act; or

(d) Has violated any of the rules or regulations adopted and published by the Board shall be deemed a sufficient cause for the suspension or revocation of the market charter of the offending public livestock market operator.

SECTION 15. APPEALS FROM DECISIONS OF BOARD.— The Board shall keep a complete transcript of all proceedings and evidence presented in any hearing before it. The applicant for a market charter, or any protestant formally appearing in the hearing before the Board for such market charter, or the holder of any market charter suspended or revoked, or any party to a transfer application, may appeal to the district court of the county in which the proposed public livestock market is to be located, or in which the market charter holder has his public livestock market, by giving notice of such appeal in writing to the Board within fifteen (15) days after receiving notice by registered mail of the Board’s decision, and within said time filing a bond with the clerk of said district court in the sum of five hundred dollars ($500.00) to be approved by the clerk of said court as legally sufficient, conditioned to pay all costs that may be awarded against such party in the event of an adverse decision, or the decision of the Board being affirmed or upheld. Within thirty (30) days after such decision or within such additional time as the district court shall allow upon good cause shown, but not exceeding sixty (60) days after said decision, the appealing party shall file with the clerk of said district court a transcript of the testimony and proof presented to the Board including notice of appeal, complaint, pleadings, notices, motions and other papers filed with the Board duly certified by the Commissioner. Cost of preparing such transcript shall be paid by the appealing party. In case of
suspension or revocation of a market charter the filing
of such notice and bond shall stay the order of the Board
until the final determination of the appeal. If the appeal­
ing party shall fail to perfect his appeal or file said tran­
script as herein provided, said stay shall automatically
terminate. The hearing on appeal shall be had summarily
and solely upon the record of the proceedings before the
Board, in the matter in which the appeal is taken and
upon which its decision was rendered, and there shall not
be any additional evidence introduced or anything in the
nature of a trial de novo. The court shall not substitute its
discretion for that of the Board but shall determine whether
the Board acted capriciously, arbitrarily, or abused its dis­
cretion and whether it acted according to law. Appeals
from judgments of the district court may be taken to the
supreme court in the same manner as appeals are taken
in civil actions.

SECTION 16. PENALTIES.—Any person who shall vio­
late any provision or requirement of this Act shall be guilty
of a misdemeanor, and upon conviction shall be punished
by a fine of not less than $200.00 nor more than $1,000.00,
or by imprisonment in the county jail for a period not ex­
ceeding 30 days, or by both such fine and imprisonment.
Each day any person operates or conducts a public live­
stock market in the state without a charter as prescribed
in this Act shall be considered a separate offense. The
Board is empowered to institute proceedings to enjoin the
operation of a public livestock market if the person sought
to be enjoined is operating a public livestock market with­
out a market charter in good standing as provided in this
Act.

SECTION 17. LICENSED WEIGHMASTER.—No mar­
ket charter or renewal charter to establish or operate any
public livestock market within the State of Idaho shall be
issued nor shall any duly licensed public livestock market
within this state continue to operate unless the livestock
handled by said public livestock market shall be weighed
by a licensed weighmaster.

SECTION 18. BRAND INSPECTION. — Every livestock
market operator engaged in the operation of a public live­
stock market within the State of Idaho shall cause brand
inspection to be made in such manner as the State Brand
Board shall prescribe, of all livestock assembled at such
public livestock market for either public or private sale,
and shall provide adequate facilities for such brand inspec­
tion and shall pay to the office of the State Brand Inspector all fees and charges collected for such brand inspection. The rate or charge which shall be made by such public livestock market for brand inspection shall not exceed the uniform rate which shall be fixed by the State Brand Board nor the rate of 15 cents per head.

SECTION 19. SANITATION. — Every public livestock market shall be maintained in a sanitary condition conforming to standards established by rules of the Board.

SECTION 20. SAVING CLAUSE. — The provisions of this Act are hereby declared separable and if any section, clause or phrase thereof is hereafter declared unconstitutional, the same 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 immediately upon its passage and approval.

Approved March 11, 1961.

CHAPTER 202
(H. B. No. 200)

AN ACT


Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. There is hereby appropriated out of the Plumbing Board fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense, capital outlay and refunds of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:

COMMISSIONER OF LAW ENFORCEMENT FOR THE PLUMBING BOARD:
For: Salaries and Wages $ 95,200
Travel Expense 39,100
Other Current Expense 11,650
Capital Outlay 600
Refunds 2,000

Total 148,550
From the Plumbing Board Fund 148,550

Approved March 11, 1961.

CHAPTER 203
(H. B. No. 211)

AN ACT

PROVIDING FOR THE ISSUANCE OF IDENTIFICATION CARDS TO ALL PERSONS ATTAINING THE AGE OF 20 YEARS; FIXING THE FEE THEREFOR; PROVIDING FOR THE DISPOSITION OF SAID FEES; PROVIDING THAT THE COUNTY SHERIFF ACCEPT APPLICATIONS AND FORWARD THE SAME TO THE DEPARTMENT OF LIQUOR LAW ENFORCEMENT, A DIVISION OF THE DEPARTMENT OF LAW ENFORCEMENT, STATE OF IDAHO, WHO SHALL ISSUE SUCH IDENTIFICATION CARDS TO QUALIFIED APPLICANTS; PROVIDING FOR AND DEFINING THE DATA WHICH SUCH CARDS SHALL CONTAIN; PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THE ACT; PROVIDING EFFECTIVE DATE OF ACT; AND REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT THEREWITH.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. Application for identification card.—All persons attaining the age of twenty (20) years may apply to the County Sheriff of the county in which the applicant resides for an identification card which shall prima facie establish that the applicant has reached the age of twenty (20) years.

SECTION 2. Duties of the County Sheriff.—Upon making application to the County Sheriff for an identification card, the applicant must apply in person before the County Sheriff, who shall ascertain and receive from the applicant:

1. The true and full name of the applicant;
2. The date of birth of the applicant; provided that the applicant shall furnish a certified copy of his or her birth certificate;
3. Place of birth of the applicant;
4. The height and weight of the applicant;
5. The color of eyes and hair of the applicant;
6. A one and one-quarter (1¼) inch by one and one-half (1½) inch photograph of the applicant which shall bear a true resemblance to the applicant. It shall be within the discretion of the Sheriff to refuse a photograph which does not present a true resemblance of the applicant.

SECTION 3. Issuance of identification card.—The County Sheriff shall forward application to the Department of Liquor Law Enforcement, a division of the Department of Law Enforcement, State of Idaho, for issuance of identification card. The identification card shall set forth all the information contained in the application. It shall be the duty of the Department of Liquor Law Enforcement, a division of the Department of Law Enforcement, State of Idaho, to prepare suitable application blanks and cause the same to be distributed to the various County Sheriffs.

SECTION 4. Fee to be charged.—The County Sheriff of each respective county in the State of Idaho shall charge and collect a fee of One Dollar ($1.00) from the applicant at the time the application is submitted. Fifty percent of this fee shall be remitted to the Department of Liquor Law Enforcement, a division of the Department of Law Enforcement, State of Idaho, along with the application, birth certificate, and photograph of applicant, and fifty percent shall be retained by the County Sheriff of each respective county and remitted to the County Treas-
urer of such respective county. All monies received hereunder by the Department of Liquor Law Enforcement, a division of the Department of Law Enforcement, State of Idaho, shall be remitted to the State Treasurer and by him deposited to the credit of the Liquor Law Enforcement Fund of the State of Idaho.

SECTION 5. Age limit.—It shall be unlawful for any person to issue an identification card to any person under the age of twenty (20) years.

SECTION 6. Fraudulent misrepresentation.—It shall be unlawful for any person to fraudulently misrepresent his or her age to any dispenser of intoxicating or alcoholic beverages or to falsely procure an identification card, or to alter any of the statements contained in the identification card as herein provided for.

SECTION 7. Penalty for violation.—Any person violating the provisions of this act shall be guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not exceeding Three Hundred Dollars ($300.00), or by imprisonment in the county jail not exceeding six (6) months, or both such fine and imprisonment.

SECTION 8. Acts in conflict.—All acts and parts of acts in conflict with this act are hereby repealed.

SECTION 9. Effective date.—This act shall be in full force and effect on and after July 1, 1961.

Approved March 11, 1961.

CHAPTER 204
(H. B. No. 172)

AN ACT

AMENDING SECTION 54-505, IDAHO CODE, AS AMENDED, TO PROVIDE FOR ADDITIONAL TRAINING FOR A BARBER WHO FAILS TO PASS AN EXAMINATION AS A REGISTERED BARBER; AMENDING SECTION 54-506, IDAHO CODE, AS AMENDED, TO PROVIDE ADDITIONAL TRAINING FOR A BARBER WHO FAILS TO PASS AN APPRENTICE EXAMINATION; AMENDING SECTION 54-507, IDAHO CODE, SUBSTITUTING THE WORD "APPROVED" IN LIEU
OF THE WORD "ACCREDITED" IN DEFINING BARBER SCHOOLS AND COLLEGES; CHANGING THE NUMBER OF DAYS THAT BARBER SCHOOLS MUST STAY OPEN EACH WEEK AND INCREASING THE AMOUNT OF THE BOND TO BE POSTED BY A BARBER SCHOOL OR COLLEGE; AMENDING SECTION 54-508, IDAHO CODE, SUBSTITUTING THE WORD "APPROVED" IN LIEU OF THE WORD "ACCREDITED" IN DEFINING BARBER SCHOOLS AND COLLEGES; AMENDING SECTION 54-509, IDAHO CODE, CHANGING THE SIZE OF PICTURES TO BE FURNISHED BY APPLICANT FOR BARBER LICENSE; AMENDING SECTION 54-512, IDAHO CODE, TO CHANGE THE REQUIREMENTS OF EDUCATION AND ADDITIONAL TRAINING; SUBSTITUTING THE WORD "APPROVED" IN LIEU OF THE WORD "ACCREDITED" IN DEFINING BARBER SCHOOLS AND COLLEGES; MAKING IT UNLAWFUL FOR A PERSON TO PRACTICE AS A MASTER BARBER WITHOUT A CERTIFICATE OF REGISTRATION; AMENDING SECTION 54-515, IDAHO CODE, TO INCLUDE THE ANNUAL RENEWAL OF A LICENSE FOR THE OPERATION OF A BARBER SHOP AND INCREASING THE PENALTY FOR VIOLATION OF THE SECTION; AMENDING SECTION 54-518, IDAHO CODE, INCREASING THE SCHEDULE OF FEES; AMENDING SECTION 54-524, IDAHO CODE, CHANGING PHYSICAL EXAMINATION REQUIREMENTS AT TIME OF EXAMINATION OF APPLICANTS; AMENDING SECTION 67-2917, IDAHO CODE, INCREASING FEE FOR LOST OR DESTROYED LICENSE OR CERTIFICATE RENEWAL; AMENDING SECTION 67-2918, IDAHO CODE, INCREASING FEE FOR RENEWAL OR REINSTATEMENT OF DELINQUENT LICENSE; AMENDING SECTION 67-2919, IDAHO CODE, AS AMENDED, TO INCREASE LICENSE RENEWAL FEE AND AMENDING SECTION 67-2922, IDAHO CODE, AS AMENDED, TO INCREASE REEXAMINATION FEE.

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

SECTION 1. That Section 54-505, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

54-505. QUALIFICATIONS FOR CERTIFICATE OF REGISTRATION AS REGISTERED BARBER.—A person is qualified to receive a certificate of registration to practice barbering:

1. Who is qualified under the provisions of Section 54-506;
2. Who is of good moral character and temperate habits.
3. Who has completed a six months' course in an ap-
proved school of barbering and who has practiced as a registered apprentice barber for a period of eighteen months under the immediate personal supervision of a registered barber, provided that the period of apprenticeship for those persons who possess a certificate of registration as a registered apprentice at the time this section becomes law shall be one year; and they shall be required to submit to a barber's examination.

4. An applicant for a certificate of registration to practice as a registered barber who fails to pass a satisfactory examination conducted by the department must complete *** three months of not less than 500 hours in an approved school of barbering *** before he is again entitled to take the examination for a registered barber. It shall be unlawful to practice as a barber without a certificate as a registered barber.

SECTION 2. That Section 54-506, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

54-506. QUALIFICATIONS FOR CERTIFICATE OF REGISTRATION AS REGISTERED APPRENTICE.—A person is qualified to receive a certificate of registration as a registered apprentice:

1. Who has two years of high school or an equivalent education as determined by an examination conducted by the department.

2. Who is at least sixteen and one-half years of age and who is a citizen of the United States or has declared intentions of becoming a citizen, provided, however, that the matter of citizenship shall not apply to persons who are ineligible for citizenship due to treaties with foreign nations.

3. Who is of good moral character and temperate habits.

4. Who has completed a six months' course in a school of barbering approved by the department of law enforcement.

5. An applicant for a certificate of registration to practice as an apprentice who fails to pass a satisfactory examination must complete a further course of * three months of not less than 500 hours in an * approved school of barbering before he is entitled to take an examination again.

6. It shall be unlawful to practice as an apprentice without a certificate of registered apprentice.
SECTION 3. That Section 54-507, Idaho Code, be, and the same is hereby amended to read as follows:

54-507. APPROVED BARBER COLLEGES — REQUIREMENTS — BOND. — No school teaching the art or science of barbering shall be approved by the department nor shall it operate or be recognized as a school of barbering, unless the entrance requirements are equal to those which are required for apprentices under section 54-506. An approved college may teach special courses, but as a prerequisite to graduation the college must give a course of instruction of not less than one thousand hours over a period of not less than six months and include in its course of instruction the following subjects:

Scientific fundamentals for barbering; hygiene; bacteriology; histology of the hair, skin, nails, muscles and nerves; structure of the head, face and neck; elementary chemistry relating to sterilization and antiseptics; diseases of the skin, hair, glands and nails; massaging and manipulating the muscles of the upper body; hair cutting; shaving; and arranging, dressing, coloring, bleaching and tinting of the hair.

For the purpose of this chapter, a recognized *** approved barber school or college (hereinafter referred to as a college) shall be understood to be a college that has met with the provisions of this chapter, and has a valid unrevoked certificate issued by the department of law enforcement (referred to as the department), to the effect that said college is approved by the state of Idaho.

No college in the state shall advertise or use any signs or terms to indicate that the college is approved, recognized, accredited, or certified, unless said college is approved by the department. Every college shall advertise as a college and make known to the public and customers that the work is being done by students.

All instructors in an * approved college must be licensed in the State of Idaho to practice barbering.

Every instructor in an * approved college shall devote his or her entire time during class hours to that of instructing the students and shall not apply his time to that of private or public practice during the school or class hours.

School hours for the purpose of instruction in an * approved college shall not begin before nine A.M., or con-
continue longer than six P.M., and shall be *** conducted for at least five days during the week except Sunday and holidays.

The school day in an * approved college shall not be divided into periods that may work to the detriment of the students. Each student shall be required to work or receive instruction in the college at least seven hours each day. Credit will be allowed students for their actual time in attendance at the college, but not to exceed eight hours per day.

A college furnishing satisfactory evidence that it is maintaining the requirements set forth in this chapter, whether located within or without the state, shall, upon the payment of the required fee, be issued a certificate to the effect that the college is approved by the department.

A certificate issued to a college must be renewed annually on July first of each year. Should a college fail or refuse to renew a certificate said college shall cease to operate if within the state of Idaho and be removed from the list of the approved colleges.

The department may cancel or refuse to renew a certificate issued to a college upon proof that said college has failed or refused to meet with the requirements for approved colleges set forth in this chapter.

One instructor must be employed to each * fifteen (15) students or fractional part thereof.

Every school or college ** approved by the department shall deliver to the department, a bond to the state of Idaho in a form approved by the commissioner, and renew the same annually, in the sum of * $2,000, executed by a corporate surety company duly authorized to do business in this state, conditioned that such school or college shall continue to give its courses of instruction, in accordance with the provision of this chapter, until it has completed all such courses for which students have enrolled, and conditioned that such school or college shall fully comply with all promises or representations made to enrolled students as an inducement to such students to enroll. Any student so enrolled who may be damaged by reason of the failure of such school or college to comply with such conditions, shall have a right of action in his or her own name, on such bonds, for such damage.

SECTION 4. That Section 54-508, Idaho Code, be, and the same is hereby amended to read as follows:
54-508. ONE INSTRUCTOR FOR EACH FIFTEEN STUDENTS.—From and after the effective date of this act each approved barber college in the state of Idaho shall employ not less than one instructor for each fifteen students receiving instruction in such barber college.

SECTION 5. That Section 54-509, Idaho Code, be, and the same is hereby amended to read as follows:

54-509. APPLICATION FOR EXAMINATION.—Each applicant for examination shall:

Make application to the department of law enforcement on blank form prepared and furnished by said department and furnish to the department three photographs of the applicant, two to accompany the application and one to be returned to the applicant, to be presented to said department when the applicant appears for examination. Should he pass, one photograph is attached permanently to his certificate of registration, and he shall pay to the department the required fee.

All applicants for barber examination and students applying for enrollment in barber college shall furnish a certificate from a physician licensed to practice medicine and surgery in the state of Idaho stating that the applicant has had a laboratory blood test to detect syphilis and a chest x-ray, and that he has no contagious, infectious, or communicable disease.

SECTION 6. That Section 54-512, Idaho Code, be, and the same is hereby amended to read as follows:

54-512. PERSONS HAVING PRACTICED BARBERING IN ANOTHER STATE OR COUNTRY.—A person who is at least eighteen years of age and of good moral character and temperate habits, and who has completed two years of high school or its equivalent as determined by an examination conducted by the department, and either:

1-a. Has a license or certificate of registration as a practicing barber from another state or country, which has substantially the same requirements for licensing or registering barbers as required by this chapter, or

2-a. Who can prove by sworn affidavits that he has practiced as a barber in another state or country for at least three years immediately prior to making application in this state:
Shall, upon the payment of required fee, be entitled to take an examination as a registered barber. Upon failing he may upon paying required fee be eligible to another barbers' examination. *It is unlawful for any person to practice as a registered barber without a certificate of registration.*

1-b. A person who is at least sixteen and one-half years of age.

2-b. Who is of good moral character and temperate habits.

3-b. Who has ***completed two years of high school* or an equivalent education as determined by an examination conducted by the department;

4-b. Who has a certificate of registration as an apprentice in another state or country, which has substantially the same requirements for licensing or registering apprentices as required by this chapter.

Shall, upon the payment of the required fee, be entitled to take the examination as an apprentice. Upon failure to pass such examination, he shall be required to take a *three months' course of not less than 500 hours* in an *approved school of barbers*, before being permitted to take an examination again. The failure to appear for any examination provided for in this chapter shall cause an immediate forfeiture of the certificate of registration as an apprentice herein provided for. It is unlawful for any person to practice as an apprentice without a certificate of registration.

**SECTION 7.** That Section 54-515, Idaho Code, be, and the same is hereby amended to read as follows:

54-515. **RENEWAL OF LICENSES.**—All persons required to procure licenses from the department of law enforcement as a prerequisite for engaging in a trade, occupation or profession, or for the operation of a barber shop, must annually renew the same on July first of each year. In case of failure to so renew a license, the department shall cancel the same October first, following date of delinquency; provided, however, that the department may reinstate any license canceled for failure to renew the same on payment of a penalty of **$25.00**, together with all fees delinquent at the time of the cancelation and the renewal fee for each year thereafter up to the time of reinstatement.
SECTION 8. That Section 54-518, Idaho Code, be, and the same is hereby amended to read as follows:

54-518. FEES.—The fee for a certificate to operate an approved college within the state, shall be * $100 per annum. The fee for the issuance of a certificate to an approved barber college located outside the state, shall be ** $10.00 per annum, or for any part of a year. All certification issued to colleges shall expire on June thirtieth of each year following the date of issuance and may be renewed upon the payment of the proper fee. The fee for a certificate issued to a college located within the state shall not be prorated, except that a certificate may be issued for a period of not to exceed six months for ** $70.00, but in any event certificates shall expire on June thirtieth following date of issuance.

The fee to be paid by an applicant required to take an examination to determine his fitness to receive a certificate of registration to practice barbering, shall be * $25.00. Should the applicant fail in the examination the fee is not returnable. All applicants who pass the examination shall be issued a license upon the payment of a certificate fee of * $5.00.

The fee to be paid by an applicant to determine his fitness to receive a certificate of registration as an apprentice shall be * $25.00. Should the applicant fail in the examination the fee is not returnable. All applicants who pass shall be issued a license upon payment of * $5.00, the certificate fee.

The fee for a barber shop license, which must be renewed annually shall be *** $5.00.

The department shall, when necessary, examine an applicant to determine his preliminary education, upon the payment of * $5.00.

SECTION 9. That Section 54-521 Idaho Code, be, and the same is hereby amended to read as follows:

54-521. DEPARTMENT OF LAW ENFORCEMENT—POWERS AND DUTIES—DESIGNATION OF PERSONS TO REPORT TO DEPARTMENT.—The department of law enforcement (in this chapter referred to as the department) in addition to the powers herein elsewhere conferred, shall have the following powers and it shall be the duty of the department:
1. To conduct examinations to ascertain the qualifications and fitness of applicants for licenses hereunder and to pass upon the qualifications of all applicants for licenses.

2. To conduct hearings and proceedings to revoke licenses issued under this chapter and to revoke such licenses subject to the provisions of this chapter.

3. To designate what schools of barbering within and without the state are approved schools, and from time to time, to change such designations and to keep public records thereof.

4. To prescribe rules and regulations for a fair and a wholly impartial method of examination of applicants for licenses hereunder and for conducting hearings for the revocation of licenses, defining the qualifications of an approved school of barbering and for the administration of this chapter in general.

Excepting the regulations of schools under section 54-507 hereof, and the issuance of licenses under section 54-513, none of the powers and duties specified in the foregoing subdivisions of this section, one to four inclusive, shall be exercised by the said department except on the action and report in writing of boards designated from time to time by the commissioner of law enforcement hereinafter referred to as the commissioner, to take such action and make such report as follows:

Three persons, one from Northern, one from Central and one from Southeastern Idaho, each of whom shall be a resident of the state of Idaho, duly licensed under the provisions of this chapter, each of whom shall have been, at the time of his appointment, actually engaged in the practice of barbering, in all its branches, in the state of Idaho as his principal occupation for at least three years prior thereto. These three shall comprise the administrative board. The commissioner shall also appoint in each of the three districts, two (2) barbers having the same qualifications as members of the administrative board, who shall have authority to assist in conducting barber examinations in that district. The administrative board and all assistants shall be allowed their actual expenses incurred in the performance of their official duties as provided by law and a per diem allowance of * $15.00 per day for each day of actual service.

The action and report in writing of the board so designated shall be sufficient authority upon which the com-
missioner of law enforcement may act. In making the designation of such board the commissioner shall give due consideration to the recommendation of persons licensed hereunder and actually engaged in the practice of barbering in this state.

Whenever the commissioner is satisfied that substantial justice has not been done by a board, either in examination or in the revocation of a license or otherwise, he may order reexamination or rehearing by the same or other boards.

**SECTION 10.** That Section 54-524, Idaho Code, be, and the same is hereby amended to read as follows:

54-524. PHYSICAL EXAMINATION REQUIRED OF PRACTITIONERS—INSPECTION RULES.—All persons licensed and practicing, in this state, under the provisions of this chapter, shall be required to submit at the time of the licensing examination, a report of freedom from any contagious, communicable or infectious disease, including tuberculosis. Such report shall be signed by a physician licensed to practice medicine and surgery in the state of Idaho and shall include the report of a chest x-ray. Inspection of barbers and barber shops for the purpose of enforcing the provisions of this chapter shall be made by the department of public health. The department of law enforcement shall have authority to make reasonable rules and regulations for the administration of the provisions of this chapter and prescribe sanitary requirements for barber shops and barber schools, subject to the approval of the department of public health, officers of which, or their agents, shall have authority to enter upon and to inspect any barber shop or barber school at any time during business hours. A copy of the rules and regulations adopted by the department of law enforcement shall be furnished by the said department of law enforcement to the owner and manager of each barber shop and barber school, and such copy shall be posted in a conspicuous place in such barber shop or barber school.

**SECTION 11.** That Section 67-2917, Idaho Code, be, and the same is hereby amended to read as follows:

67-2917. ISSUANCE OF LICENSES—LOSS OF LICENSE—ISSUANCE OF DUPLICATE—FEE.—All certificates, licenses and authorities shall be issued by the department of law enforcement in the name of such department, with the seal thereof attached: provided, that if any certificate, license or authority issued by such depart-
ment shall be lost or destroyed, the department is hereby authorized on application of the owner thereof, to issue a certified copy or a duplicate under the seal of such department; the applicant asking for such duplicate or certified copy, shall accompany the application with an affidavit setting forth the facts showing that the original has been lost or destroyed; that for such certified copy or duplicate, the department shall charge a fee of ** $5.00, which fee shall be by the department handled as other fees collected for licenses.

**SECTION 12.** That Section 67-2918, Idaho Code, be, and the same is hereby amended to read as follows:

67-2918. RENEWAL OR REINSTATEMENT OF LICENSE.—All persons required to procure licenses from the department of law enforcement as a prerequisite for engaging in a trade, occupation, or profession must annually renew the same on July first of each year. In case of failure so to renew a license, the department shall cancel the same, October first, following the date of delinquency: provided, however, that the department may reinstate any license canceled for failure to renew the same on payment of ** $25.00, together with all fees delinquent at the time of cancelation and the renewal fee for each year thereafter up to the time of reinstatement.

Provided further, that where a license has been canceled for a period of more than five years, the person so affected shall be required to make application to the department of law enforcement, using the same forms and furnishing the same information as required of a person originally applying for a license, and pay the same fee that is required of a person taking the examination in the particular profession in which said person holds a canceled Idaho license. Said applicant shall appear in person before the department of law enforcement at any regular or special meeting for an examination, the nature of which shall be determined by the department. If after an examination the department is of the opinion that the person examined is the bona fide holder of the canceled license, is of good moral character and, if found capable of again practicing in this state the profession for which the original or canceled license was granted, the license shall be reinstated and the holder thereof entitled to practice subject to the laws of this state.

**SECTION 13.** That Section 67-2919, Idaho Code, as
amended, be, and the same is hereby amended to read as follows:

67-2919. RENEWAL OF LICENSES—FEE.—The li-
centiate shall pay to the department of law enforcement annually a renewal fee of not less than two dollars, pro-
vided, however, that in the following licensed occupations, the fee for renewal of a license shall be:

1. For certified public accountants, a fee of ten dollars ($10.00) per annum;
2. For architects, a fee of ten dollars ($10.00) per an-
num;
3. For chiropodists, a fee of ten dollars ($10.00) per annum;
4. For chiropractors, a fee of ten dollars ($10.00) per annum;
5. For dentists, a fee of ten dollars ($10.00) per annum;
6. For embalmers, a fee of ten dollars ($10.00) per an-
num;
7. For funeral directors, a fee of ten dollars ($10.00) per annum;
8. For optometrists, a fee of ten dollars ($10.00) per annum;
9. For osteopaths, a fee of ten dollars ($10.00) per annum;
10. For veterinarians, a fee of ten dollars ($10.00) per annum;
11. For barbers, a fee of *** five dollars ($5.00) per an-
num;
12. For cosmeticians, a fee of three dollars ($3.00) per annum;

SECTION 14. That Section 67-2922, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

67-2922. PAYMENT OF REEXAMINATION AND CERTIFICATE FEES.—Should an applicant who is re-
quired to procure a license from the department of law en-
forcement as a prerequisite for engaging in a trade, occu-
pation, or profession fail to pass the required examination
the applicant may be reexamined at any regular or special meeting of the department acting as such board of examiners, upon the payment of ** $25.00 reexamination fee; Provided, however, that the reexamination fee for certified public accountants shall be fifteen dollars ($15.00).

Every person who is licensed by the department of law enforcement as a prerequisite to engage in a trade, occupation, or profession may upon the payment of a one dollar fee receive a certificate setting forth that the holder thereof is duly registered and licensed to practice his profession in the state of Idaho.

Approved March 11, 1961.

CHAPTER 205
(H. B. No. 171)

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense, capital outlay of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:

SOIL CONSERVATION COMMISSION:
For: Salaries and Wages $21,310
     Travel Expense 7,500
     Other Current Expense 2,850
     Capital Outlay 500
CHAPTER 206
(H. B. No. 158)

AN ACT

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

SECTION 1. There is hereby appropriated out of the Sheep Commission fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay, of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  

Appropriations:

SHEEP COMMISSION

For:

Salaries and Wages ................................. $132,672
Travel Expense ..................................... 16,900
Other Current Expense ............................ $ 41,927
Capital Outlay .................................... 550

TOTAL ............................................. 192,049

From the:

Sheep Commission Fund ......................... 192,049

Approved March 11, 1961.
CHAPTER 207  
(H. B. No. 132)

AN ACT

AMENDING CHAPTER 1 OF TITLE 33, IDAHO CODE, AS AMENDED, BY REPEALING SECTION 33-116, IDAHO CODE, RELATING TO THE GRADING AND CLASSIFICATION OF HIGH SCHOOLS BY THE STATE BOARD OF EDUCATION, AND BY ADDING THERETO A NEW SECTION FOLLOWING SECTION 33-115, TO BE KNOWN AND DESIGNATED AS SECTION 33-116, PROVIDING FOR THE ACCREDITING OF SECONDARY SCHOOLS, FOR THE ESTABLISHMENT OF REQUIREMENTS FOR ELEMENTARY SCHOOLS, AND FOR THE ESTABLISHMENT OF MINIMUM QUALIFICATIONS FOR GRADUATION FROM AN ACCREDITED SECONDARY SCHOOL BY THE STATE BOARD OF EDUCATION; AND DEFINING, FOR THE PURPOSES OF THIS ACT, ELEMENTARY AND SECONDARY SCHOOLS.

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

SECTION 1. That Section 33-116, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 1 of Title 33, Idaho Code, as amended, be, and the same is hereby amended by adding thereto a new section following Section 33-115, to be known and designated as Section 33-116, Idaho Code, and to read as follows:

33-116. The state board of education is hereby empowered to establish standards for accreditation of secondary schools in this state and to set forth minimum requirements to be met by any secondary school, including secondary schools in chartered districts, for accredited status. The state board of education is further empowered to establish requirements and standards for the elementary schools of the state, including those in chartered districts, which they may deem advisable and necessary.

The state board of education is further empowered to withdraw accreditation from any secondary school, including secondary schools in chartered school districts, after such period as the state board of education may establish when it has been determined by the state board that any secondary school has neglected or failed to conform to the established accreditation standards; to accredit new secondary schools, or to reinstate as accredited any sec-
ondary school from which accreditation has been withdrawn when, in the judgment of the state board of education such secondary school has again qualified to be an accredited secondary school. The state board of education shall have power to establish minimum qualifications for any pupil, to be met by such pupil, to qualify for graduation from an accredited secondary school, including those in chartered districts.

"Secondary school" for the purposes of this act shall mean a school which, for operational purposes, is organized and administered on a basis of grades seven through twelve, inclusive, nine through twelve, inclusive, or any combination thereof.

"Elementary school" for the purposes of this act shall mean a school which, for operational purposes, is organized and administered on a basis of grades one through six, inclusive, one through eight, inclusive, or any combination of grades, one through six, inclusive.

Approved March 11, 1961.

CHAPTER 208
(H. B. No. 290)
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 following sums of money, or so much thereof as may be necessary, for the purpose of paying travel expense and other current expense of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:
To Whom Appropriated:

Supreme Court for the Commission on Uniform Laws:

For:
- Travel Expense: $2,825.00
- Other Current Expense: $2,175.00

Total: $5,000.00

From the General Fund: $5,000.00

Approved March 11, 1961.

CHAPTER 209
(H. B. No. 298)

AN ACT

Appropriating $1,100,000, 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 sole purpose of paying the state's participation in Old Age and Survivors' Insurance Program under 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 with the passage of this Act and ending June 30, 1963, in accordance with Chapter 11, Title 59, Idaho Code, as amended; and declaring an emergency.

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

Section 1. That there is hereby appropriated from the General Fund of the State of Idaho to the State Social Security Trust Fund, the sum of $1,100,000., or so much thereof as may be necessary, for the sole 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 with the passage of this Act and ending June 30, 1963, in accord-

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense, capital outlay, of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  
STATE INSPECTOR OF MINES:

For:  
Salaries and Wages .................... $34,500.00
Travel Expense ..................... 8,000.00
Other Current Expense ............. 8,000.00
Capital Outlay ...................... 100.00

Total .................................. $50,600.00

From the General Fund ............... $50,600.00

Approved March 11, 1961.
CHAPTER 211  
(H. B. No. 297)  

AN ACT  

APPROPRIATING MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO TO THE CHILDREN’S HOME SOCIETY OF IDAHO, BOISE, IDAHO, AND TO THE CHILDREN’S HOME FINDING AND AID SOCIETY OF NORTH IDAHO, LEWISTON, IDAHO, AND TO THE BOOTH MEMORIAL HOSPITAL FOR INDIGENT MOTHERS, BOISE, IDAHO, FOR THE PERIOD BEGINNING JULY 1, 1961 AND ENDING JUNE 30, 1963; SUBJECT TO THE STANDARD APPROPRIATIONS ACT OF 1945.  

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

SECTION 1. That there is hereby appropriated out of the General Fund of the State of Idaho the following sums of money, or so much thereof as may be necessary, for the purpose of paying relief and pensions to the agencies and institutions herein named for the period beginning July 1, 1961 and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:  

To Whom Appropriated: Appropriations:  
Children’s Home Society of Idaho, Boise $50,000.  
Children’s Home Finding and Aid Society, Lewiston $65,000.  
Booth Memorial Hospital for Indigent Mothers $30,000.  

Approved March 11, 1961.  

CHAPTER 212  
(H. B. No. 299)  

AN ACT  

APPROPRIATING MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO, TO THE VETERANS AFFAIRS COMMISSION FOR THE PURPOSE OF PAYING SALARIES AND WAGES, TRAVEL EXPENSE, OTHER CURRENT EXPENSE, CAPITAL OUTLAY AND RELIEF AND PENSIONS FOR THE PERIOD COMMENCING JULY 1, 1961, AND ENDING JUNE

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense, capital outlay and relief and pensions of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
VETERANS AFFAIRS COMMISSION:
For: Salaries and Wages $ 63,000.
      Travel Expense 5,000.
      Other Current Expense 11,000.
      Capital Outlay 400.
      Relief and Pensions 78,200.
Total 157,600.
From the General Fund $157,600.

SECTION 2. The sum of $1,000 included above is for the purpose of the annual encampment of the United Spanish-American War Veterans.

Approved March 11, 1961.

CHAPTER 213
(S. B. No. 165)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO, TO THE LIEUTENANT GOVERNOR, FOR THE PURPOSE OF PAYING SALARIES AND WAGES, TRAVEL EXPENSE, AND OTHER CURRENT EXPENSE, FOR THE PERIOD COMMENCING JULY 1, 1961, AND ENDING JUNE 30, 1963; SUBJECT TO THE PROVISIONS OF THE STANDARD APPROPRIATIONS ACT OF 1945; 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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense and other current expense of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945.

To Whom Appropriated: Appropriations:
LIEUTENANT GOVERNOR:
For: Salaries and Wages $7,510
     Travel Expense $1,917
     Other Current Expense $323

Total $9,750
From the General Fund $9,750

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

Approved March 11, 1961.

CHAPTER 214
(S. B. No. 161)

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying other current expense and capital outlay of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:
CHAPTER 215
(S. B. No. 162)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO, TO THE DEPARTMENT OF RECLAMATION FOR THE PURPOSE OF PAYING SALARIES AND WAGES, TRAVEL EXPENSE, OTHER CURRENT EXPENSE AND CAPITAL OUTLAY FOR THE PERIOD COMMENCING JULY 1, 1961, AND ENDING JUNE 30, 1963; SUBJECT TO THE PROVISIONS OF THE STANDARD APPROPRIATIONS ACT OF 1945:

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  
DEPARTMENT OF RECLAMATION:

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<th>Appropriations</th>
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<td>Salaries and Wages</td>
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<td>Travel Expense</td>
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<td>Other Current Expense</td>
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<td>Capital Outlay</td>
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<td>Total</td>
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<td>Less Other Income</td>
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<td>From the General Fund</td>
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Approved March 11, 1961.
CHAPTER 216
(S. B. No. 132)

AN ACT

RELATING TO PUBLIC WORKS CONTRACTORS; AMENDING SECTION 54-1903, IDAHO CODE, TO PROVIDE THAT THIS ACT SHALL NOT APPLY TO ANY CONSTRUCTION, ALTERATION, IMPROVEMENT OR REPAIR INVOLVING AN ESTIMATED COST OF LESS THAN $1,000.00.

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

SECTION 1. That Section 54-1903, Idaho Code, be, and the same is hereby amended to read as follows:

54-1903. EXEMPTIONS. — This act shall not apply to:

(a) An authorized representative of the United States government, the state of Idaho, or any incorporated town, city, county, irrigation district, reclamation district or other municipal or political corporation or subdivision of this state.

(b) Officers of a court when they are acting within the scope of their office.

(c) Public utilities operating under the jurisdiction of the public utilities commission of the state of Idaho on construction, maintenance and development work incidental to their own business.

(d) The sale or installation of any finished products, materials or articles of merchandise, which are not actually fabricated into and do not become a permanent fixed part of the structure.

(e) Any construction, alteration, improvement or repair of personal property.

(f) Any construction, alteration, improvement or repair carried on within the limits and boundaries of any site or reservation, the title of which rests in the federal government.

(g) Any construction or operation incidental to the construction and repair of irrigation and drainage ditches of regularly constituted irrigation districts or reclamation districts, except when performed by a person required to be licensed under this act.
(h) Duly licensed architects and civil engineers when acting solely in their professional capacity.

(i) Any construction, alteration, improvement or repair involving an estimated cost of less than $1,000.00.

Approved March 11, 1961.

CHAPTER 217
(S. B. No. 135)

AN ACT

AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY AMENDING SECTION 56-201, AS AMENDED, TO DEFINE PUBLIC ASSISTANCE TO INCLUDE AID TO THE PERMANENTLY AND TOTALLY DISABLED AND MEDICAL ASSISTANCE FOR THE AGED AND TO DEFINE AID TO THE PERMANENTLY AND TOTALLY DISABLED AND MEDICAL ASSISTANCE FOR THE AGED; BY AMENDING SECTION 56-203, AS AMENDED, TO PROVIDE THAT THE STATE DEPARTMENT SHALL HAVE THE POWER TO ESTABLISH SUCH RULES AND REGULATIONS FOR THE ADMINISTRATION OF MEDICAL ASSISTANCE FOR THE AGED AS MAY BE NECESSARY TO THE RECEIPT OF FEDERAL FINANCIAL PARTICIPATION THEREIN; BY ADDING A NEW SECTION TO BE KNOWN AND DESIGNATED AS SECTION 56-209A TO ESTABLISH THE AMOUNT OF MEDICAL ASSISTANCE FOR THE AGED WHICH ANY INDIVIDUAL SHALL BE ELIGIBLE TO RECEIVE.

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

SECTION 1. That Section 56-201, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

56-201. DEFINITIONS. — As used in this act:

(a) "State department" shall mean the state department of public assistance;

(b) "Commissioner" shall mean the commissioner of public assistance;

(c) "Public welfare" shall mean public assistance and social services;
(d) "Social services" shall mean activities of the department in efforts to bring about economic, social and vocational adjustment of families and persons;

(e) "Public assistance" shall include general assistance, old-age assistance, aid to the blind, * aid to dependent children, aid to the permanently and totally disabled, and medical assistance for the aged;

(f) "General assistance" shall mean direct assistance in cash, direct assistance in kind, and supplementary assistance;

(g) "Direct assistance in cash" shall mean money payments to needy people not classified as old-age assistance, or aid to the blind, or aid to dependent children, or aid to the permanently and totally disabled, or medical assistance for the aged;

(h) "Direct assistance in kind" shall mean payments to others on behalf of a person or family in need for food, rent, clothing, and other normal subsistence needs;

(i) "Supplementary assistance" shall mean payments to others in behalf of a person or family in need for medical and surgical aid, nursing and hospital services, transportation, costs incidental to social and vocational adjustment, foster care, physical and medical appliances, medical supplies, and payments toward the funeral expenses of such persons when deceased;

(j) "Old-age assistance" shall mean money payments to or medical care in behalf of needy aged people.

(k) "Aid to the blind" shall mean money payments to or medical care in behalf of blind people who are needy;

(l) "Aid to dependent children" shall mean money payments with respect to or medical care in behalf of needy dependent children;

(m) "Needy aged" shall mean any person 65 years or older, whose income and sources of subsistence are insufficient to supply him with the common necessities of life commensurate with his needs and health, and who possesses the other qualifications which entitle him to the assistance awarded under this act.

(n) "Services to the blind" shall mean: (1) establishment and maintenance of a comprehensive and continuing register of the blind in Idaho; (2) home teaching for the
adult blind and any blind persons not otherwise provided for throughout the state; (3) comprehensive vocational rehabilitation and placement services.

(o) "Sight conservation" shall mean medical and surgical eye treatment, including hospitalization when necessary, for the purposes of restoring or conserving sight, provided to individuals without financial resources to procure such services for themselves and the dissemination of information to the general public on subjects of preventing blindness and conserving sight.

(p) "Aid to the permanently and totally disabled" shall mean money payments to or medical care in behalf of needy individuals eighteen years of age or older who are permanently and totally disabled.

(q) "Medical assistance for the aged" shall mean payments for medical care, or any type of remedial care, the practice of which is licensed by the state of Idaho, rendered on behalf of needy individuals who are 65 years of age or older, and who are not recipients of old age assistance.

SECTION 2. That Section 56-203, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

56-203. POWERS OF STATE DEPARTMENT. — The state department shall have the power to:

(a) Enter into contracts and agreements with the federal government through its appropriate agency or instrumentality whereby the state of Idaho shall receive federal grants-in-aid or other benefits for public assistance or public welfare purposes under any act or acts of congress heretofore or hereafter enacted;

(b) Cooperate with the federal government in carrying out the purposes of any federal acts pertaining to public assistance or welfare services, and in other matters of mutual concern;

(c) Cooperate with county governments and other branches of government and other agencies, public or private, in administering and furnishing public welfare services;

(d) Enter into reciprocal agreements with other states relative to the provisions of public assistance and welfare services to residents and nonresidents.

(e) Initiate and administer public assistance and social services for the prevention of blindness and for persons
physically or mentally handicapped, and the services to the blind, including medical eye care, instruction in the home, social adjustment, and vocational rehabilitation. The state department is hereby designated as the agency to administer rehabilitation for the blind, as provided for by the United States Public Law No. 113, being statute 57, chapter 190, page 374 of United States Statute at large, 78th Congress, first session, and shall act as the official state agency to collaborate with the federal government in the administration of any subsequent programs that may be set up for the purpose of rehabilitating the blind.

(f) Establish such requirements of residence for public assistance under this act as may be deemed advisable, subject to any limitations imposed in this act; and

(g) Take such other action as may be necessary or proper to carry out the provisions of this act, including the establishment of such rules and regulations for the administration of medical assistance for the aged as may be necessary to the receipt of federal financial participation therein.

(h) Accept or refuse commitments of children upon orders of the probate courts issued according to the provisions of chapters 16 and 18, title 16, Idaho Code, provided if the department of public assistance shall take such commitments it shall whenever practicable utilize the services of a benevolent or charitable society incorporated under chapter 11 of title 30, as provided in Idaho Code 16-1601.

SECTION 3. That Chapter 2, Title 56, Idaho Code, be, and the same is hereby amended by adding thereto two new sections immediately following Section 56-209, to be known and designated as Sections 56-209a and 56-209b, to read as follows:

56-209a. AID TO THE PERMANENTLY AND TOTALLY DISABLED. — Aid to the permanently and totally disabled shall be awarded to needy persons who have attained the age of eighteen years and who are permanently and totally disabled but who are not inmates of public institutions (except as patients in medical institutions) and who are not patients in an institution for tuberculosis or mental diseases or who are not patients in any medical institution as a result of having been diagnosed as having tuberculosis or psychosis.

56-209b. MEDICAL ASSISTANCE FOR THE AGED. — Medical assistance for the aged shall be awarded to
persons who have attained the age of sixty-five years, who
are not recipients of old-age assistance but whose income
and resources are insufficient to meet the costs of necessary
medical or remedial care.

SECTION 4. That Chapter 2, Title 56, Idaho Code, be,
and the same is hereby amended by adding thereto a new
section, immediately following Section 56-210, to be known
and designated as Section 56-210a, to read as follows:

56-210a. AMOUNT OF MEDICAL ASSISTANCE FOR
THE AGED. — The amount of medical assistance for the
aged which any individual shall be eligible to receive during
any calendar month, shall be determined in accordance with
the rules and regulations of the state department and shall
be in relation to the amount by which the cost of such medi­
cal assistance for the aged for that month exceeds a combina­
tion of one-twelfth of so much of the savings and cash
assets of the individual as exceeds $2,000.00 plus so much of
the income of the individual as exceeds his ordinary monthly
expenses and obligations, provided that any individual who
owns in excess of $10,000.00 of savings and cash assets shall
not be eligible to receive medical assistance for the aged. In
determining the amount of savings which an individual has
for purposes of this act, the department may consider the
value of real and personal property, provided that the de­
partment may disregard the value of an individual's real
property used by him as a residence or such portion of the
value thereof as the department shall determine to be a
reasonable amount.

Approved March 11, 1961.

CHAPTER 218
(S. B. No. 174)

AN ACT
AMENDING SECTION 38-105, IDAHO CODE, TO PROVIDE THAT
DISTRICT STATE FOREST WARDENS SHALL BE APPOINT­
ED BY THE STATE FORESTER ON THE RECOMMENDA­
TION OF THE PROTECTIVE AGENCY REPRESENTING THE
FOREST LAND OWNERS OF EACH FOREST PROTECTIVE
DISTRICT; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 38-105, Idaho Code, be, and the same is hereby amended to read as follows:

38-105. FOREST PROTECTIVE DISTRICTS — FOREST WARDENS — DUTIES OF THE STATE FORESTER. — The state forester of the state of Idaho shall divide the state into districts to be known and designated as forest protective districts, having due regard in establishing the boundaries thereof, to the adequate, effective and economical protection of forest lands therein; he shall * * * appoint one forest warden for each of the districts of the state * * * on the recommendation of the protection agency representing the forest land owners in each such district, and such forest wardens so appointed shall be paid by the owners of forest lands within said districts, and shall in no case be paid by the state, except as hereinafter provided in sections 38-121 and 38-131, and shall at all times be responsible to and under the direction and control of the State Forester and shall perform such duties at such times and places as he shall direct. If, in any district, there is no regularly appointed forest warden, through failure of the state forester to appoint, or through death, resignation or removal, the sheriff of the county shall be ex officio forest warden of that portion of the district within the limits of his county until retired by the appointment of a forest warden for such district. All of such appointments shall be for one year unless sooner revoked and the state forester may at any time revoke any such appointment. The forest warden so appointed may appoint deputy forest wardens within their respective districts, who shall also be paid in the same manner as the forest wardens of their districts. No such appointment shall be valid, however, unless the forest warden making such appointment shall, within forty-eight hours after making the appointment, notify the state forester thereof by mail, stating the name and home address of the deputy, location and nature of work for which employed and rate of compensation. A copy of such notification shall be made and retained by the forest warden. All the officers provided for in this act shall have and exercise police powers while engaged in performing the duties of their respective offices. The state forester shall prepare an abstract of the laws relating to forest fires, together with all the rules and regulations for the prevention and control thereof, and before April first of each year shall forward printed copies to all forest wardens, railroad companies, sheriffs and chairmen of county boards. The wardens shall post such abstracts in numerous conspicuous places in their respective districts. The state forester shall within thirty days after the estab-
lishment or change of boundaries of a forest protective
district, give notice thereof by publication in four consecu-
tive issues of a weekly newspaper located and having a
circulation within the county or counties, any part or parts
of which lie within such forest protective district. The
notice shall define the boundaries of said district.

Whenever the term "fire warden" appears in this chapter
or any other law of the state of Idaho, or rule or regulation
promulgated under either, obviously meaning the "forest
warden" provided for in this section, the same shall be
interpreted to mean the "forest warden" provided for in
this section.

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

Approved March 11, 1961.

CHAPTER 219
(S. B. No. 182)

AN ACT
TO PENALIZE FOR CARELESS USE OF GUNS, PROVIDING
FOR REVOCATION OF HUNTING LICENSE AND SPECIFY-
ING CAUSES THEREFOR; PROVIDING FOR HEARING AND
PROCEDURE; PROVIDING FOR PERIODS OF LICENSE REV-
OCATION, AND CONCURRENT COURT AUTHORITY ON
LICENSE REVOCATION; PROVIDING FOR SURRENDER OF
HUNTING LICENSE AND NOTICE OF REVOCATION, AND
FOR APPEAL TO DISTRICT COURT.

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

SECTION 1. REVOCATION OF HUNTING LICENSE
— CAUSES. — The Director of the Idaho Fish and Game
Department shall revoke the hunting license of any person,
and deny them the right to secure any hunting license, in
the manner hereinafter provided, for any of the following
acts, and for the periods specified. The Director, or a
referee he may appoint, shall have authority to hold a
hearing, subpoena any witness requested by the complain-
ant or by the person accused, administer oaths, and re-
quire and receive evidence, oral or in written deposition,
in any case where any person who, according to information received, while hunting is alleged:

a) To have carelessly handled a gun that caused accident and injury to person or property;

b) To have carelessly handled a gun that caused injury to livestock of another;

c) To have carelessly injured a human being by gunfire;

d) To have caused accidental injury or death to a person by gunfire and fled or failed to render assistance;

e) To have caused injury or death to a person by gunfire, and not furnished proof to the Director or his referee that he has been released from all liability for ambulance, hospital, medical, funeral bills, and other related expense, from the injured person, or his heirs in case of death; provided that a satisfaction of any judgment rendered against the person accused because of any such act shall be deemed a satisfactory release hereunder.

f) To have caused damage to livestock by gunfire, and not furnished proof to the Director or his referee, that he has been released from all liability by the owner of such livestock therefor; provided that a satisfaction of any judgment rendered against the person accused because of any such act shall be deemed a satisfactory release hereunder.

Section 2. Hearing Procedure. — Any person may prefer charges, based on any of the above grounds, against any hunting licensee. Such charges shall be in writing, and shall be sworn to and filed with said Director. All charges, unless dismissed by the Director as unfounded or trivial, shall be heard by the Director or his referee within 60 days of the time of filing. The time and place for such hearing shall be fixed by the Director or his referee, and such hearing shall be held either in the county where the offense is alleged to have occurred or in the county of the defendant's residence, and a copy of the charges stating the violations of this act alleged to have occurred, together with a notice of the time and place of hearing shall be personally served on such licensee at least 15 days prior to the time of hearing. In the event the such licensee resides outside the State of Idaho, such notice shall be served by registered mail with return receipt, mailed to the last known address of such licensee. At any hearing the accused shall have the right to appear personally and
by counsel and to testify or to present witnesses and evidence in his own behalf and to cross-examine witnesses in his own defense. Any person who shall be subpoenaed before said Director or his referee and shall fail to appear before him, without furnishing satisfactory reason for failure to do so, shall be subject to the penalties of contempt upon application to any District Court.

SECTION 3. PERIODS FOR REVOCATION. — In all such hearings before a referee, he shall submit to the Director and to the accused licensee a certified stenographic transcript, together with his findings of fact and recommendations, and in hearings held before the Director a certified stenographic transcript shall be made together with his findings of fact shall be furnished to the accused licensee, and upon the findings in either case showing violation of the acts specified in Section 1 of this act the Director is hereby required to revoke the license of the offender and to deny him the right to hunt in Idaho for the following periods:

a) For the first offense, for a period to be fixed by the Director, with or without the recommendation of his referee, not to exceed five years;

b) For each additional offense a period of five years.

SECTION 4. COURT REVOCATION. — Any court having jurisdiction in any case coming before it involving any of the offenses contained in this act, shall have authority to revoke a hunter's license, and to deny the right to secure a license to hunt in Idaho, for the several periods herein indicated. Certified notices of such revocation shall be submitted to the Director within 30 days following such order by a court.

SECTION 5. SURRENDER OF LICENSE. — Upon revocation of a hunting license then in force for any period, the Director shall send a written notice to that effect to such person at his last known address either by registered mail, or have it delivered in person by a representative of the Fish and Game Department, and such licensee shall thereupon surrender his hunting license to the Director.

SECTION 6. REVOCATION NOTICE TO LICENSE VENDORS. — The Director shall forthwith following revocation of license to hunt hereunder send a list with current supplementation to all Idaho hunting license vendors, showing the name, address, and the term of revocation of all
persons that have been denied the right to hunt in Idaho in accordance with this act.

SECTION 7. APPEAL. — Any person dissatisfied by any action of the Director made hereunder may appeal to any District Court of competent jurisdiction, which shall require a trial de novo of all matters of fact and law. Such appeal shall be perfected by filing with the Clerk of such District Court, within 30 days after the action of which complaint is made, a petition setting forth the action complained of. Such petition shall constitute the complaint, and Summons may be issued thereon directed to the Director as defendant, and served upon him. The pleadings thereafter shall conform to the practice in other civil proceedings. The court in its decree may sustain, modify, or reverse the action of the Director, and shall render its opinion and judgment on the case appealed.

Approved March 11, 1961.

CHAPTER 220
(S. B. No. 134)

AN ACT

AMENDING CHAPTER 7, TITLE 50, IDAHO CODE, BY ADDING A NEW SECTION THERETO DESIGNATED SECTION 50-701A, TO PROVIDE FOR THE ORDERLY GROWTH OF EXISTING CITIES AND VILLAGES, BY PROVIDING PETITIONERS FOR INCORPORATION OF NEW CITIES OR VILLAGES MUST OBTAIN APPROVAL OF CERTAIN EXISTING CITIES AND VILLAGES OR HAVE PETITIONS FOR ANNEXATION TO SUCH EXISTING CITIES AND VILLAGES REJECTED BEFORE INCORPORATING SUCH NEW CITY OR VILLAGE, PROVIDING BETWEEN EXISTING CITIES, FOR APPEALS TO THE DISTRICT COURT, AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 7, Title 50, Idaho Code, be amended by adding thereto a new section to be known as Section 50-701A, said new section to read as follows:

50-701A. APPROVAL REQUIRED, ANNEXATION PETITION. — Upon any petition filed as provided by Sec-
tion 50-701, to incorporate a city or village, the Board of County Commissioners petitioned shall hereafter have no jurisdiction to take any action thereon or enter an order of incorporation, regardless of the number of petitioners thereon, where the proposed boundaries of the proposed new city or village approach any point within one mile of the boundary limits of any existing city or village of less than five thousand population, within two miles of the boundary limits of any existing city or village of five thousand but less than ten thousand population, within three miles of the boundary limits of any existing city or village of ten thousand but less than twenty thousand population, or within four miles of the boundary limits of any existing city or village of twenty thousand or more population, all populations as determined by the last official or special United States census, unless there is first furnished said Board of County Commissioners either (a) a certified copy of a resolution of the governing body of any existing city or village within the above applicable distances of the proposed city or village approving said petition for incorporation, or (b) appropriate evidence that the governing body of any existing city or village within the above applicable distances of the proposed city or village has rejected and refused to annex the area of the proposed village or city to the existing city or village upon the petition made as hereinafter set out. An existing city or village shall be deemed to have rejected and refused to annex an area within the applicable distance of its boundary limits when (i) a petition for annexation is filed prior to 90 days before the end of any fiscal year, (ii) the petition is signed by a majority of the inhabitants paying real estate taxes within said area requesting annexation, (iii) a certain metes and bounds description of the area is set out in the petition, (iv) the area so described meets the requirements of Section 50-803, and (v) the governing body within 60 days after receipt of said petition has not by appropriate action declared such area will be a part of such existing city or village, effective not later than the last day of the fiscal year in which such petition was filed. Where the proposed new city or village area lies within the applicable distance of one or more cities or villages, the approval or rejection of the largest shall control. The existing city or village, the petitioners under Section 50-701 and 50-701A, or the Board of County Commissioners hereby are granted the power to petition the District Court for a declaration of the rights on any disputes arising between any of the parties so named hereunder.

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

Approved March 11, 1961.

CHAPTER 221
(S. B. No. 71)

AN ACT
AMENDING SECTION 31-3801, IDAHO CODE AND SECTION 31-3802, IDAHO CODE, RELATING TO THE ZONING OF UNINCORPORATED AREAS BY Deleting THE PROVISION RELATING TO APPLICATION TO URBAN COUNTIES ONLY; PROVIDING FOR ELECTIONS, AND FIXING THE MAJORITY VOTE REQUIRED.

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

SECTION 1. That Section 31-3801, Idaho Code, be, and the same is hereby amended to read as follows:

31-3801. GRANT OF POWER. — For the purpose of promoting the health, safety, morals and general welfare, to provide for orderly development of land and to protect property values, the board of county commissioners of any county, as hereinafter defined, is hereby authorized and empowered to exercise for counties all the powers, pursuant to the provisions and subject to the restrictions, granted by Sections 50-401 through 50-409, Idaho Code, to city legislative bodies of municipalities.

SECTION 2. That Section 31-3802, Idaho Code, be, and the same is hereby amended to read as follows:

31-3802. POWERS GRANTED TO URBAN COUNTIES ONLY. — The powers granted to the board of county commissioners by this act may be exercised only in areas outside of incorporated municipalities in urban counties, which counties are hereby defined as either:

(a) Any county whose total population, including that of municipalities in the county, is 50,000 or more persons, or

(b) Any other county whose total population, in...
eluding that of municipalities in the county, is 20,000 or more persons, and has within the county at least one municipality having a population of 10,000 or more persons.

Provided, that in rural all counties except those as defined in subparagraph (b) (a) of this section prior to the exercise of the powers conferred hereby, the board of county commissioners shall obtain an affirmative vote of the majority of the qualified electors of the county voting at a general or special election called for that purpose on the question of “shall the county commissioners be authorized to enact zoning and land use regulations?” The board of county commissioners shall cause notice of such election to be posted in a conspicuous place in each precinct of the county and to be published in one or more newspapers of the county, which notices shall be posted and published at least twenty days prior to the election. The election shall be held as provided in sections 31-1906, 31-1907, and 31-1909, Idaho Code. The population totals used hereunder shall be measured by the last regular or special United States official census.

Approved March 13, 1961.

CHAPTER 222
(S. B. No. 133)

AN ACT
AMENDING SECTION 31-1001, IDAHO CODE, RELATING TO THE POWERS OF THE BOARDS OF COUNTY COMMISSIONERS TO PURCHASE, ERECT AND LEASE BUILDINGS AND OTHER PROPERTY; FIXING A TERM AND CONDITIONS FOR WHICH COMMISSIONERS MAY LEASE COURTHOUSES AND JAILS.

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

SECTION 1. That Section 31-1001, Idaho Code, be, and the same is hereby amended to read as follows:

31-1001. ERECTION OF BUILDINGS — FURNISHING OF OFFICES — CONTRACTS — LEASE OF PREMISES FOR COURTHOUSE OR JAIL — BOOKS AND STATIONERY. — The board must cause to be erected or furnished, a courthouse, jail and such other public buildings as may be necessary, and must, when necessary, provide
offices with necessary furniture for the sheriff, clerk of
the district court and ex officio auditor and recorder, county
treasurer, prosecuting attorney, probate judge, county as­
sessor * and county surveyor ***, and must draw warrants
in payment of the same: provided, that the contract for the
erexion of any such buildings must be let, after thirty days' 
notice for proposals, to the lowest bidder who will give
security for the completion of any contract he may make
respecting the same; and, provided further, no contracts
for the purchase of furniture must be let under the pro­
visions of this section when the expenses thereunder will
exceed $1000. And, provided further, that no part of the
provisions of this section shall be construed to prevent the
board of county commissioners, from entering into a lease
for courthouse premises, rooms and jail for any period in
their discretion, not to exceed * twenty years *, and provided
that the county commissioners may contract with respon­
sible parties for the leasing of a courthouse and jail to be
constructed upon premises owned by the county or other­
wise; the contract also may provide that at the expiration
of the term of the lease, upon full performance of such
lease by the county, the said courthouse premises, rooms
and jail, or so much thereof as is leased, may become the
property of the county. The board must also provide all
necessary books of record for the county auditor and re­
corder, county treasurer, county assessor, and tax collector,
clerk of the district court, probate court, county surveyor,
county superintendent of public instruction, and the books
and stationery for the use of the board, and so much as is
necessary for the use of said county officers in the trans­
action of official business.

Approved March 11, 1961.

CHAPTER 223
(S. B. No. 109)

AN ACT

AMENDING SECTION 50-1109, IDAHO CODE, AS AMENDED BY
CHAPTER 83, IDAHO SESSION LAWS OF 1947, TO PROVIDE
THAT MUNICIPALITIES MAY INFLECT FINES IN MUNICI­
PAL COURTS IN AMOUNTS THAT ARE PERMISSIBLE IN
THE JUSTICE, PROBATE AND COURTS OF SIMILAR JURIS­
DICTION OF THE STATE OF IDAHO.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That section 50-1109, Idaho Code, as amended by Chapter 83, Idaho Session Laws of 1947, be, and the same hereby is, amended to read as follows:

50-1109. PROMOTION OF THE GENERAL WELFARE — PRESCRIBING PENALTIES. — Make all such ordinances, by-laws, rules, regulations, resolutions not inconsistent with the laws of the state, as may be expedient, in addition to the special powers in this title granted, maintaining the peace, good government and welfare of the corporation and its trade, commerce, manufacture, and to enforce all ordinances by inflicting fines or penalties for the breach thereof, not exceeding * * * the amount permissable in Probate, Justice and Courts of similar jurisdiction for any one offense, of not more than 30 days imprisonment in the city jail, or both such fine and imprisonment, recoverable with costs, and in default of payment, to provide for confinement in prison or jail, provided, that upon conviction of driving a motor vehicle while the driver was intoxicated or under the influence of intoxicating liquor, the court shall demand the delivery of the driver's license as provided in section * 49-1102.

Approved March 11, 1961.

CHAPTER 224
(S. B. No. 151)

AN ACT

RELATING TO LARCENY OF DOMESTIC FOWLS AND POULTRY; REPEALING SECTION 18-4624, IDAHO CODE.

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

SECTION 1. That Section 18-4624, Idaho Code, be, and the same is hereby repealed.

Approved March 11, 1961.
CHAPTER 225  
(S. B. No. 77)  

AN ACT  
AMENDING SECTION 16-1504, IDAHO CODE, AS AMENDED, TO PROVIDE THAT CONSENT IN THE ADOPTION OF A CHILD BY A PARENT WHO IS A MINOR, SHALL NOT BE SET ASIDE BY REASON OF THE MINORITY OF THE PARENT.  

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

SECTION 1. That Section 16-1504, Idaho Code, as amended, be, and the same is hereby amended to read as follows:  

16-1504. CONSENT OF PARENTS OF CHILD — EXCEPTIONS — NOTICE. — A legitimate child cannot be adopted without the consent of its parents, if living, nor an illegitimate child without the consent of its mother, if living, except that consent is not necessary from a father or mother deprived of civil rights, or adjudged guilty of adultery, or of cruelty, and for either cause divorced or adjudged to be an habitual drunkard, or who has been judicially deprived of the custody of the child on account of cruelty or neglect. If it can be shown satisfactorily to the judge that the parent or parents have abandoned it, or if the father has unlawfully ceased to provide for its support, then it may be adopted by the written consent of its legal guardian or mother; if no guardian, then of its nearest relative; if no relative, then by the consent of some person appointed by the judge to act in the proceedings as the next friend to such child. The consent of a parent who is a minor shall not be voidable because of that minority.  

Approved March 11, 1961.  

CHAPTER 226  
(S. B. No. 106)  

AN ACT  
RELATING TO THE POWERS OF POLICE JUDGES; PROVIDING FOR TRIAL BY JURY WHEN DEFENDANT DEMANDS THE SAME; AMENDING SECTION 50-121, IDAHO CODE.  

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 50-121, Idaho Code, be, and the same is hereby amended to read as follows:

50-121. In addition to the powers given by law to police judges of cities of the second class, the police judges of cities of the first class shall have power to hear and determine all matters or causes arising on account of or under any ordinance of the city providing for any penalty, forfeiture, claim or obligation declared or given by any ordinance to the city, with full power to forfeit all bail bonds or cash bail, and to issue execution thereon. In the trial of all actions brought for the violation of or for any cause arising under any city ordinance, all said matters shall be tried and disposed of by the court without a jury, unless the defendant demand a trial by jury, and when a demand shall be so made the trial shall be by a jury of six competent men, and shall be conducted in the same manner as trials before justices of the peace for misdemeanors arising under the general laws of the state. No change of venue shall be allowed from such police judge in any matter arising under any ordinance of the city. All proceedings before such judge, and judgments rendered by him, shall be subject to review in the district court of the proper county on appeal, in the same manner as provided for appeals from justice courts.

Approved March 11, 1961.

CHAPTER 227
(S. B. 129)

AN ACT

PROVIDING THAT ANY CITY ORGANIZED UNDER GENERAL MUNICIPAL INCORPORATING ACT OF THIS STATE OR SPECIAL CHARTER MAY BECOME ORGANIZED AS A CITY OF THE FIRST OR SECOND CLASS OR VILLAGE UNDER THE PROVISIONS OF TITLE 50 OF THE IDAHO CODE AND THE GENERAL LAWS OF THE STATE OF IDAHO; PROVIDING FOR AN ELECTION, UPON PETITION OF 25% OF THE VOTERS OF THE CITY, TO DETERMINE IF A CITY ORGANIZED UNDER A GENERAL INCORPORATING ACT OR SPECIAL CHARTER SHALL BECOME ORGANIZED AS A CITY OF THE FIRST OR SECOND CLASS OR VILLAGE; PROVIDING FOR A PROCLAMATION OF THE GOVERNOR DECLARING SUCH CITY TO BE A CITY OF THE FIRST OR SECOND
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Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. ANY CITY ORGANIZED UNDER A GENERAL INCORPORATING ACT OR SPECIAL CHARTER MAY ORGANIZE AS A CITY UNDER THE GENERAL LAWS OF IDAHO. — Any city within the State of Idaho organized under a general incorporating act or special charter may become organized as a city of the first or second class or as a village, depending upon the population of said city or village as ascertained by any census or enumeration taken under any law of the United States, or of the State of Idaho,
or by any city or village, under the provisions of Title 50, Idaho Code, and the general laws of the State of Idaho by proceedings as hereinafter provided.

**SECTION 2. PETITION FOR ADOPTION.** — Upon petition of electors equal in number to 25% of the votes cast for all candidates for mayor at the last preceding general city election of any such city, the mayor shall, by proclamation, issued within ten days after filing of such petition, submit the question of organizing as a city of the applicable class or village under Title 50, Idaho Code, and the general laws of the State of Idaho at a special election to be held at a time specified therein, and within sixty days after said petition is filed.

**SECTION 3. ELECTION TO SUBMIT PROPOSITION OF ORGANIZATION.** — At such election the proposition to be submitted to the electors shall substantially be: "Shall the proposition to organize the city of (name of city) as a city of the first or second class or village, as the case may be, under Title 50, Idaho Code, and the general laws of the State of Idaho be adopted?" An election thereupon shall be conducted, the vote canvassed and the result declared in the same manner as provided by law in respect to other city elections. Immediately after such proposition is adopted, the mayor or clerk of such city or village shall transmit to the governor, the secretary of state and to the county auditor of the county in which such city is located each a certificate, stating that such proposition was adopted, and giving the date of the election at which it was adopted. Also, immediately after such proposition is adopted, the mayor or clerk of such city or village shall transmit to the governor, the secretary of state and to the county auditor of the county in which such city or village is located each a certificate, stating what the population of such city was ascertained to be by the last census or enumeration taken under any law of the United States, or of the State of Idaho, or by any such city or village.

Upon receipt of the certificate stating that such proposition was adopted and the certificate stating what the population of such city was last ascertained to be, the governor shall thereupon by public proclamation declare such city previously organized under a general incorporating act or special charter to be a city of the first class, a city of the second class or a village, depending upon the size of the population of such city, and the same shall thereafter become a city of the applicable class.
SECTION 4. CONDUCT OF FIRST ELECTION. — If a majority of the votes cast shall be in favor of the city becoming a city of the applicable class under the general municipal laws of the State of Idaho, the next biennial or general election succeeding the issuance of such proclamation, held within such municipality, shall be conducted in the manner required for the conducting of elections in cities of the first or second class or villages, as applicable, as provided in Title 50, Idaho Code, and the general laws of the State of Idaho. The officers elected at such election shall be the same as are provided for cities of the first or second class or villages, as applicable, according to the provisions of Title 50, Idaho Code, and the general laws of the State of Idaho, and the city council, or governing body of the city, holding office at the time of the issuance of such proclamation shall have full power to prescribe by ordinance such rules and regulations, not in conflict with the general laws of the state, for the holding of such election as may be necessary for the carrying into effect of the provisions of this chapter. In all matters pertaining to such election, the officers of said city shall have the same powers, except as herein otherwise provided, as are conferred upon officers of cities of the applicable class in the performance of like duties. For the purpose of such election such municipality shall be considered as a city of the first or second class or village, as the case may be, and such election may be conducted in its corporate name of the city or village of .................... (naming it).

SECTION 5. REGISTRATION OF ELECTORS FOR FIRST ELECTION. — For the purposes of the election for the adoption or rejection of the proposition to become organized as such a city under this act, and for the next general biennial election for the purpose of electing the officers provided for such city by Title 50 and the general laws of Idaho, in case the proposition carries, it shall not be necessary for any qualified elector of such city, who was duly registered for the last preceding general municipal election held therein, to register for either of said above named elections; the registration books, lists, oaths and all other registration supplies used for such last preceding general municipal election shall be used for both said elections; the same registrars who acted at the last preceding general election shall act, but in case of vacancy from any cause in the office of any registrar, the council shall fill such vacancies: provided, any qualified elector who was not registered for said last preceding general municipal election may register for said elections above named by applying to the regis-
trar of his ward or precinct within the time the registration books are open for that purpose.

SECTION 6. GOVERNING BODY TO CONTINUE IN OFFICE. — If the majority of the votes cast shall be in favor of the city or village becoming such a city of the first or second class or village as provided in said election, then the mayor and council or other governing body of such city or village organized under special charter or general incorporating act shall continue to hold office and function as the governing body of the city or village with all the powers, authority and duties granted a city of the first or second class or village, as the case may be, under the general laws of the State of Idaho thereunto pertaining and shall continue to act until the officers provided for a city of such class or village by Title 50, Idaho Code, and the general laws of the State of Idaho shall be elected at the next biennial or general municipal election succeeding the issuance of the proclamation of the governor, as herein provided.

SECTION 7. DELIVERY OF RECORDS AND PROPERTY. — Upon the qualification of the city officers elected at the next biennial or general municipal election, as herein provided, all books, papers, records, moneys and property of such city shall be delivered over to the proper officers elected under the provisions of Title 50 and the general laws of Idaho; and the authority of the mayor and council or governing body of the city and all officers as now provided by law for the city organized under a special charter or general incorporating act shall cease from and after the qualification of the officers elected under the provisions of Title 50 and the general laws of Idaho at the next biennial or general election succeeding the proclamation of the governor, as provided herein.

SECTION 8. PROOF OF CORPORATE EXISTENCE. — All courts holden within the county within which said city is situated shall take judicial notice of the corporate capacity and existence of such city, and of the fact that such city is identical with and a continuation of such municipality formerly organized as a city under a special charter or general incorporating act. In all other courts of the state, the corporate capacity and existence of such city may be proved by a copy of the proclamation issued by the governor declaring the same to be a city of the first or second class, or village, as the case may be, duly authenticated and certified by the clerk of such city or the secretary of state, a copy of which proclamation shall be filed in each of said offices.
SECTION 9. EXISTING RIGHTS AND OBLIGATIONS NOT AFFECTED. — Any city or village organized under the provisions of this act shall for all purposes be deemed and taken to be in law the identical corporation theretofore incorporated and existing under the special charter or general incorporating act; and such reorganization shall in no wise affect or impair the title to any property owned or held by such corporation or in trust therefor, or any debts, demands, liabilities or obligations existing in favor of or against such corporation, or any proceeding then pending, nor shall the same operate to repeal or affect in any manner any ordinance theretofore passed or adopted and remaining unrepealed, or to discharge any persons from any liability, civil, criminal then existing, for any violations of any such ordinance; but such ordinances, so far as the same are not in conflict with the general laws, shall be and remain in force until repealed or amended by the said city council: provided, that proceedings theretofore commenced shall, after such reorganization, be conducted in the same manner as though the change herein provided for had not taken place.

SECTION 10. GENERAL LAWS APPLICABLE. — Upon the issuance of the proclamation of the governor, as herein provided, the city, previously organized under a general incorporating act or special charter, shall become a city of the first or second class or village, as the case may be, and all general laws of the State of Idaho governing or pertaining to such cities of the applicable class shall apply to and govern such city organized under this act.

SECTION 11. 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.

Approved March 11, 1961.
SHIP ON SAID COMMISSION AND MANNER OF APPOINTMENT; AUTHORIZING SAID COMMISSION TO EMPLOY A PERSON, PERSONS, OR GROUPS OF PERSONS FROM WITHIN OR WITHOUT THE STATE TO MAKE A COMPLETE STUDY AND RECODIFICATION OF EDUCATION LAWS, INCLUDING SUCH DELETIONS, REVISIONS OR AMENDMENTS AS SAID COMMISSION SHALL DEEM NECESSARY FOR THE CREATION OF A CONCISE, CONSISTENT SCHOOL CODE; PROVIDING FOR MANNER OF REPORT OF SAID COMMISSION, AND RECOMMENDATION OF LAWS TO THE 1963 SESSION OF THE IDAHO LEGISLATURE; PROVIDING FOR EXPENSES AND PER DIEM FOR THE MEMBERS OF SAID COMMISSION AND THE MANNER OF PAYMENT THEREOF, AND MAKING AN APPROPRIATION.

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

SECTION 1. PURPOSE. — Inasmuch as the education laws of the State of Idaho comprise a conglomeration of statutes enacted from time to time without regard to a comprehensive educational code; and inasmuch as some of the laws date back to the beginning of this century; and inasmuch as there have been many new laws enacted from 1947 on, all of which result in ambiguity, conflicts and duplications, it is necessary, and it is the purpose of this act, to provide a thorough study, and complete and comprehensive recodification of the laws relating to education, including such revisions, deletions and additions as may be required to provide a consistent code of school laws for the state of Idaho.

SECTION 2. CREATION OF COMMISSION — POWERS AND DUTIES. — There is hereby created a commission for the recodification of the education laws of the state of Idaho, comprised as follows: One member of the Idaho Senate, appointed by the President of the Senate; one member of the Idaho House of Representatives, appointed by the Speaker of the House; and four members appointed by the state board of education, distributed as follows: One member of said board; one member of the staff in the state department of education; one school district trustee and one superintendent of an Idaho school district.

Said commission shall have power and shall, as soon as is practicable, negotiate with a person, or persons, or groups of persons, within or without the state to undertake a complete study and recodification of the education laws of the state, including such deletions, revisions or additions as in the judgment of the commission are necessary and desir-
able for the creation of a concise and consistent code of school laws for the state of Idaho.

SECTION 3. ELECTION OF MEMBERS — VACANCIES — CERTIFICATION. — Such commission shall, as soon as practicable after the approval of this act, be convened at the call of the state superintendent of public instruction, and shall elect from their membership a chairman and a vice-chairman, and shall certify to the secretary of state the names of the officers and the members of said commission. If, at any time prior to the final report by said commission, there should occur a vacancy in its membership by reason of death, removal or other reason, such vacancy shall be filled in the same manner and by the official then in the position from which the original appointment was made. The name of such new member shall be certified to the secretary of state.

SECTION 4. REPORT OF COMMISSION. — Said commission shall make progress reports to the state board of education as such board may require; and not later than October 15, 1962, shall present to the state board of education its report, in writing, in the form of a revised Idaho education code. The state board of education shall submit said proposed code to the 1963 session of the Idaho legislature with its recommendations thereon.

SECTION 5. PER DIEM ALLOWANCE—EXPENSES. — Members of said commission shall serve without salary but shall be allowed reimbursement for actual expenses incurred in attending meetings of the commission, and, in addition, a per diem allowance of fifteen dollars ($15.00) per day of session of said commission when in actual attendance thereon.

SECTION 6. APPROPRIATION. — There is hereby appropriated from the general fund of the state of Idaho the sum of thirty thousand dollars ($30,000.00) for the purpose of carrying out the provisions of this act. Disbursements from such fund upon order of the chairman of said commission shall be audited, examined and paid as provided by law.

Approved March 11, 1961.
CHAPTER 229
(S. B. No. 183)

AN ACT

AMENDING SECTION 50-1911, IDAHO CODE, AS AMENDED BY
HOUSE BILL NO. 8 OF THE THIRTY-SIXTH SESSION OF
THE IDAHO LEGISLATURE TO PROVIDE FOR THE PAY-
MENT OF CLAIMS BY A CITY OR VILLAGE BY REGULAR
BANK CHECK IN LIEU OF WARRANT.

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

SECTION 1. That Section 50-1911, Idaho Code, as amend-
ed by House Bill No. 8 of the Thirty-Sixth Session of the
Idaho Legislature, be, and the same is hereby amended to
read as follows:

50-1911. PAYMENT OF CLAIMS. — Upon the allow-
ance of claims by the council or trustees, the order for their
payment shall specify the particular fund or appropriation
out of which they are payable, as specified in the annual
appropriation bill to be passed in the manner hereinafter
provided; and no order or warrant shall be drawn in excess
of the current levy for the purpose for which it is drawn,
unless there shall be sufficient money in the treasury to the
credit of the proper fund for its payment, and no claim
shall be audited or allowed except an order or warrant for
the payment thereof may legally be drawn. Provided, how-
ever, that when sufficient funds are on hand in an official
depository of a City or Village a regular bank check * * * may be used, but said bank check may be used only if the
following provisions are complied with:

(a) That any check so drawn must have the signatures
of the Mayor, the Clerk and the Treasurer.

(b) That said check shall be used only in payment of valid
claims against a city or village which have been approved
by the Mayor and City Council or Trustees of any such city
or village.

Approved March 11, 1961.

CHAPTER 230
(S. B. No. 55)

AN ACT

AMENDING SECTION 67-2922, IDAHO CODE, AS AMENDED,
RELATING TO THE FEES TO BE PAID TO THE DEPARTMENT OF LAW ENFORCEMENT BY APPLICANTS FOR REEXAMINATION AND CERTIFICATE FOR LICENSE TO ENGAGE IN CERTAIN TRADES, OCCUPATIONS OR PROFESSIONS, BY INCREASING THE FEE FOR REEXAMINATION FOR CERTIFIED PUBLIC ACCOUNTANT CERTIFICATE.

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

SECTION 1. That Section 67-2922, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

67-2922. PAYMENT OF REEXAMINATION AND CERTIFICATE FEES. — Should an applicant who is required to procure a license from the department of law enforcement as a prerequisite for engaging in a trade, occupation, or profession fail to pass the required examination the applicant may be reexamined at any regular or special meeting of the department acting as such board of examiners, upon the payment of ten dollars reexamination fee; Provided, however, that the reexamination fee for certified public accountants shall be * twenty-five dollars ($25.00), unless the reexamination of the applicant shall cover not more than three sections of the examination in which latter event the fee shall be fifteen dollars ($15.00).

Every person who is licensed by the department of law enforcement as a prerequisite to engage in a trade, occupation, or profession may, upon the payment of a one dollar fee, receive a certificate setting forth that the holder thereof is duly registered and licensed to practice his profession in the state of Idaho.

Approved March 11, 1961.

CHAPTER 231
(S. B. No. 52)

AN ACT
RELATING TO COUNTY BOND ELECTIONS; AMENDING SECTION 31-1905, IDAHO CODE, AS AMENDED, RELATING TO NOTICE OF BOND ELECTION AND QUALIFICATIONS OF VOTERS.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 31-1905, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

31-1905. NOTICE OF BOND ELECTION — QUALIFICATIONS OF VOTERS. — If the question of bonding the county as herein provided is to be submitted to the voters at a special election held for that purpose, the board shall cause printed or written notices of the intention to hold such an election to be posted in two or more conspicuous places in each precinct of the county, and shall also cause a printed notice of the intention to hold such an election to be published in one or more newspapers of the county, if any newspapers are printed therein. The said notices shall recite the action of the board in deciding to bond the county, the purpose thereof, and the amount of the bonds that are to be issued, and shall also specify the day of the election, the time during which the polls shall be open, which shall not be less than six hours; the notices posted in each of the several precincts shall also name the place of holding such election. The notices herein provided for shall be posted, or posted and published, at least twenty days before such election.

No person shall vote at any such bond election who is not:

1. A qualified elector of the district; and,

2. A bona fide resident thereof for more than thirty days last past; and,

3. a. A taxpayer; or,

   b. The wife or husband of a taxpayer.

A taxpayer within the meaning of this section is a person whose name appears on the tax rolls of the county and is there assessed with unexempt real property owned and subject to taxation within the boundaries of the district.

Approved March 11, 1961.
CHAPTER 232
(S. B. No. 16)

AN ACT

PROHIBITING THE TRANSPORTATION OF CONIFEROUS TREES OVER THE HIGHWAYS OF THIS STATE WITHOUT BILL OF SALE, AND PROVIDING PENALTY.

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

SECTION 1. It shall be unlawful and constitute a misdemeanor for any person to transport on the highways of this state, more than five coniferous trees without having in his possession a bill of sale showing his title thereto. Such bill of sale shall specify:

(a) The date of its execution;

(b) The name and address of the vendor or donor of the trees;

(c) The name and address of the vendee or donee of the trees;

(d) The number of trees, by species, sold or transferred by the bill of sale; and

(e) The property from which the trees were taken.

The foregoing provisions do not apply to:

(1) The transportation of trees in the course of transplantation, with their roots intact.

(2) The transportation of logs, poles, pilings or other forest products from which substantially all the limbs and branches have been removed.

(3) The transportation of coniferous trees by the owner of the land from which they were taken or his agent.

(4) The transportation of coniferous trees by a common carrier or contract carrier.

SECTION 2. Violation of the provisions of this act shall constitute a misdemeanor, and upon conviction, be punishable by a fine of not less than Fifty ($50.00) Dollars nor more than Three Hundred ($300.00) Dollars, or by imprisonment in the county jail not exceeding six months, or both.

Approved March 11, 1961.
CHAPTER 233
(S. B. 56)

AN ACT

ESTABLISHING THE DEPARTMENT OF LAW ENFORCEMENT AS A BOARD OF ACCOUNTANCY AND SETTING FORTH ITS POWERS AND DUTIES AS SUCH; AUTHORIZING THE DEPARTMENT OF LAW ENFORCEMENT TO ISSUE CERTIFICATES OF "CERTIFIED PUBLIC ACCOUNTANT"; PRESCRIBING THE REQUIREMENTS FOR THE ISSUANCE OF SUCH CERTIFICATES AND THE QUALIFICATIONS OF APPLICANTS; PROVIDING FOR EXAMINATIONS; SETTING FORTH EXPERIENCE REQUIREMENTS; RECOGNIZING EXISTING CERTIFICATES; EXTENDING RECIPROCITY AND SETTING FORTH THE CONDITIONS THEREFOR; EXCEPTING CERTAIN PRACTICES; VIOLATIONS OF THIS ACT DECLARED ILLEGAL; PROVIDING FOR INJUNCTIONS; AND REPEALING CHAPTER 2 OF TITLE 54 OF THE IDAHO CODE; AND DECLARING SEVERABILITY.

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

SECTION 1. DEPARTMENT OF LAW ENFORCEMENT AS BOARD OF ACCOUNTANCY — POWERS AND DUTIES. — The powers and duties of the Department of Law Enforcement acting as a "Board of Accountancy" shall be as follows:

a. To formulate rules and regulations for the government of the Department acting as such board and for the examination of, and granting of certificates of qualification to, persons applying therefor.

b. To hold written examination of applicants for such certificates, at least annually, at such places as circumstances and applications may warrant. Proper notice of time and place for such examinations shall be published at least thirty days prior to the time of holding same.

c. To grant certificates of qualification to practice as certified public accountants to such applicants as may upon examination be found qualified in theory of accounts, practical accounting, auditing, commercial law and such other subjects related to accounting as the Department of Law Enforcement may determine to be necessary and who meet the other requirements established by this Act.

d. To charge and collect from all applicants such fee, not exceeding thirty-five dollars, as may be necessary to meet
the expenses of examination, issuance of certificates and conducting its office as such board; provided, that all such expenses must be paid from the current receipts and that no portion of said expenses shall ever be paid from the State treasury.

e. To revoke or suspend for cause a certificate after written notice to the holder and a hearing had thereon.

f. To report annually to the Governor, on or before the first day of January in each year, all certificates issued, revoked or suspended during the preceding year together with a detailed statement of receipts and disbursements; provided, that any balance remaining in excess of the expenses incurred shall be transferred annually to the common school fund of the State.

SECTION 2. QUALIFICATIONS. — An applicant for admission to the examination for a certified public accountant certificate shall (a) be a citizen of the United States or have declared his intention of becoming a citizen, (b) be over the age of 21 years, (c) be of good moral character, (d) comply with any one of the requirements set out in paragraphs (1) through (4) hereafter:

1. He shall have a high school education or an education which, in the judgment of the Department of Law Enforcement, is equivalent to that of a high school graduate, and shall file notice in writing of his intention to apply for admission to take the examination for a certified public accountant certificate with the Department of Law Enforcement in the form prescribed by such Department; provided, however, that any such notice must be filed on or before June 30, 1962; or,

2. He shall procure a high school education and file notice in writing of his intention to apply for admission to take the examination for a certified public accountant certificate with the Department of Law Enforcement in the form prescribed by such Department; provided, however, that such high school education shall be completed and such notice shall be filed by June 30, 1967; or,

3. He shall present satisfactory evidence that he has successfully completed, or will successfully complete within the period of ninety days after the examination, a four-year college or university course of study at a degree-granting college or university, leading toward a bachelor's degree, with a major in accounting, which course of study shall include thirty or more semester hours or the equivalent
thereof in business administration subjects of which at least twenty semester hours or the equivalent thereof shall be in the study of accounting subjects; or,

4. He shall show, to the satisfaction of the Department of Law Enforcement, that he has had the equivalent of the educational qualifications required by paragraph (3) of this section.

5. It is the intention of this section to express the requirement that applicants have at least a high school education or its equivalent if notice of intention to take the examination is filed prior to June 30, 1962, a high school education if this is completed and notice of intention to take the examination is filed prior to June 30, 1967, and to require all applicants to have a college or university education or its equivalent as set out in paragraph (3) or (4) above after June 30, 1967.

SECTION 3. EXAMINATION. — The applicant for a certificate of certified public accountant must pass written examinations before the Department of Law Enforcement, under its rules and regulations, with a grade of not less than 75 percent on each subject.

   a. The results of an examination of the applicant on any subject in any other State having standards at least equivalent to those of this State may be adopted by the Department of Law Enforcement in lieu of examination in this State on the same subject; provided, however, that such acceptance shall be subject to the rules and regulations of the Department of Law Enforcement.

   b. An applicant must be a resident of the State of Idaho at the time he takes the examination.

SECTION 4. EXPERIENCE QUALIFICATIONS. — An applicant who successfully passes the examination shall receive a certificate as a certified public accountant if he has completed, or upon completion of, any of the following requirements:

   a. Three years of public accounting experience in the employ of a certified public accountant or a partnership of which at least half the partners are certified public accountants.

   b. Four years of public accounting experience practicing on his own account or in the employ of a public accountant.

   c. Five years in an accounting capacity in which the
applicant shall have had charge of the general books of account and the preparation of financial statements and/or the auditing thereof; provided, however, that an applicant satisfying his experience qualifications under this paragraph shall have successfully passed the prescribed examinations and completed the necessary experience by June 30, 1967.

d. Any combination of experience required by this section may be adopted by the Department of Law Enforcement under its rules and regulations.

e. Experience of a character and for a length of time which is, in the opinion of the Department of Law Enforcement, substantially equivalent to the requirements of paragraphs (a), (b), (c) or (d) hereof.

Provided, the Department of Law Enforcement shall grant two years credit toward fulfillment of such accounting experience requirements to an applicant who has completed a four-year course in a degree-granting university or college leading toward a bachelor's degree with a major in accounting with thirty or more semester hours or the equivalent thereof in the study of business administration subjects of which at least twenty semester hours or the equivalent thereof shall be in the study of accounting subjects.

An applicant who has successfully completed the prescribed examinations in Idaho may obtain the required experience outside this State.

Section 5. Existing Certificates. — Individuals who, at the time of the enactment of this Act, hold certified public accountant certificates heretofore issued under the laws of this State shall not be required to secure additional certificates under this Act, but shall otherwise be subject to all the provisions of this Act; and such certificates heretofore issued shall, for all purposes, be considered certificates under this Act and subject to the provisions hereof.

Section 6. Reciprocity. — The Department of Law Enforcement may issue a certified public accountant certificate to an applicant who holds a valid and unrevoked certificate issued by a State or other political subdivision of the United States or a comparable certificate or degree issued by any foreign country without examination, subject to the following general requirements:

a. The certificate must have been issued after successful
completion of a written examination equivalent to the examination given in this State; provided, however, that, in the event the Department of Law Enforcement determines that the examination completed is not equivalent to the examination given in this State, it may require the applicant to be examined upon such subject or subjects as, in its opinion, it deems necessary.

b. The applicant must be over the age of 21 years, of good moral character, and a citizen of the United States or have declared his intention of becoming a citizen.

c. Payment by the applicant of the required fee, which shall be in the amount of $35.00 and shall be expended as required by paragraph (d) of Section 1 of this Act.

d. The applicant must be:

1. A resident who is engaged in the practice of public accountancy in this State or who is an employee of a public accountant.

2. A resident of another State who is engaged in the practice of public accountancy in this State or is employed in this State by a public accountant with a place of business in this State.

SECTION 7. EXCEPTED PRACTICE. — Nothing in this Act shall prohibit a certified public accountant of another State or any accountant of a foreign country holding a comparable certificate, degree or license which permits him to practice therein from temporarily practicing in this State on professional business incident to his regular practice.

SECTION 8. PENALTY. — No person shall assume or use the title of certified public accountant or the letters C.P.A. without holding a valid and unrevoked certificate as a certified public accountant granted by the Department of Law Enforcement, and any person who shall assume or use such title, or words, letters or figures indicating such title, without holding such certificate, shall be guilty of a misdemeanor and upon conviction thereof before any court of competent jurisdiction shall be punished by a fine in any sum not exceeding $100.00.

SECTION 9. ENJOINABLE ACTS. — Whenever in the judgment of the Department of Law Enforcement any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, a violation of this Act, the Department of Law Enforcement may make appli-
cation to the appropriate court for an order enjoining such acts or practices and upon a showing by the Department of Law Enforcement that such person has engaged, or is about to engage, in any such acts or practices, an injunction, restraining order or such other order as may be appropriate may be granted by such court.

SECTION 10. REPEAL. — Chapter 2 of Title 54 of the Idaho Code shall be and the same is hereby repealed.

SECTION 11. SEVERABILITY. — The provisions of this Act are hereby declared to be severable and, if any provision of this Act shall be held to be unconstitutional, it is the legislative intent that such judgment shall not affect any other section or provision hereof.

Approved March 11, 1961.

CHAPTER 234
(S. B. No. 58)

AN ACT

AMENDING SECTION 33-608, IDAHO CODE, AS AMENDED, TO CLARIFY THE PROCEDURES FOR LAPSING AND ANNEXING NON-OPERATING SCHOOL DISTRICTS; REMOVING THE EXISTING TIME LIMITATION; SETTING FORTH THE CONDITIONS UNDER WHICH A SCHOOL DISTRICT SHALL BE LAPSED; PROVIDING FOR THE DISPOSAL OF CURRENT ASSETS AND LIABILITIES AND FOR THE REDEMPTION OF BONDED INDEBTEDNESS; PROVIDING FOR THE BOUNDARIES OF TRUSTEE ZONES WHEN TERRITORY IS ANNEXED; PROVIDING FOR EXTENSION OF TAX LEVIES; AND REPEALING SECTIONS 33-409 AND 33-410, IDAHO CODE.

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

SECTION 1. That Section 33-608, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

33-608. LAPPED SCHOOL DISTRICT — DEFINITION — DECLARATION AS — ANNEXATION. — Any school district in this state in which there has been no school held or conducted ** for a period of one school year, or in which the average daily attendance during each of the last
two preceding years was fewer than five pupils, or any un­
reorganized school district which has not been reorganized
under the provisions of title 33, chapter 5, Idaho Code, by
June 30, 1961, or which has failed to keep intact its organ­
ization of officers as provided by law, shall be declared by
the state board of education to be a lapsed school district,
such lapsing to be effective as of the first day of July * * 
following any school year during which any or all of the
conditions hereinbefore set forth shall have been determined
to exist; and the state board of education is empowered and
directed to annex such lapsed district to a high school oper­
ing district or districts as hereinafter set forth. The state
board of education shall * give notice of such lapsing to the
board of county commissioners in each county in which such
lapsed district may lie and the * * * officers of such school
district if any such officers remain.

* * * Upon petition of a majority if there be not more
than fifteen or if there be more than fifteen then of not less
than ten of the residents who are school electors of a part of
any district so to be annexed, a lapsed district may be divided
and annexed in part to more than one operating district as
herein provided. In such case a hearing shall be held in the
area from which such petition may arise, according to form
and manner to be prescribed by the state board of education.
The state board of education shall consider the testimony at
such hearing and shall make decision as to the merit or
lack of merit thereon, which decision shall be final.

Provided, however, that if any component district in
such annexation has outstanding general obligation bonds
* * * such bonds shall remain an encumbrance against the
property in the territory against which such encumbrance
was first created. All assets both fixed and liquid in hand
including uncollected taxes, and all current liabilities in­
cluding contracts and commitments in force at the time of
such annexation shall be vested in, or made the obligation
of the operating district to which such lapsed district is
annexed; or, if annexation be to more than one operating
district, such assets and current liabilities shall be ap­
portioned among such districts in the proportion annexed to
each bears to the total assessed valuation of the district
being lapsed.

Should the district being lapsed and annexed have out­
standing general obligation bonds, the certification of such
levy as required to meet accruing obligations thereon shall
be the duty, if annexation be in whole to one operating dis­
trict, of the board of trustees of such district; but if annexation be to more than one district, then the duty shall fall upon the board or boards of county commissioners.

The state board of education shall establish new trustee zones in any district to which territory is annexed as provided herein, by adding the annexed territory to adjacent trustee zone or zones in the operating district.

Should the district being annexed be one having no power to levy a general fund tax for the year 1961-1962, as provided in sections 33-902 and 33-904, Idaho Code, as amended, the board of county commissioners shall extend upon all property in such district annexed to any operating district, the levy for maintenance and operation which had theretofore been made and certified to such board of county commissioners by the board of trustees of such operating district.

Having made and completed such annexation as herein provided, the state board of education shall notify the board of county commissioners in each county in which any portion of any district affected by such annexation may lie; and such boards of county commissioners at the next ensuing meeting shall enter such notice as a matter of record in the proceedings of such board.

Section 2. That Sections 33-409 and 33-410, Idaho Code, be, and the same are hereby repealed.

Approved March 11, 1961.

CHAPTER 235
(S. B. No. 103)

AN ACT

AMENDING SECTION 39-1901, IDAHO CODE, AS AMENDED, RELATING TO FIRE ESCAPES FOR CERTAIN STRUCTURES BY REQUIRING THAT FIRE ESCAPES OR FIRE ESCAPE STAIRWAYS BE PROVIDED FOR ALL SCHOOL BUILDINGS OVER ONE STORY IN HEIGHT, AND PROVIDING AN EXCEPTION.

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

Section 1. That Section 39-1901, Idaho Code, as amended, be, and the same is hereby amended to read as follows:
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39-1901. FIRE ESCAPES TO BE PROVIDED FOR CERTAIN STRUCTURES. — It is hereby made the duty of every person, firm or corporation, or his or its agents, officers or trustees, owning or having the management or control of any public hall, office building, factory or other structure over two stories in height, and in the case of school buildings, above one story in height except that any story above the first which, because of the contour of the site, has direct ground-floor exits shall be exempt from the requirement herein set forth, to provide and furnish such building with safe and suitable metallic, iron or fire-proof ladders of sufficient strength, and to permanently and securely attach the same to the outside or outer walls of such buildings, in such manner and in such position as to be adjacent to the windows, and convenient and easy of access to the occupants of such buildings in case of fire, or fire escape stairs located in such a manner as to be convenient and easy of access from each floor to the occupants of such buildings in case of fire. A fire escape stair shall consist of a continuous stairway enclosed from the highest point to the lowest point by walls of non-combustible materials. Access to the fire escape stair shall be by means of self-closing Class “B” fire doors that open in the direction of exit travel. A fire escape stair shall exit into a public way or directly to the exterior of the building at ground level.

Approved March 11, 1961.

CHAPTER 236
(S. B. No. 167)

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense, capital outlay and payments as agent of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
GOVERNOR:
For: Salaries and Wages .................. $ 90,400
      Travel Expense .................. $ 8,600
      Other Current Expense .......... $ 15,700
      Capital Outlay .................. $ 3,000
      Payments as Agent .................. $ 5,000

Total ........................................ $122,700
From the General Fund .................. $122,700

Approved March 11, 1961.

CHAPTER 237
(S. B. No. 81)

AN ACT

RELATING TO POLICE JUDGE OF VILLAGES; AMENDING SECTION 50-712, IDAHO CODE, TO PROVIDE FOR EMPLOYMENT BY BOARD OF TRUSTEES.

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

SECTION 1. That Section 50-712, Idaho Code, be, and the same is hereby amended to read as follows:

50-712. — The * * board of trustees * * of any village incorporated under the provisions of this chapter may * * * appoint a police judge * * who shall have concurrent jurisdiction with the justices of the peace of the precinct in which said village may be situated, and shall have jurisdiction to hear, try and determine all offenses against the general ordinances of the said village, and may for that purpose issue warrants of arrest for any alleged offender, upon information under oath as in other cases; and upon the arrest of any alleged offender by the sheriff of the county, the constable of the precinct or the marshal of such village, he shall
proceed hereon in all respects in the same manner and with the same powers as against persons charged with misde­meanor under the general laws of the state, and such justice of the peace, or police magistrate, before whom such pro­ceedings shall be had, and the officer making the arrest, shall be entitled to the same fees, to be collected in the same manner as in cases of misdemeanor: provided, however, that in all proceedings under the general ordinances of any vil­lage, all such bills incurred shall be audited by the board of trustees, and paid out of the village treasury, in the same manner as other bills contracted by or on behalf of such village are paid.

Approved March 11, 1961.

CHAPTER 238
(S. B. No. 44)
AN ACT
AMENDING SECTION 36-427, IDAHO CODE, AS AMENDED, TO PROVIDE THAT FISHERMEN AS WELL AS HUNTERS BE REQUIRED TO STOP AT CHECK STATIONS WHEN THE STATION IS ON THEIR ROUTE OF TRAVEL.

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

SECTION 1. That Section 36-427, Idaho Code, as amend­ed, be, and the same is hereby amended to read as follows:

36-427. PRODUCTION OF LICENSE OR GAME FOR INSPECTION — REPORT AT CHECKING STATIONS. — Upon the request of the director of the fish and game de­partment or his authorized representatives, such license must be produced for inspection. Every person shall also, upon request of the director or his authorized representa­tives, produce for inspection, game birds, game animals, fish, or fur-bearing animals, in his possession. All hunters or fishermen entering or leaving areas for which checking stations have been provided for the purpose of inspecting licenses, fish and game must stop and report at such check­ing stations, provided that the station is on the hunter’s or fisherman’s route of travel to or from the hunting or fishing area. Failure of a hunter or fisherman to stop and report at such a checking station, when personnel are on duty, shall be a misdemeanor.

Approved March 11, 1961.
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CHAPTER 239  
(S. B. No. 115)

AN ACT

ADOPTING, ON BEHALF OF THE STATE OF IDAHO, THE INTERSTATE COMPACT ON MENTAL HEALTH, WHICH DEALS IN CERTAIN DETAIL WITH THE CARE AND TREATMENT OF THE MENTALLY ILL AND MENTALLY DEFICIENT, REGARDLESS OF RESIDENCE OR CITIZENSHIP; PROVIDING FOR A COMPACT ADMINISTRATOR FOR IDAHO AND SETTING FORTH HIS DUTIES; AUTHORIZING THE IDAHO COMPACT ADMINISTRATOR TO ENTER INTO CERTAIN SUPPLEMENTARY AGREEMENTS WITH APPROPRIATE OFFICIALS OF OTHER STATES PARTY TO SAID COMPACT; PROVIDING FOR CERTAIN FINANCIAL ARRANGEMENTS; AND PROVIDING FOR CERTAIN DISTRIBUTION BY THE SECRETARY OF STATE OF IDAHO OF DULY AUTHENTICATED COPIES OF THIS ACT.

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

SECTION 1. The Interstate Compact on Mental Health is hereby enacted into law and entered into by this state with all other states legally joining therein in the form substantially as follows:

INTERSTATE COMPACT ON MENTAL HEALTH

The contracting states solemnly agree that:

ARTICLE I

The party states find that the proper and expeditious treatment of the mentally ill and mentally deficient can be facilitated by cooperative action, to the benefit of the patients, their families, and society as a whole. Further, the party states find that the necessity of and desirability for furnishing such care and treatment bears no primary relation to the residence or citizenship of the patient but that, on the contrary, the controlling factors of community safety and humanitarianism require that facilities and services be made available for all who are in need of them. Consequently, it is the purpose of this compact and of the party states to provide the necessary legal basis for the institutionalization or other appropriate care and treatment of the mentally ill and mentally deficient under a system that recognizes the paramount importance of patient welfare
and to establish the responsibilities of the party states in terms of such welfare.

ARTICLE II

As used in this compact:

(a) "Sending state" shall mean a party state from which a patient is transported pursuant to the provisions of the compact or from which it is contemplated that a patient may be so sent.

(b) "Receiving state" shall mean a party state to which a patient is transported pursuant to the provisions of the compact or to which it is contemplated that a patient may be so sent.

(c) "Institution" shall mean any hospital or other facility maintained by a party state or political subdivision thereof for the care and treatment of mental illness or mental deficiency.

(d) "Patient" shall mean any person subject to or eligible as determined by the laws of the sending state, for institutionalization or other care, treatment, or supervision pursuant to the provisions of this compact.

(e) "After-care" shall mean care, treatment and services provided a patient, as defined herein, on convalescent status or conditional release.

(f) "Mental illness" shall mean mental disease to such extent that a person so afflicted requires care and treatment for his own welfare, or the welfare of others, or of the community.

(g) "Mental deficiency" shall mean mental deficiency as defined by appropriate clinical authorities to such extent that a person so afflicted is incapable of managing himself and his affairs, but shall not include mental illness as defined herein.

(h) "State" shall mean any state, territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

ARTICLE III

(a) Whenever a person physically present in any party state shall be in need of institutionalization by reason of mental illness or mental deficiency, he shall be eligible for
care and treatment in an institution in that state irrespective of his residence, settlement or citizenship qualifications.

(b) The provisions of paragraph (a) of this article to the contrary notwithstanding, any patient may be transferred to an institution in another state whenever there are factors based upon clinical determinations indicating that the care and treatment of said patient would be facilitated or improved thereby. Any such institutionalization may be for the entire period of care and treatment or for any portion or portions thereof. The factors referred to in this paragraph shall include the patient's full record with due regard for the location of the patient's family, character of the illness and probable duration thereof, and such other factors as shall be considered appropriate.

(c) No state shall be obliged to receive any patient pursuant to the provisions of paragraph (b) of this article unless the sending state has given advance notice of its intention to send the patient; furnished all available medical and other pertinent records concerning the patient; given the qualified medical or other appropriate clinical authorities of the receiving state an opportunity to examine the patient if said authorities so wish; and unless the receiving state shall agree to accept the patient.

(d) In the event that the laws of the receiving state establish a system of priorities for the admission of patients, an interstate patient under this compact shall receive the same priority as a local patient and shall be taken in the same order and at the same time that he would be taken if he were a local patient.

(e) Pursuant to this compact, the determination as to the suitable place of institutionalization for a patient may be reviewed at any time and such further transfer of the patient may be made as seems likely to be in the best interest of the patient.

ARTICLE IV

(a) Whenever, pursuant to the laws of the state in which a patient is physically present, it shall be determined that the patient should receive after-care or supervision, such care or supervision may be provided in a receiving state. If the medical or other appropriate clinical authorities having responsibility for the care and treatment of the patient in the sending state shall have reason to believe that after-care in another state would be in the best interest of the
patient and would not jeopardize the public safety, they shall request the appropriate authorities in the receiving state to investigate the desirability of affording the patient such after-care in said receiving state, and such investigation shall be made with all reasonable speed. The request for investigation shall be accompanied by complete information concerning the patient's intended place of residence and the identity of the person in whose charge it is proposed to place the patient, the complete medical history of the patient, and such other documents as may be pertinent.

(b) If the medical or other appropriate clinical authorities having responsibility for the care and treatment of the patient in the sending state and the appropriate authorities in the receiving state find that the best interest of the patient would be served thereby, and if the public safety would not be jeopardized thereby, the patient may receive after-care or supervision in the receiving state.

(c) In supervising, treating, or caring for a patient on after-care pursuant to the terms of this article, a receiving state shall employ the same standards of visitations, examination, care, and treatment that it employs for similar local patients.

ARTICLE V

Whenever a dangerous or potentially dangerous patient escapes from an institution in any party state, that state shall promptly notify all appropriate authorities within and without the jurisdiction of the escapee in a manner reasonably calculated to facilitate the speedy apprehension of the escapee. Immediately upon the apprehension and identification of any such dangerous or potentially dangerous patient, he shall be detained in the state where found pending disposition in accordance with law.

ARTICLE VI

The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the patient, shall be permitted to transport any patient being moved pursuant to this compact through any and all states party to this compact, without interference.

ARTICLE VII

(a) No person shall be deemed a patient of more than one institution at any given time. Completion of transfer
of any patient to an institution in a receiving state shall have the effect of making the person a patient of the institution in the receiving state.

(b) The sending state shall pay all costs of and incidental to the transportation of any patient pursuant to this compact, but any two or more party states may, by making a specific agreement for that purpose, arrange for a different allocation of costs as among themselves.

(c) No provision of this compact shall be construed to alter or affect any internal relationships 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 payment of costs, or responsibilities therefor.

(d) Nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person, agency or other entity in regard to costs for which such party state or subdivision thereof may be responsible pursuant to any provision of this compact.

(e) Nothing in this compact shall be construed to invalidate any reciprocal agreement between a party state and a nonparty state relating to institutionalization, care or treatment of the mentally ill or mentally deficient, or any statutory authority pursuant to which such agreements may be made.

**ARTICLE VIII**

(a) Nothing in this compact shall be construed to abridge, diminish, or in any way impair the rights, duties, and responsibilities of any patient's guardian on his own behalf or in respect of any patient for whom he may serve, except that where the transfer of any patient to another jurisdiction makes advisable the appointment of a supplemental or substitute guardian, any court of competent jurisdiction in the receiving state may make such supplemental or substitute appointment and the court which appointed the previous guardian shall upon being duly advised of the new appointment, and upon the satisfactory completion of such accounting and other acts as such court may by law require, relieve the previous guardian of power and responsibility to whatever extent shall be appropriate in the circumstances; provided, however, that in the case of any patient having settlement in the sending state, the court of competent jurisdiction in the sending state shall have the sole discretion to
relieve a guardian appointed by it or continue his power and responsibility, whichever it shall deem advisable. The court in the receiving state may, in its discretion, confirm or reappoint the person or persons previously serving as guardian in the sending state in lieu of making a supplemental or substitute appointment.

(b) The term "guardian" as used in paragraph (a) of this article shall include any guardian, trustee, legal committee, conservator, or other person or agency however nominated who is charged by law with power to act for or responsibility for the person or property of a patient.

ARTICLE IX

(a) No provisions of this compact except Article V shall apply to any person institutionalized while under sentence in a penal or correctional institution or while subject to trial on a criminal charge, or whose institutionalization is due to the commission of an offense for which, in the absence of mental illness or mental deficiency, said person would be subject to incarceration in a penal or correctional institution.

(b) To every extent possible, it shall be the policy of states party to this compact that no patient shall be placed or detained in any prison, jail or lockup, but such patient shall, with all expedition, be taken to a suitable institutional facility for mental illness or mental deficiency.

ARTICLE X

(a) Each party state shall appoint a "compact administrator" who, on behalf of his state, shall act as general coordinator of activities under the compact in his state and who shall receive copies of all reports, correspondence, and other documents relating to any patient processed under the compact by his state either in the capacity of sending or receiving state. The compact administrator or his duly designated representative shall be the official with whom other party states shall deal in any matter relating to the compact or any patient processed thereunder.

(b) The compact administrators of the respective party states shall have power to promulgate reasonable rules and regulations to carry out more effectively the terms and provisions of this compact.
ARTICLE XI

The duly constituted administrative authorities of any two or more party states may enter into supplementary agreements for the provision of any service or facility or for the maintenance of any institution on a joint or cooperative basis whenever the states concerned shall find that such agreements will improve services, facilities, or institutional care and treatment in the fields of mental illness or mental deficiency. No such supplementary agreement shall be construed so as to relieve any party state of any obligation which it otherwise would have under other provisions of this compact.

ARTICLE XII

This compact shall enter into full force and effect as to any state when enacted by it into law and such state shall thereafter be a party thereto with any and all states legally joining therein.

ARTICLE XIII

(a) A state party to this compact may withdraw therefrom by enacting a statute repealing the same. Such withdrawal shall take effect one year after notice thereof has been communicated officially and in writing to the governors and compact administrators of all other party states. However, the withdrawal of any state shall not change the status of any patient who has been sent to said state or sent out of said state pursuant to the provisions of the compact.

(b) Withdrawal from any agreement permitted by Article VII (b) as to costs or from any supplementary agreement made pursuant to Article XI shall be in accordance with the terms of such agreement.

ARTICLE XIV

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact 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 compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the con-
stitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

SECTION 2. Pursuant to said compact, the governor is hereby authorized and empowered to designate an officer who shall be the compact administrator and who, acting jointly with like officers of other party states, shall have power to promulgate rules and regulations to carry out more effectively the terms of the compact. Said compact administrator shall serve subject to the pleasure of the governor. The compact administrator is hereby authorized, empowered and directed to cooperate with all departments, agencies and officers of and in the government of this state and its subdivisions in facilitating the proper administration of the compact or of any supplementary agreement or agreements entered into by this state thereunder.

SECTION 3. The compact administrator is hereby authorized and empowered to enter into supplementary agreements with appropriate officials of other states pursuant to Articles VII and XI of the compact. In the event that such supplementary agreements shall require or contemplate the use of any institution or facility of this state or require or contemplate the provision of any service by this state, no such agreement shall have force or effect until approved by the head of the department or agency under whose jurisdiction said institution or facility is operated or whose department or agency will be charged with the rendering of such service.

SECTION 4. The compact administrator, subject to the approval of the Board of Examiners, may make or arrange for any payments necessary to discharge any financial obligations imposed upon this state by the compact or by any supplementary agreement entered into thereunder.

SECTION 5. Duly authenticated copies of this act shall, upon its approval, be transmitted by the Secretary of State to the Governor of each state, the Attorney General and the Secretary of State of the United States, and the Council of State Governments.

Approved March 11, 1961.
CHAPTER 240
(S. B. No. 121)

AN ACT

AMENDING SECTION 22-2224, IDAHO CODE, AS AMENDED, RELATING TO ESTABLISHMENT OF RESTRICTED AREAS FOR USE OF 2,4-D AND RELATED HERBICIDES BY INCLUDING INSECTICIDES AND FUNGICIDES; AMENDING SECTION 22-2225, IDAHO CODE, AS AMENDED, RELATING TO PROCEDURE FOR ESTABLISHING RESTRICTED AREA BY INCLUDING INSECTICIDES AND FUNGICIDES; AMENDING SECTION 22-2227, IDAHO CODE, AS AMENDED, RELATING TO REGULATIONS PRESCRIBING TIME AND CONDITIONS OF USE IN RESTRICTED AREA BY INCLUDING INSECTICIDES AND FUNGICIDES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 22-2224, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

22-2224. RESTRICTED AREAS FOR USE OF 2,4-D AND RELATED HERBICIDES AND INSECTICIDES AND FUNGICIDES ESTABLISHED. — The commissioner of agriculture is authorized to define areas or zones within the state where specific restrictions on the use of 2,4-D and related herbicides and insecticides and fungicides are necessary to prevent injury to animals, beneficial insects and pollinating insects, or crops and is further authorized to establish special regulations regulating or prohibiting such use in these areas. The procedure for this shall be as prescribed in Section 22-2225.

SECTION 2. That Section 22-2225, Idaho Code, as amended, 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 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 and insecticides and fungicides in the area. After notice by the commissioner,
stating the time and place, and published once each week for two 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 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 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.

SECTION 3. That Section 22-2227, Idaho Code, as amended, 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 may prescribe the time when and the conditions under which 2,4-D and related herbicides and insecticides and fungicides 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.

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

Approved March 11, 1961.

CHAPTER 241
(S. B. No. 82)

AN ACT
AMENDING SECTION 18-3106, IDAHO CODE, RELATING TO THE DRAWING, MAKING, UTTERING AND DELIVERING OF CHECKS, DRAFTS OR ORDERS WITHOUT FUNDS OR WITH INSUFFICIENT FUNDS BY PROVIDING THAT WHERE THERE ARE NO FUNDS FOR THE PAYMENT IN FULL OF SUCH CHECK, DRAFT OR ORDER, OR THERE ARE SOME BUT INSUFFICIENT FUNDS FOR THE FULL PAYMENT
THEREOF AND THE SAME BE FOR $25.00 OR MORE, THE PERSON MAKING, DRAWING, UTTERING OR DELIVERING SUCH CHECK, DRAFT OR ORDER SHALL, UPON CONVICTION, BE PUNISHED BY IMPRISONMENT IN THE STATE PRISON FOR A TERM NOT EXCEEDING THREE YEARS OR BY A FINE NOT EXCEEDING $5,000.00, OR BY BOTH SUCH FINE AND IMPRISONMENT; AND PROVIDING THAT WHERE SUCH CHECK, DRAFT OR ORDER BE FOR A SUM LESS THAN $25.00 AND THERE ARE SOME BUT INSUFFICIENT FUNDS FOR THE FULL PAYMENT THEREOF, THE PERSON MAKING, DRAWING, UTTERING OR DELIVERING SUCH CHECK, DRAFT OR ORDER SHALL, UPON A FIRST CONVICTION, BE PUNISHED BY IMPRISONMENT IN THE COUNTY JAIL FOR A TERM NOT EXCEEDING SIX MONTHS OR BY A FINE NOT EXCEEDING $300.00, OR BY BOTH SUCH FINE AND IMPRISONMENT; AND PROVIDING THAT A SECOND CONVICTION SHALL BE PUNISHABLE BY IMPRISONMENT IN THE COUNTY JAIL FOR A TERM NOT EXCEEDING ONE YEAR OR BY A FINE NOT EXCEEDING $1,000.00, OR BY BOTH SUCH FINE AND IMPRISONMENT; AND FURTHER PROVIDING THAT UPON A THIRD OR SUBSEQUENT CONVICTION, THE SAME SHALL BE PUNISHABLE BY IMPRISONMENT IN THE STATE PRISON FOR A TERM NOT EXCEEDING THREE YEARS OR BY A FINE NOT EXCEEDING $5,000.00, OR BY BOTH SUCH FINE AND IMPRISONMENT; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ACT.

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

SECTION 1. That Section 18-3106, Idaho Code, be, and the same is hereby amended to read as follows:

18-3106. DRAWING CHECK WITHOUT FUNDS — DRAWING CHECK WITH INSUFFICIENT FUNDS — PRIMA FACIE EVIDENCE OF INTENT. — (a) Any person who for himself or as the agent or representative of another or as an officer of a corporation, wilfully, with intent to defraud shall make or draw or utter or deliver, or cause to be made, drawn, uttered or delivered, any check, draft or order for the payment of money upon any bank or depository, or person, or firm, or corporation, knowing at the time of such making, drawing, uttering or delivery that the maker or drawer has no funds * * * in or credit with such bank or depository, or person, or firm, or corporation, for the payment in full of such check, draft or order * * upon its presentation, although no express representation is made with reference thereto, shall upon conviction be punished by im-
prisonment in the state prison for a term not to exceed three years or by a fine not to exceed $5,000.00 or by both such fine and imprisonment.

(b) Any person who for himself or as the agent or representative of another or as an officer of a corporation, wilfully, with intent to defraud shall make, draw, utter or deliver, or cause to be made, drawn, uttered or delivered, any check, draft or order for the payment of money in the sum of $25.00 or more, upon any bank or depositary, or person, or firm, or corporation, knowing at the time of such making, drawing, uttering or delivery that the maker or drawer has some but not sufficient funds in or credit with such bank or depositary, or person, or firm, or corporation, for the full payment of such check, draft or order upon its presentation, although no express representation is made with reference thereto, shall upon conviction be punished by imprisonment in the state prison for a term not to exceed three years, or by a fine not to exceed $5,000.00, or by both such fine and imprisonment.

(c) Any person who for himself or as the agent or representative of another or as an officer of a corporation, wilfully, with intent to defraud, shall make, draw, utter or deliver, or cause to be made, drawn, uttered, or delivered, any check, draft or order for payment of money, in a sum less than $25.00 upon any bank or depositary, or person, or firm, or corporation, knowing at the time of such making, drawing, uttering or delivery that the maker or drawer has some but not sufficient funds in or credit with such bank or depositary, or firm, or person, or corporation, for the full payment of such check, draft or order upon its presentation, although no express representation is made with reference thereto, shall upon conviction for a first offense be punished by imprisonment in the county jail for a term not exceeding six months, or by a fine not exceeding $300.00 or by both such fine and imprisonment; and upon a second conviction the person so convicted shall be punished by imprisonment in the county jail for a term not exceeding one year, or by a fine not exceeding $1,000.00, or by both such fine and imprisonment; provided, however, that upon a third or subsequent conviction, the person so convicted shall be punished by imprisonment in the state prison for a term not exceeding three years, or by a fine not exceeding $5,000.00, or by both such fine and imprisonment.

(d) As against the maker or drawer thereof, the making, drawing, uttering or delivering of such check, draft or
order as aforesaid shall be prima facie evidence of intent to defraud and of knowledge of no funds or insufficient funds, as the case may be, in or credit with such bank, or depositary, or person, or firm, or corporation, for the payment in full of such check, draft or order on the presentation. The word "credit" as used herein shall be construed to mean an arrangement or understanding with the bank or depositary, or person, or firm, or corporation upon whom such check, draft or order is drawn for the payment of such check, draft, or order.

SECTION 2. This Act shall take effect and be in force on and after July 1, 1961.

Approved March 11, 1961.

CHAPTER 242
(S. B. No. 85)

AN ACT

REPEALING TITLE 36, CHAPTER 54, IDAHO CODE; PROVIDING FOR THE EXAMINATION, LICENSING AND REGULATION OF OUTFITTERS AND GUIDES; DECLARING THE POLICY OF THE STATE; MAKING IT UNLAWFUL TO ACT AS AN OUTFITTER OR GUIDE WITHOUT LICENSE; DEFINING OUTFITTERS AND GUIDES; PROVIDING FOR EXCEPTION; CREATING THE IDAHO OUTFITTER'S AND GUIDE'S BOARD; PROVIDING FOR THE APPOINTMENT, QUALIFICATION AND ORGANIZATION OF SAID BOARD; PROVIDING FOR THE COMPENSATION, POWERS AND DUTIES OF SAID BOARD; PROVIDING FOR THE EXTENT OF LICENSES; PROVIDING FOR LICENSES AND RENEWAL LICENSES, FEE, AND CONTENTS OF LICENSE; PROVIDING MINIMUM QUALIFICATIONS; PROVIDING FOR THE EXAMINATION OF APPLICANTS, EXCEPTIONS THERETO, AND PROVIDING FORM AND TERM OF LICENSE; PROVIDING FOR ADDITIONAL FEES TO BE CHARGED BY THE BOARD; PROVIDING FOR DISPOSITION OF FUNDS, THE CREATION OF THE IDAHO OUTFITTER'S AND GUIDE'S LICENSE FUND; PROVIDING FOR THE FISCAL CONTROL OF THE IDAHO OUTFITTER'S AND GUIDE'S FUND; PROVIDING THAT TEN PER CENT OF ALL MONIES IN SAID FUND SHALL REVERT TO THE GENERAL FUND OF THE STATE OF IDAHO; PROVIDING FOR REVOCATION, SUSPENSION
OF LICENSE AND GROUNDS THEREFOR; PROVIDING PROCEDURE FOR REVOCATION OR SUSPENSION OF LICENSE; PROVIDING FOR REVIEW OF PROCEEDINGS ON REVOCATION OR SUSPENSION OF LICENSE; PROVIDING FOR DUTIES OF PROSECUTING ATTORNEY; PROVIDING FOR PENALTIES FOR ACTING AS AN OUTFITTER OR GUIDE WITHOUT LICENSE; MAKING LICENSE A PREREQUISITE FOR SUIT FOR FEES; MAKING A VIOLATION OF THE ACT A MISDEMEANOR AND PUNISHABLE AS SUCH; PROVIDING FOR SEPARABILITY OF THE PROVISIONS OF THE ACT; VALIDATING LICENSES ISSUED BY THE DIRECTOR OF THE FISH AND GAME DEPARTMENT FOR 1961, AND PROVIDING FOR THE TRANSFER AND EQUALIZATION OF FEES AND BONDS HELD BY HIM; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Title 36, Chapter 54, Idaho Code, be, and the same is hereby repealed in its entirety.

SECTION 2. DECLARATION OF POLICY. — The natural resources of the State of Idaho are an invaluable asset to every community in which they abound. Every year, in rapidly increasing numbers, the inhabitants of the State of Idaho and non-residents are enjoying the recreational value of Idaho's mountains and streams, many of which are far remote and removed from ordinary auto travel. The tourist trade is of vital importance to the State of Idaho, and the recreational value of these natural resources is such that the number of persons who are each year participating in their enjoyment is steadily increasing. The intent of this legislation is to promote and encourage residents and non-residents alike to participate in their enjoyment and to safeguard the health, safety and welfare of all such persons, and, to that end, to regulate the activities of persons who undertake for hire to provide equipment or personal services to such persons. It is not the intent of this legislation to interfere in any way with the business of livestock operations, nor to prevent the owner of pack animals from using same to accommodate friends where no consideration is involved for the use thereof.

SECTION 3. DEFINITIONS. —

(1) "Person" — includes any individual, firm, co-partnership, corporation or other organization or any combination thereof.

(2) "Outfitter" — is any person, who, in any manner,
advertises or holds himself out to the public as an outfitter or guide, and maintains outfitter's or guide's equipment or accommodations, excepting such as may be reasonable or necessary for the purpose of conducting or operating his personal business or occupation."

(3) "Guide" — is a person, who, for compensation or other gain, or promise thereof, furnishes personal services in assisting and guiding any person to locate, hunt, trap, capture, take photograph by either still or moving pictures, or kill any game animal or game bird, or to catch any fish in the State of Idaho.

SECTION 4. EXCEPTIONS. — The foregoing definitions of the terms "outfitter" and "guide" will not apply to a person who, for accommodation and not for compensation or gain or promise thereof, furnishes a pack or saddle horse, or other equipment, to a hunter or a fisherman when such furnishing is for a temporary use.

SECTION 5. LICENSE A PRE-REQUISITE FOR OUTFITTING OR GUIDING. — It shall be unlawful for any person to engage in the business of, or act in the capacity of, an outfitter or outfitting, or in the occupation of guiding, as an independent contractor or as the agent or employee of another, unless such person has first secured an outfitter's or guide's license in accordance with the provisions of this Act.

SECTION 6. CREATION OF THE IDAHO OUTFITTER'S AND GUIDE'S BOARD. — There is hereby created the Idaho Outfitter's and Guide's Board, herein referred to as "The Board," consisting of three members appointed by the Governor, as provided in Section 7 of this Act.

SECTION 7. APPOINTMENT AND QUALIFICATION OF MEMBERS, ORGANIZATION OF BOARD. — All members of the Board shall be qualified outfitters and guides who have had not less than five years' experience in the business of outfitting and guiding in the State of Idaho. Each appointment shall be for the term of three years and each board member shall hold office for a term of three years, except the members of the first board, one of whom shall be appointed for one year, one for two years, and one for three years. Upon the death, resignation or removal of any member of the Board the Governor shall appoint a member to fill out the unexpired term. Immediately upon the creation of a vacancy in the Board, either through expiration of term, through death, resignation or removal,
the Idaho Outfitter's and Guide's Association shall submit to the Governor the names of two qualified men for each vacancy created and the appointment to fill such vacancy shall be made by the Governor from the names submitted within thirty days after the receipt by the Governor of the names submitted. Appointments to fill any vacancy other than that created by the expiration of a term shall be made for the unexpired term. A majority of said Board shall constitute a quorum and the Board shall meet at least once a year, on or before the First day of March thereof. No compensation shall be paid board members for their duties as such, excepting they shall be compensated for their actual and necessary expenses while engaged in the business of the Board.

SECTION 8. POWERS AND DUTIES OF THE IDAHO OUTFITTER'S AND GUIDE'S BOARD. — The Board shall have the following duties and powers:

(1) To conduct examinations to ascertain the qualifications of applicants for outfitter's or guide's licenses, and to issue such licenses to qualified applicants.

(2) To prescribe and establish rules of procedure and regulations to carry into effect the provisions of this Act, including but not limited to regulations prescribing all requisite qualifications of training, experience, knowledge of rules and regulations of governmental bodies, condition and type of gear and equipment, examinations to be given applicants, whether oral, written or demonstrative, or a combination thereof.

(3) To conduct hearings and proceedings to suspend or revoke licenses of outfitters and/or guides, and to suspend or revoke said licenses for due cause in the manner herein-after provided.

(4) No license shall be issued by the Board until a majority thereof has reported favorably thereon. The Board is expressly vested with the power and the authority to make and enforce any and all reasonable rules and regulations which shall by it be deemed necessary for administering and enforcing provisions of this Act.

SECTION 9. APPLICATION FOR LICENSE — CONTENTS — FEE — QUALIFICATIONS — TERM — BOND. — Each applicant for an outfitter's or guide's license shall be a competent person of good moral character, who is a citizen of the United States, who is eighteen years of age or older, and possessed of a working knowledge of the
game and fishing laws of the State of Idaho and the regulations of the United States Forest Service. Each applicant for an outfitter's or guide's license shall make application for license therefor upon a form to be prescribed and furnished by the Board, giving his full name and business address, the address of his principal place of business in the State of Idaho, the amount and kind of property owned and used in the outfitting business of the applicant, the experience of applicant in such business. Residential requirements herein provided for procuring an outfitter's license are hereby waived for the citizens of any state or states to the same extent the home state of the applicant waives such requirements for the citizens of Idaho. Applications shall be made to and filed with the Board and accompanied by:

(1) A license fee as hereinafter provided, which will not be refunded.

(2) A bond to the State of Idaho for the benefit of person or persons employing the licensee in a form approved by the Board in the sum of $2,500.00 for outfitters and $1,000.00 for guides, executed by a qualified surety, duly authorized to do business in this State, conditioned that said applicant, his agents and employees, if said license is issued to him, shall conduct his business as an outfitter or guide without fraud or fraudulent representation, and will faithfully perform his contracts with and duties to his patrons; said bond to be reissued as often as the license is renewed, and said bond, after issuance of the license as provided herein, shall be filed with the State Auditor.

(3) The license fee for outfitters shall be $25.00 and for guides, $10.00, and the license fee for nonresidents, for whom the resident requirements have been waived as herein provided, shall be $100.00, provided, however, that if such nonresident resides in a state requiring citizens of the State of Idaho to pay in excess of $100.00 for similar license, the fee for such nonresident outfitter or guide shall be the same amount as such higher fee charged in the State where such nonresident resides.

The board, in its discretion, may make such additional investigation and inquiry relative to the applicant and an applicant's qualifications as it shall deem advisable, provided that final decision of the Board upon any application shall not be later than thirty days from date of receipt of application for license.

A licensee in good standing shall be entitled to a new
license for the ensuing year upon complying with subdivi-
sions (1), (2) and (3) of this Section.

SECTION 10. FORM AND TERM OF LICENSE — NO-
TICE OF DENIAL. — Upon filing the application and pay-
ment of the license fee, the Board, if all conditions of this
Section have been met, shall issue the license. Said license
shall be in the form prescribed by the Board, and shall be
valid for the calendar year in which issued. If the applica-
tion is denied, the Board shall notify the applicant, in writ-
ing, of the reasons for such denial, and that if the matters
are correct a license will be issued upon re-application there-
for.

SECTION 11. ADDITIONAL FEES. — In addition to
the license fee provided for in this Act, the Board shall be
entitled to charge and collect the following fees for the
following services;

(a) A renewal fee for each license in the same amount
as the initial fee.

(b) A re-examination fee of $10.00 for each re-examina-
tion.

SECTION 12. DISPOSITION OF FUNDS. — All fees
collected by the Board under the provisions of this Act shall
be apportioned as follows:

(a) From all fees collected by the Board there shall be
deposited to the credit of the General Fund of the State of
Idaho a sum equal to Ten Percent thereof.

(b) The balance of said fees, and all other fees collected
by the Board, shall be deposited by it in an account design-
nated as the "Idaho Outfitter's and Guide's License Fund,"
which fund is hereby created. All funds in said Idaho Out-
fitter's and Guide's License Fund shall be deposited in a
banking institution authorized to do business in the State,
and a member of the Federal Depositary System. All funds
so deposited in said Idaho Outfitter's and Guide's License
Fund are hereby appropriated for the purpose of carrying
out the provisions of this Act. All expenditures of said fund
by the Board under the provisions of this Act shall be paid
out by check co-signed by any two members of the Board
for the purpose of carrying out the objects of this Act, and
in the exercise of the powers herein granted the Board shall
have the power to make orders concerning the disbursement
of the money of said Idaho Outfitter's and Guide's License
Fund, including the payment of compensation expenses of
its members, clerks, employees and for the payment of printing, and monies in the said Fund may be expended by the Board for the promotion and improvement of the profession of outfitters and guides, and advertising of the State of Idaho.

SECTION 13. LICENSED OUTFITTERS MAY ACT AS GUIDES.—Any person holding a current and valid outfitter's license may act as a guide without a guide's license.

SECTION 14. REVOCATION OR SUSPENSION OF LICENSE — GROUNDS THEREFOR.— Every license shall, by virtue of this Act, be subject to suspension or revocation by the Board in the manner hereinafter set forth:

1. For fraud or deception in procuring a license;
2. For fraudulent, untruthful or misleading advertising;
3. For conviction for any felony involving moral turpitude;
4. For failure to comply with United States Forest Service Regulations;
5. For immoral, unethical or dishonorable conduct in the licensee's relation to his guest or patron;
6. For failure to present his renewal application as provided in this Act;
7. For conviction of any violation of the Fish and Game Laws of the State.
8. For failure in performance of his contract.

SECTION 15. REVOCATION OR SUSPENSION OF LICENSE — PROCEDURE.—Proceedings for the revocation or suspension of a license issued hereunder may be taken upon information and recommendation of any person. All accusations must be made in writing, signed and verified by the person familiar with the facts therein charged, and three copies thereof must be filed with the Board. Thereupon, the Board, acting as a Board, or through its secretary, shall make a preliminary investigation of all facts in connection with such charge. If the accusation be deemed insufficient, the Board need take no further action, and the transcript of any such investigation shall be considered confidential. Should the Board determine the accusations sufficiently founded it shall set a time and place for a formal hearing, and shall cause a copy of said complaint and a
transcript of the investigation to be served upon the licensee accused, not less than twenty days prior to the day set for the hearing. At the hearing the Board may be represented by counsel, and for such purpose the Board is hereby authorized to employ an attorney at law, the accused by counsel, each with the right of cross-examination of the witnesses of the other. The Board shall have the power to administer oaths, take depositions and issue subpoenas in the manner provided by law in civil cases. If, after full, fair and impartial hearing, the majority of the Board shall find the accused guilty, the Board may suspend the accused’s license for a period not to exceed one year, or the Board may order the license revoked. The Board shall forthwith suspend or revoke the license in accordance with and pursuant to its order hereunder.

SECTION 16. REVIEW OF ACTION OF THE BOARD. — Any person who feels aggrieved by any action of the Board in denying the issuance of, suspending or revoking his license as an outfitter or guide, may appeal therefrom to the District Court of the State of Idaho for the respective District in which such person resides within sixty days of the entry of the order taking such action, which appeal shall be perfected by filing with the Clerk of said Court a petition briefly setting forth the action complained of and wherein the petitioner has been deprived of any legal rights. Summons and copy of the complaint shall be served on the Board, or on the secretary thereof, or any member thereof, and all proceedings shall conform to the Code of Civil Procedure of the State of Idaho. Upon such appeal the action shall be by trial de novo and, upon demand in writing, either party shall be entitled to trial by jury. The Court may sustain or reverse the action of the Board, or may direct the Board to take such other and further action as to the Court may seem just and proper in the premises.

A revoked or suspended license may be reissued and reinstated at the discretion of the Board.

SECTION 17. PROOF OF COMPLAINT — PROSECUTION BY COUNTY ATTORNEY. — The board may prefer a complaint for violation of any section of this Act before any court of competent jurisdiction in the county where defendant resides, or in the county where the offense occurred. It shall be the duty of the Prosecuting Attorney of each County in the State to prosecute all violations of the aforesaid provisions of this Act in their respective counties in which said violations occur. All such violations are hereby declared to be misdemeanors.
SECTION 18. PENALTY FOR ACTING AS AN OUTFITTER OR GUIDE WITHOUT LICENSE. — Any person acting as an outfitter or guide within the meaning of this Act, without a license as herein provided, shall, upon conviction thereof, if a person, be punished by a fine of not to exceed $300.00, or by imprisonment in the county jail for a term not to exceed ninety days, or by both such fine and imprisonment in the discretion of the Court; or if a corporation, by a fine of not to exceed $1,000.00.

SECTION 19. LICENSE A PREREQUISITE. — No person engaged in the business, or acting in the capacity, of an outfitter or guide, as defined in this Act, within this State shall bring or maintain any action in the courts of this State for the collection of compensation for the performance of any services as such outfitter or guide, without alleging and proving that such person, partnership, or corporation was a duly licensed outfitter or guide at the time the alleged cause of action arose.

SECTION 20. SEVERABILITY. — If any Section, subsection, sentence, clause, or phrase of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act, and each Section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more other Sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

SECTION 21. LICENSES ISSUED UNDER PRIOR LAW — TRANSFER AND EQUALIZATION OF FEES AND BONDS. — All licenses issued by the Director of the Fish and Game Department of the State of Idaho under the provisions of Title 36, Chapter 54, Idaho Code, for the calendar year 1961, shall be valid throughout said year. Upon demand of the Board, all fees and bonds held by the Director at the time the Board is appointed shall be delivered to the Board. Each person holding a 1961 license, issued by the Director of the Fish and Game Department, shall, upon demand of the Board, pay to the Board the difference between the license fee required under this Act and the amount paid to the Director of the Fish and Game Department and shall furnish the bond required under this Act.

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

Approved March 11, 1961.
TO ENCOURAGE DEVELOPMENT AND USE OF ALL FORMS OF IONIZING RADIATION AND ATOMIC ENERGY; TO PROTECT THE PUBLIC HEALTH AGAINST THE HAZARDS OF IONIZING RADIATION AND ATOMIC ENERGY; TO PROVIDE FOR REGISTRATION OF RADIATION SOURCES AND RADIATION MACHINES AND RADIOACTIVE MATERIALS; TO DIRECT AND EMPOWER THE STATE BOARD OF HEALTH TO ADOPT REASONABLE STANDARDS AND REGULATIONS GOVERNING THE USE OF BY-PRODUCT, SOURCE AND NUCLEAR MATERIALS AND TO REQUIRE THE REGISTRATION OF IONIZING RADIATION SOURCES AND MACHINES AND TO REQUIRE THE USERS THEREOF TO OBTAIN A LICENSE; TO EMPOWER THE GOVERNOR OF THE STATE TO NEGOTIATE WITH THE FEDERAL GOVERNMENT, SPECIFICALLY THE ATOMIC ENERGY COMMISSION; TO AUTHORIZE THE STATE BOARD OF HEALTH OR THE STATE DEPARTMENT OF LABOR OR THE STATE INDUSTRIAL ACCIDENT BOARD TO COOPERATE FOR THE PURPOSE OF REGULATING AND INSPECTING INSTALLATIONS USING OR STORING RADIATION SOURCES OR MATERIALS; PROVIDING PROCEDURE UPON FINDING OF UNSAFE PRACTICES OR VIOLATION OF REGULATIONS.

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

SECTION 1. ADOPTION OF STANDARDS AND CONTROL OF RADIATION HAZARDS AND ISSUANCE OF LICENSES.—The State Board of Health is directed and is hereby authorized to adopt reasonable standards and regulations governing the use of by-product, source and nuclear materials and to require the registration of ionizing radiation sources and machines and to issue licenses to registrants upon payment of prescribed fees.

SECTION 2. POWER TO NEGOTIATE.—The Governor of the State will negotiate with and enter into agreements with the appropriate federal authority, specifically the Atomic Energy Commission to insure that the State fulfills its obligation to protect the public health of its citizens against hazardous radiation from any source without duplication of effort between the federal and the state government.

SECTION 3. INSPECTIONS AND ENFORCEMENT.—
The designated representatives of the State Board of Health and/or State Department of Labor and/or State Industrial Accident Board shall have authority to enter any place where radiation sources and machines are stored or are being used and to determine the conditions under which they are being stored or under which the machines are being operated and whenever there is found to exist any violation of the regulations relating to the safe storage or use of such sources or machines or practices or that the place of business and/or equipment is not maintained in conformity with the standards adopted in the regulations, the owner or leasee of the premises or the proprietor or operator of the business carried on shall be notified in writing of such unsafe practices or violation of the regulations. Upon receiving such notices or recommendations, the owner or leasee of the premises or proprietor or operator shall immediately discontinue operation until remedial action can be taken. Enforcement of this provision shall be in accordance with the existing codes of the State Board of Health, State Department of Labor and State Industrial Accident Board. To avoid waste and duplication of money and effort: (1) regulations adopted by the State Board of Health shall be prepared in cooperation with the State Department of Labor and the State Industrial Accident Board; (2) jointly and cooperatively these three agencies of state government will agree on responsibility for inspection procedure that will result in inspection by one agency and a single recommendation or order for compliance.

Approved March 11, 1961.

CHAPTER 244
(S. B. No. 166)

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay, of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  

Appropriations:

BUREAU OF THE BUDGET:

For:  
Salaries and Wages .........................$37,480
Travel Expense ............................ 1,800
Other Current Expense .................... 7,400
Capital Outlay ............................  500

Total ....................................$47,180

From the General Fund .....................$47,180

Approved March 11, 1961.

CHAPTER 245  
(S. B. No. 152)

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay, of the agency herein named, for the period commencing July 1, 1961, and end-
CHAPTER 246
(S. B. No. 163)

AN ACT


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

SECTION 1. There is hereby appropriated out of the General Fund and the Public Utilities Commission fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:

STATE TAX COLLECTOR:
For: Salaries and Wages $898,000
Travel Expense $95,000
Other Current Expense $168,085
Capital Outlay $20,000

Total $1,181,085
Less Other Income $2,800

From the General Fund $1,178,285

Approved March 11, 1961.
PUBLIC UTILITIES COMMISSION:
For:  Salaries and Wages .................. $224,640
      Travel Expense .................. $ 38,000
      Other Current Expense .......... $ 55,000
      Capital Outlay .................. $  2,475

Total .................................. $320,115
From the General Fund ................. $ 64,023
From the Public Utilities Commission Fund .... $256,092

Approved March 11, 1961.

CHAPTER 247
(S. B. No. 142)

AN ACT
RELATING TO A PILOT PROJECT FOR THE CONSERVATION
AND DEVELOPMENT OF THE YOUTH AND NATURAL RESOURCES
DECLARING THE STATE’S POLICY FOR SUCH CONSERVATION;
DEFINING THE PARTICIPANTS OF SUCH PROJECT; APPROPRIATING $61,000.00 FROM THE
GENERAL FUND TO THE BUDGET OF THE STATE FORESTER;
MAKING IT THE DUTY OF THE STATE FORESTER TO EXPEND SUCH FUNDS AS HE DEEMS NECESSARY
TO PROVIDE STAFF, SELECT WORKERS, EQUIP, SUPPLY AND MAINTAIN ALL PHASES OF SUCH PROJECT;
SPECIFYING THE PURPOSES OF SUCH PROJECT; DEFINING THE AUTHORITY OF THE STATE FORESTER;
PROVIDING FOR COMPENSATION OF PARTICIPANTS; PROVIDING THAT PROVISIONS OF LAW WITH RESPECT TO HOURS
OF WORK, RATE OF COMPENSATION, SICK LEAVE, VACATION AND UNEMPLOYMENT COMPENSATION SHALL NOT
BE APPLICABLE TO PARTICIPANTS; PROVIDING THAT PARTICIPANTS, FOR THE PURPOSE OF THE ADMINISTRATION
OF THE WORKMEN’S COMPENSATION LAW BE DEEMED TO BE CIVIL EMPLOYEES OF THE STATE;
REQUIRING THE STATE FORESTER TO PRESENT TO THE GOVERNOR AND MAIL TO EACH LEGISLATOR OF THE
NEXT LEGISLATURE, A REPORT AND EVALUATION OF THE PROJECT, TOGETHER WITH HIS RECOMMENDATIONS.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. It is hereby declared to be the policy of this state to conserve and develop the youth resources thereof, which is the source of our state's future citizens and taxpayers, and likewise to conserve and develop the natural resources of our state as a trust held by us for these future citizens, and it is the urgent duty of the state to conserve the youth as well as the natural resources thereof.

SECTION 2. There is hereby created the Idaho Youth Conservation Project, which shall be designated as the Idaho Youth Conservation Project Act of 1961 and hereinafter called the project, which shall be a pilot project for the ensuing biennium and the same shall be placed under the jurisdiction and supervision of the Idaho State Forester.

SECTION 3. (a) Participants in the Idaho Youth Conservation Project shall be male individuals, citizens of the United States and the state of Idaho, of good character and health who are not less than 14 years nor more than 17 years of age.

(b) In order to participate in the Project an individual must agree to comply with the rules and regulations as set up by the State Forester for the government of those taking part in the Project.

(c) Participation shall be for the duration of one summer camp as set up by the State Forester.

SECTION 4. There is hereby appropriated from the general fund of this state to the budget of the State Forester the sum of $61,000.00 for the coming biennium for the exclusive use of the State Forester in implementing and carrying out the pilot project to be known as the Idaho Youth Conservation Project.

SECTION 5. It shall be the duty of the State Forester to expend such funds as he deems necessary to provide staff, select workers, equip, supply and maintain all phases of said project for the 1961-63 biennium as funds are available.

SECTION 6. Purpose of such Project shall be twofold; (1) the conservation of youth in the most positive way by introducing them to the satisfactions of constructive work and outdoor life, the rewards of which they can witness and evaluate for themselves; (2) to promote the conservation of our natural resources, an effective framework specifically tailored to the needs of Idaho for future pro-
grams to conserve timber, water, soil, forage and recreation resources through the use of our youth resources.

SECTION 7. In order to carry out the purposes of this act the State Forester shall have authority to:

1. Formulate rules and regulations for operation of the project.

2. Appoint, in accordance with the policy and regulations of his department, such qualified personnel as he deems necessary for the efficient and economic discharge of the functions of the project. Compensation and benefits of all such appointees to be fixed as may be provided by law and the policies and regulations of his department.

3. Establish adequate standards of safety, health, and morals for participants.

4. To enter into such agreements with and otherwise cooperate with such other governmental agencies, departments and instrumentalities as may be necessary in carrying out the purposes of this act.

5. To formulate such other rules and regulations, establish such other procedures, and enter into such contracts and agreements and generally perform such functions as he may deem necessary or desirable to carry out the provisions of this act.

6. To provide a regular schedule of work, on-the-job training and recreation as falls naturally within the philosophy and program scope of the Youth Conservation Project.

SECTION 8. A. (1) The base compensation of participants shall be at a rate of $30.00 per month in addition to board, lodging, medical benefits as required (stipulated) and certain specific clothing and equipment.

(2) The State Forester shall establish procedures whereby each participant may make an allotment to his parent, dependent, legal guardian, or any fund established for his benefit, of part of the periodic compensation to which he is entitled by this act, and such allotment shall be paid directly to the person or fund in which favor it is made.

B. In addition to compensation authorized in subsection (a), participants shall be furnished with such quarters, subsistence, transportation (including travel from and to the place of enrollment), equipment, clothing, medical serv-
ices, and hospital services as the State Forester may deem necessary or appropriate for their needs.

SECTION 9. Existing provisions of law with respect to hours of work, rate of compensation, sick leave, vacation and unemployment compensation shall not be applicable to any individual because of participation in the Project.

SECTION 10. (a) Participants shall, for the purpose of the administration of the Workmen’s Compensation Law, be deemed to be civil employees of the state and the provisions thereof shall apply to participants except as hereinafter provided.

(b) For the purposes of this section:

(1) Coverage under the Workmen’s Compensation Act shall not include any act of a participant—

(A) While he is on authorized leave or a pass; or

(B) While he is absent from his assigned post of duty, except while participating in an activity authorized by or under the direction or supervision of the Project.

(2) In computing compensation benefits for disability or death under the Workmen’s Compensation Law, the monthly pay of a participant shall be deemed to be $150.00 a month.

(3) The term “injury” as defined in the Workmen’s Compensation Law shall not include:

(A) Mental disease or illness except where such disease or illness is caused by a disabling physical injury sustained while in the performance of duty; or

(B) Any other disease or illness which does not arise naturally out of service in the Project or naturally or unavoidably result from a physical injury.

(4) Compensation for disability shall not begin to accrue until the day following the date on which the injured participant is discharged from the Project.

SECTION 11. Not later than November 16, 1962, prior to convening of the 1963 Legislature, the State Forester shall prepare and present to the Governor and mail to
each Legislator, a comprehensive report and evaluation of the Idaho Youth Conservation Project, together with his recommendations for continuing and/or enlarging the Project, if in his opinion this is advisable.

Approved March 11, 1961.

CHAPTER 248
(S. B. No. 94)

AN ACT
AMENDING SECTION 23-217, IDAHO CODE, RELATING TO SURCHARGE ADDED TO THE PRICE OF GOODS SOLD IN THE DISPENSARY, AND ITS BRANCHES; TO PROVIDE FOR A DISCOUNT OF FIVE PER CENT (5%) FOR EACH UNBROKEN CASE LOT OF GOODS SOLD TO ANY LICENSEE, AS DEFINED IN SECTION 23-902, d., IDAHO CODE.

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 seven and one-half per cent (71/2%) of the price per unit existing on the effective date of this act, computed to the nearest multiple of five (5) cents. 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 March 11, 1961.
CHAPTER 249
(S. B. No. 119)

AN ACT
RELATING TO DOMESTIC ANIMALS ON HIGHWAYS AND DEFINING OPEN RANGE.

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

SECTION 1. No person owning, or controlling the possession of, any domestic animal running on open range, shall have the duty to keep such animal off any highway on such range, and shall not be liable for damage to any vehicle or for injury to any person riding therein, caused by a collision between the vehicle and the animal. "Open range" means all unenclosed lands outside of cities, villages and herd districts, upon which cattle by custom, license, lease, or permit, are grazed or permitted to roam.

SECTION 2. No person owning, or controlling the possession of, any domestic animal lawfully on any highway, shall be deemed guilty of negligence by reason thereof.

Approved March 11, 1961.

CHAPTER 250
(S. B. No. 155)

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other
current expense and capital outlay of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:                  Appropriations:
STATE TAX COMMISSION:                  
For:    Salaries and Wages ...............$211,441
        Travel Expense ................ 44,000
        Other Current Expense .......... 25,000
        Capital Outlay ................ 5,000

        Total .........................$285,441
From the General Fund ..................$285,441

Approved March 11, 1961.

CHAPTER 251
(S. B. No. 153)

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense, capital outlay and payments as agent, of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:                  Appropriations:
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION:
For:

Salaries and Wages ........................................ $ 419,013
Travel Expense ........................................... 65,000
Other Current Expense ............................... 60,000
Capital Outlay .............................................. 9,000
Payments as Agent ..................................... 2,226,175

Total .............................................................. $2,779,188
Less Other Income ......................................... 2,243,775

From the General Fund ..................................... $ 535,413

Approved March 11, 1961.

CHAPTER 252
(S. B. No. 128)

AN ACT

RELATING TO MUNICIPAL PLATS; REPEALING SECTIONS 50-2507, 50-2508, 50-2509, 50-2510 AND 50-2511 OF THE IDAHO CODE.

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

SECTION 1. That Sections 50-2507, 50-2508, 50-2509, 50-2510 and 50-2511 of the Idaho Code be, and each of the same is hereby repealed.

Approved March 11, 1961.

CHAPTER 253
(S. B. No. 160)

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
STATE BOARD OF CORRECTION FOR PENITENTIARY ADMINISTRATION:
For: Salaries and Wages $ 720,000
      Travel Expense 9,500
      Other Current Expense 700,000
      Capital Outlay 32,024

Total $1,461,524
Less Other Income 165,000

From the General Fund $1,296,524

Approved March 11, 1961.

CHAPTER 254
(S. B. No. 156)
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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, other current ex-
pense, and payments as agent, of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
The Governor for the Western Interstate Commission for Higher Education:
For: Salaries and Wages $3,600
     Other Current Expense $284,000
     Payments as Agent $20,000

Total $307,600
From the General Fund $307,600

Approved March 11, 1961.

CHAPTER 255
(S. B. No. 164)

AN ACT

Appropriating Moneys from the General Fund of the State of Idaho, to the State Purchasing Agent, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945.

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
The State Purchasing Agent:
For: Salaries and Wages .................. $76,280  
Travel Expense ......................... $ 400  
Other Current Expense .................. $17,567  
Capital Outlay ............................ $ 1,100  

Total .................................... $95,347  

From the General Fund ................... $95,347  

Approved March 11, 1961.

CHAPTER 256  
(S. B. No. 159)  
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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense, capital outlay and relief and pensions, of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  
STATE BOARD OF HEALTH FOR THE DEPARTMENT OF PUBLIC HEALTH:  

For: Salaries and Wages .................. $2,208,611  
Travel Expense .......................... $ 236,000  
Other Current Expense .................. $ 300,000  
Capital Outlay ........................... $  50,000  
Relief and Pensions ..................... $ 417,900  


CHAPTER 257
(S. B. No. 157)

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying Salaries and Wages, Other Current Expense and Capital Outlay for the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; exempting this appropriation from the provisions of Sections 67-3532 and 67-3602, Idaho Code:

To Whom Appropriated: Appropriations:
GOVERNOR'S RESIDENCE:
For: Salaries and Wages $ 8,000
      Other Current Expense 11,000
      Capital Outlay 2,500

Total $21,500
From the General Fund $21,500

Approved March 11, 1961.
CHAPTER 258
(S. B. No. 80)

AN ACT

AMENDING SECTION 54-1202, IDAHO CODE, AS AMENDED, BY ADDING THE DESIGNATION OF ENGINEER-IN-TRAINING AND DEFINING THE SAME; AMENDING SECTION 54-1211, IDAHO CODE, AS AMENDED, BY PROVIDING THAT THE ROSTER SHALL ALSO CONTAIN THE NAMES OF ENGINEERS-IN-TRAINING POSSESSING CURRENT CERTIFICATION; AMENDING SECTION 54-1212, IDAHO CODE, AS AMENDED, BY ADDING PROVISIONS FOR THE EXAMINATION AND CERTIFICATION OF AN ENGINEER-IN-TRAINING; AMENDING SECTION 54-1213, IDAHO CODE, AS AMENDED, BY MAKING PROVISION FOR ENGINEERS-IN-TRAINING AND PROVIDING FOR A MAXIMUM INCREASE IN APPLICATION FEES FOR PROFESSIONAL ENGINEERS FROM TWENTY-FIVE DOLLARS UP TO FIFTY DOLLARS AND A MAXIMUM INCREASE IN THE REGISTRATION FEE FOR LAND SURVEYORS FROM FIFTEEN DOLLARS UP TO THIRTY DOLLARS AND PROVIDING A FEE FOR CERTIFICATION AS AN ENGINEER-IN-TRAINING, THE AMOUNT IN EACH CASE TO BE SET BY THE IDAHO STATE BOARD OF ENGINEERING EXAMINERS, AND PROVIDING THE TIME WHEN SAID FEES SHALL BE SET AND PAID; AMENDING SECTION 54-1214, IDAHO CODE, AS AMENDED, BY PROVIDING FOR EXAMINATIONS FOR ENGINEERS-IN-TRAINING AND PROVIDING A MAXIMUM ADDITIONAL FEE OF FORTY DOLLARS FOR RE-EXAMINATION AS A PROFESSIONAL ENGINEER AND A MAXIMUM FEE OF TWENTY DOLLARS FOR RE-EXAMINATION AS A LAND SURVEYOR OR CERTIFICATION AS AN ENGINEER-IN-TRAINING, ACCORDING TO THE RATE SET AS PROVIDED IN SECTION 54-1213; AMENDING SECTION 54-1215, IDAHO CODE, AS AMENDED, BY PROVIDING FOR AN ENROLLMENT CERTIFICATE FOR ENGINEERS-IN-TRAINING; AMENDING SECTION 54-1216, IDAHO CODE, AS AMENDED, BY PROVIDING FOR A MAXIMUM DELAYED RENEWAL FEE OF FIFTY DOLLARS FOR ENGINEERS AND LAND SURVEYORS AND FOR EXPIRATION AND RENEWAL OF ENGINEER-IN-TRAINING CERTIFICATES; AMENDING SECTION 54-1219, IDAHO CODE, AS AMENDED, BY PROVIDING A MAXIMUM FEE OF FIFTY DOLLARS FOR RECIPROCAL CERTIFICATION.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 54-1202, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

54-1202. DEFINITIONS.—As used in this act, unless the context or subject matter requires otherwise:

(a) Engineer and Professional Engineer. The terms "engineer" and "professional engineer" mean a person who is qualified by reason of his knowledge of mathematics, the physical sciences, and the principles of engineering, acquired by professional education and practical experience, to engage in the practice of professional engineering.

(b) Engineering and Professional Engineering. The terms "engineering" and "professional engineering" include any professional service, such as consultation, investigation, evaluation, planning, designing, land surveying, construction, or responsible supervision of construction or operation, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works, or projects, wherein the public welfare or the safeguarding of life, health, or property is concerned or involved, when such service is rendered in a professional capacity and requires the application of engineering principles and data. The work ordinarily performed by persons who operate or maintain machinery, or equipment, is not included within the terms "engineering" and "professional engineering" as used in this act.

(c) Land Surveyor and Land Surveying. The term "land surveyor" means a person who is qualified by reason of his knowledge of the principles of surveying acquired by education and practical experience to engage in the practice of land surveying. The term "land surveying" includes responsible supervision of surveying of areas for their correct determination and descriptions and for conveyancing, or for the establishment or re-establishment of land boundaries and the plotting of lands and subdivisions thereof.

(d) Board. The term "board" means the state board of engineering examiners.

(e) Responsible Charge. The term "responsible charge" means the control and direction of the investigation, design, construction or operation of engineering work, requiring initiative, professional skill and independent judgment.

(f) Engineer-in-Training. The term "engineer-in-train-
ing” means a person who possesses the education, experience and character as specified in sections 54-1212 and 54-1214 of this act.

SECTION 2. That Section 54-1211, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

54-1211. ROSTER.—A roster showing the names and addresses of all registered professional engineers, all registered land surveyors and all who possess current certification as engineers-in-training shall be published by the secretary of the board each year. Copies of this roster shall be mailed to each person so registered or certified, placed on file with the secretary of state, and furnished to the public upon request.

SECTION 3. That Section 54-1212, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

54-1212. GENERAL REQUIREMENTS FOR EXAMINATION AND LICENSE.—Except as herein otherwise expressly provided, no license as a professional engineer or land surveyor, or certification as an engineer-in-training, shall be issued until an applicant has successfully passed an examination given by or under the supervision of the board, nor shall a license as a professional engineer or land surveyor, or certification as an engineer-in-training be issued to an applicant having habits or character that would justify revocation or suspension of certificate, as provided in section 54-1220. The following shall be considered as minimum evidence that the applicant is qualified to take an examination:

(1) As a professional engineer:

(a) Graduation from an approved engineering curriculum of four years or more in a school or college approved by the board as of satisfactory standing, and a specific record of an additional four years or more of experience in engineering work of a character satisfactory to the board, and indicating that the applicant is competent to practice professional engineering (in counting years of experience, the board, at its discretion, may give credit, not in excess of one year, for satisfactory graduate study in engineering); or

(b) Evidence satisfactory to the board that the applicant possesses knowledge and skill approximating that attained through graduation from
an approved four year engineering curriculum, and a specific record of eight years or more of experience in engineering work of a character satisfactory to the board and indicating that the applicant is competent to practice professional engineering.

(2) As a land surveyor:

(a) Evidence that applicant possesses the qualifications and has the experience required for license for a professional engineer; or

(b) Graduation from a school or college approved by the board as of satisfactory standing, including the completion of an approved course in surveying and an additional two years or more of experience in land surveying work of a character satisfactory to the board and indicating that the applicant is competent to practice land surveying; or

(c) Evidence satisfactory to the board that the applicant possesses knowledge and skill approaching that attained on completion of an approved college course in surveying, and a specific record of six years or more of experience in land surveying work of a character satisfactory to the board and indicating that the applicant is competent to practice land surveying.

(3) As an engineer-in-training:

(a) Graduation from an approved engineering curriculum of four years or more in a school or college approved by the board as of satisfactory standing and indicating that the applicant is competent to enroll as an engineer-in-training; or

(b) Evidence satisfactory to the board that the applicant possesses knowledge and skill approximating that attained through graduation from an approved four-year engineering curriculum and a specific record of four years or more experience in engineering work of a character satisfactory to the board and indicating that the applicant is competent to enroll as an engineer-in-training.
In considering the qualifications of applicants, engineering teaching may be construed as engineering experience. The satisfactory completion of each year of an approved curriculum in engineering in a school or college approved by the board as of satisfactory standing, without graduation, shall be considered as equivalent to a year of experience in this section subdivision (1) (b). Graduation in a curriculum other than engineering from a college or university of recognized standing may be considered as equivalent to two years of experience in this section subdivision (1) (b): provided, however, that no applicant shall receive credit for more than four years of experience because of undergraduate educational qualifications.

The mere execution, as a contractor, of work designed by a professional engineer, or the supervision of the construction of such work as a foreman or superintendent, shall not be deemed to be practice in professional engineering, but if such experience, in the opinion of the board, has involved responsible supervision of a character that will tend to expand the engineering knowledge and skill of the applicant the board may in its discretion give such credit therefor as it may deem proper.

Any person having the necessary qualifications prescribed in this act to entitle him to registration shall be eligible for such registration although he may not be practicing his profession at the time of making his application.

***

SECTION 4. That Section 54-1213, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

54-1213. APPLICATIONS AND REGISTRATION FEES.—Applications for registration as professional engineers or land surveyors, or certification as engineers-in-training, shall be on forms prescribed and furnished by the board. The application shall be made under oath, and shall show the applicant's education and a detail summary of his technical work **. An applicant for registration as a professional engineer or land surveyor shall furnish not less than five references, of whom three or more should be registered professional engineers having personal knowledge of * the applicant's engineering or surveying experience. An applicant for certification as an engineer-in-training shall furnish three character references.

The maximum registration fee for professional engineers shall be ** fifty dollars ** ($50.00), of which a fee not
to exceed \* forty dollars \* \* \* ($40.00) \* \* shall accompany the application for examination, and the remaining fee, not to exceed ten dollars ($10.00) *, shall be paid prior to issuance of the certificate.

The maximum registration fee for an * applicant who seeks a license only as a land * surveyor, or the maximum certification fee for an applicant who seeks a certificate as an engineer-in-training \* \* \* shall be \* thirty dollars \* \* \* ($30.00), of which a fee not to exceed twenty dollars ($20.00) shall accompany the application, and the remaining fee, not to exceed ten dollars ($10.00), shall be paid prior to issuance of the certificate.

The amount of the registration fee or certificate fee shall be fixed by the board prior to June 30th of any year and shall continue in force until changed. Said fees shall not be subject to change except at the beginning of each fiscal year.

Should the board deny the issuance of a certificate of registration to any applicant, the initial fee deposited shall be retained as an application fee.

SECTION 5. That Section 54-1214, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

54-1214. EXAMINATION.—Written and/or oral examinations shall be held at such time and place as the board shall determine. If examinations are required on fundamental engineering subjects (such as are ordinarily given in college curricula), the applicant may be permitted to take this part of the professional examination prior to his completion of the requisite years of experience in engineering work, and satisfactory passage of this portion of the professional examination by the applicant shall constitute a credit toward the applicant's complete professional examination for a period not to exceed ten years.

The scope of the examinations and the methods of procedure shall be prescribed by the board with special reference to the applicant's ability to design and supervise engineering works so as to insure the safety of life, health and property. Examinations shall be given for the purpose of determining the qualifications of applicant for registration simultaneously in professional engineering and in land surveying. Examinations for engineer-in-training enrollment shall be given at such times as the board may prescribe. A candidate failing his first examination may apply for re-examination at the expiration of six months
without filing a new application and shall be entitled to such re-examination on payment of an additional fee of *not to exceed a maximum of $40.00 if the examination is for registration as a professional engineer and not to exceed a maximum of $20.00 if the examination is for registration as a land surveyor or for certification as an engineer-in-training. A candidate who fails on re-examination must file a new application before he can again be admitted to examination, and such new application shall not be filed prior to one year following the date of the last examination taken by the applicant; provided, however, that it shall be unlawful for a candidate failing any examination to practice professional engineering or land surveying under paragraphs (b) and (c) of section 54-1223, Idaho Code.

SECTION 6. That Section 54-1215, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

54-1215. CERTIFICATES—SEALS.—The board shall issue a certificate of registration upon payment of registration fee as provided for in this act, to any applicant who, in the opinion of the board, has satisfactorily met all of the requirements of this act, and an enrollment certificate shall be issued to those who qualify as engineers-in-training. In case of a registered engineer, the certificate shall authorize the practice of "professional engineering and land surveying," and in the case of one registered only as a land surveyor the certificate shall authorize the practice of "land surveying." Certificates of registration shall show the full name of the registrant, shall give a serial number, and shall be signed by the chairman and the secretary of the board under seal of the board.

The issuance of a certificate of registration by the board shall be prima facie evidence that the person named therein is entitled to all the rights and privileges of a registered professional engineer or of a registered land surveyor.

Each registrant hereunder shall, upon registration, obtain a seal of the design authorized by the board, bearing the registrant's name and the legend "Registered Professional Engineer," or "Registered Land Surveyor." All drawings, specifications, plats, reports, or other engineering papers or documents involving engineering work as defined in section 54-1202 hereof which shall have been prepared or approved for the use of or for delivery to any person or for public record within this state shall be impressed with said seal or the seal of a nonresident practicing under the provisions of section 54-1223, Idaho Code.
It shall be unlawful for any person to stamp or seal any documents with said seal after the certificate of the registrant named thereon has expired or has been suspended or revoked, unless said certificate shall have been renewed, reinstated, or reissued.

SECTION 7. That Section 54-1216, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

54-1216. EXPIRATIONS AND RENEWALS—FEES.—Certificates of registration for professional engineers and land surveyors shall expire on the last day of the month of June following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the secretary of the board to notify every person registered under this act, of the date of the expiration of his certificate and the amount of the fee that shall be required for its renewal for one year; such notice shall be mailed at least one month in advance of the date of the expiration of said certificate. Renewal may be effected at any time during the month of June by the payment of a renewal fee to be fixed by the board at not less than three dollars ($3.00) nor more than ten dollars ($10.00). The failure on the part of any registrant to renew his certificate annually in the month of June as required above shall not deprive such person of the right of renewal, but the fee to be paid for the renewal of a certificate after the month of June shall be increased 20% for each month or fraction of a month that payment of renewal is delayed; provided, however, that the maximum fee for delayed renewal shall not exceed twice the renewal fee for each year delinquent, but in no event more than *$50.00.

Certificates of enrollment for engineers-in-training shall expire on the last day of the month of June following their issuance or renewal. The notification to holders of certificates of enrollment shall be processed as prescribed above for registrants except that the annual renewal fee shall not be less than two dollars ($2.00) nor more than five dollars ($5.00). The failure on the part of any holder of a certificate of enrollment to effect renewal shall not invalidate his status as an engineer-in-training but his name shall, after 90 days, be removed from the board's current mailing list. The fee to bring an enrollment current after a renewal expiration shall be twice that established for annual renewal.

SECTION 8. That Section 54-1219, Idaho Code, as amended, be, and the same is hereby amended to read as follows:
54-1219. RECIPROCAL CERTIFICATION — FEE. —
The board, upon application therefor and the payment of a fee of * not to exceed a maximum of $50.00, may issue a certificate of registration as a professional engineer to any person who holds a certificate of qualification or registration issued to him by the proper authority of any state, territory or possession of the United States, or of a foreign country, provided that the requirements for the registration of professional engineers, under which said certificate of qualification or registration was issued, are of a standard not lower than those specified in this act as amended, and provided such state, territory, possession or country will license or issue certificates of registration, without examination and upon substantially the same condition, to applicants holding licenses or certificates of registration issued by the board under this act.

Approved March 11, 1961.

CHAPTER 259
(S. B. No. 237)

AN ACT
AMENDING TITLE 23, CHAPTER 10, IDAHO CODE, TO PROVIDE FOR AN ALTERNATIVE METHOD FOR PAYMENT OF TAXES IMPOSED ON BEER BY THE STATE OF IDAHO; BY ADDING TEN NEW SECTIONS THERETO FOLLOWING SECTION 23-1026 TO BE KNOWN AND DESIGNATED AS SECTIONS 23-1047, 23-1048, 23-1049, 23-1050, 23-1051, 23-1052, 23-1053, 23-1054, 23-1055 AND 23-1056 TO AUTHORIZE PAYMENT OF SUCH TAXES WITH MONTHLY REPORTS FILED WITH TAX COLLECTOR, TO ESTABLISH LIABILITY FOR PAYMENT OF SUCH TAXES, TO REQUIRE BOND FROM PERSONS LIABLE THEREFOR, TO FIX PENALTIES FOR FAILURE TO PAY TAXES OR MAKE REPORTS, TO AUTHORIZE TAX COLLECTOR TO MAKE REGULATIONS AND AUDITS, TO PROVIDE FOR LICENSE REVOCATION OR SUSPENSION FOR FAILURE TO PAY TAXES OR MAKE REPORTS, TO PROVIDE FOR REFUNDS OF TAXES PAID, TO DECLARE CERTAIN SALES, PURCHASES AND ACTS UNLAWFUL, AND TO PRESCRIBE PROCEDURE TO PERMIT USE OF THE ALTERNATIVE METHOD FOR PAYMENT OF SAID TAXES AND FOR DISCONTINUANCE THEREOF.
Be It Enacted by the Legislature of the State of Idaho:

SEC. 1. That Title 23, Chapter 10, Idaho Code, be, and the same is hereby amended by adding ten new sections thereto following Section 23-1026, to be known and designated as Sections 23-1047, 23-1048, 23-1049, 23-1050, 23-1051, 23-1052, 23-1053, 23-1054, 23-1055 and 23-1056, to read as follows:

SECTION 23-1047. ALTERNATIVE METHOD FOR PAYMENT OF TAXES ON BEER.—

(1) In lieu of the use of tax stamps to evidence the payment of taxes imposed on beer by this state, the Tax Collector may authorize payment of said taxes by use of an alternative method whereby each person liable for payment of taxes on beer, as provided for in Section 23-1048, shall, on or before the 15th day of each month, file a written report with the Tax Collector showing all sales of beer for resale or consumption in this state made by such person during the calendar month immediately preceding. Taxes payable with respect to such sales shall be paid by the person liable therefor at the time such report is filed.

(2) When use of said alternative method shall be authorized the provisions and requirements contained in Sections 23-1048 through 23-1055 shall apply and shall be observed.

SECTION 23-1048. LIABILITY FOR PAYMENT OF TAXES ON BEER.—(1) Every sale of beer manufactured in this state by a brewer or dealer licensed in this state to a dealer, wholesaler or retailer licensed in this state or to a consumer in this state shall constitute a sale of beer for resale or consumption in this state and such brewer or dealer shall be liable for the payment of taxes thereon. Sales of beer by such brewer or dealer for the purpose of and resulting in export of such beer from this state for resale outside this state shall be exempt from the taxes on beer imposed by this state.

(2) Every sale of beer by a brewer holding a certificate of approval issued by this state to a dealer or wholesaler licensed in this state resulting in a shipment or transportation of such beer into this state, shall constitute a sale of beer for resale or consumption in this state, whether said sale is made within or without this state, and such brewer shall be liable for the payment of taxes thereon.

(3) Every sale of beer by a “foreign distributor,” as defined in this subsection, to a dealer or wholesaler licensed
in this state resulting in a shipment or transportation of such beer into this state, shall constitute a sale of beer for resale or consumption in this state, whether said sale is made within or without this state, and such foreign distributor shall be liable for the payment of taxes thereon.

The term "foreign distributor" shall mean any person, as defined in Section 23-1001 (b), holding a certificate of approval issued by this state who maintains his principal place of business outside this state and who engages in the business of purchasing beer and reselling the same in wholesale quantities, or who, as an independent contractor and pursuant to a written marketing agreement with a brewer distributes such brewer's beer in wholesale quantities. A certificate of approval shall be issued by the Commissioner to such foreign distributor upon application therefor upon the same terms and conditions that such certificates are issued to brewers manufacturing beer outside this state.

(4) Resale of beer by a dealer or wholesaler licensed in this state for the purpose of and resulting in export of such beer from this state for resale outside this state shall entitle such dealer or wholesaler to a refund of taxes therefor paid on such beer.

SECTION 23-1049. BOND.—Each person liable for payment of said taxes shall at all times have in effect and on file with the Tax Collector a bond executed by a surety authorized to do business in this state, in form and amount acceptable to the Tax Collector, which bond shall be payable to the State of Idaho and conditioned that such person shall pay all taxes imposed on beer by this state for which such person shall be liable, including any penalty and interest.

SECTION 23-1050. PENALTY.—If any taxes on beer shall not be paid by the person liable therefor when due, a penalty of 10% of the taxes payable shall be assessed against and paid by such person, together with interest, at the rate of 1% per month or major fraction thereof, computed on both said tax and penalty. For purposes of this section, if the 15th day of any month shall fall upon Saturday, Sunday or holiday, the due date for the report and the payment of taxes shall be the first business day thereafter. Waiver of penalty and interest may be allowed by the Tax Collector when delay in receipt of any monthly report or in receipt of any payment of taxes due therewith
shall be found by the Tax Collector to be justifiable and without fault on the part of the person liable therefor.

Section 23-1051. Regulations.—The Tax Collector shall be, and he is hereby, authorized to adopt and promulgate such rules and regulations as may be necessary to assure payment of taxes on beer, including, but not limited to, rules and regulations: prescribing the form and content of monthly reports required; requiring the persons liable for payment of taxes on beer to show on such monthly reports information concerning their inventories, purchases, sales and shipments of beer; requiring monthly informational reports from dealers and wholesalers licensed in this state concerning their inventories, purchases, sales and shipments of beer; requiring reports from carriers, both public and private, concerning deliveries of beer made in this state by such carriers and shipments of beer made by such carriers out of this state; requiring persons liable for payment of taxes imposed on beer and dealers and wholesalers licensed in this state to maintain complete and accurate books, records and accounts on transactions involving beer; and establishing grounds upon which delay in filing reports or paying taxes imposed on beer may be considered justifiable and without fault on the part of the person liable therefor.

Section 23-1052. License Revocation or Suspension.—Failure to make any report or to pay any taxes at the times required shall be grounds for the Commissioner to suspend or revoke the license or certificate of approval held by the person so defaulting in the manner provided by law.

Section 23-1053. Audits.—For the purpose of ascertaining compliance with the provisions of Section 23-1047 the Tax Collector may, as often as he deems advisable, examine the accounts, records, documents and transactions, pertaining to or affecting the beer business of any person holding a license or certificate or approval issued by this state under the provisions of this Act. When examination involving any brewer or foreign distributor holding a certificate of approval issued by this state shall require an examiner to travel outside this state, the actual and necessary expenses of travel and subsistence necessarily incurred on account of the examination shall be paid by the holder of such certificate of approval upon presentation of an itemized statement certified by the examiner and approved by the Tax Collector.
SECTION 23-1054. REFUNDS OF TAXES.—When beer shall be destroyed by breakage or has spoiled or otherwise become unfit for beverage purposes after payment of taxes thereon and prior to delivery to a licensed retailer or consumer by a brewer; dealer or wholesaler licensed in this state, such brewer, dealer or wholesaler, upon satisfactory proof of destruction or spoilage, shall be entitled to refund of taxes paid thereon.

SECTION 23-1055. UNLAWFUL SALES, PURCHASES AND ACTS.—It shall be unlawful: (a) for any brewer manufacturing beer outside this state or for any foreign distributor to sell beer for resale or consumption in this state except to dealers and wholesalers licensed in this state; (b) for any dealer or wholesaler licensed in this state to purchase beer manufactured outside this state except from brewers or foreign distributors holding certificates of approval issued by this state and from other dealers or wholesalers licensed in this state; (c) for any person to sell beer for resale or consumption in this state or to transfer or import beer into this state for the purpose of selling such beer for resale or consumption in this state, unless such person shall hold a license or certificate of approval issued by this state pursuant to which any such sale, transportation or importation shall be authorized; (d) for any retailer licensed in this state to purchase beer for resale except from a dealer or wholesaler licensed in this state. Any beer sold, transported or imported in violation of the provisions of this section shall be subject to seizure, forfeiture and sale in the same manner as provided for in Section 23-1008, as amended.

SECTION 23-1056. USE OF ALTERNATIVE METHOD, TIME WHEN AUTHORIZED.—Use of said alternative method of payment of taxes imposed on beer as provided for in Sections 23-1047 through 23-1055, shall not be authorized until the Tax Collector shall adopt and promulgate a regulation permitting use of such method. On and after the effective date of any such regulation use of such alternative method shall be exclusive, provided, however, tax stamps theretofore purchased by any person liable for payments of taxes on beer and on hand may be used by such person and a credit shall be allowed to him against taxes payable with monthly reports subsequently filed in such manner as the Tax Collector may prescribe, or said stamps may be submitted for redemption and refund thereon. Upon thirty days written notice mailed to each brewer and dealer licensed in this state and to each brewer and
foreign distributor holding a certificate of approval issued by this state the Tax Collector may at any time rescind any such regulation and from and after the effective date of rescission only the method for payment of taxes on beer by use of tax stamps as provided for in Section 23-1008, as amended, shall be used.

Approved March 14, 1961.

CHAPTER 260
(S. B. No. 73)

AN ACT
RELATING TO PORT DISTRICTS; AMENDING SECTIONS 70-101, 70-102, 70-103, 70-105, AND 70-115, IDAHO CODE, TO REMOVE THEREFROM PROVISIONS ALLOWING PORT DISTRICTS TO ACQUIRE, CONSTRUCT OR OPERATE A SYSTEM OF HARBOR IMPROVEMENTS AND RAIL AND WATER TRANSFER AND TERMINAL FACILITIES OUTSIDE THE BOUNDARIES OF ANY SUCH PORT DISTRICT; FURTHER AMENDING SECTION 70-103, IDAHO CODE, TO PROVIDE THAT PORT COMMISSIONERS SHALL HOLD OFFICE FOR A TERM OF SIX YEARS, TO PROVIDE THE TERMS FOR DIRECTORS ELECTED AT THE ORGANIZATIONAL ELECTION OF PORT DISTRICTS, TO REDUCE THE NUMBER OF SIGNATURES REQUIRED UPON NOMINATING PETITIONS FOR PORT COMMISSIONERS, TO PROVIDE THE TIME FOR FILING SUCH NOMINATING PETITIONS, AND TO PROVIDE FOR THE FILING OF A CERTIFICATE OF APPOINTMENT OF A PORT COMMISSIONER APPOINTED TO FILL A VACANCY IN THE PORT COMMISSION; AMENDING SECTION 70-104, IDAHO CODE, BY PROVIDING THAT A GENERAL ELECTION FOR PORT COMMISSIONERS AND THE SUBMISSION OF PROPOSITIONS SHALL BE HELD BIANNUALLY IN CONJUNCTION WITH THE GENERAL COUNTY ELECTIONS, PROVIDING QUALIFICATIONS FOR ELECTORS AND PROVIDING PROCEDURE FOR THE CONDUCT OF PORT NOMINATING AND GENERAL ELECTIONS AND THE CANVASS OF ELECTION RETURNS; AMENDING TITLE 70, CHAPTER 1, IDAHO CODE, BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 70-104, TO BE KNOWN AND DESIGNATED AS SECTION 70-104A, SPECIFYING THE TERMS OF OFFICE OF PORT COMMISSIONERS, AND PRO-
VIDING CHANGEOVER PROVISIONS FOR PORT DISTRICTS NOW IN EXISTENCE; AMENDING TITLE 70, CHAPTER 1, IDAHO CODE, BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 70-104A, TO BE KNOWN AND DESIGNATED AS SECTION 70-104B, TO PROVIDE FOR SPECIAL ELECTIONS TO BE HELD UPON PROPOSITIONS AS DETERMINED BY THE PORT COMMISSION, TO PROVIDE THE QUALIFICATION OF ELECTORS, THE MANNER AND METHOD OF HOLDING SUCH SPECIAL ELECTIONS, CANVASSING THE VOTE AND DECLARING THE RESULTS THEREOF; FURTHER AMENDING SECTION 70-105, IDAHO CODE, BY PROVIDING THAT PORT DISTRICTS MAY OWN AND CONTROL LANDS, LEASES AND ALL EASEMENTS AND INTERESTS IN LAND AND ALL MANNER OF PERSONAL PROPERTY NECESSARY FOR THE PURPOSES OF THE PORT DISTRICT AND PROVIDING THAT TAXES IN SAID PORT DISTRICT SHALL BE LEVIED AND COLLECTED IN THE MANNER PROVIDED IN TITLE 70, CHAPTER 1, IDAHO CODE; AMENDING SECTION 70-106, IDAHO CODE, BY PROVIDING THAT ALL PORT FUNDS SHALL BE DEPOSITED BY THE PORT TREASURER IN SUCH DEPOSITORIES AND TO SUCH ACCOUNTS AS THE PORT COMMISSION SHALL DIRECT, AND PROVIDING THAT SUCH FUNDS SHALL ONLY BE DISBURSED UPON ORDER OR VOUCHER APPROVED BY THE PORT COMMISSION AND BY CHECK OR DRAFT SIGNED BY ANY TWO OF THE PORT COMMISSIONERS AND PROVIDING FOR THE APPOINTMENT OF A PORT AUDITOR AND PRESCRIBING HIS DUTIES AND PROVIDING THAT THE PORT AUDITOR SHALL EXECUTE TO THE PORT DISTRICT A SURETY BOND IN AN AMOUNT NOT LESS THAN $5,000.00; AMENDING TITLE 70, CHAPTER 1, IDAHO CODE, BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 70-112, TO BE KNOWN AND DESIGNATED AS SECTION 70-112A, SPECIFYING THE FISCAL YEAR FOR PORT DISTRICTS, PROVIDING THE PROCEDURE FOR THE ADOPTION OF A BUDGET, FOR THE LEVY OF TAXES, FOR CERTIFICATION OF SAID LEVY AND THE ADOPTION OF SUPPLEMENTAL BUDGETS IN PORT DISTRICTS; AMENDING SECTION 70-113, IDAHO CODE, BY PROVIDING THAT THE PORT TREASURER SHALL CREATE SUCH FUNDS AS THE PORT DISTRICT SHALL DIRECT AND SHALL PLACE THEREIN ALL FUNDS OF THE PORT DISTRICT IN SUCH MANNER AS THE PORT COMMISSION SHALL DIRECT, AND PROVIDING THAT ALL FUNDS OF THE PORT DISTRICT SHALL BE DEPOSITED UNDER THE PUBLIC DEPOSITORY LAW, EXCEPT AS OTHERWISE PROVIDED IN
TITLE 70, CHAPTER 1, IDAHO CODE; AMENDING TITLE 70, CHAPTER 1, IDAHO CODE, BY ADDING THERETO A NEW SECTION FOLLOWING SECTION 70-113, TO BE KNOWN AND DESIGNATED AS SECTION 70-113A, AUTHORIZING THE PORT TREASURER UPON THE ORDER OF THE PORT COMMISSION TO INVEST CERTAIN EXCESS FUNDS OF THE DISTRICT IN SPECIFIED SECURITIES; AMENDING TITLE 70, CHAPTER 1, IDAHO CODE, BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 70-115, TO BE KNOWN AND DESIGNATED AS SECTION 70-115A, PROVIDING THAT A PORT DISTRICT MAY ANNEX CONTIGUOUS TERRITORY OUTSIDE THE COUNTY WITHIN WHICH SAID PORT DISTRICT EXISTS, UPON THE PETITION OF A SPECIFIED PERCENTAGE OF THE ELECTORS IN THE AREA TO BE ANNEXED, AND AFTER AN ELECTION TO BE HELD IN THE EXISTING PORT DISTRICT AND ALSO IN THE TERRITORY TO BE ANNEXED, PROVIDING THE PROCEDURE FOR SUCH ELECTION; THE ANNEXATION SHALL BE DEEMED APPROVED ONLY IF A MAJORITY OF THE VOTES ON THE ANNEXATION WHICH WERE CAST IN THE PRESENT PORT DISTRICT WERE IN FAVOR OF THE PROPOSAL AND, IN ADDITION THERETO, A MAJORITY OF THE VOTES CAST IN THE AREA TO BE ANNEXED WERE IN FAVOR OF THE PROPOSAL; PROVIDING FOR THE ELECTION OF ONE COMMISSIONER TO REPRESENT THE AREA ANNEXED, PROVIDING THE TERM AND QUALIFICATIONS OF SUCH COMMISSIONER AND PROVIDING FOR THE PRORATION OF THE EXPENSES OF SUCH ELECTION; AMENDING SECTION 70-116, IDAHO CODE, TO PROVIDE THAT IF THE MAJORITY OF ALL VOTES CAST IN THE PORT DISTRICT AND, IN ADDITION THERETO, A MAJORITY OF VOTES CAST IN THE AREA TO BE ANNEXED IN ANY SUCH ELECTION UNDER THE PROVISIONS OF SECTION 70-115A SHALL FAVOR THE ANNEXATION OF TERRITORY TO AN EXISTING PORT DISTRICT, THE COUNTY COMMISSIONERS SHALL ENTER AN ORDER DECLARING SUCH PORT DISTRICT SO ENLARGED; AMENDING SECTION 70-117, IDAHO CODE, TO AUTHORIZE A PORT COMMISSION TO ESTABLISH A CAPITAL ACQUISITION AND IMPROVEMENT FUND FOR FUTURE CAPITAL ACQUISITION AND IMPROVEMENT; AMENDING SECTION 70-126, IDAHO CODE, TO AUTHORIZE PORT COMMISSIONERS TO RECEIVE NOT MORE THAN $15.00 PER DAY FOR EACH DAY SPENT ATTENDING MEETINGS OR WHILE ENGAGED IN OFFICIAL BUSINESS UNDER THE ORDER OF THE PORT COMMISSION, BUT NOT TO EXCEED THE SUM OF $600.00 PER
YEAR TO ANY PORT COMMISSIONER; AMENDING TITLE 70, CHAPTER 1, IDAHO CODE, BY ADDING A NEW SECTION THERETO, FOLLOWING SECTION 70-126, TO BE KNOWN AND DESIGNATED AS SECTION 70-127, TO PROVIDE THAT PORT COMMISSIONERS SHALL NOT DIRECTLY OR INDIRECTLY BE INTERESTED IN ANY CONTRACT AWARDED BY THE PORT COMMISSION OR IN THE PROFITS TO BE DERIVED THEREFROM, AND PROVIDING PENALTIES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 70-101, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

70-101. ESTABLISHMENT OF DISTRICTS AUTHORIZED.—Port districts for the acquirement, construction, maintenance, operation, development and regulation of a system of harbor improvements and rail and water transfer and terminal facilities within such district, * * * are hereby authorized to be established * * * in the various counties of this state, as in this chapter provided.

SECTION 2. That Section 70-102, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

70-102. FORMATION OF DISTRICT.—At any general election or at any special election which may be called for that purpose, the board of county commissioners of any county in this state, may, or on petition of ten per cent of the qualified electors of such county based on the total vote cast in the last general county election, shall, by resolution, submit to the voters of such county the proposition of creating a port district which, except as in this chapter set forth, shall be coextensive with the limits of such county as now or hereafter established. Such petition shall be filed with the auditor, who shall within fifteen days examine the signatures thereof and certify to the sufficiency or insufficiency thereof, and for such purpose the county auditor shall have access to all registration books in the possession of the officers of any incorporated city or town in such proposed port district. If such petition be found to be insufficient, it shall be returned to the persons filing the same, who may amend or add names thereto for ten days, when the same shall be returned to the county auditor, who shall have an additional fifteen days to examine the same and attach his certificate thereto. No person having signed such petition shall be allowed to withdraw his name therefrom after the filing of the same with the county
auditor. Whenever such petition shall be certified to as sufficient, the county auditor shall forthwith transmit the same, together with his certificate of sufficiency attached thereto, to the board of county commissioners, who shall submit such proposition at the next general election or, if such petition so requests, the board of county commissioners shall, at their first meeting after the date of such certificate, by resolution, call a special election to be held not less than thirty days nor more than sixty days from the date of such certificate. The board of county commissioners shall direct its clerk to give notice of such election by publishing notices thereof in at least three issues in some weekly newspaper published in the county, the last of which publications shall be not less than ten days preceding such election; and, if no weekly newspaper be published in such county, then such notice may be published in some daily newspaper of general circulation therein and such notice shall be published in at least ten consecutive issues thereof, the last thereof to be not less than ten days preceding the day of election. The notice of election shall state the boundaries of the proposed port district and the object of such election. In submitting the said question to the voters for their approval or rejection, the proposition shall be expressed on said ballot substantially in the following terms:

"Port of ________ Yes." (Giving the name of the principal river port city within such proposed port district, or if there be more than one city of the same class within such district, such name as may be determined by the board of county commissioners.)

"Port of ________ No." (Giving the name of the principal river port city within such port district, or if there be more than one city of the same class within such district, such name as may be determined by the board of county commissioners.)

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Any petition for the formation of a port district may describe a district of less area than the county in which such petition is filed, and in such event the county commissioners shall fix a date for hearing on such petition and publish a notice of such hearing for two weeks in a newspaper of general circulation in such county, after which hearing the county commissioners may increase or diminish the boundaries of such proposed port district and there-
after the same procedure shall be followed as is prescribed in this chapter for the formation of the larger port district, except that the petition and election shall be confined solely to the lesser port district: and provided, that whenever two or more petitions for the formation of a port district shall be filed as herein provided, the petition describing the greater area shall supersede all others and an election shall first be held thereunder, and no lesser port districts shall ever be created within the limits, in whole or in part, of any port district.

SECTION 3. That Section 70-103, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

70-103. COMMISSIONERS — ELECTION AND APPOINTMENT.—Within five days after such election the board of county commissioners shall canvass the returns, and if at such election a majority of the voters voting upon such proposition shall vote in favor of the formation of such district, the board of county commissioners shall so declare in its canvass of the returns of such election, and such port district shall then be and become a municipal corporation of the state of Idaho and the name of such port district shall be “Port of ————” (inserting the name appearing on the ballot) * * *. The powers of the port district shall be exercised through a port commission consisting of three members, one from each of the three county commissioner districts of the county in which the port district is located, when the port district is coextensive with the limits of such county. When the port district comprises only a portion of the county, three commissioner districts, numbered consecutively, having approximately equal population and boundaries following ward and precinct lines, shall be described in the petition for the formation of the port district, and one commissioner shall be elected from each of said commissioner districts. No person shall be eligible to hold the office of port commissioner unless he is a qualified voter, and free holder within such port district, and is and has been a resident for a period of three years, except as hereinafter provided, of the commissioner district from which he is elected. Port commissioners shall hold office for a term of * six years and until their respective successors are elected and qualified, each term to commence on the second Monday in January following the election thereto. At the same election at which the proposition is submitted to the voters as to whether a port district shall be formed, three commissioners shall be elected to hold office, respectively, for
the term of * two, four and six years. All candidates in port districts whose boundaries include only one county, or portion thereof, shall be voted upon by the entire port district, and the candidate residing in commissioner district number one receiving the highest number of votes in the port district shall hold office for the term of * six years; and the candidate residing in commissioner district number two receiving the highest number of votes in the port district shall hold office for the term of * four years, and the candidate residing in commissioner district number three receiving the highest number of votes in the port district shall hold office for the term of * two years, each of said terms to date from the second Monday in January following the election, but also to include the period intervening between the election and the second Monday in January following. All expenses of elections for the formation of such port districts shall be paid by the county holding such election, and such expenditure is hereby declared to be for a county purpose, and the money paid out for such purpose, shall be repaid to such county by the port district, if formed. Nominations for port commissioners at the first special election and at subsequent general elections shall be by petition of * not less than twenty-five nor more than fifty qualified electors of the commissioner district in which the candidate is a resident, to be filed in the office of the county auditor at least twenty days prior to such * first special election, and to be filed at least forty-five days and not more than seventy-five days prior to all subsequent county nominating elections: provided, however, that * if said first special election be held at any time other than at the time of a general election, then there shall be no election held on the next subsequent general election following the creation of such port district: and provided further, that in the event of a vacancy in the office of port commissioner by death, resignation or otherwise, such vacancy shall be filled at the next general election, the vacancy in the interim to be filled by appointment by a majority vote of the remaining port commissioners, and a certificate of such appointment executed by all of the port commissioners joining therein shall be lodged in the book of the minutes of the meetings of the port commission. In the event that such ad interim appointment shall not be made by the remaining commissioners within fifteen days following the occurrence of the vacancy, the appointment shall be made by the judge of the district court of the county, and if there is more than one such judge, by such judge who is oldest in years.
* * * If there should be at the same time such number of vacancies that there are not in office a majority of the full number of commissioners fixed by law, a special election shall be called to fill the same, by the remainder, or, that failing, by the board of county commissioners of the county, such election to be held not more than forty days after the occurring of such vacancies. A vacancy in the office of port commissioner shall occur by death, resignation, removal, conviction of a felony, nonattendance at meetings of the port commission for a period of sixty days unless excused by the port commission, preventing the proper discharge of his duty.

SECTION 4. That Section 70-104, Idaho Code, be, and the same is hereby amended to read as follows:

70-104. DISTRICT ELECTIONS.—* * * A general election for the election of a port commissioner or commissioners and for the submission of propositions shall be held biannually in conjunction with the general county elections, and special elections shall be held at such times and for such propositions as the port commission may by resolution prescribe.

Such general election shall be, in all respects, conducted in the same manner as, and under the laws relating to the conduct of general county elections, except as in this chapter otherwise provided, and such special elections shall be held in the manner provided in this chapter.

All electors who are, at the time of any such election, duly qualified to vote within their respective precincts under the general election laws for state and county officers shall be entitled to vote at any election held in such port district.

In the event that nominating petitions for more than two candidates are filed for the office of port district commissioner in any port commissioner district after the last day for withdrawal of candidacy or for refusal of such nomination as provided by law, the county auditor shall conduct a port district primary at the same time he conducts the county primary election. At all such nominating elections the nomination of such candidates shall be nonpartisan and shall be made upon separate ballots to be designated "port district nominating ballot, port of _____", (inserting the name of the appropriate port district), and they shall not have upon them any political party designation nor statement of any affiliation whatever of any candidate named thereon. In the event that no more than
two such nominating petitions are filed for the office of port district commissioner in any port commissioner district after the last day for withdrawal of candidacy or for refusal of such nomination as provided by law, the county auditor shall not conduct such port district primary, but shall cause the names of such candidates to be printed in alphabetical sequence upon the ballot for the general election only. Such general election ballot shall be a separate ballot to be designated “official ballot, port of ______” (inserting therein the name of such port district), and shall contain no political party designation nor statement of any affiliation whatsoever of any candidate named thereon.

In the event a primary election is conducted for the office of port district commissioner, the name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes for each position, shall appear in that order upon the port district general election ballot under the designation for each respective office. Names of candidates printed on the district primary and general election ballots need not be rotated.

In the event the port commissioners shall determine to submit any proposition to the voters at any such general election, the president and secretary of such port district, shall, within sixty days prior to said general election, certify to the county auditor of the county in which said port district exists, a statement of the propositions to be submitted, in the form the same are to be placed upon the port district ballot, and the county auditor shall cause to be placed upon the port district ballot, following the names of the candidates to be voted upon at such election, the statement of the proposition or propositions to be voted upon, together with appropriate spaces for voting for or against such proposition or propositions. If such district shall include more than one county, then such propositions shall be certified to the auditor of each such county. The numbering, binding and general form of the port district ballots shall, as near as may be, follow the form of ballots as provided in the general election laws of this state, except as in this chapter otherwise provided.

The returns of the port district election shall be canvassed by the port commission, who shall meet within fifteen days following such election and proceed to canvass the same, and shall thereupon declare the results.

Section 5. That Title 70, Chapter 1, Idaho Code, be,
and the same is hereby amended by adding a new section thereto following Section 70-104, to be known as Section 70-104A, to read as follows:

**70-104A. TERMS OF COMMISSIONERS—EXISTING DISTRICTS—CHANGE OVER PROVISIONS.**—In every port district the term of office of each port commissioner shall be six years and until his successor is elected and qualified, and one port commissioner shall be elected at the time of each general bi-annual election for the term of six years from the second Monday of January following his election, provided, that, in port districts already organized, at the general election on the Tuesday succeeding the first Monday of November, 1962, there shall be elected one commissioner from commissioner district number one to hold office for a term of six years from the second Monday of January, 1963, and until his successor is elected and qualified; at the general election on the Tuesday succeeding the first Monday of November, 1964, there shall be elected one commissioner from commissioner district number two to hold office for a term of six years from the second Monday of January, 1965, and until his successor is elected and qualified; at the general election on the Tuesday succeeding the first Monday of November, 1966, there shall be elected one commissioner from commissioner district number three to hold office for a term of six years from the second Monday of January, 1967, and until his successor is elected and qualified; port commissioners holding office at the time this act takes effect shall continue in office until their successors are elected and qualified.

**SECTION 6.** That Title 70, Chapter 1, Idaho Code, be, and the same is hereby amended by adding a new section thereto following Section 70-104A, to be known as Section 70-104B, to read as follows:

**70-104B. SPECIAL ELECTIONS.**—Special elections within any port district may be held at such times and for the submission of such propositions as the port commission may by resolution prescribe, subject to the limitations and pursuant to the requirements of this chapter. All such special elections shall be called and held as in this section provided, except as herein otherwise expressly provided. All notices of special elections shall be given by publishing the same for a period of ten days in a daily newspaper of general circulation published in said port district, or, if there is no daily newspaper published therein, then in at least two issues of a weekly newspaper published in
said port district, such publication to be made within a period of twenty days immediately preceding such election; and by posting, for at least ten days prior to the date of such election, a written or printed notice of such election in each polling place within such port district. Such notice shall give the time of holding the election, the hours the polls will remain open, the location of the polling places, and a statement of the proposition or propositions to be submitted.

There shall be not less than one polling place within each port commissioner district. It shall be the duty of the county commissioners in the formation of a port district, and of the port commission in all subsequent special elections, to at least twenty days before such election, designate the polling places and appoint three election officers for each polling place. At all such special elections the vote shall be by ballot. The polls shall be open between such hours of the day as the commission shall designate, but in every case the polls shall be open between 1:00 o'clock P. M. and 8:00 o'clock P. M. . All electors who are, at the time of such election, duly qualified to vote within their respective precincts under the general election laws for state and county officers shall be entitled to vote at any such special election held in such port district.

Officers of the county having charge of the registration books of any precinct in a port district shall deliver the same for use of the election officers at all special port elections. In the event of such registration books being required by law to be used by any school district or other public corporation at the same time as the use thereof will be necessary by the port district, such books shall be delivered to the port commissioners and school district or other public corporation jointly in such cases, and the same individuals may serve as election officials for all such joint elections, and in such cases the compensation of such election officers and other expenses shall be so divided that the port district shall bear only its proportionate share thereof.

The port district shall bear the expense of any such special election, or its proportionate share thereof.

The manner of conducting voting at special elections under this section, opening and closing of polls, keeping all poll lists, canvassing the vote, declaring the result, and certifying the returns, shall be the same as provided by the general election laws governing the election of state and county officers, except as otherwise provided in this chapter.
Immediately after the closing of the polls the election officers shall then and there, without removing the ballot box from the place where the ballots were cast, proceed to count the vote, and as soon as such count is completed a return thereof shall be signed by such election officers and securely enveloped and sealed and delivered, together with the ballot box containing the ballots, to the port commission, or to some person delegated to receive the same on their behalf.

Within fifteen days after such special election, the port commission shall meet and proceed to canvass the returns of such election, and shall thereupon declare the results.

SECTION 7. That Section 70-105, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

70-105. POWERS OF DISTRICT.—All port districts organized under the provisions of this chapter shall be and are hereby authorized:

To acquire by purchase or condemnation, or both, all lands, property, property rights, leases or easements necessary for the purposes of the port districts, and to exercise the right of eminent domain in the acquirement or damaging of all lands, property, property rights, leases or easements, and the levying and collection of assessments upon property for the payment of all damages and compensation in carrying out the provision for which said districts shall have been created, and such right shall be exercised in the same manner and by the same procedure as is or may be provided by law for cities of the first class, except in so far as such may be inconsistent with the provisions of this chapter;

To lay out, construct, condemn, purchase, acquire, add to, maintain, conduct and operate any and all systems of seawalls, jetties, piers, wharves, docks, boat landings, warehouses, storehouses, elevators, grain bins, cold storage plants, terminal icing plants, bunkers, oil tanks, ferries, canals, locks, tidal basins, bridges, subways, tramways, cableways, conveyors, together with modern appliances for the economical handling, storing and transporting of freight and handling of passenger traffic, and other harbor improvements, rail and water transfer and terminal facilities within ** such port district; and in connection with the operation * or the improvement of the port district, ** to perform all customary services including the handling, weighing, measuring, and reconditioning all commodities received;
To apply to the proper authorities of the United States under any law now or which may hereafter be in force for the right to establish, operate and maintain foreign trade zones within the limits of the port district and to establish, operate and maintain such foreign trade zones;

To establish local improvement districts within such port districts, and to levy special assessments, under the mode of annual installments extending over a period not to exceed ten years on all property specially benefited by any local improvement, on the basis of special benefits, to pay in whole or in part the damages or cost of any improvement ordered in such local improvement district;

To issue local improvement bonds in any such local improvement district, to be repaid by the collection of local improvement assessments: provided, that the levying and collection of all such assessments and issuance of bonds hereby authorized shall be in the manner now and hereafter provided by state law for levying and collection of local improvement assessments and the issuance of local improvement bonds by cities of the first class, in so far as the same shall not be inconsistent with the provisions of this chapter: provided, however, that the duties devolving upon the city treasurer under the provisions of law relating to cities of the first class, shall for the purposes of this chapter, devolve upon the ** port district treasurer;**

To own and control lands, leases, and all easements and interests in land and all manner of personal property necessary for the purpose of the port district, either within or without the boundaries of said district;

To improve navigable and nonnavigable waters of the United States and the state of Idaho within, or without, the port district;

To create and improve for harbor purposes new waterways within, or without, the port district;

To regulate and control all such waters and all natural or artificial waterways (waterways of commercial waterway districts excepted) within, or without, the limits of such port district so far and to the full extent that this state can grant the same, and remove obstruction therefrom;

To straighten, widen, deepen and otherwise improve any and all waters, watercourses, bays, lakes or streams, whether
navigable or otherwise, flowing through or located within, or without, the boundaries of such port district;

To fix absolutely and without right of appeal or review the rates of wharfage, dockage, warehousing and port and terminal charges upon all improvements owned and operated directly by the port district itself and ferry charges of ferries operated by itself: provided, however, that the port commission shall file with the public service commission of the state of Idaho its schedule of rates and charges so fixed, as is required by the laws of the state of Idaho to public service corporations, and it may not change any rate or charge so filed without first filing a notice of such change of rate or charge with the public utilities commission not less than thirty days prior to the going into effect of such change of rate or charge; and to fix, subject to state regulation, rates of wharfage, dockage, warehousing, and all necessary port and terminal charges upon all docks, wharves, warehouses, quays, or piers owned by said port district but operated under lease from it;

To execute leases of all lands, wharves, docks and property owned and controlled by said port district upon such terms as the port commission may deem proper: provided, that no lease shall be executed for a period longer than thirty years, and every such lease shall be secured by a bond, with surety satisfactory to the port commission, in a penalty not less than the rental for one-sixth of the term, but in no case less than the rental for one year where the term is one year or more, conditioned to carry out and perform the terms and conditions of such lease; provided, that in any lease the term of which exceeds five years, and when so stipulated in the lease (the insertion of such stipulation to be discretionary with the port commission) the port commission shall accept, with surety, satisfactory to the port commission, a bond conditioned to carry out and perform the terms and conditions of the lease for some part of the term, in no event less than five years (unless the remainder of the unexpired term is less than five years, in which case for the full remainder), and in every such case the port commission shall require of the lessee another or other like bond to be executed and delivered within two years, and not less than one year prior to the expiration of the period covered by the existing foregoing provisions in respect to the original bond, and so on until the end of the term, so that there will always be in force a bond securing the performance of the terms and conditions of the lease, and the penalty in every such bond shall be not
less than the rental for one-half the period covered thereby, but no such bond shall be construed to secure the furnishing of any other bond;

To sell and convey any property in anywise acquired or owned by the port district whenever the port commission of such district shall have by resolution declared such property to be no longer needed for the purpose of the port district, but no property which is a part of the comprehensive scheme or modification thereof, adopted by any vote of the people, shall be sold or disposed of without the assent of a majority of the voters voting on the question of such proposed sale or disposition at a general or special election;

To raise revenue by levy of an annual tax on all taxable property within such port district, the total levy for any one year for all purposes, except for the payment of the principal and interest of the general bonded indebtedness of the port not to exceed five mills on each dollar of the assessed valuation of the taxable property in such port district: provided, that such levy shall be made and taxes collected in the manner **provided in this chapter**;

To contract indebtedness or borrow money for port purposes and issue general bonds therefor not exceeding an amount, together with the existing indebtedness of such port district of five per cent of the assessed value of the taxable property in such district, to be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness: provided, that no such indebtedness shall be incurred without three-fifths of the voters of such port district voting on the incurring of such indebtedness assenting thereto at a general or special election held in such port district for the purposes of such submission;

To have the power to issue general bonds of any such district evidencing any indebtedness thereof payable at any time not exceeding twenty years from the date of such bonds.

**SECTION 8.** That Section 70-106, Idaho Code, be, and the same is hereby amended to read as follows:

70-106. PORT COMMISSION — ORGANIZATION — POWERS — CONTRACTS. — The port commission shall organize by the election from its own members of a president and secretary; shall by resolution adopt rules governing the transaction of its business and shall adopt an official
seal. All proceedings of the port commission shall be by motion or resolution recorded in a book or books kept for such purpose, which shall be public records. The county treasurer of the county in which such port district is situated shall be the treasurer of the port district, and all funds of the port district shall be paid to him as such port treasurer and shall be deposited by him in such depositories, and to such port district accounts as the port commission shall direct. Such funds shall only be disbursed upon order of or vouchers approved by the port commission, and by check or draft signed by any two of the duly acting port commissioners. The port commission shall appoint a port auditor, who shall be a certified public accountant of the state of Idaho.

The originals of all vouchers approved by the port commission, all canceled checks and drafts, all bank statements and other documents relating to the financial affairs of the district shall be delivered to and held by the port auditor who shall prepare and maintain the books of account of the port district. All such vouchers, checks, drafts, instruments, books of account and records shall be public records, and upon the termination of appointment of any such port auditor, shall be delivered by such port auditor to the port commission. The port auditor shall prepare and deliver to the port commission a monthly statement showing the cash balance forward, the receipts and disbursements of the port district for the preceding month and the balance in all port district accounts, and the port auditor shall further furnish to the port treasurer a quarterly statement containing the same information as to the preceding quarter year, which quarterly statement shall be certified by the port auditor. The port auditor shall on his appointment execute and file with the secretary of the district an official bond in such amount as may be fixed by the port commission, which shall be not less than $5,000.00, and shall thereafter from time to time execute and file such further bonds as may be required by said commission in amounts fixed by it, but not less than the above minimum. All such official bonds shall be executed by a lawfully qualified surety company. The port commission shall have authority to create and fill such positions and fix salaries and bonds thereof as it may by resolution provide. All materials required by the port district may be purchased in the open market or by contract, and all work ordered may be let by contract or done by day labor as the port commission may determine. Before awarding any contract the port commission shall cause to be published in some
newspaper within the district a notice for at least ten days before the letting of such contract, inviting sealed proposals for such work, plans and specifications for which must at the time of publication of such notice be on file in the office of the port commission subject to public inspection: provided, however, that port commission may at the same time and as part of the same notice, invite tenders for such work or material upon plans and specification to be submitted by the bidder. Such notice shall state generally the work to be done and shall call for proposals for doing the same to be sealed and filed with the commission on or before the day and hour named. Each bid shall be accompanied by a certified check payable to the order of the port commission in an amount not less than five per cent of the amount of such bid. The port commissioners upon expiration of the time advertised for receiving bids shall proceed to canvass the bids and may let such contract to the lowest responsible bidder upon plans and specifications on file, or to be the best bidder submitting his own plans and specifications. If, in the opinion of the commission all bids are unsatisfactory, they may reject all of them and readvertise, and in such case all checks shall be returned to the bidders; but if such contract be let, then in such case all checks shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract shall be entered into for the purchase of such materials or doing such work, and a bond given to the port district for the performance of the contract and otherwise conditioned as required by law, with sureties satisfactory to commissioners, in an amount to be fixed by the commission, but not in any event less than twenty-five per cent of the contract price. If said bidder fails to enter into said contract in accordance with said bid and furnish such bond within ten days from the date at which he is notified that he is the successful bidder, the said check and the amount thereof shall be forfeited to the port district.

SECTION 9. That Title 70, Chapter 1, Idaho Code, be, and the same is hereby amended by adding a new section thereto following Section 70-112, to be known as Section 70-112A, to read as follows:

70-112A. FISCAL YEAR—BUDGET PROCEDURE—TAX LEVY—CERTIFICATION—SUPPLEMENTAL BUDGETS.—The fiscal year of all port districts shall begin on the 1st day of July in each year. The port commission shall, prior to the 15th day of June in each year, de-
termine separately in mills, and not in money, the tax levies for the next ensuing fiscal year, which levy for any one year for all purposes, except the payment of the principal and interest of the general bonded indebtedness of the port, shall not exceed five mills on each dollar of assessed valuation of taxable property in such port district, provided that, prior to certifying to the board of county commissioners as hereinafter provided, the levies made by said port commission, such port commission shall cause to be called and held a public hearing upon such budget, notice of which meeting shall be posted at least ten full days prior to the date of said meeting in at least one conspicuous place in each commissioner district to be determined by the commission. A copy of such notice shall also be published in a daily or weekly newspaper in one issue during said ten day period if a newspaper is printed within the port district, and if no newspaper is printed within the port district, then such notice need not be published in any newspaper. Such budget shall be available for public inspection from and after the date of posting of notices of hearing as in this section provided.

The place, hour and day of such hearing shall be clearly specified in said notice, as well as the place where such budget may be examined prior to such hearing. A quorum of the port commission shall attend such hearing at which they shall explain the said budget and hear any objections thereto.

In the event at such hearing two hundred electors shall sign a petition calling for an election on the question of the tax levy which the port commission shall be authorized to make, then, in that event, the commission shall call and hold a tax levy election in the manner prescribed in section 70-104B for the holding of special elections, provided that, in no case shall the authority of the port commission to determine and certify a levy be limited below three mills, and such election as may be required according to the provisions hereinbefore set forth shall be only upon the question of authorizing the commission to determine and certify not more than two mills in addition to the three mills, which, under the provisions of this section, the commission is authorized to determine and certify to the board of county commissioners. At such special election if a majority of the qualified electors voting shall vote in favor of a levy being made in excess of the three mills which the port commission is authorized by law to make, such additional levy in mills and the amount so voted, not, however, ex-
ceeding two additional mills on each dollar of assessed valuation of the taxable property of such district, shall be made by the port commission.

When the amount of levy has been determined, the port commission shall immediately certify the amount of levy, the date thereof, the year for which the levy has been made or is to be made, which will be the ensuing port fiscal year, and the name of the port district, to the clerk of the board of county commissioners. The board of county commissioners shall at the time of making the annual county levies make a levy in mills upon all of the taxable property in said port district not exempt from taxation, which levy shall be the same in mills as fixed by the port commission, and shall thereafter certify the same to the county auditor.

A port commission may adopt by resolution one or more supplemental budgets at any time during the fiscal year. Such supplemental budgets shall be adopted only after public hearing. Notice of such hearing shall be given by a single publication of notice of the date, place and hour of the hearing in a legal newspaper of the district, or if there is none, in any newspaper of general circulation in the county, publication of such notice to be at least five (5) days and not more than fifteen (15) days prior to the hearing date.

If the port district shall include area in more than one county, the amount of the levy shall be certified to the commissioners of each such county who shall make levy and certification as herein provided, upon the taxable property included in the port district in each such county.

Section 10. That Section 70-113, Idaho Code, be, and the same is hereby amended to read as follows:

70-113. PORT FUNDS—CREATION AND MAINTENANCE—DEPOSIT.—The county treasurer acting as port treasurer shall create * * * such funds as the port district shall direct, into which he shall place all monies received by him from the collection of taxes on behalf of such port district and all other receipts of such port district, in such manner and amounts as the port commission may by its resolution direct. Except as in this chapter otherwise provided, all such port funds shall be deposited with the county depositories under the same restrictions, contracts and security as is provided by statute for county depositories, and any interest which may be collected on any port funds
shall belong to such port district and shall be deposited to its credit in the proper port funds.

**SECTION 11.** That Title 70, Chapter 1, Idaho Code, be, and the same is hereby amended by adding a new section thereto following Section 70-113, to be known as Section 70-113A, to read as follows:

**70-113A. INVESTMENT OF CERTAIN FUNDS AUTHORIZED.**—The port commission shall have the authority to direct the port treasurer to invest the monies in any sinking funds or any capital acquisition and improvement fund of the district, as well as any other funds which the commission shall by resolution determine to be in excess of the current requirements for the operation and maintenance of the district and improvements, and the payment of current district expenses, in the negotiable, general obligation bonds or other evidences of indebtedness of the United States or of this State, or in time certificates of deposit from any banking institution of this State, chartered under the laws of the United States of America or of this State. Such investments shall be in lieu of depositing said monies in the designated depositories as provided by the Public Depository Law. The port treasurer shall likewise dispose of such bonds, evidences of indebtedness, or certificates of deposit as and when said port commission may by its resolution direct.

**SECTION 12.** That Section 70-115, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

**70-115. ENLARGEMENT OF DISTRICT — ELECTION.** — At any general election or at any special election which may be called for that purpose, the board of county commissioners of any county in this state, in which there exists a port district which is not coextensive with the limits of the county, shall, on petition of the commissioners of such port district, by resolution, submit to the voters of such county, or to the voters residing within the limits of the enlarged port district, including the voters residing within the limits of the existing port district, described in such petition, the proposition of enlarging the limits of such port district so as to include therein the whole of the territory embraced within the boundaries of such county, or such territory as may be described in said petition by legal subdivisions. Such petition shall be filed with the county auditor, who shall forthwith transmit the same to the board of county commissioners, who shall submit such proposition at the next general election, or, if such petition
so request, the board of county commissioners shall, at their first meeting after the date of filing such petition, by resolution, call a special election to be held not less than thirty days nor more than sixty days from the date of filing said petition. The notice of election shall state the boundaries of the proposed enlarged port district and the object of the special election. In submitting said question to the voters for their approval or rejection, the proposition shall be expressed on the ballots substantially in the following terms:

"Enlargement of the Port of __________, yes." (Giving the name of the port district which it is proposed to enlarge);

"Enlargement of the Port of __________, no." (Giving the name of the port district which it is proposed to enlarge).

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Such election, whether general or special, shall be held in each precinct wholly or partially embraced within the limits of the proposed enlarged port district and shall be conducted and the votes cast thereat counted, canvassed, and the returns thereof made in the manner provided by law for holding general or special county election.

**SECTION 13.** That Title 70, Chapter 1, Idaho Code, be, and the same is hereby amended by adding a new section thereto following Section 70-115, to be known as Section 70-115A, to read as follows:

70-115A. ANNEXATION OF TERRITORY IN ADJOINING COUNTIES.—The boundaries of any port district may be altered and new territory lying in adjacent counties may be annexed thereto as provided in this section. Such territory to be annexed must be contiguous to the port district and in one continuous tract, and the exterior lines thereof, if less than an entire county, must follow precinct boundary lines of such county, so that said annexed territory shall include only whole voting precincts; elections to annex two or more separate tracts of territory shall not be held at the same time. Such annexation may be made only upon the petition of at least eight per cent of the qualified voters of the area proposed to be annexed based upon the whole number of votes cast within the precincts included within said area proposed to be annexed,
at the last preceding general election; such petition shall contain the name of the port district proposed to be enlarged, a description of the exterior boundaries of the territory to be annexed, and shall refer to this section of the Idaho Code, and all persons signing such petition shall, in addition to signing their name thereon, write thereon their residence address. Said petition shall be presented to the auditor of the county wherein the territory to be annexed lies. If the said auditor shall find the said petition to be in proper form, and to be signed by the proper number of qualified voters in such area, he shall so certify to the county auditor of the county within which said port district exists. Said petition shall be filed at least sixty days before the date of the election herein referred to; the procedure if such petition shall be found insufficient and for the amending thereof, shall be the same as provided in Section 70-102 of the Idaho Code regarding the formation of port districts.

At the next subsequent general election there shall be submitted to the voters of the said port district, and also to the voters of the area proposed to be annexed, the question whether said area should be annexed to the port district. Except as in this section otherwise provided, the procedure for submitting said proposition shall be the same as provided in Section 70-102 of the Idaho Code for the original formation of a port district. In submitting the said question to the voters for their approval or rejection, the proposition shall be expressed on the ballots substantially in the following terms:

"Enlargement of Port of __________, yes." (Giving the name of the port district);

"Enlargement of Port of __________, no." (Giving the name of the said port district).

At the time provided by law for the canvass of the vote of said general election, the board of county commissioners of each county shall canvass the returns of its respective county, and declare the result of such election in each county. The annexation shall be deemed approved only if a majority of the votes on the annexation which were cast in the present port district were in favor of the proposal and, in addition thereto, a majority of the votes cast in the area to be annexed were in favor of the proposal. At the same election at which said proposition is submitted to the voters, one commissioner shall be elected by the voters within the area proposed to be annexed, to repre-
sent the annexed area, to hold office for a term of six years commencing on the second Monday of January following his election, and until his successor is elected and qualified, but he shall also serve during the period from his election until the first Monday of January following. No person shall be eligible to hold the office of port commissioner for the annexed area unless he is a qualified voter, and freeholder within said annexed area, and is, and has been a resident thereof for a period of three years preceding his election. The port commission shall thereafter consist of the three commissioners of the original port district, and the commissioner for such annexed area. The county wherein the area proposed to be annexed lies, and the port district to which it is proposed to be annexed, shall each pay its proportionate share of the expense of such annexation election.

In port districts embracing area in more than one county, the new area first annexed shall be known as commissioner district four, the next annexed area as commissioner district five, and so forth. Only the electors of the county in which a candidate for port commissioner resides shall be eligible to vote for any such candidate, at the first and all subsequent port commissioner elections.

SECTION 14. That Section 70-116, Idaho Code, be, and the same is hereby amended to read as follows:

70-116. ENLARGEMENT OF DISTRICT—ORDER ESTABLISHING ASSESSMENT FOR OUTSTANDING BONDS.—If a majority of all the votes cast at any * election under the provisions of Section 70-115 upon the proposition of enlarging such port district shall be for the “enlargement of the port of ————, yes,” or if a majority of votes cast in the port district and, in addition thereto, a majority of votes cast in the area to be annexed, under the provisions of Section 70-115A, favor such annexation, then and in * either such event the board of county commissioners shall enter an order declaring such port district enlarged so as to embrace within the limits thereof the territory described in the petition for such election, and thereupon the boundaries of said port district shall be so enlarged and the port commissioners thereof shall have jurisdiction over the whole of said district as enlarged to the same extent, and with like power and authority, as though the additional territory had been originally embraced within the boundaries of the existing port district: provided, however, that none of the lands or property embraced within the territory added to and incorporated with—
in such port district shall be liable to assessment for the payment of any outstanding bonds, warrants or other indebtedness of such original port district, but such outstanding bonds, warrants or other indebtedness together with interest thereon, shall be paid exclusively from assessments levied and collected on the lands and property embraced within the boundaries of the pre-existing port district.

**SECTION 15.** That Section 70-117, Idaho Code, be, and the same is hereby amended to read as follows:

70-117. SINKING FUNDS—CAPITAL ACQUISITION AND IMPROVEMENT FUND.—Each board of port commissioners shall provide such sinking fund or sinking funds as shall be necessary to give effect to the provisions of this chapter, and a capital acquisition and improvement fund for future capital acquisitions and improvements. All moneys received **shall be deposited by the port treasurer in such amounts and to such funds and accounts as the port commissioners shall by their resolution direct.**

**SECTION 16.** That Section 70-126, Idaho Code, be, and the same is hereby amended to read as follows:

70-126. COMPENSATION PAID PORT COMMISSIONERS.—There shall be paid to each of the port commissioners from the funds of the district, **not more than $15.00 per day for each day spent attending meetings, or while engaged in official business under the order of the port commission, provided that, no port commissioner shall receive per diem payments totaling in excess of $600.00 in any calendar year. In addition to such per diem there shall be paid to each of the port commissioners from the funds of the district, his actual and necessary expense which shall be deemed to include all traveling and hotel expenses necessarily incurred by any port commissioner when absent from his residence in the performance of the duties of his office.**

**SECTION 17.** That Title 70, Chapter 1, Idaho Code, be, and the same is hereby amended by adding a new section thereto following Section 70-126, to be known as Section 70-127, to read as follows:

70-127. COMMISSIONERS NOT TO BE INTERESTED IN CONTRACTS— PENALTY.—No port commissioner shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the port commission, or in the profits to be derived therefrom, except to the extent that the general public is interested in,
or benefited thereby; and for any violation of this provision such port commissioner shall be deemed guilty of a misdemeanor, and conviction thereof shall work a forfeiture of his office, and he shall be punished by a fine not exceeding $500.00, or by imprisonment in the county jail not to exceed six months, or by both such fine and imprisonment.

SECTION 18. 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.

Approved March 13, 1961.

CHAPTER 261
(S. B. No. 201)

AN ACT
REPEALING SECTION 31-2012, IDAHO CODE, RESTRICTING THE PLACE OF RESIDENCE OF COUNTY OFFICERS AND PROVIDING FOR AND LIMITING THE AUTHORIZATION OF EXCEPTIONS TO SUCH RESTRICTIONS.

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

SECTION 1. That Section 31-2012, Idaho Code, be, and the same is hereby repealed.

Approved March 13, 1961.

CHAPTER 262
(S. B. No. 141)

AN ACT
REPEALING SECTION 19-4301, IDAHO CODE, AMENDING TITLE 19, CHAPTER 43, IDAHO CODE, BY ADDING A NEW SECTION TO BE DESIGNATED SECTION 19-4301, IDAHO CODE, TO PROVIDE FOR THE INVESTIGATION OF DEATHS BY THE CORONER AND LAW ENFORCEMENT OFFICERS UNDER CERTAIN SPECIFIED CIRCUMSTANCES AND FOR
THE CONDUCTING OF AN INQUEST; AMENDING TITLE 19, CHAPTER 43, IDAHO CODE, BY ADDING A NEW SECTION TO BE DESIGNATED SECTION 19-4301A, IDAHO CODE, TO PROVIDE FOR THE REPORTING OF DEATHS AND THE PRESERVATION OF EVIDENCE; AMENDING TITLE 19, CHAPTER 43, IDAHO CODE, BY ADDING A NEW SECTION TO BE DESIGNATED SECTION 19-4301B, IDAHO CODE, TO PROVIDE FOR DETERMINATION OF THE CAUSE OF DEATH AND THE CONDUCTING OF AUTOPSIES AND THE ELIMINATION OF LIABILITY THEREFOR; AMENDING TITLE 19, CHAPTER 43, IDAHO CODE, BY ADDING A NEW SECTION TO BE DESIGNATED SECTION 19-4301C, IDAHO CODE, TO PROVIDE FOR THE RELEASE OF BODIES FOR FUNERAL PREPARATIONS AND THE RETENTION THEREOF BY ORDER OF THE COURT; AMENDING TITLE 19, CHAPTER 43, IDAHO CODE, BY ADDING A NEW SECTION TO BE DESIGNATED SECTION 19-4301D, IDAHO CODE, TO PROVIDE FOR THE REPORTS TO BE MADE BY THE CORONER; AMENDING SECTION 19-4302, IDAHO CODE, TO ELIMINATE THE REQUIREMENT OF INSPECTION OF BODIES BY A CORONER'S JURY; AMENDING SECTION 19-4303, IDAHO CODE, TO ELIMINATE THE SUMMONING OF A SURGEON OR PHYSICIAN BY CORONERS AND PROVIDING THAT CORONERS MUST CALL WITNESSES REQUESTED BY THE PROSECUTING ATTORNEY; AMENDING SECTION 19-4305, IDAHO CODE, TO ELIMINATE THE REQUIREMENT OF INSPECTION OF BODIES BY A CORONER'S JURY.

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

SECTION 1. That Section 19-4301, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Title 19, Chapter 43, Idaho Code, be, and the same is hereby amended by adding a new Section to be designated Section 19-4301, Idaho Code, to read as follows:

19-4301. CORONER TO INVESTIGATE DEATHS.—When a coroner is informed that a person in his county has died.

(a) As a result of violence whether apparently homicidal, suicidal or accidental, or

(b) Under suspicious or unknown circumstances, or

(c) When not attended by a physician during his last illness and the cause of death cannot be certified by a physician, the coroner must refer the investigation of the
death to the sheriff of the county of the chief of police of the city in which the incident causing death occurred, if known; or, if known, then in which the death occurred, if known; or, if unknown, then in which the body is found. The investigation shall be the responsibility of said officer who, upon completion of his investigation, shall furnish a written report of the result of such investigation to said coroner. The coroner of said county must refer said case to the coroner of the county in which the incident causing death occurred, if known, or if unknown, then in which the death occurred, if known, to hold an inquest. Provided, however, that a coroner shall conduct an inquest only if he has reasonable grounds to believe that the death has occurred under any of the circumstances heretofore stated in Sections 19-4301(a) or 19-4301(b), Idaho Code. If so, he may summon not less than nine nor more than fifteen persons qualified by law to serve as jurors to appear before him to hold said inquest.

Nothing in this section shall be construed to affect the tenets of any church or religious belief.

SECTION 3. That Title 19, Chapter 43, Idaho Code, be, and the same is hereby amended by adding a new Section to be designated Section 19-4301A, Idaho Code, to read as follows:

19-4301A. DEATHS TO BE REPORTED TO LAW ENFORCEMENT OFFICIALS AND CORONER.—Where any death occurs which is subject to investigation by the coroner under Section 19-4301, Idaho Code, the person who finds or has custody of the body shall promptly notify the coroner who shall notify the appropriate law enforcement agency. Pending arrival of the law enforcement officers the person finding or having custody of the body shall take reasonable precautions to preserve the body and body fluids and the scene of the event shall not be disturbed by anyone until authorization is given by the law enforcement officer conducting the investigation.

SECTION 4. That Title 19, Chapter 43, Idaho Code, be, and the same is hereby amended by adding a new Section to be designated Section 19-4301B, Idaho Code, to read as follows:

19-4301B. PERFORMANCE OF AUTOPSIES.—The coroner may, in the performance of his duties under this chapter, summon a person authorized to practice medicine and surgery in the State of Idaho to inspect the body and
give a professional opinion as to the cause of death. The coroner or the prosecuting attorney may order an autopsy performed if it is deemed necessary accurately and scientifically to determine the cause of death. When an autopsy has been performed, pursuant to an order of a coroner or a prosecuting attorney, no cause of action shall lie against any person, firm or corporation for participating in or requesting such autopsy.

SECTION 5. That Title 19, Chapter 43, Idaho Code, be, and the same is hereby amended by adding a new Section to be designated Section 19-4301C, Idaho Code, to read as follows:

19-4301C. RELEASE OF BODY.—Where a body is held for investigation or autopsy under this act the coroner shall, if requested by next of kin, release the body for funeral preparation not later than 24 hours after death or discovery of the body, whichever is later. Any district judge may ex parte order the 24 hour period extended upon a showing of reasonable cause by the prosecuting attorney by petition supported by affidavit.

SECTION 6. That Title 19, Chapter 43, Idaho Code, be, and the same is hereby amended by adding a new Section to be designated Section 19-4301D, Idaho Code, to read as follows:

19-4301D. CORONER TO MAKE REPORTS.—When the cause and manner of death is established under the provisions of this Chapter the coroner shall make and file a written report of the material facts concerning the cause and manner of death in the office of the Clerk of the District Court. The coroner shall promptly deliver to the prosecuting attorney of each county having criminal jurisdiction over the case copies of all records relating to every death as to which further investigation may be advisable. Any prosecuting attorney or other law enforcement official may upon request secure copies of the original of such records or other documents or pertinent objects or information deemed necessary by him to the performance of his official duties.

SECTION 7. That Section 19-4302, Idaho Code, be, and the same is hereby amended to read as follows:

19-4302. JURORS TO BE SWORN.—When six or more of the jurors attend, they must be sworn by the coroner to inquire who the person was, and when, where, and by what means he came to his death, and into the circum-
stances attending his death, and to render a true verdict thereon, according to the evidence offered them, or arising from the inspection of the body.

SECTION 8. That Section 19-4303, Idaho Code, be, and the same is hereby amended to read as follows:

19-4303. EXAMINATION OF WITNESSES. — Coroners may issue subpoenas for witnesses, returnable forthwith, or at such time and place as they may appoint, which may be served by any competent person. They must summon and examine as witnesses every person who, in their opinion, or that of any of the jury, or the prosecuting attorney, has any knowledge of the facts, and may summon a surgeon or physician to inspect the body and give a professional opinion as to the cause of the death.

SECTION 9. That Section 19-4305, Idaho Code, be, and the same is hereby amended to read as follows:

19-4305. VERDICT OF JURY. — After inspecting the body and hearing the testimony, the jury must render their verdict and certify the same by an inquisition in writing, signed by them, and setting forth who the person killed is, and when, where, and by what means he came to his death; and if he was killed, or his death occasioned by the act of another, by criminal means, who is guilty thereof.

Approved March 13, 1961.

CHAPTER 263
(S. B. No. 112)

AN ACT

AMENDING SECTION 49-104 (b) (6) (7), IDAHO CODE, AS AMENDED, BY INCREASING THE FEE FOR ANSWERING INQUIRIES AS TO OWNERS OF MOTOR VEHICLES FROM TWENTY CENTS TO ONE DOLLAR PER VEHICLE AND REQUIRING A FEE OF ONE DOLLAR FOR INQUIRIES REGARDING DRIVER’S LICENSE RECORDS, AND ELIMINATING THAT PART OF SECTION 49-104 (b) (6) WHICH PROVIDES THAT THERE SHALL BE NO FEE FOR ANSWERING ANY SUCH INQUIRIES FOR LESS THAN THREE MOTOR VEHICLES AT ANY ONE TIME; AND PROVIDING FOR THE FURNISHING OF COPIES OF FILES OF ANY MOTOR VE-
HICLE REGISTRATION OR MOTOR VEHICLE TITLE, DRIVER'S LICENSE OR CHAUFFEUR'S LICENSE BY AMENDING SECTION 49-104 (b) (7) AND INCREASING THE FEE THEREFOR TO TWO DOLLARS PER HOUR; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-104 (b) (6) (7), Idaho Code, as amended, be, and the same is hereby amended to read as follows:

49-104. RECORDS OF DEPARTMENT—FEES FOR SERVICES BY COMMISSIONER.—a. All registration and license records in the office of the department shall be public records and open to inspection by the public during business hours.

b. In addition to all other fees required by law to be collected by the commissioner, the commissioner(s) shall collect for the following services the following fees:

1. For certifying a copy of any record pertaining to any motor vehicles license, any certificate of title, or any operator's or chauffeur's license $1.25

2. For recording the transfer of any interest upon a certificate of title $ .75

3. For issuance of every certificate of title on a new motor vehicle sold by a registered dealer to a purchaser $ .75

4. For furnishing a duplicate copy of any certificate of title or operator's or chauffeur's license or receipt of registration $ .75

5. For issuing an Idaho certificate of title, or an interstate letter in lieu of the Idaho certificate of title on any motor vehicle that has previously been licensed in another state $1.50

6. For answering inquiries as to owners of motor vehicles * * * or driver's license records, per vehicle or per driver's license record respectively $1.00

* * *

7. For services in furnishing copies of files of * * * motor vehicle registrations, motor vehicle titles, driver's licenses, or chauffeur's licenses, per hour $2.00

8. Placing "stop" cards in motor vehicle file, each $ .75
c. Provided the fees required by this section shall not apply when the service is furnished to any federal, state, county, or city official when such service is required in the performance of official duties of their respective offices.

d. All fees collected under this section shall be paid by the commissioner to the state treasurer and placed in the motor vehicle fund.

SECTION 2. 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.

Approved March 13, 1961.

CHAPTER 264
(S. B. No. 116)

AN ACT
AMENDING SECTION 40-120, IDAHO CODE, RELATING TO THE POWERS AND DUTIES OF THE IDAHO BOARD OF HIGHWAY DIRECTORS, BY PROVIDING FOR PAYMENT TO ORGANIZATIONS EXISTING FOR THE PURPOSE OF FURNISHING WATER FOR IRRIGATION, OF INDEBTEDNESS OF SUCH ORGANIZATION ALLOCABLE TO LANDS ACQUIRED BY SUCH BOARD AND THE VALUE AND DAMAGE SUSTAINED BY SUCH ORGANIZATION TO ITS IRRIGATION WORKS AND SYSTEM FROM THE INTERSECTION THEREOF BY HIGHWAYS CONSTRUCTED BY SUCH BOARD AND BY DELETING THE PORTIONS OF SECTION 40-120 OF THE IDAHO CODE RELATING TO THE REIMBURSEMENT OF UTILITIES FOR RELOCATION COSTS WHICH DELETED PORTIONS HAVE BEEN DECLARED UNCONSTITUTIONAL BY THE SUPREME COURT OF THE STATE OF IDAHO.

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

SECTION 1. That Section 40-120, Idaho Code, be, and the same is hereby amended to read as follows:

40-120. DUTIES AND POWERS OF THE BOARD.—The Idaho board of highway directors, subject to the right of protest hereinafter provided for, shall be vested with the functions, powers and duties relating to the administration of this act and shall have power to:
(1) Contract fully, in the name of the state of Idaho, with respect to the rights, powers and duties vested in the board by this act.

(2) Determine which highways in the state, or sections thereof, the public interest requires shall be designated and accepted for the purpose of this act as a part of the state highway system.

(3) Abandon the maintenance of any highway and remove it from the state highway system, when such action is determined by the unanimous consent of the board, to be in the public interest.

(4) Locate, design, construct, reconstruct, alter, extend, repair and maintain state highways when determined by the board to be in the public interest.

(5) Establish standards for the location, design, construction, reconstruction, alteration, extension, repair and maintenance of state highways, provided that standards of state highways through villages and cities shall be coordinated with the standards in use for the street systems of the respective villages or cities.

(6) Cause to be made and kept, surveys, studies, maps, plans, specifications and estimates for the alteration, extension, repair and maintenance of state highways, and so far as practicable, of all highways in the state, and for that purpose to demand and to receive reports and copies of records from the commissioners of highway districts, county commissioners, county surveyors and road overseers, supervisors, superintendents and all other highway officials within the state.

(7) Approve and determine the final plans, specifications and estimates for state highways and cause contracts for state highway work to be let by contract in the manner provided by law.

(8) Make annually on or before the first day of December of each year, and such other times as the governor may require, reports in writing to the governor concerning the condition, management and financial transactions of the department of highways.

(9) Purchase, condemn or otherwise acquire (including exchange), any real property, either in fee or in any lesser estate or interest, rights-of-way, easements and other rights and rights of direct access from the property abutting highways with controlled-access, deemed necessary by the
board for present or future state highway purposes. The order of the board that the land sought is necessary for such use shall be prima facie evidence of such fact.

(10) Cooperate with, and receive and expend aid and donations from the federal government, and to receive and expend donations from other sources for the construction and improvement of any state highway or any project on the federal-aid primary or secondary systems or on the inter-state system, including extensions thereof within urban areas; and, when authorized or directed by any act of congress or any rule or regulation of any agency of the federal government, to expend funds donated or granted to the state of Idaho by the federal government for such purpose, upon roads and/or bridges not upon the state highway system.

(11) Contract jointly with counties, municipalities and highway and good roads districts for the improvement and construction of state highways.

(12) Expend funds appropriated for the construction, maintenance and improvement of the state highways.

(13) Prescribe rules and regulations affecting state highways, and to enforce compliance with such rules and regulations.

(14) Cooperate with the federal government, counties, highway districts, good road districts, and municipalities for the construction, improvement, and maintenance of secondary or feeder roads not upon the state highway system.

(15) Cooperate financially or otherwise with any other state or any county, city or town of any other state, or with any foreign country or any province or district of any foreign country, or with the government of the United States, or any agency thereof, or private agencies or persons, or with any or all thereof for the erecting, constructing, reconstructing, and maintaining of any bridge, trestle, or other structure for the continuation or connection of any state highway across any stream, body of water, gulch, navigable water, swamp or other topographical formation requiring any such structure and forming a boundary between the state of Idaho and any other state or foreign country, and for the purchase or condemnation or other acquisition of right-of-way therefor.

(16) Designate state highways, or parts thereof, as controlled-access facilities and regulate, restrict or pro-
hibit access to such highways so as best to serve the traffic for which such facility is intended.

(17) Furnish, erect and maintain, whenever necessary for public safety and convenience, suitable signs, markers, signals and other devices to control, guide and warn pedestrian and vehicular traffic entering or traveling upon the state highway system.

(18) Forbid, restrict or limit the erection of unauthorized signs, billboards or structures on the right-of-way of any state highway, and remove therefrom and destroy any unauthorized signs now or hereafter existing thereon.

(19) Close or restrict the use of any state highway whenever such closing or restricting of use is deemed by the board to be necessary for the protection of the public or for the protection of the highway or any section thereof from damage.

(20) Serve as the state's representative in the designation of forest highways within the state.

(21) Establish such departmental divisions as are deemed necessary for the full and efficient administration of this act.

(22) Exercise exclusive control over the employment, promotion, reduction or dismissal of all employees of the state highway department, and fixing their compensation.

(23) Purchase, lease or otherwise acquire and to develop lands for the purpose of securing therefrom road making materials. Purchase, lease or otherwise acquire mill and factory sites and to construct, equip and operate thereon mills and factories for the reduction and manufacture of road making materials.

(24) Sell, exchange, or otherwise dispose of and convey, in accordance with law, any real property, other than public lands which by the Constitution and laws of the state of Idaho are placed under the jurisdiction of the state land board, or parts thereof, together with appurtenances, when in the opinion of the board, said real property and/or appurtenances are no longer needed for state highway purposes, and also dispose of any surplus materials and by-products from such real property and appurtenances.

(25) Establish rules and regulations, consistent with the laws of Idaho, for the expenditure of all moneys appropriated and/or allotted by law to the department of highways or the Idaho board of highway directors.
(26) Exercise such other powers and duties, including the adoption of by-laws, rules and regulations, deemed necessary to fully implement and carry out the provisions of this act and the control of the financial affairs of the board and the department of highways.

(27) Make reasonable regulations for the installation, construction, maintenance, repair, renewal and relocation of tracks, pipes, mains, conduits, cables, wires, towers, poles and other equipment and appliances (herein called "facilities") of any utility, in, on, along, over, across, through or under any project on the federal-aid primary or secondary systems or on the interstate system, including extensions thereof within urban areas. Whenever the board shall determine, after notice and opportunity for hearing, that it is necessary that any such facilities which now are, or hereafter may be, located in, on, along, over, across, through or under any such federal-aid primary or secondary system or on the interstate system, including extensions thereof within urban areas, should be relocated, the utility owning or operating such facilities shall relocate the same in accordance with the order of the board ** **. In case of any such relocation of facilities, as aforesaid, the utility owning or operating the same, its successors or assigns, may thereafter maintain and operate such facilities, with the necessary appurtenances, in the new location or new locations.

For the purposes of this subsection the following definitions shall be applied:

(a) Utility defined.—The term "utility" shall include publicly, privately and cooperatively owned utilities.

***

(c) Interstate system defined.—The term "interstate system" shall include any highway which now is or shall hereafter be a part of the national system of interstate and defense highways, as provided in the Federal-aid Highway Act of 1956 and any acts supplemental thereto or amendatory thereof.

(28) When irrigable lands, served or to be served by the irrigation works and system of an organization, whether incorporated or unincorporated, existing for the purpose of furnishing water for irrigation to its members, landowners, water users, or shareholders, are acquired by the board, including all such lands acquired by the board after January 1, 1958, the board, as part of the cost and expense
of the acquisition of such lands for highway purposes and with funds available for such acquisition, shall make a lump sum payment to such organization in an amount sufficient to pay the pro rata share of the organization's indebtedness, if any, including but not limited to the organization's indebtedness to the United States or any public or private lending agency, allocable to such lands acquired by the board, together with interest on such pro rata share of such indebtedness in the event such indebtedness shall not be callable in advance of maturity, and if the lands acquired by the board and the construction of a highway thereon shall intersect the irrigation works and system of such organization, then a further sum sufficient to pay and reimburse such organization, the value of the property of such organization acquired by the board, and the severance damage to the irrigation works and system, including the damage resulting from the interference and impairment of the operation of such works and system.

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

Approved March 13, 1961.

CHAPTER 265
(S. B. No. 126)

AN ACT

AMENDING SECTION 72-1416, IDAHO CODE, RELATING TO INVESTMENT OF FIREMEN'S RETIREMENT FUND, AND AMENDING SECTION 33-1507 RELATING TO INVESTMENTS OF TEACHERS' RETIREMENT FUND BY PROVIDING FOR INCLUDING IN SUCH INVESTMENTS OBLIGATIONS SECURED BY FIRST MORTGAGES OR DEEDS OF TRUST ON REAL ESTATE IN IDAHO, WHICH OBLIGATIONS, MORTGAGES OR DEEDS OF TRUST ARE ACQUIRED THROUGH OR ISSUED BY AND SERVICED BY A QUALIFIED CORPORATION AND GUARANTEED BY THE UNITED STATES OR SOME AGENCY THEREOF, AND DEFINING TERMS.

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

SECTION 1. That Section 72-1416, Idaho Code, be, and the same hereby is amended to read as follows:
72-1416. STATE TREASURER CUSTODIAN OF FUND—INVESTMENT OF SURPLUS.—The state treasurer shall have custody of the said firemen’s retirement fund, and shall hold, deposit and control the same, subject to the uses and provisions of this act, as other state moneys are held, deposited and controlled; and surplus funds accumulating in the said fund, and not needed for its immediate uses, shall be invested as other public moneys are invested, including obligations secured by mortgages or deeds of trust on real property in Idaho, which obligations, mortgages or deeds of trust are acquired through or issued by and are serviced by a qualified corporation and are guaranteed by the United States or an agency thereof, and the earnings thereof credited to the said fund. “Qualified corporation” means any corporation organized under the law of the United States or the State of Idaho, or is otherwise qualified to do business in the State of Idaho. “Acquired through, or issued and serviced by” means that the original obligation must be negotiated by, and the original obligee named be, a qualified corporation; that such obligations, participations or interest therein may be transferred to another corporation thereafter, but all advances by and receipts to the obligee of said obligations must be made through a qualified corporation, including the handling of all insurance of and taxes upon any security for such obligations; and the original corporation is not required to be or to continue as a qualified service agent.

SECTION 2. That Section 33-1507, Idaho Code, be, and the same hereby is amended to read as follows:

33-1507. MANAGEMENT OF FUNDS — INVESTMENT — INTEREST — CLAIMS AGAINST FUND. —
(1) The several funds for the retirement system created by section 33-1508 shall be considered as trust funds and the state treasurer shall be the custodian thereof. Such funds shall be administered by the board without liability on the part of the state beyond the amount of such funds. Such funds shall be held subject to disbursements as provided in sections 33-1501—33-1517. Cash on hand in said funds shall be deposited by the state treasurer under the provisions of the state depository law.

(2) The department of public investments shall at the direction of the board invest and reinvest the money in such funds subject to all the terms, conditions, limitations and restrictions imposed by the laws of Idaho for the investment of the public school fund, provided that the board may direct the investment of these funds in bonds here-
after issued by the state board of education and the board of regents of the university for the construction of facilities at institutions under the control of the state board of education or the board of regents, and provided further that the board may direct the investment of these funds in bonds or obligations, the payment of principal and interest of which is unconditionally guaranteed by the United States of America *, including obligations secured by mortgages or deeds of trust on real property in Idaho, which obligations, mortgages or deeds of trust are acquired through or issued by and are serviced by a qualified corporation and are guaranteed by the United States or an agency thereof, and the earnings thereof credited to the said fund. “Qualified corporation” means any corporation organized under the law of the United States or the State of Idaho, or is otherwise qualified to do business in the State of Idaho. “Acquired through, or issued and serviced by” means that the original obligation must be negotiated by, and the original obligee named be, a qualified corporation; that such obligations, participation or interest therein may be transferred to another corporation thereafter, but all advances by and receipts to the obligee of said obligations must be made through a qualified corporation, including the handling of all insurance of and taxes upon any security for such obligations; and the original corporation is not required to be or to continue as a qualified service agent. All evidence of indebtedness arising from such invested moneys shall be held by the department of public investments which shall be the custodian thereof. It shall collect the principal and interest thereof, when due, and pay the same into the fund entitled thereto. The department of public investments shall be authorized upon the approval of the board to hold, purchase, sell, assign, transfer and dispose of any securities and investments in which any of the moneys of the funds created herein have been invested, as well as the proceeds of said investments of any moneys belonging to said funds. The state treasurer shall pay all warrants or vouchers drawn on the funds herein created for making such investments when signed by the chairman of the board and by the state auditor. Upon sale of any such investments the proceeds thereof shall be paid into the fund entitled thereto.

(3) The board of trustees annually shall allow regular interest on the mean amount for the preceding year in each of the funds with the exception of the expense fund. The amounts so allowed shall be due and payable to said funds, and shall be annually credited thereto by the board
of trustees from interest and other earnings on the money of the retirement system. Any additional amount required to meet the interest on the funds of the retirement system shall be paid by the state, and any excess of earnings over such amount required shall be deductible from the amounts to be contributed by the state.

Regular interest shall mean such per centum rate to be computed annually as shall be determined by the board of trustees on the basis of the interest earnings of the system for the preceding year and the probable earnings of the system to be made during the immediate future, in the judgment of the board, the maximum of such interest to be four per centum and such maximum rate of four per centum to be applicable during the first year after the date of establishment of the retirement system.

(4) For the purpose of meeting disbursements for service annuities, savings annuities, and other payments, there may be kept available by the state treasurer, an amount not exceeding ten (10) per centum of the total amount in the several funds of the retirement system. All persons having claims against the funds must exhibit the same with the evidence in support thereof to the board and by the board to the state auditor to be audited, settled and allowed by the board of examiners within two years after such claims accrue and not afterward.

(5) Neither any member of the board of trustees nor any officer, employee or agent of the retirement system shall have any direct or indirect personal interest in any of the investments of the retirement system or the gains or profits thereof.

Approved March 13, 1961.

CHAPTER 266
(S. B. No. 22)

AN ACT
AMENDING SECTION 33-510, IDAHO CODE, TO CLARIFY PROCEDURES FOR SUBMITTING TO THE VOTERS, PLANS FOR REORGANIZATION OF SCHOOL DISTRICTS AND THE PROCEDURES FOR CANVASSING AND RETURN; PROVIDING FOR THE ESTABLISHING OF POLLING PLACES IN THE
EVENT A DISTRICT DIVIDES; CLARIFYING DUTIES OF COUNTY COMMISSIONERS AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-510, Idaho Code, be, and the same is hereby amended to read as follows:

33-510. ** ** SUBMISSION OF REORGANIZATION PLAN TO VOTERS—CONDUCT OF ELECTION AND PROCEDURE ON RETURN.—Within ten (10) days after receipt from the state * board of education * of a plan for the reorganization of school districts or the division of a school district within the county or within any portion of the county, * * * which plan the state board of education has approved, the board or boards of county commissioners of such county or counties shall enter an order directing that the question of establishing the proposed reorganized school district as specified in said approved plan * * * shall be submitted to the qualified voters of the territory or various territories affected thereby, at a special election as hereinafter provided. At the time of entering said order the board or boards of county commissioners shall forthwith call and cause to be held, a special election within the territory of each new district proposed to be formed under said approved plan, which election shall be held at the time and place or places within the territory of such newly proposed district as shall be determined by the board or boards of county commissioners to be convenient for the voters entitled to vote at such election. Notice of such special election shall be given * * *, the election shall be conducted and the qualification of voters shall be, as specified in title 33, chapter 4, Idaho Code. The election notices shall clearly state that the election has been called for the purpose of affording the qualified voters an opportunity to approve or reject a proposal for the formation of a new school district or for the division of a district under the provisions of * * * title 33, chapter 5, Idaho Code, and shall also contain a description of the boundaries of the proposed new school district or districts and a statement, if there be any, of the terms or plans of adjustment of property, debts and liabilities applicable thereto.

The ballot for voting on the proposed new school district or districts shall contain a brief summary of the proposed plan for the reorganization * * * and shall contain the words, "For Reorganized School District" and "Against Reorganized School District," each followed by a box wherein the voter may express his vote by marking a cross (X).
The return of said special election shall be made and canvassed as provided by **title 33, chapter 4, Idaho Code, except, however, that in computing the result of the election on the proposed * * * reorganization and in making the return thereof and canvassing the same, and in determining whether a majority of votes have been cast in favor of the proposed * * * reorganization, both the board of election and the board of county commissioners shall make such determination as follows:

(1) In the event no * * * one of the school districts which is joining to form a new school district has a majority of the total number of qualified voters of the proposed new school district, then and in such event, the plan for the * * * reorganization shall be deemed approved if a majority of all votes cast at said special election by the qualified voters within the boundaries of the proposed new school district, * are in favor of the proposed new school district.

(2) In the event that one * * * of the school districts which is joining to form a new school district has a majority of the total number of qualified voters of the proposed new school district, the plan for the proposed new school district shall be deemed approved if * * * a majority of the votes on the reorganization which were cast in such school district were cast in favor of the proposal and, in addition thereto, a majority of the votes cast in all the remaining territory of the proposed new school district were in favor of the proposal. And at an election for the division of a reorganized school district, the division shall be deemed approved only if a majority of all votes cast at said special election by the qualified voters within the entire existing school district are in favor of the division of such district, and a majority of all votes cast at said special election by the qualified voters within that portion of the district having a minority of the number of qualified voters are in favor of the division of the district.

The board of county commissioners shall determine the total number of qualified voters in each school district within the boundaries of the proposed new school district and the total number of qualified voters in unorganized territory within the boundaries of the proposed new school district, by determining the total number of persons in each such district or area possessing the qualifications prescribed by law for electors at school district elections therein. Such determination shall be made and set forth in the order providing the special election.
In the case of division of a reorganized school district to form newly reorganized districts, polling places shall be provided in each trustee zone in each of the districts proposed to be created by such division.

In the event it is determined, as herein provided, that a majority of the votes cast at said special election are in favor of the establishment of the proposed new school district, or the division of a reorganized district, the said board of county commissioners, having canvassed the return on such special election shall immediately enter an order establishing the proposed new school district or districts and shall perform all other acts required to fully effectuate such reorganization according to the approved plan and terms therefor, and shall forthwith notify the state board of education and the board or boards of trustees of the school districts involved.

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

Approved March 13, 1961.

CHAPTER 267
(S. B. No. 246)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO TO THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO, THE BOARD OF TRUSTEES OF IDAHO STATE COLLEGE, BUREAU OF MINES AND GEOLOGY AND TO THE ADJUTANT GENERAL, FOR THE PURPOSE OF MATCHING FUNDS AVAILABLE TO THESE STATE AGENCIES FROM VARIOUS SOURCES; AND PROVIDING A TIME AND METHOD OF TRANSFER OF THESE SUMS.

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 the following sums of money, or so much thereof as may be necessary, for the purpose of paying Salaries and Wages, Other Current Expense and Capital Outlay of the agencies herein named,
for the period commencing July 1, 1961, and ending June 30, 1963:

To Whom Appropriated: Appropriations:

BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO:
For: Capital Outlay .................................................................. $20,000

BOARD OF TRUSTEES FOR IDAHO STATE COLLEGE:
For: Other Current Expense .................................................. $43,000

BUREAU OF MINES AND GEOLOGY:
For: Salaries and Wages ....................................................... $10,000

ADJUTANT GENERAL:
For: Other Current Expense .................................................. $14,000

SECTION 2. The funds hereby appropriated are to be made available to the agencies named for expenditure only if a like sum is received from another source. Transfer of these amounts from the General Fund shall not be made without the approval of the Board of Examiners.

SECTION 3. The sum hereby appropriated to the Board of Regents of the University of Idaho is contingent upon receipt of a sum from the Idaho Wheat Commission for the purpose of constructing a laboratory building at the University of Idaho Experiment Station at Aberdeen, Idaho.

The sum appropriated to the Board of Trustees of Idaho State College is contingent upon receipt of a like, or greater, sum from the Kellogg Foundation for the purpose of training dental technicians.

The sum appropriated to the Bureau of Mines and Geology is contingent upon receipt of a like, or greater, sum from the Northern Pacific Railroad Company and the U. S. Bureau of Mines for the purpose of a joint resource investigation with the Northern Pacific Railroad and for a joint resource iron study with the U. S. Bureau of Mines.

The sum appropriated to the Adjutant General is to be matched with funds from the Federal Government and is to be used for the maintenance and operation of armories.

Approved March 13, 1961.
CHAPTER 268
(S. B. No. 130)

AN ACT

RELATING TO THE SALE OF A SCHOOL BUS; REQUIRING THE PURCHASER OR SUBSEQUENT OWNER, WITH CERTAIN EXCEPTIONS, TO PAINT SUCH BUS SOME COLOR OTHER THAN YELLOW BEFORE USING IT UPON THE HIGHWAYS OF THE STATE; PROVIDING FOR CHARTER SERVICE; PROVIDING PENALTY FOR VIOLATION.

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

SECTION 1. Whenever a school bus is sold, excepting when sold to another school district or bus company, the purchaser or subsequent owner of the same must paint such bus some color other than yellow before it is used upon the public highways of this state.

SECTION 2. Anytime a school bus is used for charter service, other than the transporting of school children, it shall be so labeled and school signs shall be covered.

SECTION 3. A failure to comply with the provisions of this act shall constitute a misdemeanor.

Approved March 13, 1961.

CHAPTER 269
(S. B. No. 78)

AN ACT

AMENDING SECTION 33-425, IDAHO CODE, TO ALTER DEFINITIONS OF "ELEMENTARY SCHOOL" TO "ELEMENTARY PUPILS" AND "HIGH SCHOOL" TO "SECONDARY PUPILS"; AND AMENDING SECTION 33-429, IDAHO CODE, TO ALTER THE TERM "HIGH SCHOOL PUPILS" TO "SECONDARY PUPILS"; PROVIDING FOR TUITION CHARGES FOR OUT-OF-STATE STUDENTS AND PROHIBITING INCLUDING OF OUT-OF-STATE STUDENTS IN COMPUTING DISTRICT'S SHARE OF STATE AND COUNTY FUNDS.

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

SECTION 1. That section 33-425, Idaho Code, be, and the same is hereby amended to read as follows:
33-425. DEFINITIONS. — The following words and phrases as used in this act, unless a different meaning is clearly required by the context, shall have the following meanings:

(1) "District" shall mean public school district including specially chartered school districts.

(2) "Residence" of a pupil shall mean the residence of his parent or guardian or other person having legal custody and control of such pupil.

(3) "Home district" shall mean the district of a pupil's residence.

(4) "Creditor district" shall mean a district in which a non-resident pupil or pupils are in attendance.

(5) "Pupil" shall mean a pupil in any of grades one to twelve, both inclusive.

(6) "Elementary pupil" shall mean every pupil in those districts which do not offer education beyond the eighth grade. In all other districts, elementary pupil shall mean every pupil in grades one to six, both inclusive.

(7) "Secondary Pupil" shall mean a pupil in grades seven to twelve, both inclusive in those districts which offer education beyond the eighth grade.

SECTION 2. That section 33-429, Idaho Code, be, and the same is hereby amended to read as follows:

33-429. RATE OF TUITION. — (a) The rate of tuition charged by any creditor district in the state of Idaho shall not exceed the difference between the average annual cost, as approved by the state board of education, per capita of elementary or secondary pupils, as the case may be, in average daily attendance, and the proportionate costs of depreciation, interest on warrants and/or bonds for the current year, and the per capita amount of funds apportioned from sources other than such creditor district by reason of the attendance and transportation of such non-resident pupils. Computations shall be based upon data for the preceding school year. The state board of education shall establish uniform rules and regulations and a formula for determination of tuition charges.

(b) If a district accepts out-of-state students for whom no Idaho school district is the home district as defined herein, such district shall charge and collect the average per
capita cost for elementary or secondary pupils as the case may be and shall not include such out-of-state pupils in the computation of the district's share of state, and/or county funds.

Approved March 13, 1961.

CHAPTER 270
(S. B. No. 83)

AN ACT

AMENDING SECTION 1-1607, IDAHO CODE, BY ADDING TO THE NONJUDICIAL DAYS THEREIN ENUMERATED FEBRUARY 22, MAY 30, FIRST MONDAY IN SEPTEMBER, NOVEMBER 11, AND EVERY DAY APPOINTED BY THE PRESIDENT OF THE UNITED STATES, OR BY THE GOVERNOR OF THIS STATE, FOR A PUBLIC FAST, THANKSGIVING, OR HOLIDAY.

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

SECTION 1. That Section 1-1607, Idaho Code, be, and the same hereby is amended to read as follows:

1-1607. NONJUDICIAL DAYS. — No court can be opened nor can any judicial business be transacted on Sunday, on the first day of January, on February 22, on May 30, on the fourth day of July, on the first Monday in September, on November 11, on Christmas or Thanksgiving Day, on every day appointed by the President of the United States, or by the governor of this state, for a public fast, thanksgiving, or holiday, or on a day on which the general election is held, except for the following purposes:

1. To give, upon their request, instructions to a jury when deliberating on their verdict.

2. To receive a verdict or discharge a jury.

3. For the exercise of the powers of a magistrate in a criminal action or in a proceeding of a criminal nature: provided, that in civil causes orders of arrest may be made and executed; writs of attachment, executions, injunctions and writs of prohibition may be issued and served; proceedings to recover possession of personal property may be
had; and suits for the purpose of obtaining any such writs
and proceedings may be instituted on any day.

Approved March 13, 1961.

CHAPTER 271
(S. B. No. 158)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND OF
THE STATE OF IDAHO, TO THE ADJUTANT GENERAL
FOR THE PURPOSE OF PAYING SALARIES AND WAGES,
TRAVEL EXPENSE, OTHER CURRENT EXPENSE AND CAP­
ITAL OUTLAY FOR THE PERIOD COMMENCING JULY 1,
1961, AND ENDING JUNE 30, 1963; SUBJECT TO THE PRO­
VISIONS OF THE STANDARD APPROPRIATIONS ACT OF
1945.

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

SECTION 1. There is hereby appropriated out of the Gen­
eral Fund of the State of Idaho, the following sums of
money, or so much thereof as may be necessary, for the
purpose of paying salaries and wages, travel expense, other
current expense and capital outlay, of the agency herein
named, for the period commencing July 1, 1961, and ending
June 30, 1963; subject to the provisions of the Standard
Appropriations Act of 1945:

To Whom Appropriated:                  Appropriations:
ADJUTANT GENERAL:
For:  Salaries and Wages ......................$350,000
      Travel Expense ............................ 9,300
      Other Current Expense .................. 333,112
      Capital Outlay ............................ 15,000

      Total .....................................$707,912
      Less Other Income ......................... 168,375

      From the General Fund ....................$539,537

Approved March 13, 1961.
CHAPTER 272
(S B. No. 212)

AN ACT

Providing that the meetings of all boards, commissions and authorities of any county, city or village shall be public meetings and providing exceptions for executive sessions.

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

Section 1. That all meetings, regular and special, of boards, commissions and authorities created by or operating as agencies of any county, city or village not now declared to be open to the public are hereby declared to be public meetings open to the public at all times; provided, however, that nothing contained in this act shall be construed to prevent any such board, commission or authority from holding executive sessions from which the public is excluded, but no ordinances, resolutions, rules or regulations shall be finally adopted at such executive session.

Approved March 13, 1961.

CHAPTER 273
(S. B. No. 225)

AN ACT

Appropriating moneys from the general fund of the State of Idaho, to the Board of Regents for the University of Idaho, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945.

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay, of the agency herein
named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
BOARD OF REGENTS FOR THE UNIVERSITY OF IDAHO:
For: Total ................................................ $11,215,625
      Less Other Income ........................ $ 1,435,774
From the General Fund ........................................ $ 9,779,851

Approved March 13, 1961.

CHAPTER 274
(S. B. No. 223)

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay, of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
STATE BOARD OF EDUCATION AS BOARD OF TRUSTEES OF IDAHO STATE COLLEGE:
For: Total .................................................... $6,432,399
CHAPTER 275
(S. B. No. 220)

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense and other current expense of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  Appropriations:
GOVERNOR FOR THE BUREAU OF PUBLIC ACCOUNTS:
For:  Salaries and Wages ......................... $27,000
       Travel Expense .......................... 2,000
       Other Current Expense ................. 1,000
SECTION 2. There is hereby appropriated to the Governor for the Bureau of Public Accounts out of the various special funds herein shown, for the purpose of special audit, the following sums of money, or so much thereof as may be necessary, for the period commencing July 1, 1961 and ending June 30, 1963 and the appropriations herein made are expressly exempt from the provisions of the Standard Appropriations Act of 1945.

To Whom Appropriated: Appropriations:
GOVERNOR FOR THE BUREAU OF PUBLIC ACCOUNTS:
From Highway Fund $ 5,000
From Fish and Game Fund 4,500
From various agricultural funds 4,000
From Idaho Potato and Onion Fund 1,500
From Wheat Commission Fund 1,000
From State Liquor Control Fund 5,000
From State Insurance Fund 4,000
From Motor Vehicle Fund 4,500
Total $29,500

Approved March 13, 1961.

CHAPTER 276
(S. B. No. 244)

AN ACT
THE BILLS AND LEGISLATIVE WORK UNFINISHED AT THE CLOSE OF THE SESSION, TAKING INVENTORY OF LEGISLATIVE FURNITURE, PREPARING JOURNALS AND INDEXING THE SAME AND INDEXING THE SESSION LAWS, RESOLUTIONS AND MEMORIALS, AND COMPLETING ALL CLERICAL WORK REMAINING AT THE CLOSE OF THE THIRTY-SIXTH LEGISLATIVE SESSION; AUTHORIZING THE PAYMENT OF SALARIES OF SUCH OFFICERS AND EMPLOYEES AND FIXING THE SAME; ALL OF THE FOREGOING SALARIES, WAGES AND OTHER EXPENSES HEREIN PROVIDED FOR TO BE PAID OUT OF THE APPROPRIATION PROVIDED BY SENATE BILL NO. 4 OF THE THIRTY-SIXTH SESSION OF THE LEGISLATURE, THE RESTRICTIONS ON CATEGORIES OF EXPENDITURE BEING HEREBY REPEALED, TO BE PAID IN THE SAME WAY AS OTHER CLAIMS FOR LEGISLATIVE EXPENSES AND SALARIES ARE PAID; REPEALING ALL ACTS OR PARTS OF ACTS IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to all official duties now prescribed by the constitution and statutes of the State of Idaho, it shall be the duty of the Lieutenant Governor, as President of the Senate, the President Pro Tempore of the Senate and the Speaker of the House of Representatives, to complete preparation of the journals and to index the same, to complete the enrolling of bills, index all laws, resolutions and memorials enacted or adopted by the Thirty-Sixth Session of the Idaho State Legislature and to complete any and all clerical work of any character remaining to be done at the close of the Thirty-Sixth Legislative Session, and to take inventories of legislative furniture. That the compensation of the President and President Pro Tempore of the Senate and the Speaker of the House of Representatives for said work shall be as prescribed by law of the State of Idaho during said Session.

That the said Lieutenant Governor, as President of the Senate, the President Pro Tempore of the Senate and the Speaker of the House of Representatives, be and they are hereby authorized and empowered to retain, appoint and employ so many of the attaches and employees of either House of the Legislature as may be necessary to complete said work. That the rate of pay for such above named attaches and employees shall be the same as that which they received during the session of the Legislature.
SECTION 2. The restrictions on categories of expenditure as set forth in Senate Bill No. 4 of the Thirty-Sixth Session of the Legislature are hereby repealed. Such salaries, wages and other expenses to be paid in the same way as other claims for legislative expenses and salaries are paid.

SECTION 3. All acts or parts of acts in conflict herewith are hereby suspended.

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

Approved March 13, 1961.

CHAPTER 277
(S. B. No. 221)

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense, capital outlay of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
STATE BOARD OF EDUCATION FOR DEAF AND BLIND SCHOOL:
For: Salaries and Wages $511,389
Travel Expense .................................... 5,000
Other Current Expense ......................... 189,000
Capital Outlay .................................... 30,000

Total ............................................. $735,389
Less Other Income .............................. 20,647

From the General Fund ......................... $714,742

Approved March 13, 1961.

CHAPTER 278
(S. B. No. 222)

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  
STATE BOARD OF EDUCATION FOR THE INDUSTRIAL TRAINING SCHOOL:

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<td>Travel Expense</td>
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<td>Other Current Expense</td>
<td>325,000</td>
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<td>Capital Outlay</td>
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CHAPTER 279
(S. B. No. 235)

AN ACT

TO BE KNOWN AS "IDAHO PLEASURE BOATING ACT"; DECLARING THE PURPOSE OF THE ACT TO FURTHER THE PUBLIC INTEREST, WELFARE AND SAFETY IN THE OPERATION OF WATERCRAFT ENGAGED IN RECREATIONAL BOATING; PRESCRIBING DEFINITIONS; APPLYING THE PROVISIONS OF THIS ACT TO WATERCRAFT OPERATING ON ALL WATERWAYS OF THIS STATE; DEFINING CARELESS OPERATION AND PRESCRIBING A PENALTY THEREFOR; DEFINING RECKLESS OPERATION AND PRESCRIBING A PENALTY THEREFOR; PROHIBITING INTERFERENCE WITH OTHER WATERCRAFT; MAKING IT UNLAWFUL FOR ANY PERSON UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR NARCOTIC OR HABIT FORMING DRUGS TO OPERATE OR BE IN CONTROL OF ANY WATERCRAFT; MAKING IT UNLAWFUL FOR THE OWNER OF ANY WATERCRAFT OR ANY PERSON HAVING CHARGE OR CONTROL OF THE SAME TO PERMIT THE SAME TO BE OPERATED BY ANY PERSON UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR NARCOTIC OR HABIT FORMING DRUGS; MAKING IT UNLAWFUL FOR THE OWNER OF ANY WATERCRAFT OR PERSON HAVING CHARGE OR CONTROL THEREOF TO PERMIT THE SAME TO BE OPERATED BY ANY PERSON WHO IS INCAPABLE OF SUCH OPERATION BECAUSE OF PHYSICAL OR MENTAL DISABILITY; PROHIBITING THE OVERLOADING OF WATERCRAFT WITH PASSENGERS OR CARGO; PROHIBITING THE OVERPOWERING OF ANY WATERCRAFT BEYOND ITS SAFE POWER CAPACITY; REQUIRING ADEQUATE GUARDS AND RAILING TO PREVENT PASSENGERS FROM BEING LOST OVERBOARD; PROHIBITING THE OPERATION OF WATERCRAFT WITHIN A WATER AREA CLEARLY MARKED IN ACCORDANCE WITH STATE LAWS; REQUIR-
ING THE OCCUPATION BY AT LEAST TWO COMPETENT PERSONS WHEN A MOTORBOAT IS IN TOW OR IS ASSISTING A PERSON ON WATER SKIS, AQUA-PLANE OR SIMILAR CONTRIVANCE, WITH EXCEPTIONS; PROHIBITING A MOTORBOAT TO HAVE IN TOW OR BE OTHERWISE ASSISTING A PERSON ON WATER SKIS, AQUA-PLANE OR SIMILAR CONTRIVANCE FROM THE PERIOD OF ONE HOUR AFTER SUNSET TO ONE HOUR BEFORE SUNRISE, WITH CERTAIN EXCEPTIONS; REQUIRING MOTORBOATS HAVING IN TOW OR ASSISTING A PERSON ON WATER SKIS, AQUA-PLANE OR SIMILAR CONTRIVANCE TO BE OPERATED IN A CAREFUL AND PRUDENT MANNER AND AT A REASONABLE DISTANCE FROM PERSONS AND PROPERTY SO AS NOT TO ENDANGER THE LIFE OR PROPERTY OF ANY PERSON; PROHIBITING THE OPERATION OF ANY VESSEL, TOW ROPE OR OTHER DEVICE IN SUCH MANNER AS TO CAUSE ANY WATER SKIS, AQUA-PLANE OR SIMILAR DEVICE TO COLLIDE WITH OR STRIKE AGAINST ANY PERSON OR OBJECT; REQUIRING THE CARRYING OF LIFE PREServers; REQUIRING THE CARRYING AND DISPLAY OF LIGHTS WHEN UNDERWAY FROM SUNSET TO SUNRISE, AND SUCH ADDITIONAL LIGHTS AS REQUIRED BY U.S. COAST GUARD; REQUIRING THE CARRYING AND DISPLAY OF WHITE LANTERN OR FLASHLIGHT READY AT HAND UPON THE APPROACH OF ANOTHER WATERCRAFT, WITH CERTAIN EXCEPTIONS; REQUIRING THE CARRYING OF A WHISTLE WITH CERTAIN CAPABILITIES; REQUIRING THE CARRYING OF FIRE EXTINGUISHERS; REQUIRING CARBURETORS ON CERTAIN ENGINES OF MOTORBOATS; REQUIRING A VENTILATOR SYSTEM CAPABLE OF REMOVING GASSES WHEN WATERCRAFT IS OCCUPIED BY ANY PERSON; MAKING IT UNLAWFUL TO USE A MOTORBOAT UNLESS PROVIDED WITH EFFICIENT MUFFLER; AUTHORIZING THE DEPARTMENT TO MAKE RULES AND REGULATIONS MODIFYING EQUIPMENT REQUIREMENTS UNDER THIS ACT; EMPOWERING THE DEPARTMENT TO AUTHORIZE THE HOLDING OF REGATTAS, MOTORBOAT OR OTHER RACES, TOURNAMENTS OR EXHIBITIONS AND TO PRESCRIBE SAFETY REGULATIONS CONCERNING SAME; PROHIBITING LOCAL REGULATIONS RELATING TO THE OPERATION AND EQUIPMENT OF ANY VESSEL; PRESCRIBING OWNER'S RESPONSIBILITY AND PRESUMPTION OF OWNERSHIP; DEFINING PRIMA FACIE EVIDENCE OF NEGLIGENCE; PROVIDING FOR ENFORCEMENT BY SHERIFFS IN COOPERATION WITH FISH AND GAME DEPARTMENT AND DEPARTMENT OF LAW ENFORCEMENT; PRESCRIBING PENALTIES FOR VIOLATION OF THIS ACT; REQUIRING FILING OF REGULATIONS AND
AMENDMENTS THERETO WITH THE DEPARTMENT OF LAW ENFORCEMENT AND PUBLICATION OF SAME; REPEALING ALL ACTS IN CONFLICT HEREWITH; PROVIDING SEPARABILITY AND DECLARING AN EMERGENCY.

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

SECTION 1. TITLE AND DECLARATION OF INTENT. — The short title of this act shall be “Idaho Pleasure Boating Act”. It is hereby declared that the purpose of this act is to further the public interest, welfare and safety by providing for the protection and promotion of safety in the operation of watercraft engaged in recreational boating.

SECTION 2. DEFINITIONS. — The term “person” includes any individual, firm, partnership, corporation, company, association, joint stock association, or body politic except the United States and the State of Idaho and includes any agent, trustee, executor, receiver, assignee or other similar representative thereof.

The term “watercraft” means any contrivance used or designed for navigation on water.

The term “motorboat” means any watercraft propelled in any respect by machinery, including those temporarily equipped with detachable motors.

The term “sailboat” means any watercraft propelled by sail or canvas. For the purposes of this act, any watercraft propelled by both sail or canvas and machinery of any sort shall be deemed a motorboat when being so propelled.

The term “Department” means the Department of Law Enforcement.

SECTION 3. APPLICATION AND JUSTIFICATION. — The provisions of this act shall be applicable to all watercraft operating on all of the waterways of this state. The provisions of this act shall be construed to supplement federal laws and regulations when not expressly inconsistent therewith on all waterways where such federal laws and regulations are applicable.

SECTION 4. CARELESS OPERATION. — Any person who shall operate any watercraft in a careless or heedless manner so as to be grossly indifferent to the person or property of other persons, or at a rate of speed greater than will permit him in the exercise of reasonable care to bring the watercraft to a stop within the assured clear
distance ahead, shall be guilty of the crime of careless operation punishable by a fine of not more than $100.00, or by imprisonment of not more than 30 days, or by both such fine and imprisonment.

SECTION 5. RECKLESS OPERATION.—Any person who shall operate any watercraft in such a manner as to endanger the life or limb, or damage the property of any person, shall be guilty of the crime of reckless operation, punishable by imprisonment of not more than six months, or by a fine of not more than $500.00, or by both such fine and imprisonment.

SECTION 6. INTERFERENCE WITH NAVIGATION.—No person shall operate any watercraft in a manner which shall unreasonably or unnecessarily interfere with other watercraft or with the free and proper navigation of the waterways of the state. Anchoring under bridges or in heavily traveled channels shall constitute such interference if unreasonable under the prevailing circumstances.

SECTION 7. INTOXICATION.—(a) It shall be unlawful for any person who is under the influence of intoxicating liquor or narcotic or habit forming drugs to operate or be in actual physical control of any watercraft.

(b) It shall be unlawful for the owner of any watercraft or any person having such in charge or in control to authorize or knowingly permit the same to be operated by any person who is under the influence of intoxicating liquor, narcotic or habit forming drugs.

SECTION 8. INCAPACITY OF OPERATOR.—It shall be unlawful for the owner of any watercraft or any person having such in charge or in control to authorize or knowingly permit the same to be operated by any person who by reason of physical or mental disability is incapable of operating such watercraft under the prevailing circumstances.

SECTION 9. OVERLOADING.—No watercraft shall be loaded with passengers or cargo beyond its safe carrying capacity taking into consideration weather and other existing operating conditions.

SECTION 10. OVERPOWERING.—No watercraft shall be equipped with any motor or other propulsion machinery beyond its safe power capacity taking into consideration the type and construction of such watercraft and other existing operating conditions.
SECTION 11. RIDING ON DECKS AND GUNWALES. — No person operating a motorboat of 18 feet or less in length shall allow any person to ride or sit on either the starboard or port gunwales thereof or on the decking over the bow of the vessel while underway unless such motorboat is provided with adequate guards or railing to prevent passengers from being lost overboard. Nothing in this section shall be construed to mean that passengers or other persons aboard a motorboat cannot occupy the decking over the bow of the boat to moor the watercraft to a mooring buoy or to cast off from such a buoy, or for any other necessary purpose.

SECTION 12. RESTRICTED AREAS. — No person shall operate a watercraft within a water area which has been clearly marked, in accordance with, and as authorized by, the laws of the state, by buoys or some other distinguishing device as a bathing, swimming or otherwise restricted area: Provided, that this section shall not apply in the case of an emergency, or to patrol or rescue craft.

SECTION 13. WATER SKIING. — (a) No motorboat which shall have in tow or shall be otherwise assisting a person on water skis, aqua-plane or similar contrivance, shall be operated or propelled in or upon any waterway, unless such motorboat shall be occupied by at least two competent persons. Provided, that this subsection shall not apply to motorboats used by representatives of duly constituted water ski schools in the giving of instruction, or to motorboats used in duly authorized water ski tournaments, competitions, expositions, or trials therefor, or to any motorboat equipped with a wide angle rear view mirror.

(b) No motorboat shall have in tow or shall otherwise be assisting a person on water skis, aqua-plane or similar contrivance from the period of one hour after sunset to one hour prior to sunrise: Provided, that this subsection shall not apply to motorboats used in duly authorized water ski tournaments, competitions, expositions, or trials therefor.

(c) All motorboats having in tow or otherwise assisting a person on water skis, aqua-plane or similar contrivance, shall be operated in a careful and prudent manner and at a reasonable distance from persons and property so as not to endanger the life or property of any person.

(d) No person shall operate or manipulate any vessel, tow rope or other device by which the direction or loca-
tion of water skis, an aqua-plane or similar device may be affected or controlled in such a way as to cause the water skis, aqua-plane, or similar device, or any person thereon to collide with or strike against any person or object, other than a jumping ramp or in conjunction with skiing over a slalom course.

Section 14. Life Preservers. — All watercraft shall carry a U. S. Coast Guard approved life preserver, ring buoy, buoyant vest or buoyant cushion for each person on board: Provided, that all watercraft 40 feet or more in length shall carry only approved life preservers or ring buoys.

Section 15. Lights.—(a) Every motorboat less than 26 feet in length shall carry and display the following lights when underway from sunset to sunrise:

(1) A bright, white light aft to show all around the horizon, visible for a distance of 2 miles. The word "visible" as used herein shall mean visible on a dark night with clear atmosphere.

(2) A combination light in the forepart of the boat lower than the white light aft, showing green to starboard and red to port, so fixed as to throw a light from dead ahead to 2 points abaft the beam on their respective sides and visible for a distance of not less than 1 mile.

(b) Watercraft propelled by muscular power when underway shall carry on board from sunset to sunrise, but not fixed to any part of the boat, a lantern or flashlight capable of showing a white light visible all around the horizon at a distance of 2 miles or more, and shall display such lantern in sufficient time to avoid collision with another watercraft.

(c) All sailboats and all motorboats 26 feet or more in length shall carry and display when underway such additional or alternate lights as shall be required by the U. S. Coast Guard for watercraft of equivalent length and type.

(d) Every sailboat and every motorboat propelled by sail and machinery shall carry a bright white lantern or flashlight ready at hand which shall upon the approach of another watercraft, be exhibited and shall be flashed continually upon its sails in sufficient time to avert collision.

(e) Dinghies, tenders and other watercraft, whose principal function is as an auxiliary to other larger water-
craft, when so operating need carry only a flashlight visible to other craft in the area, anything in this section to the contrary notwithstanding.

(f) Any watercraft may carry and exhibit the lights required by the Federal Regulations for Preventing Collisions at Sea, 1948, Federal Act of October 11, 1951 (33JLC 143-147 D) as amended, in lieu of the lights required by this section.

SECTION 16. WHISTLES.—Watercraft 16 feet or more in length shall carry a mouth, hand or power operated whistle capable of producing a blast of 2 seconds or more duration and audible for at least one-half mile.

SECTION 17. FIRE EXTINGUISHER.—All inboard motorboats and all other watercraft 16 feet or over in length shall carry at least one U. S. Coast Guard approved fire extinguisher, so placed as to be readily accessible and in such condition as to be ready for immediate and effective use.

SECTION 18. CARBURETORS.—Carburetors on all engines of motorboats other than those propelled by a detachable outboard motor shall be fitted with a U. S. Coast Guard approved device for arresting backfire.

SECTION 19. VENTILATORS.—All watercraft, other than those which are entirely open, carrying or using fuel or any other inflammable or toxic fluid in any enclosure, shall be provided with an efficient natural or mechanical ventilation system, which shall be capable of removing resulting gases prior to, and during, the time such watercraft is occupied by any person.

SECTION 20. MUFFLERS.—It shall be unlawful to use a motorboat unless the same is provided with an efficient muffler, underwater exhaust or other modern device capable of adequately muffling the sound of the exhaust of the engine.

SECTION 21. SAFETY EQUIPMENT — ADDITIONAL REGULATIONS.—The Department is hereby authorized to make rules and regulations modifying the equipment requirements contained in this act to the extent necessary to keep these requirements in conformity with the provisions of the federal navigation laws or with the navigation rules and regulations promulgated by the United States Coast Guard.
SECTION 22. REGATTAS, RACES, TOURNAMENTS AND EXHIBITIONS.—(a) The Department may authorize the holding of regattas, motorboat or other boat races, tournaments or exhibitions on any waters of this state. It shall adopt and may, from time to time, amend regulations concerning the safety of motorboats and other vessels and persons thereon, either observers or participants. Whenever a regatta, motorboat or other boat race, tournament or exhibition is proposed to be held, the person in charge thereof, shall, at least fifteen days prior thereto file an application with the Department for permission to hold such regatta, motorboat or other boat race, tournament or exhibition. The application shall set forth the date, time and location where it is proposed to hold such regatta, motorboat or other boat race, tournament or exhibition, and it shall not be conducted without authorization of the Department in writing.

(b) The provisions of this section shall not exempt any person from compliance with applicable federal law or regulation, but nothing contained herein shall be construed to require the securing of a state permit pursuant to this section if a permit therefor has been obtained from an authorized agency of the United States.

(c) Nothing in the provisions of this act shall be construed to mean that the operator of a watercraft competing in a race, regatta or trials therefor, which is duly authorized by a governmental unit, shall not attempt to attain high speed in an indicated racing course, nor while so engaged shall such watercraft be required to comply with the provisions of the seven (7) last preceding sections of this act.

SECTION 23. LOCAL REGULATION PROHIBITED.—(a) The provisions of this act, and of other applicable laws of this state, shall govern the operation, equipment, numbering and all other matters relating thereto whenever any vessel shall be operated on the waters of this state, or when any activity regulated by this act shall take place thereon; but nothing in this act shall be construed to prevent the adoption of any ordinance or local law relating to operation and equipment of vessels the provisions of which are identical to the provisions of this act, amendments thereto or regulations issued thereunder; Provided, that such ordinances or local laws shall be operative only so long as and to the extent that they continue to be identical to the provisions of this act, amendments thereto or regulations issued thereunder.
(b) Any subdivision of this state may, at any time, but only after public notice, make formal application to the Department for special rules and regulations with reference to the operation of vessels on any waters within its territorial limits and shall set forth therein the reasons which make such special rules or regulations necessary or appropriate.

(c) The Department is hereby authorized to make special rules and regulations with reference to the operation of vessels on any waters within the territorial limits of any subdivision of this state.

SECTION 24. OWNER'S RESPONSIBILITY — PRESUMPTION OF OWNERSHIP. — (a) The owner of a watercraft shall be liable for any injury or damage occasioned by the negligent operation of such watercraft, whether such negligence consists of a violation of the provisions of the statutes of this state, or in the failure to observe such ordinary care in such operation as the rules of the common law require. The owner shall not be liable, however, unless such watercraft is being used with his or her express or implied consent. It shall be presumed that such watercraft is being operated with the knowledge and consent of the owner if, at the time of the injury or damage, it is under the control of his or her husband, wife, father, mother, brother, sister, son, daughter or other immediate member of the family.

(b) Nothing contained herein shall be construed to relieve any other person from any liability which he would otherwise have, but nothing contained herein shall be construed to authorize or permit any recovery in excess of injury or damage actually incurred.

(c) Nothing contained herein shall deprive the owner of any watercraft of any of the rights, limitations or exemptions from liability afforded such owner under appropriate federal statutes and amendments thereto.

SECTION 25. EVIDENCE OF NEGLIGENCE.—Violation of any of the sections of this act resulting in injury to persons or damage to property shall constitute prima facie evidence of negligence.

SECTION 26. ENFORCEMENT.—Insofar as is possible, the sheriffs of the respective counties, in cooperation with the fish and game department of the state of Idaho, and the department of law enforcement, shall be primarily responsible for the enforcement of this act and in the exer-
cise thereof shall have the authority to stop and board any vessel subject to this act.

SECTION 27. PENALTIES.—(a) Any person who shall violate sections 6 through 13, inclusive, of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $100.00, or by imprisonment of not more than 30 days, or by both such fine and imprisonment within the discretion of the court.

(b) Any person who shall be convicted of a violation of sections 4 through 13, inclusive, of this act, in addition to any other penalties authorized herein, may in the discretion of the court be refused the privilege of operating any watercraft on any of the waterways of this state for a period of not more than two years.

(c) Any person who shall violate any of the other provisions of this act shall be guilty of a misdemeanor and shall be punished by a fine not exceeding $50.00.

(d) Any person who shall operate any watercraft during the period when he had been denied the privilege to so operate by virtue of the second preceding subsection shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than $500.00, or by imprisonment of not more than 90 days, or by both such fine and imprisonment within the discretion of the court.

SECTION 28. FILING OF REGULATIONS.—A copy of the regulations adopted pursuant to this act, and of any amendments thereto, shall be filed with the office of the Department of Law Enforcement. Rules and regulations shall be published by the Department in a convenient form.

SECTION 29. That all acts or parts of acts in conflict in whole or in part with the provisions of this act be, and the same are hereby repealed.

SECTION 30. SEPARABILITY. — If any competent court shall find any section or sections of this act to be unconstitutional or otherwise invalid, such finding shall not affect the validity of all remaining sections of this act which can be given effect.

SECTION 31. 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.

Approved March 13, 1961.
CHAPTER 280
(S. B. No. 226)

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
STATE BOARD OF HEALTH FOR STATE HOSPITAL SOUTH:
For: Salaries and Wages $2,087,364
Travel Expense 15,000
Other Current Expense 675,000
Capital Outlay 75,000
Total $2,852,364
Less Other Income 354,920
From the General Fund $2,497,444

Approved March 13, 1961.

CHAPTER 281
(S. B. No. 233)

AN ACT

RELATING TO BOAT NUMBERING; PROVIDING FOR THE NUMBERING OF BOATS; PRESCRIBING DEFINITIONS;
PROHIBITING THE OPERATION OF UNNUMBERED MOTORBOATS; PRESCRIBING EXCEPTIONS FROM NUMBERING PROVISIONS OF THIS ACT; REQUIRING THE OWNER OF EACH MOTORBOAT TO MAKE APPLICATION FOR A NUMBER WITH THE DEPARTMENT OF LAW ENFORCEMENT AND ACCOMPANY THE SAME WITH A FEE OF $2.00; PROVIDING FOR THE ISSUANCE BY SUCH DEPARTMENT OF A CERTIFICATE OF NUMBER STATING THE NUMBER AWARDED TO THE MOTORBOAT AND THE NAME AND ADDRESS OF THE OWNER AND REQUIRING THE OWNER TO PAINT ON OR ATTACH TO EACH SIDE OF THE BOW OF THE MOTORBOAT SUCH NUMBER IN THE MANNER AS MAY BE PRESCRIBED BY THE RULES AND REGULATIONS OF SUCH DEPARTMENT AND MAKING CERTAIN REQUIREMENTS WITH RESPECT TO SUCH NUMBERS; REQUIRING THE OPERATOR OF A VESSEL INVOLVED IN A COLLISION, ACCIDENT OR OTHER CASUALTY TO RENDER ASSISTANCE TO ANOTHER PERSON AFFECTED BY THE SAME; REQUIRING AN OPERATOR, IF THE COLLISION, ACCIDENT OR CASUALTY RESULTS IN DEATH OR INJURY OR DAMAGE TO PROPERTY, TO FILE WITH THE DEPARTMENT A DESCRIPTION OF SUCH ACCIDENT, COLLISION OR CASUALTY; PROHIBITING LOCAL REGULATIONS; REQUIRING THE FILING OF REGULATIONS AND OF AMENDMENTS THERETO IN THE OFFICE OF SUCH DEPARTMENT AND PUBLICATION OF THE SAME BY SUCH DEPARTMENT; MAKING IT A MISDEMEANOR FOR EACH VIOLATION OF THE PROVISIONS OF THIS ACT, PUNISHABLE BY FINE NOT TO EXCEED $50.00 FOR EACH VIOLATION; REPEALING ALL LAWS IN CONFLICT HEREWITH; PROVIDING A SEPARABILITY CLAUSE; AND DECLARING AN EMERGENCY.

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

SECTION 1. DEFINITIONS.—As used in this act, unless the context requires a different meaning:

(1) "Vessel" means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(2) "Motorboat" means any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion, but shall not include a vessel which has a valid marine document issued by the Bureau of Customs of the United States Government or any federal agency successor thereto.
(3) "Owner" means a person, other than a lien holder, having the property in or title to a motorboat. The term includes a person entitled to the use or possession of a motorboat subject to an interest in another person, reserved or created by agreement and securing payment of performance of an obligation, but the term excludes a lessee under a lease not intended as security.

(4) "Waters of this state" means any waters within the jurisdiction of this state.

(5) "Person" means an individual, partnership, firm, corporation, association, or other entity.

(6) "Operate" means to navigate or otherwise use a motorboat or vessel.

(7) "Department" means the Department of Law Enforcement.

SECTION 2. OPERATION OF UNNUMBERED MOTORBOATS PROHIBITED. — Every motorboat on the waters of this state shall be numbered. No person shall operate or give permission for the operation of any motorboat on such waters unless the motorboat is numbered in accordance with this act, or in accordance with applicable federal law, or in accordance with a federally-approved numbering system of another state, and unless (1) the certificate of number awarded to such motorboat is in full force and effect, and (2) the identifying number set forth in the certificate of number is displayed on each side of the bow of such motorboat.

SECTION 3. EXEMPTION FROM NUMBERING PROVISIONS OF THIS ACT.—A motorboat shall not be required to be numbered under this act if it is:

(1) Already covered by a number in full force and effect which has been awarded to it pursuant to federal law or a federally-approved numbering system of another state: Provided that such boat shall not have been within this state for a period in excess of sixty consecutive days.

(2) A motorboat from a country other than the United States temporarily using the waters of this state.

(3) A motorboat whose owner is the United States, a state or a subdivision thereof.

(4) A ship's lifeboat.

(5) A motorboat belonging to a class of boats which
has been exempted from numbering by the Department after said agency has found that the numbering of motorboats of such class will not materially aid in their identification; and, if an agency of the federal government has a numbering system applicable to the class of motorboats to which the motorboat in question belongs, after the Department has further found that the motorboat would also be exempt from numbering if it were subject to the federal law.

SECTION 4. IDENTIFICATION NUMBER. — (a) On or before January 1, 1962, the owner of each motorboat requiring numbering by the State of Idaho shall file an application for number with the Department on forms approved by it. The application shall be signed by the owner and shall be accompanied by a fee of $2.00. Upon receipt of the application in approved form the Department shall enter the same upon the records of its office and issue to the applicant a certificate of number stating the number awarded to the motorboat and the name and address of the owner. The owner shall paint on or attach to each side of the bow of the motorboat the identification number in such manner as may be prescribed by rules and regulation of the Department in order that it may be completely visible. The number shall be maintained in legible condition. The certificate of number shall be pocket size and shall be available at all times for inspection on the motorboat for which issued, wherever such motorboat is in operation.

(b) The owner of any motorboat for which a current certificate of number has been awarded pursuant to any federal law or a federally approved numbering system of another state shall, if such motorboat is operated on the waters of this state in excess of sixty days, make application for a certificate of number therefor in the manner prescribed in subsection (a) of this section.

(c) In the event that an agency of the United States Government shall have in force an over-all system of identification numbering for motorboats within the United States, the numbering system employed pursuant to this act by the Department shall be in conformity therewith.

(d) The Department may award any certificate of number directly or may authorize any persons to act as agents for the awarding thereof. Providing that in the event a person accepts such authorization, he may be assigned a block of numbers and certificates therefor which upon
award, in conformity with this act and with any rules and regulations of the Department, shall be valid as if awarded directly by the Department.

(e) All records of the Department made or kept pursuant to this section shall be public records.

(f) Every certificate of number awarded pursuant to this act shall continue in full force and effect for a period of three years, unless sooner terminated or discontinued in accordance with the provisions of this act. Certificates of number may be renewed by the owner in the same manner provided for in the initial securing of the same.

(g) The owner of any motorboat shall within 15 days notify the Department if such motorboat is destroyed or abandoned, or is sold or transferred either wholly or in part to another person or persons, or if his address no longer conforms to the address appearing on the certificate of number. In all such cases, the notice shall be accompanied by a surrender of the certificate of number. When the surrender of the certificate is by reason of the motorboat being destroyed or abandoned, the Department shall cancel the certificate and enter such fact in his records. If the surrender is by reason of a change of address on the part of the owner, the new address shall be endorsed on the certificate and the latter returned to the owner.

(h) The purchaser of a motorboat shall, within 15 days after acquiring same, make application to the Department for transfer to him of the certificate of number issued to such motorboat, giving his name, address and the number of such boat and shall at the same time pay to the Department a fee of $2.00. Upon receipt of application and fee, the Department shall transfer the certificate of number issued for such motorboat to the new owner or owners. Unless such application is made and fee paid within 15 days, such motorboat shall be deemed to be without certificate of number and it shall be unlawful for any person to operate such motorboat until the certificate is issued.

(i) No number other than the number awarded to a motorboat or granted reciprocity pursuant to this act shall be painted, attached, or otherwise displayed on either side of the bow of such motorboat.

(j) If any certificate of number becomes lost, mutilated or illegible, the owner of the motorboat for which the same
was issued may obtain a duplicate of such certificate upon application therefor and the payment of a fee of $1.00.

(k) A person engaged in the manufacture or sale of motorboats of a type otherwise required to be numbered hereunder, upon application to the Department upon forms prescribed by it, may obtain certificates of a number for use in the testing or demonstrating of such motorboat upon payment of $3.00 for each registration. Certificates of number so issued may be used by the applicant in the testing or demonstrating of motorboats by temporary placement of the numbers assigned by such certificates on the watercraft so tested or demonstrated. Such temporary placement of numbers shall otherwise be as prescribed by this act.

SECTION 5. COLLISIONS, ACCIDENTS AND CASUALTIES; REPORTS.—(a) It shall be the duty of the operator of a vessel involved in a collision, accident, or other casualty, so far as he can do so without serious danger to his own vessel, crew, passengers and guests (if any) to render to other persons affected by the collision, accident, or other casualty such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident, or other casualty, also to give his name, address, and identification of his vessel in writing to any person injured and to the owner of any property damaged in the collision, accident, or other casualty.

(b) In the case of collision, accident, or other casualty involving a vessel, the operator thereof, if the collision, accident, or other casualty results in death or injury to a person or damage to property in excess of one hundred dollars, shall file with the Department a full description of the collision, accident, or other casualty, including such information as said agency may, by regulation, require. Such report shall not be referred to in any way, and shall not be evidence, in any judicial proceeding.

SECTION 6. TRANSMITTAL OF STATISTICAL INFORMATION.—In accordance with any request duly made by an authorized official or agency of the United States, any information compiled or otherwise available to the Department pursuant to section 5 (b) shall be transmitted to said official or agency of the United States.

SECTION 7. LOCAL REGULATIONS PROHIBITED.—The provisions of this act shall govern the numbering and registration of vessels on the waters of this state. All other
political subdivisions of this state are expressly prohibited from numbering or registering vessels in any respect.

SECTION 8. FILING OF REGULATIONS.—A copy of the regulations adopted pursuant to this act, and of any amendments thereto, shall be filed in the office of the Department of Law Enforcement. Rules and regulations shall be published by the Department in a convenient form.

SECTION 9. REMITTANCE OF FEES.—All monies or fees collected by the assessor under this act shall be deposited with the county treasurer not later than the fifteenth day of the month following the calendar month in which such fees were collected. Fifty percent of all fees shall be credited to the county general fund and fifty percent of said fees shall be transmitted to the treasurer of the state of Idaho and be deposited in the motor vehicle fund.

SECTION 10. PENALTY.—Any person who violates any provision of this act shall be guilty of a misdemeanor and shall be subject to a fine of not to exceed fifty dollars for each such violation.

SECTION 11. That all acts or parts of acts in conflict in whole or in part with the provisions of this act be, and the same are hereby repealed.

SECTION 12. SEPARABILITY.—If any competent court shall find any section or sections of this act to be unconstitutional or otherwise invalid, such finding shall not affect the validity of all remaining sections of this act which can be given effect.

SECTION 13. 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.

Approved March 13, 1961.

CHAPTER 282
(S. B. No. 224)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO, TO THE BOARD OF REGENTS OF

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR LEWIS-CLARK NORMAL SCHOOL:
For: Total $619,010
Less Other Income $138,150
From the General Fund $480,860

Approved March 13, 1961.

CHAPTER 283
(S. B. No. 228)
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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense, capital outlay and relief and pensions, of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
STATE BOARD OF HEALTH FOR TUBERCULOSIS HOSPITAL:
For: Salaries and Wages $699,023
     Travel Expense 6,000
     Other Current Expense 340,000
     Capital Outlay 30,000
     Relief and Pensions 6,000
     Total $1,081,023
Less Other Income 38,000
From the General Fund $1,043,023

Approved March 13, 1961.

CHAPTER 284
(S. B. No. 227)

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other
current expense and capital outlay, of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
STATE BOARD OF HEALTH FOR NAMPA STATE SCHOOL:
For: Salaries and Wages .................. $2,269,511
Travel Expense .......................... 9,000
Other Current Expense ................. 620,000
Capital Outlay ......................... 90,000

Total ...................................... $2,988,511
Less Other Income ...................... 273,814

From the General Fund .................. $2,714,697

Approved March 13, 1961.

CHAPTER 285
(H. B. No. 373)
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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay, of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:
CHAPTER 286
(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 general fund of the State of Idaho, the following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  Appropriations:

BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR SPECIAL RESEARCH:

Total ................................................. $125,000.00
From the General Fund .............................. $125,000.00

Approved March 13, 1961.
CHAPTER 287
(H. B. No. 316)

AN ACT

ESTABLISHING AN IDAHO CHILDREN'S COMMISSION; PROVIDING FOR THE APPOINTMENT OF MEMBERS BY THE GOVERNOR UPON THE RECOMMENDATION OF SPECIFIED PERSONS AND GROUPS; PROVIDING FOR THE ORGANIZATION OF THE COMMISSION; PRESCRIBING ITS DUTIES, COMPENSATION AND EXPENSE ALLOWANCES; PROVIDING FOR A REPORT TO THE GOVERNOR AND THE MEMBERS OF THIS AND THE 37TH LEGISLATURE TO BE MADE NOT LATER THAN AUGUST 20, 1962; APPROPRIATING MONEYS FROM THE GENERAL FUND FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE COMMISSION, AND AUTHORIZING ITS USE OF FUNDS FROM OTHER SOURCES; EXEMPTING THIS ACT FROM CERTAIN PROVISIONS OF THE STATUTES; AND PROVIDING A TERMINATION DATE.

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

SECTION 1. There is hereby created in the executive branch of the government a special commission to be known as the Idaho Children's Commission, hereinafter referred to as the Commission.

SECTION 2. The Commission shall be composed of eleven members appointed by the Governor. Four of the members shall be members of the Legislature; two from the House of Representatives and two from the Senate, provided that no more than two of these four members may be chosen from any one political party. One member of the Commission shall be chosen from a panel of four persons recommended by each of the following agencies, officers, or groups: the Department of Public Assistance, the State Board of Health, the Coordinator of the Courts, the Commissioners of the Idaho State Bar, the State Board of Education, the Children's Home Society of North Idaho and the Children's Home Society of Idaho, jointly, and the Idaho Association for Retarded Children. No Commission member may be employed by any of the agencies listed above. The Governor shall make appointments to the Commission as soon as possible after the effective date of this act in order that the Commission may meet and organize not later than July 15, 1961.

SECTION 3. The Commission shall serve without pay
and shall receive travel expenses as provided by the Standard Travel Pay and Allowance Act. It shall meet as often as need be in order to perform its duties and responsibilities under this act.

**SECTION 4.** The Commission may employ a Professional Research Agency to conduct a thorough inquiry, study and appraisal of the following: it being the Legislature's intent to direct attention to the listed problems without necessarily limiting the scope of the Commission's inquiry.

(a) All laws of the State of Idaho relating to juvenile delinquency and to dependent, abused and neglected children;

(b) Resources and facilities, both public and private, available for dealing with and caring for dependent, abused and neglected children.

(c) Facilities which should be made available in order to provide adequate protective and preventive welfare services to the children of Idaho.

(d) Judicial authority and practices under such laws.

(e) Adoption laws and practices.

(f) Laws and practices relating to the evaluation, rehabilitation, treatment and care of mentally or physically retarded or handicapped children.

**SECTION 5.** The Commission shall prepare a report of its inquiry, shall make findings with regard to the problems which it studies and shall make recommendations for legislation, including appropriations, if need therefor appears, which seem to the Commission to be needful and desirable in the effort to establish a practical and effective system of state-county-local government cooperation in furnishing adequate preventive, protective, rehabilitative and custodial welfare services to the children of Idaho.

**SECTION 6.** The Commission shall cooperate and consult with all agencies now having responsibilities in this field who shall cooperate fully with the Commission. The Commission shall coordinate its inquiry with other official inquiries dealing with the same subject matter and shall consult with the Director of the Budget in the conduct of its inquiry. The Commission shall report as required by Section 5 of this act to the Governor not later than August 20, 1962, in order that any appropriate budgetary decisions may be made for submission to the 37th Session
of the Idaho Legislature. Copies of the report shall be made available to the membership of this and the 37th Legislature.

SECTION 7. There is hereby appropriated from the general fund of the State of Idaho to the Director of Administration the sum of $20,000.00, or so much thereof as may be necessary, to be used to defray the expenses of carrying out the provisions of this act.

SECTION 8. The Commission may utilize funds available from any other sources.

SECTION 9. This act and the appropriation provided herein shall be exempt from the provisions of Section 59-102, Idaho Code, and from the provisions of Chapters 35 and 36, Title 67, Idaho Code.

SECTION 10. The Commission's duties shall end and this act shall be of no effect after September 30, 1962.

Approved March 13, 1961.

CHAPTER 288
(H. B. No. 291)

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 following sums of money, or so much thereof as may be necessary for the purpose of paying salaries and wages, travel expense, other current expense, capital outlay and refunds, of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:
CHAPTER 289  
(H. B. No. 310)  
AN ACT  
AMENDING SECTION 37-1403, IDAHO CODE, AS AMENDED, RELATING TO THE ATTACHMENT OF TAX STAMPS TO OLEOMARGARINE PRODUCTS, BY ELIMINATING THE PROVISION THEREOF REQUIRING THE AFFIXING OF SUCH STAMPS TO EACH POUND PACKAGE OF OLEOMARGARINE OR MARGARINE BY AUTHORIZING THE STATE TAX COLLECTOR TO PRESCRIBE RULES AND REGULATIONS FOR THE AFFIXING OF SUCH TAX STAMPS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 37-1403, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

37-1403. ATTACHMENT OF STAMPS—RECORD OF SALES—APPLICATION TO WHOLESALERS.—Before oleomargarine or margarine may be transported or imported into this state for sale, delivery or use herein, and before any jobber or wholesaler within this state shall sell or deliver any oleomargarine or margarine to any purchaser or retailer thereof within this state, * * * the proper tax stamp * must be affixed and cancelled in *** accordance with the rules and regulations prescribed by the State Tax Collector. The State Tax Collector is hereby authorized to prescribe appropriate rules and regulations for the manner of affixing such stamps.
Every manufacturer, wholesaler, or retail dealer in oleomargarine or margarine, shall keep all surplus and open stock of oleomargarine or margarine in such form as may be prescribed by the State Tax Collector, and a manufacturer or wholesaler shall keep a record of all sales and a retail dealer shall keep a record of all his purchases and shall at all times during business hours of the day be subject to inspection by the State Tax Collector or by any person duly authorized by him.

Wholesalers, jobbers, or distributors selling direct to consumers must comply with the provisions of this chapter the same as other authorized dealers.

Section 2. An emergency existing therefor, which emergency is declared to exist, this act shall take effect and be in full force and effect on and after July 1, 1961.

Approved March 13, 1961.

CHAPTER 290
(H. B. No. 364)

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:
To Whom Appropriated: Appropriations:

BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR AGRICULTURAL RESEARCH:

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Approved March 13, 1961.

CHAPTER 291
(H. B. No. 363)

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:

BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR AGRICULTURAL EXTENSION:

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Approved March 13, 1961.
CHAPTER 292
(H. B. No. 308)

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay, of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR PURE SEED
   Total (lump sum) $50,902.00
   From the General Fund $50,902.00

Approved March 13, 1961.

CHAPTER 293
(H. B. No. 382)

AN ACT

APPROPRIATING $200,000 FROM THE GENERAL FUND, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO THE PUBLIC SCHOOL INCOME FUND FOR THE PURPOSE OF MAKING FUNDS AVAILABLE IN THE PUBLIC SCHOOL INCOME FUND FOR TRANSFER TO THE TEACHERS' RE-
TIREMENT SYSTEM AS PROVIDED FOR BY ENACTMENT OF LEGISLATION BY THE THIRTY-SIXTH SESSION OF THE IDAHO LEGISLATURE; PROVIDING A TIME AND METHOD OF TRANSFER; AND EXEMPTING THIS ACT FROM THE PROVISIONS OF THE STANDARD APPROPRIATIONS ACT OF 1945.

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 to the Public School Income Fund the sum of $200,000, or so much thereof as may be necessary, for the purpose of making funds available for transfer to the Teachers' Retirement System as provided for by enactment of legislation by the Thirty-sixth Session of the Idaho Legislature.

SECTION 2. Transfer of the moneys here appropriated shall be made upon request of the Board of Trustees of the Teachers' Retirement System and upon order of the State Auditor, during the period commencing July 1, 1961 and ending June 30, 1963.

SECTION 3. This Act is expressly exempt from the provisions of the Standard Appropriations Act of 1945.

Approved March 13, 1961.

CHAPTER 294
(H. B. No. 259)

AN ACT

AMENDING SECTION 72-1336, IDAHO CODE, AS AMENDED, PROVIDING FOR AN ADVISORY COUNCIL AND AUTHORIZING THE DIRECTOR TO APPOINT SPECIAL COMMITTEES IN CONNECTION WITH THE ADMINISTRATION OF THE ACT; AMENDING SECTION 72-1361, IDAHO CODE, AS AMENDED, RELATING TO APPEALS TO THE INDUSTRIAL ACCIDENT BOARD BY MAKING UNIFORM THE PROCEDURES CONNECTED WITH SUCH APPEALS IN CONNECTION WITH THE ADMINISTRATION OF THE ACT; AMENDING SECTION 72-1366, IDAHO CODE, AS AMENDED, RELATING TO THE PERSONAL ELIGIBILITY CONDITIONS OF A BENEFIT CLAIMANT AND BY ADDING A NEW SUBSECTION TO BE KNOWN AS SUBSECTION (N) PROVIDING
THE MANNER IN WHICH CERTAIN INELIGIBLE CLAIMANTS CAN RE-ESTABLISH THEIR ELIGIBILITY; AMENDING SECTION 72-1371, IDAHO CODE, AS AMENDED, RELATING TO MISREPRESENTATION TO OBTAIN BENEFITS BY A BENEFIT CLAIMANT.

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

SECTION 1. That Section 72-1336, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

72-1336. ADVISORY COUNCIL.—The director, with the approval of the governor, may appoint an advisory council to consist of not less than three nor more than eleven members and provide the qualifications of the members and fix their term of office. The duties and functions of the council shall be to consult with and advise the director on matters arising out of the administration of the Employment Security Law as may be necessary to meet the requirements of federal law, and whenever the director desires the advice of said council. Members of the council shall be compensated on a per diem basis at a rate to be fixed by the director, and in addition shall be reimbursed for ordinary and actual expenses.

The director may from time to time appoint special committees as may be required in connection with the administration of this act.

SECTION 2. That section 72-1361, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

72-1361. APPEALS TO THE BOARD.—Upon appeal from a denial of a claim for refund or credit, determination of amount due upon failure to report, or jeopardy determination as provided by this act, the board shall, after affording the appellant and the director a reasonable opportunity for a fair hearing, make findings of facts and conclusions of law and on the basis thereof affirm, modify, or reverse the action of the director. The conduct of such hearings and appeal procedures shall be governed by the * * * provisions of section 72-1368 (g) (h) and (i) of this act. * * *

SECTION 3. That 72-1366, Idaho Code, as amended, 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).

(3) He shall have had at least thirty days' bona fide work since exhausting a benefit series, as provided under section 72-1367, except, however, that this disqualification shall not apply if temporary unemployment compensation benefits become available and the claimant is otherwise qualified for such benefits.

(b) In some calendar quarter within his base period he shall have been paid wages for covered employment amounting to $150.00 or more and shall have met the minimum wage requirements in his base period as provided in section 72-1367.

(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, or to leave the locale to live with her husband. The ineligibility of such person shall continue until she has demonstrated her desire to work and availability for work. The provisions of this subsection shall not apply after a change in conditions whereby she 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 six weeks prior to the expected date of such individual's giving birth to a child and within the six weeks after the date thereof; and

(2) During pregnancy if the individual voluntarily left her last work in her customary occupation.

(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, 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).

(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 * * *.

(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 stoppage of work which exists because of 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 which caused the stoppage of work; and
(2) He does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage 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, except as the director shall by regulations otherwise prescribe; 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.

(l) A benefit claimant shall not be entitled to benefits if he has willfully made a false statement or representation or wilfully 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 subsection (f) or subsection (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 times his weekly benefit amount.

SECTION 5. That section 72-1371, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

72-1371. MISREPRESENTATION TO OBTAIN BENEFITS.—The making of a false statement or representation when the maker knows the statement to be false or the failure to disclose a material fact, in order to obtain or increase any benefit or other payment under this act or under an unemployment compensation or unemployment insurance law of any state or of the federal government, either for the benefit of the maker or for any other person is hereby declared to be a felony * * *.

Approved March 13, 1961.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Title 37, Chapter 4, Idaho Code, as amended, be, and the same is hereby amended by adding a new section thereto following Section 37-407, to read as follows:

37-408.—As used in this Act, unless the context clearly requires otherwise, the following definitions are adopted:

(1) The term “milk hauler” is the operator of a transportation tank and may be an employee or the owner of the equipment.

(2) The term “farm tank” is a tank used to cool and/or store milk prior to transportation to the processing plant.

(3) The terms “transportation tank”, “bulk tank” and “feeder tank” mean tanks used to transport milk from a farm to a processing plant.

SECTION 2. That Title 37, Chapter 4, Idaho Code, as amended, be, and the same is hereby amended by adding a new section thereto following Section 37-408, to read as follows:

37-409.—The following standards are hereby adopted relating to farm holding and/or cooling tanks:

A. Each producer desiring to install a farm holding and/or cooling tank shall obtain approval from the Commissioner of Agriculture of the Department of Agriculture of the State of Idaho or his duty authorized representative, and shall furnish the following information to said Commissioner:
1. Tank make, model, and capacity.

2. A sketch (approximately to scale) of the milk room floor plan showing location of tank, outlet of tank, wall opening for milk conductor tubing, other milk house equipment and access area for tank truck approach.

B. The milk house and/or milk room shall have a concrete floor of smooth finish easily cleanable.

C. Farm tanks and all equipment used in connection therewith shall comply with the United States Department of Public Health 3A Standards in effect at the time of the passage of this Act.

D. The farm tank shall be located in the milk room so as to provide not less than 36” clearance on all working sides of the tank. Provided, however, that in the case of producers using tanks at the time of the enactment of this Act clearances as specified above may be waived by the Commissioner if the producer demonstrates his ability to keep the interior and exterior surfaces of the tank and the walls and floors of the milk house in a clean condition. All tanks shall be located so as to provide at least 6 inches of clearance between the floor and bottom of tanks, except that a 4 inch minimum clearance is acceptable if the bottom slopes upward at least 6 inches in a horizontal distance of 12 inches. Remote compressors which are located in milk rooms shall be so installed as to be easily cleanable. Floor drains shall be trapped and shall not be located under the farm tank.

E. A fixed, properly encased opening not less than 6 inches above the floor of the milk house or the outside loading platform, whichever is higher, shall be provided in an exterior wall of the milk house on the side closest to the tank outlet to accommodate the milk conductor tubing used to pump the milk from the farm tank to the truck tank. Such openings shall not be less than 6 inches or more than 8 inches in size and shall be provided with a flat, tight, self closing device.

F. When electricity is the motive power for the milk transport tank milk pump, a lock type electrical connection with ground and weatherproof type receptacle located on the outside of the building with a switch box located on the inside of the building shall be provided.

G. Water for washing farm tanks shall be from an approved supply and shall be under pressure. Hoses for wash-
The milk house and the bulk tank shall be used for no other purpose and be stored on a rack convenient to the bulk tank. An automatic hot water storage tank (pressure type) shall be provided and shall be not less than 30 gallons capacity and equipped with a thermostat capable of maintaining water temperature at least 140° F. Extra capacity, higher temperature, or both shall be provided for CIP installations, off peak heating, and milk house heating or other hot water usages. Gas heaters, if used, shall be properly vented.

H. Adequate evenly distributed artificial light, not placed directly over the tank, shall be provided and shall be so located that cleaning will be easily accomplished. Adequate lighting may be obtained by providing two 150 watt flood lamps about one foot from the ends of the tank and a 100 watt bulb over the wash vats.

I. Farm tanks shall be protected from overhead contamination.

J. The truck approach shall be properly graded and surfaced to prevent pooling of water at the point of loading. Adequate artificial light shall be provided to illuminate this area to facilitate loading during hours when natural light is insufficient. This area shall be provided with a concrete slab or an asphalt surface of sufficient size to effectively protect the milk conducting house from contamination.

K. Cleaning and bactericidal treatment shall conform to regulations adopted by the Department of Agriculture. Farm tanks shall be thoroughly cleaned after each use, and then prior to the next milking exposed to 200 parts per million of residual chlorine. In cases where farm tanks are equipped with removable drop pipes, a vat large enough and long enough for the washing and sanitizing of this equipment shall be provided. Chemical sprayers are recommended for sanitizing farm tanks and if utilized, shall be used for no other purpose.

L. Indicating thermometers on all farm tanks shall be kept in proper operating condition. The driver shall possess an accurate approved type thermometer to enable him to check the indicating thermometers of the farm bulk tanks. The Department of Agriculture, using an approved type thermometer, shall check, periodically, the indicating thermometer on farm bulk tanks to determine its accuracy.

M. Abnormal milk, adulterated milk and milk contain-
ing objectionable odors shall not be added to the farm tank. The sampler and/or tester shall check the milk for abnormalities before pumping the milk to the tank truck. The entire supply of milk in the farm tank shall be rejected if such milk is detected.

N. Milk in farm tanks must be cooled to 40° Fahrenheit, or lower. The cooling process must be such that the milk will be cooled to 50° Fahrenheit within one hour after milking and to 40° Fahrenheit within the second hour. The addition of later milkings must not raise the temperature above 50° Fahrenheit.

O. All steps necessary shall be employed to prevent the contamination of milk handled through bulk farm pick up. This shall pertain to all phases of this type of milk handling. The bulk farm tank and accessories shall be used for no other purpose than the handling of milk and the operations incident thereto.

SECTION 3. That Title 37, Chapter 4, Idaho Code, as amended, be, and the same is hereby amended by adding a new section thereto following Section 37-409, to read as follows:

37-410.—The following standards are hereby adopted relating to transportation tanks:

A. The transportation tank and accessories in the milk handling operation shall comply with the requirements of the United States Department of Public Health 3A Standards for transportation tanks existing at the time of the passage of this Act.

B. Suitable facilities, including hot and cold running water, detergent, brushes, sanitizers, and sanitizing equipment, a concrete floor with proper drainage and waste disposal shall be provided for washing and sanitizing of transportation tanks. Unless the truck is to be used within a few hours of the washing operation the sanitizing of the tank shall be omitted until just before the tank truck is to be used. During the interim the tank truck shall be protected from contamination by closing port holes, etc. Since the tank truck may be sanitized on a different date and at a different time from cleaning and washing operation, a tag shall provide space for recording this information. The washing, sanitizing and maintenance of the transportation tank and accessories shall be the responsibility of the processor or milk hauler. The Department of Agriculture shall be informed in writing designating the
person responsible for the cleaning, sanitizing and maintenance of the transportation tank.

C. The transportation tank and all accessories shall be thoroughly rinsed after each usage and shall be thoroughly cleaned and sanitized daily and the tank tagged and sealed with a tag attached indicating that the tank has been washed and/or sanitized. This tag shall also contain the name of the person doing the work and the date on which the work was done. The tag shall be removed by the hauler at his first pick up and shall be retained at the receiving plant for a minimum of 30 days.

D. Single lengths of durable, non-toxic, flexible milk conductor tubing used for conveying milk from the farm tank to the transportation tank shall not exceed 8 feet. The inside diameter of milk conductor tubing shall not be less than 1-3/8 inches. If two lengths of tubing are used, they shall be connected either by the use of sanitary couplings or a piece of 3A sanitary tubing with clamps which can be removed without tools. The connections between the pump and the vehicle tank, and between the pump and the milk conductor tubing shall remain assembled except when dismantled for cleaning. The open end of the milk tubing shall be capped with an approved protective cap at all times except when loading or unloading. The outlet valve, milk pump and the milk conductor tubing and samples shall be enclosed in a properly drained, insulated, dust tight cabinet.

E. The transportation tank and the accessories shall be used for no other purpose than the handling of milk unless such other use is approved by the Department of Agriculture.

SECTION 4. That Title 37, Chapter 4, Idaho Code, as amended, be, and the same is hereby amended by adding a new section thereto following Section 37-410, to read as follows:

37-411.—The following standards are hereby adopted relating to milk haulers and to the operation of transportation tanks:

1. All milk haulers must possess a permit issued by the Department of Agriculture. All milk haulers shall be subject to such examination and abilities as the Department of Agriculture may prescribe by regulation in order to receive and retain such permit. The fee for the permit
shall be $2.50. No hauler shall grade, measure or sample his own milk.

2. The milk line shall be passed through a special port opening through the milk house wall with care to prevent contact with the ground or floor of the milk house. The port opening shall be closed when not in use.

3. It shall be the responsibility of the milk hauler to assure himself that in the event the processor washes and sanitizes the truck the operation has been adequately performed, and that prior to use the tank truck has been properly sanitized. In the event it is his responsibility to sanitize the tank truck he shall do so with a chlorine solution of proper strength.

4. The milk hauler shall wash his hands immediately before gauging the milk.

5. The milk shall be observed and checked for abnormalities or adulterations, and all abnormal or adulterated milk shall be rejected.

6. The milk volume in the farm tank shall be determined in a sanitary manner.

7. The milk in the farm tank shall be thoroughly agitated. Milk samples for analysis shall be taken in a sanitary manner into properly identified sterile containers. All sampling shall follow Standard Methods.

8. After the milk is pumped to the transportation tank the milk conductor tubing shall be capped and returned to the vehicle storage cabinet. Care shall be taken to prevent soiling of the milk line by contact with the milk house floor, operator's hands or the ground.

9. The milk hauler shall rinse the farm tank and accessories free of milk with clean water immediately after emptying.

10. All outside openings shall be screened. Self closing screen doors shall open outward.

11. The milk hauler shall be responsible for proper use of the transportation tank and accessories.

SECTION 5. That Title 37, Chapter 4, Idaho Code, as amended, be, and the same is hereby amended by adding a new section thereto following Section 37-411, to read as follows.
37-412.—The following standards are hereby adopted relating to quality control of milk samples taken from tanks:

A. As often as is deemed necessary the Department of Agriculture may take samples for analysis from each farm tank or each transportation tank.

B. All milk samples taken from farm tanks or transportation tanks shall be taken in a sanitary manner in accordance with Standard Methods. Samples for bacteriological analysis shall be properly iced and transported in accordance with Standard Methods (32-40°F).

C. The Department of Agriculture shall have access to all records maintained by the receiving plant relating to butterfat, temperature, and bacteriological sampling and any other samples of bulk farm tank milk.

D. Milk samples for analysis shall be available on the farm tank pick up truck at all times during the collection period and delivery to the plant, as required by the Department of Agriculture.

E. The sanitary requirements concerning milk and cream established by Section 37-402, Idaho Code, are hereby adopted and shall be applicable hereto.

Approved March 13, 1961.

CHAPTER 296
(H. B. No. 180)

AN ACT

AMENDING SECTION 49-155, IDAHO CODE, AS AMENDED, BY REDUCING THE FEE FOR LICENSING TRAILER HOUSES DEFINED AS MOBILE HOUSES OR HABITABLE VEHICLES FROM $7.50 TO $4.00, AND BY SUBJECTING SUCH PROPERTY TO THE PROVISIONS OF SECTION 63-102, IDAHO CODE, RELATING TO THE ASSESSMENT OF PROPERTY AND THE LIEN OF TAXES THEREON; AMENDING SECTION 63-1203, IDAHO CODE, AS AMENDED, TO DELETE THE PARTIAL EXEMPTION OF SUCH PROPERTY FROM PROPERTY ASSESSMENT AND TAXES, SO THAT TRAILER HOUSES MAY BE ASSESSED AND TAXED UNIFORMLY WITH OTHER PROPERTY; AND PROVIDING AN EFFECTIVE DATE FOR THIS ACT.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 49-155, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

49-155. REGISTRATION FEES—TRAILER HOUSES—TRAILER HOUSES DEFINED—GENERAL PROPERTY TAX PREREQUISITE TO LICENSING.—The fees for licensing trailers as hereinbefore set forth shall not be applicable to trailer houses herein defined as mobile houses or habitable vehicles and the fee for licensing such trailer houses in lieu of those hereinbefore set forth shall be $4.00. In addition to said license fee, and as a prerequisite to licensing, there shall be an assessment levied on each trailer house for ad valorem tax as provided under section 63-102 and section 63-1203, Idaho Code. Applicant for trailer house license shall be required to exhibit the general property tax receipt for the year of registration, before license may be issued. It shall be illegal for any trailer house to be moved on any highway in Idaho without first being licensed, and any person moving an unlicensed trailer house shall be guilty of a misdemeanor; and the license fees collected under this section shall be paid to the county assessor wherein said license is purchased. Fifty per cent of such license fees shall be placed in the county general fund and the balance of such fees shall be paid to the state treasurer who shall place all such fees in the motor vehicle fund.

SECTION 2. That Section 63-1203, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

63-1203. ASSESSMENT OF PERSONAL PROPERTY. —The assessor must assess all personal property required by this act to be entered on the personal property assessment roll, between the second Monday of January and the first Monday of July in each year, and must complete said assessment on or before the said first Monday in July and file said roll with the clerk of the board of county commissioners. He must assess and enter on a subsequent roll to be by him verified in the manner provided for the verification of the personal property assessment roll, all migratory livestock except in its home county as defined in section 63-1604, all personal property which comes into the county, between the first Monday of July and the fourth Monday of November of each year which has not been assessed, unless such property was exempt from taxation on the second Monday of January of the year in which such property came into any such county, and all personal
property which has theretofore during such year escaped assessment, and must immediately deliver said subsequent roll to the county auditor who shall, without delay, compute and enter the amount of tax due thereon and deliver the same to the assessor and charge him with the amount thereof. In making such assessment, the assessor shall actually determine, as nearly as practicable, the full cash value of each piece of personal property assessed and shall enter the amount and value of each class of personal property in appropriate columns, after the name of the owner of such property, if known, otherwise after unknown owner. The tax levies shall be extended on the aggregate valuation of said property, after deducting the amount of any exemptions allowed. Provided that trailer houses defined as mobile houses or habitable vehicles in section 49-155, Idaho Code, * * * shall be assessed and taxed uniformly with other property; provided, however, * * * that the following trailer houses are specifically exempt from the operation of this section, (a) * * * trailer houses * * * in possession of a manufacturer or dealer and offered for sale shall be assessed uniformly with other stocks in trade; (b) trailer houses eligible to be used under a * * dealer’s license plate*, provided that trailers designated as sheep camps or cow camps shall be exempted from this act.

SECTION 3. This act shall take effect as of January 1, 1961.

Approved March 13, 1961.

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CHAPTER 297
(H. B. No. 252)

AN ACT

AMENDING SECTION 49-107 TO INCREASE THE LIMITATION ON THE WEIGHT OF FARM VEHICLES WHICH MAY BE REGISTERED WITH THE COUNTY ASSESSOR FROM 24,000 POUNDS TO 30,000 POUNDS; AMENDING SECTION 49-127, IDAHO CODE, BY INCREASING FROM 24,000 TO 30,000 POUNDS THE MAXIMUM GROSS WEIGHT AT WHICH NON-COMMERCIAL AND FARM VEHICLES MAY BE REGISTERED UNDER THE NON-COMMERCIAL REGISTRATION FEE SCHEDULE, AND BY ADDING TWO ADDITIONAL RATES FOR SUCH VEHICLES WEIGHING BETWEEN 24,001
AND 30,000 POUNDS; AND AMENDING SECTION 49-128 TO REQUIRE THAT THE OWNERS OF COMMERCIAL VEHICLES WEIGHING MORE THAN 16,000 POUNDS, INSTEAD OF 24,000 POUNDS, AND THAT OWNERS OF NON-COMMERCIAL AND FARM VEHICLES WEIGHING MORE THAN 30,000 POUNDS, INSTEAD OF 24,000 POUNDS, FILE STATEMENTS OF THE GROSS MILES TRAVELED OVER THE HIGHWAYS OF THIS ACT.

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

SECTION 1. That Section 49-107, Idaho Code, be, and the same is hereby amended to read as follows:

49-107. OWNER TO SECURE REGISTRATION IN COUNTY OF RESIDENCE OR FROM COMMISSIONER OF LAW ENFORCEMENT.—a. Every owner of a motor vehicle, trailer or semi-trailer who intends to operate the same upon any highway in this state shall before the same is so operated, apply to the assessor of the county in which he resides and obtain the registration thereof, except the owner of any vehicle which is exempted by section 49-108 and excepting, also, when an owner is permitted to operate a vehicle under the special provisions relating to lien holders, manufacturers, dealers, and vehicles registered in a foreign country, state, territory, or federal district, contained in sections 49-117 (d), 49-118, 49-120 and chapter 1 (House Bill No. 1) of the Session Laws of the first extraordinary session of the thirty-first legislature of the state of Idaho, as amended by this act, provided that the registration for commercial vehicles or commercial combinations having a maximum gross weight in excess of 16,000 pounds and noncommercial vehicles or non-commercial combinations having a maximum gross weight in excess of *30,000 pounds shall be procured from, and the registration and use tax fees therefore paid to, the commissioner of law enforcement, except as hereinafter provided.

b. The following motor vehicles shall be registered for the appropriate gross weight scale with the county assessor of the county in which the owner resides:

(1) Motor vehicles equipped primarily to haul passengers on a commercial basis, doing strictly an intrastate business, and having gross weights of 24,000 pounds or less.

(2) Any farm vehicle or combination of vehicles where each vehicle shall not exceed a gross weight of *30,000
pounds, and utility farm trailers for the unladen weight as shown in (section) 49-127 (f).

c. Non-resident trucks owned by transient labor used in hauling unprocessed agricultural products for hire and not exceeding 30,000 pounds gross weight shall register their vehicle for the appropriate gross weight scale for the annual fee, with the county assessor of the county in which the owner resides.

SECTION 2. That Section 49-127, Idaho Code, be, and the same is hereby amended to read as follows:

49-127. OPERATING FEES — SCHEDULES. — The registration operating each motor vehicle, trailer or semi-trailer upon highways of the State of Idaho shall be as follows:

(a) On all motor vehicles, trailer and semi-trailers equipped to carry passengers and operated primarily for hire exclusively within the limits of an incorporated city or village and adjacent thereto, when the service outside is a part of a regular service rendered inside such city or village, the fee shall be ten dollars ($10.00).

(b) On all hearses, ambulances and wreckers the annual fee shall be twenty-four dollars ($24.00), and such vehicles shall bear passenger car plates. No operator of a hearse, ambulance, or wrecker shall be entitled to operate the same by virtue of any dealer's license that may have been issued under the provisions of this chapter.

(c) On all motorcycles the annual fee shall be five dollars ($5.00).

(d) For the purpose of this subsection, the following definitions shall be applicable:

1. A commercial vehicle as herein defined shall mean a vehicle or combination of vehicles of a type used or maintained for the transportation of persons for hire, compensation or profit, or designed, used or maintained primarily for the transportation of property for the owner of said vehicle, or for hire, compensation or profit, and shall not include those vehicles set forth in subsection (a), (b), and (c) hereof.

2. A farm vehicle as herein defined shall mean a vehicle or combination of vehicles used exclusively to transport unprocessed agricultural, dairy or livestock products raised, owned or grown by the owner of such vehicle. And shall
include the transportation of any equipment, supplies or products to or from the operations of such owner, and shall not include vehicles of husbandry, and shall not include those vehicles set forth in subsection (a), (b), and (c) hereof, but shall include vehicles domiciled in Idaho used for the sole purpose of transporting milk from the farm to the processing plant.

3. A noncommercial vehicle as herein defined shall not include those vehicles required to be registered under section 49-126, Idaho Code, and shall mean all other vehicles or combinations of vehicles which are not commercial vehicles or farm vehicles as herein defined, and shall not include those vehicles set forth in subsection (a), (b), and (c) hereof.

4. There shall be paid on all commercial vehicles, irrespective of body type, having a maximum gross weight not in excess of 16,000 pounds, and on all noncommercial vehicles and farm vehicles having a maximum gross weight not in excess of *30,000* pounds, an annual registration fee, to be determined by the age of the vehicle, in accordance with the following schedule, provided, that when a vehicle against which said registration fee is assessed is a combination of vehicles, the term maximum gross weight as used in the following schedule shall mean the combined gross weights of all vehicles in the combination to be registered; provided further that upon payment of said registration fee, the commissioner of law enforcement shall issue an identification plate approved by him, to be attached to individual self-propelled motor vehicles, and to the self-propelled motor vehicle in any combination of vehicles. For the purpose of this section, the age of a vehicle shall be determined by subtracting the manufacturer's year designation of such vehicle from the year for which the fee herein provided is paid; provided that if any such vehicle has the same manufacturer's year designation as the year for which the fee herein provided is paid, and if any such vehicle has a manufacturer's year designation later than the year for which the fee herein provided is paid, such vehicles shall be deemed to be one year old for the purposes of payment of the annual registration fee herein provided; provided, further, that the term "manufacturer's year designation" as herein used, shall mean the model year designated by the manufacturer, and not the year in which such vehicle is manufactured.
5. There shall be paid on all commercial vehicles having a maximum gross weight in excess of 16,000 pounds, an annual registration fee in accordance with the following schedule, provided, that when the vehicle against which said registration fee is assessed is a combination of vehicles, the term maximum gross weight as used in the following schedule shall mean the combined maximum gross weights of all vehicles in the combination to be registered; provided further that upon payment of said registration fee, the commissioner of law enforcement shall issue an identification plate approved by him to be attached to individual self-propelled motor vehicles and to the self-propelled vehicle in any combination of vehicles.

<table>
<thead>
<tr>
<th>Maximum Gross Weight (Pounds)</th>
<th>Annual Registration Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>16,001—26,000 inc.</td>
<td>$ 55.00</td>
</tr>
<tr>
<td>26,001—38,000 inc.</td>
<td>75.00</td>
</tr>
<tr>
<td>Over 38,000</td>
<td>100.00</td>
</tr>
</tbody>
</table>

In addition, an annual license fee shall be required for each trailer or semi-trailer in a combination of vehicles in the amount of $2.00. Upon payment of said license fees, the commissioner of law enforcement shall issue license plates approved by him for the appropriate year.

6. In addition to the registration and license fees hereinbefore provided there shall be paid on all commercial vehicles having a maximum gross weight in excess of 16,000 pounds, a use fee in accordance with the schedule hereinafter set forth, provided, that if any such commercial vehicle is a combination of vehicles, said use fee...
shall be paid only on the self-propelled motor vehicle in the combination, but the maximum gross weight thereof shall be deemed to be the maximum gross weight of all vehicles in the combination for the purpose of determining said use fee; provided that the use fee to be paid on every commercial vehicle which is used to haul passengers for hire, and which weighs over 16,000 pounds shall be computed by subtracting two mills per mile from the mills per mile rate hereinafter designated for the appropriate weight group for said vehicle in the use fee schedule; provided, further, that on any commercial vehicle which is a combination of vehicles, and is exclusively engaged in the transportation of logs, pulp wood, stull, poles, piling, ores, ore concentrates, sand and gravel and aggregates thereof in bulk, and livestock, there shall be paid a use fee on each vehicle in the combination, based upon the maximum gross weight of each such vehicle in accordance with the following schedule. In addition to the registration and license fees hereinbefore provided, there shall be paid on all farm vehicles and noncommercial vehicles having a maximum gross weight in excess of * 30,000 pounds, a use fee in accordance with the schedule hereinafter set forth; provided, that if any noncommercial vehicle is a combination of vehicles, said use fee shall be paid only on the self-propelled motor vehicle in the combination, but the maximum gross weight of said self-propelled vehicle shall be deemed to be the maximum gross weight of all vehicles in said combination for the purpose of determining said use fee; provided, further, that if any farm vehicle is a combination of vehicles, the use fee to be paid thereon shall be paid on each vehicle in the combination, based upon the maximum gross weight of each such vehicle in accordance with the following schedule. The use fees herein provided for shall be based on mills per mile of operation, subject to the provisions of subsection (e) hereof, in accordance with the schedule hereinafter set forth; provided further, that use fee schedule “B” shall be charged on the maximum gross weight of the vehicle or combination of vehicles.

<table>
<thead>
<tr>
<th>Maximum Gross Weight of Vehicle (Pounds)</th>
<th>“A” Mills per Mile</th>
<th>“B” Mills per Mile Fuel Only</th>
</tr>
</thead>
<tbody>
<tr>
<td>6,001— 8,000</td>
<td></td>
<td>2.80</td>
</tr>
<tr>
<td>8,001—10,000</td>
<td></td>
<td>3.15</td>
</tr>
<tr>
<td>10,001—12,000</td>
<td></td>
<td>3.50</td>
</tr>
<tr>
<td>12,001—14,000</td>
<td></td>
<td>3.85</td>
</tr>
<tr>
<td>14,001—16,000</td>
<td></td>
<td>4.20</td>
</tr>
<tr>
<td>Maximum Gross Weight of Vehicle (Pounds)</td>
<td>&quot;A&quot; Mills per Mile</td>
<td>&quot;B&quot; Mills per Mile Fuel Only</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>--------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>16,001—18,000</td>
<td>5.25</td>
<td>4.55</td>
</tr>
<tr>
<td>18,001—20,000</td>
<td>5.95</td>
<td>4.90</td>
</tr>
<tr>
<td>20,001—22,000</td>
<td>6.65</td>
<td>5.25</td>
</tr>
<tr>
<td>22,001—24,000</td>
<td>7.35</td>
<td>5.60</td>
</tr>
<tr>
<td>24,001—26,000</td>
<td>8.05</td>
<td>5.95</td>
</tr>
<tr>
<td>26,001—28,000</td>
<td>8.75</td>
<td>5.98</td>
</tr>
<tr>
<td>28,001—30,000</td>
<td>9.45</td>
<td>6.65</td>
</tr>
<tr>
<td>30,001—32,000</td>
<td>10.15</td>
<td>7.00</td>
</tr>
<tr>
<td>32,001—34,000</td>
<td>10.85</td>
<td>7.35</td>
</tr>
<tr>
<td>34,001—36,000</td>
<td>11.55</td>
<td>7.70</td>
</tr>
<tr>
<td>36,001—38,000</td>
<td>12.25</td>
<td>8.05</td>
</tr>
<tr>
<td>38,001—40,000</td>
<td>13.30</td>
<td>8.05</td>
</tr>
<tr>
<td>40,001—42,000</td>
<td>14.35</td>
<td>8.05</td>
</tr>
<tr>
<td>42,001—44,000</td>
<td>15.40</td>
<td>8.05</td>
</tr>
<tr>
<td>44,001—46,000</td>
<td>16.45</td>
<td>8.40</td>
</tr>
<tr>
<td>46,001—48,000</td>
<td>17.50</td>
<td>8.50</td>
</tr>
<tr>
<td>48,001—50,000</td>
<td>18.55</td>
<td>8.85</td>
</tr>
<tr>
<td>50,001—52,000</td>
<td>19.60</td>
<td>9.20</td>
</tr>
<tr>
<td>52,001—54,000</td>
<td>20.65</td>
<td>9.55</td>
</tr>
<tr>
<td>54,001—56,000</td>
<td>21.70</td>
<td>9.90</td>
</tr>
<tr>
<td>56,001—58,000</td>
<td>22.75</td>
<td>10.25</td>
</tr>
<tr>
<td>58,001—60,000</td>
<td>23.80</td>
<td>10.60</td>
</tr>
<tr>
<td>60,001—62,000</td>
<td>24.85</td>
<td>10.95</td>
</tr>
<tr>
<td>62,001—64,000</td>
<td>25.90</td>
<td>11.30</td>
</tr>
<tr>
<td>64,001—66,000</td>
<td>26.95</td>
<td>11.65</td>
</tr>
<tr>
<td>66,001—68,000</td>
<td>28.00</td>
<td>12.00</td>
</tr>
<tr>
<td>68,001—70,000</td>
<td>29.05</td>
<td>12.35</td>
</tr>
<tr>
<td>70,001—72,000</td>
<td>30.10</td>
<td>12.70</td>
</tr>
<tr>
<td>72,001—74,000</td>
<td>31.85</td>
<td>13.05</td>
</tr>
<tr>
<td>74,001—76,000</td>
<td>33.60</td>
<td>13.40</td>
</tr>
<tr>
<td>76,001—78,000</td>
<td>35.35</td>
<td>13.75</td>
</tr>
<tr>
<td>78,001—80,000</td>
<td>37.10</td>
<td>14.10</td>
</tr>
</tbody>
</table>

The owners or operators of motor vehicles or combinations of vehicles, in computing use fees, shall use the above tables as follows:

(1) Motor vehicles or a combination of vehicles having a maximum gross weight in excess of 16,000 pounds and using gasoline for fuel shall use Table "A", except as otherwise provided.

(2) Motor vehicles or a combination of vehicles having a maximum gross weight in excess of 16,000 pounds and using other fuels than gasoline shall in addition to Table "A" pay a use fee as shown in Table "B".
(3) Interstate motor vehicles or a combination of vehicles having a maximum gross weight in excess of 6,000 pounds not purchasing sufficient fuel for miles traveled in Idaho shall be charged in accordance with schedule “B”.

(4) The commissioner shall require a bond in an amount equal to the estimated quarterly tax payments of the fuel user as computed by schedule “B” above, but such bond shall in no event be less than the sum of $500.00. Such bond duly executed by such fuel user as principal with a corporate surety qualified under the provisions of title 41, chapter 27, Idaho Code, shall be payable to the state of Idaho conditioned upon faithful performance of all requirements of chapter 1, title 49, Idaho Code, as amended, including the payment of all taxes, penalties and other obligations of such fuel user, arising out of said chapter.

(e) An applicant for registration of a commercial vehicle, a noncommercial vehicle or a farm vehicle, as defined in subsection (d) hereof, shall set forth the maximum gross weight of such vehicle or combination of vehicles and the applicant shall pay any annual registration fees and any annual license fees on trailers and semi-trailers required herein at the time he makes application for registration; provided, no part of any such registration or license fees shall be subject to refund. Said use fee payment of which is herein required, shall be computed according to the schedule set forth in subsection (d) 6 hereof on the mileage operated over the highways of the state of Idaho and the owner of any vehicle against which a use fee is assessed, shall at the time of making his next quarterly report pay said use fee, if any, for the three calendar months immediately prior thereto. In determining the mileage subject to such use fee, payment of which is required by said subsection (d) 6, there shall be deducted the miles traveled on roadways maintained with private funds by agreement with the public agency or agencies having jurisdiction over the same; provided, that in no event shall the total money credited to the owner for such mileage exceed the actual cost of maintenance expended by him.

(f) The license, registration and use fees as hereinbefore set forth shall not be applicable to utility trailers hereby defined as trailers or semi-trailers whose “light” or “unladen weight” is 3,000 pounds or less, designed primarily to be drawn behind passenger cars or pickup trucks for domestic and utility purposes, nor shall said fees be applicable to rental utility trailers hereby defined as utility
trailers offered for hire to operators of private motor vehicles. The registration fees for utility trailers and rental utility trailers shall be in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Unladen Weight (Pounds)</th>
<th>Annual Registration Fee</th>
<th>Rental Utility Trailers</th>
</tr>
</thead>
<tbody>
<tr>
<td>0—1,000</td>
<td>$2.50</td>
<td>$5.00</td>
</tr>
<tr>
<td>1,001—2,000</td>
<td>5.00</td>
<td>10.00</td>
</tr>
<tr>
<td>2,001—3,000</td>
<td>8.00</td>
<td>15.00</td>
</tr>
</tbody>
</table>

(g) The fee for all duplicate plates shall be two dollars ($2.00) for one plate or two dollars and fifty cents ($2.50) per set of plates.

(h) Whenever a vehicle is completely destroyed by fire or accident and such operator submits satisfactory proof of such destruction to the department, the registration use increment and fees shall be transferred to the replacement vehicle for a service transfer fee of $5.00. None of the original fees, shall be subject to refund.

SECTION 3. That Section 49-128, Idaho Code, be, and the same is hereby amended to read as follows:

49-128. QUARTERLY REPORTS — MAINTAINING RECORDS — PENALTIES. — (a) Not later than the 25th day of April, 1957, and on the same day of each third calendar month thereafter, each owner of a commercial motor vehicle, trailer or semi-trailer having a maximum gross weight in excess of *16,000 pounds and each owner of a noncommercial or farm vehicle having a maximum gross weight in excess of 30,000 pounds must file with the commissioner of law enforcement a statement of the gross miles each such motor vehicle, trailer or semi-trailer has traveled over the highways of the state of Idaho for the preceding calendar months of the year for which such vehicle was registered. Each such report shall be cumulative of all miles traveled during all calendar months in said year for which such report is made.

(b) Every owner whose registration fees are computed under subsections (e) or (f) of section 49-127 shall maintain records and purchase documents to substantiate and justify the use of such schedule and shall permit the commissioner or a duly authorized representative to inspect the same upon demand.

(c) An owner failing to file a report or pay any fee
due within the time required pursuant to this act shall in addition to the amount of the fee pay a penalty of 5% of the amount of fee determined to be due plus 1% of such amount for each month or fraction thereof after such report was required to be filed or such fee became due, but the commissioner if satisfied that the delay was excusable may remit all or any part of said penalty.

Approved March 13, 1961.

CHAPTER 298
(H. B. No. 267)

AN ACT
AMENDING SECTION 72-1312, IDAHO CODE, AS AMENDED, DEFINING COMPENSABLE WEEK AS A WEEK IN WHICH THE TOTAL WAGES PAYABLE TO A BENEFIT CLAIMANT FOR LESS THAN FULL-TIME WORK PERFORMED IN SUCH WEEK AMOUNTS TO LESS THAN ONE AND ONE-HALF TIMES HIS WEEKLY BENEFIT AMOUNT, PROVIDING THAT A BENEFIT CLAIMANT MAY ATTEND A TRADE SCHOOL UNDER CERTAIN CONDITIONS, AND FURTHER PROVIDING THAT CERTAIN RETIREMENT PAY RECEIVED BY BENEFIT CLAIMANTS SHALL BE TREATED AS WAGES; AMENDING SECTION 72-1350, IDAHO CODE, AS AMENDED, BY PROVIDING FOR A TWENTY-FIVE PERCENT INCREASE IN CONTRIBUTIONS AND DESIGNATING CONTRIBUTION RATE TABLES FOR 1961 AND 1962; AMENDING SECTION 72-1351A, IDAHO CODE, PROVIDING FOR AN ADJUSTMENT OF CONTRIBUTION RATE; AMENDING SECTION 72-1367, IDAHO CODE, AS AMENDED, PROVIDING FOR A BENEFIT FORMULA.

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

SECTION 1. That Section 72-1312, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

72-1312. COMPENSABLE WEEK. — (a) A week of unemployment with respect to which an eligible benefit claimant shall be entitled to benefits shall be known as compensable week; provided, however, that no person shall be deemed to be unemployed while he is attending a regular established school excluding night school, except where he has been assigned to a refresher or special training course by the director.
(b) A compensable week of a benefit claimant shall be a week of either no work or less than full-time work—

(1) all of which occurred within his benefit year; and

(2) with respect to which benefits have not been paid to him; and

(3) in which he complied with all of the personal eligibility conditions prescribed in section 72-1366; and

(4) in which the total wages payable to him for less than full-time work performed in such week amounted to less than one and one-half times his weekly benefit amount; provided, however, that for the purpose of this section all payments received by a benefit claimant for his retirement under the Federal Old Age and Survivors Insurance Act or a retirement plan in which an employer has paid all or a part of the cost, shall be treated as wages; and

(5) all of which occurred after a waiting period as defined in section 72-1329.

SECTION 2. That section 72-1350, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

72-1350. RATE AND BASE OF CONTRIBUTIONS.—The standard rate of contributions to be paid by each covered employer shall be 2.7 per centum of wages paid by him for covered employment during each calendar year. No covered employer's rate shall be varied from this standard unless, as of the computation date, the total amount available for benefits in the employment security fund equals or exceeds seven million five hundred thousand dollars, or 7.5 per centum of the last annual payroll subject to contributions reported by all covered employers of this state, whichever is larger; provided, however, notwithstanding any other provision of this act that for the calendar years 1961 and 1962, the contribution to be paid by each covered employer shall, after computation under the rate applicable to his payroll, be increased by twenty-five per centum, and provided further that for the calendar years 1961 and 1962 only, notwithstanding any other provisions of this act, contribution rates for all eligible employers shall be determined in accordance with Table IV of section 72-1351 of this act.

SECTION 3. That section 72-1351A, Idaho Code, be, and the same is hereby amended to read as follows:

72-1351A. ADJUSTMENT OF CONTRIBUTION RATE
IF WAGES IN FEDERAL ACT AMENDED.—In the event the definition of the term "wages" as contained in the Federal Unemployment Tax Act (section 3306 Federal Internal Revenue Code, 1954) is amended to include remuneration in excess of $3,000 paid to an individual by an employer under the Federal act during any calendar year, the contribution percentage of each employer as provided in section 72-1350, Idaho Code, as amended by this act shall be reduced by a percentage rate, compensating for the amount of contribution increase resulting from the contribution base increase.

SECTION 4. That section 72-1367, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

72-1367. BENEFIT FORMULA.—(a) The wage class for each individual who is eligible for benefits after July 1, 1961, shall be the class indicated in Part B of the following table opposite the minimum and maximum amounts shown in Part A of such table within which is included the total amount of wages paid to him for services performed in covered employment in that calendar quarter within his base period in which such wages were highest, except that it shall not exceed the wage class on the same line as that weekly benefit amount which is 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 the beginning of each benefit year, shall compute the average weekly wage in covered employment for the preceding calendar year; and in the event fifty-two and one-half per cent of such amount when rounded to the nearest multiple of one dollar is more than forty dollars, then it shall become the new maximum weekly benefit amount for the next benefit year as shown under Part C of the following table.

(2) If fifty-two and one-half per cent of such average weekly wage is less than forty dollars when rounded to the nearest multiple of one dollar, then the maximum weekly benefit amount for the next benefit year shall be forty dollars.
<table>
<thead>
<tr>
<th>PART A</th>
<th>PART B</th>
<th>PART C</th>
<th>PART D</th>
</tr>
</thead>
<tbody>
<tr>
<td>QUARTERLY WAGES IN BASE PERIOD</td>
<td>MINIMUM WAGE CLASS</td>
<td>MINIMUM BASE PERIOD WAGES FOR WEEKS OF BENEFITS SPECIFIED</td>
<td></td>
</tr>
<tr>
<td>HIGHEST</td>
<td>WEEKLY WAGE AMOUNT</td>
<td>BENEFIT</td>
<td></td>
</tr>
<tr>
<td>MINIMUM</td>
<td>10</td>
<td>12</td>
<td>14</td>
</tr>
<tr>
<td>***</td>
<td>$365.00</td>
<td>*1</td>
<td>$17</td>
</tr>
<tr>
<td>$408.01</td>
<td>432.00</td>
<td>*2</td>
<td>18</td>
</tr>
<tr>
<td>$432.01</td>
<td>475.00</td>
<td>*3</td>
<td>19</td>
</tr>
<tr>
<td>$475.01</td>
<td>520.00</td>
<td>*4</td>
<td>20</td>
</tr>
<tr>
<td>$520.01</td>
<td>546.00</td>
<td>*5</td>
<td>21</td>
</tr>
<tr>
<td>$546.01</td>
<td>572.00</td>
<td>*6</td>
<td>22</td>
</tr>
<tr>
<td>$572.01</td>
<td>598.00</td>
<td>*7</td>
<td>23</td>
</tr>
<tr>
<td>$598.01</td>
<td>624.00</td>
<td>*8</td>
<td>24</td>
</tr>
<tr>
<td>$624.01</td>
<td>650.00</td>
<td>*9</td>
<td>25</td>
</tr>
<tr>
<td>$650.01</td>
<td>676.00</td>
<td>*10</td>
<td>26</td>
</tr>
<tr>
<td>$676.01</td>
<td>702.00</td>
<td>*11</td>
<td>27</td>
</tr>
<tr>
<td>$702.01</td>
<td>728.00</td>
<td>*12</td>
<td>28</td>
</tr>
<tr>
<td>$728.01</td>
<td>754.00</td>
<td>*13</td>
<td>29</td>
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<tr>
<td>$754.01</td>
<td>780.00</td>
<td>*14</td>
<td>30</td>
</tr>
<tr>
<td>$780.01</td>
<td>806.00</td>
<td>*15</td>
<td>31</td>
</tr>
<tr>
<td>$806.01</td>
<td>832.00</td>
<td>*16</td>
<td>32</td>
</tr>
<tr>
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<td>*17</td>
<td>33</td>
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<td>$858.01</td>
<td>884.00</td>
<td>*18</td>
<td>34</td>
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<td>$884.01</td>
<td>910.00</td>
<td>*19</td>
<td>35</td>
</tr>
<tr>
<td>$910.01</td>
<td>936.00</td>
<td>*20</td>
<td>36</td>
</tr>
<tr>
<td>$936.01</td>
<td>962.00</td>
<td>*21</td>
<td>37</td>
</tr>
<tr>
<td>$962.01</td>
<td>988.00</td>
<td>*22</td>
<td>38</td>
</tr>
<tr>
<td>$988.01</td>
<td>1,014.00</td>
<td>*23</td>
<td>39</td>
</tr>
<tr>
<td>$1,014.00</td>
<td>**1,040.00</td>
<td>*24</td>
<td>40</td>
</tr>
</tbody>
</table>

In the event that the maximum weekly benefit amount computed according to this section rises above forty dollars, the table shall be extended by regulation. This extension shall be made according to the same method used in making the table and shall be effected as part of the table. A benefit claimant whose earnings exceed the amounts in the foregoing table shall have eligibility and number of weeks of benefits computed on the same basis as for individuals whose base period earnings come within the limits of the foregoing formula.
(b) To be eligible for benefits an individual shall have been paid wages for covered employment during his base period in more than one calendar quarter, and such wages shall equal or exceed the amount shown in the first column of Part D of the foregoing table for his wage class.

(c) The weekly benefit amount of an eligible individual shall be the amount appearing in Part C of the foregoing table for his wage class.

(d) 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 appearing at the top of the column in Part D of the foregoing table in which column, on the line for his wage class there appears the maximum amount that does not exceed his total wages for covered employment paid during his base period.

(e) 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 of his weekly benefit amount as shown in Part C of the foregoing table, 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 payments received by a benefit claimant for his retirement under the Federal Old Age and Survivors Insurance Act or a retirement plan in which an employer has paid all or part of the cost, shall be treated as wages.

Approved March 13, 1961.

CHAPTER 299
(H. B. No. 246)

AN ACT
AMENDING TITLE 23, CHAPTER 10, IDAHO CODE, TO CLARIFY, ELIMINATE AMBIGUITIES AND CONFLICTS IN, REORGANIZE AND SUPPLEMENT THE PROVISIONS OF THE LAWS OF THE STATE OF IDAHO RELATING TO BEER BY REPEALING SECTION 23-1010, AS AMENDED, RELATING TO QUALIFICATIONS OF RETAIL LICENSEES; BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 23-1009 TO BE KNOWN AND DESIGNATED AS
SECTION 23-1010 PROVIDING FOR STATE LICENSES TO SELL BEER AT RETAIL, PRESCRIBING THE PROCEDURE FOR AND THE FORM OF APPLICATION FOR LICENSE, REQUIRING A SHOWING TO ESTABLISH ELIGIBILITY FOR LICENSE AND ENUMERATING DISQUALIFICATIONS FOR LICENSE; BY REPEALING SECTION 23-1013, RELATING TO UNLAWFUL PRACTICES; BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 23-1012 TO BE KNOWN AND DESIGNATED AS SECTION 23-1013 PROVIDING FOR AGE RESTRICTIONS PERTAINING TO TRANSACTIONS INVOLVING BEER; BY ADDING NEW SECTIONS THERETO FOLLOWING SECTION 23-1026, TO BE KNOWN AND DESIGNATED AS SECTIONS 23-1027, 23-1028, 23-1029, 23-1030, 23-1031, 23-1032, 23-1033, 23-1034, 23-1035 AND 23-1036, TO PROVIDE FOR CERTIFICATES OF APPROVAL FOR MANUFACTURERS OF BEER, TO REGULATE WHOLESALERS CONCERNING SALES OF BEER, WAREHOUSES AND RECORDS, TO REQUIRE THE POSTING OF PRICES OF BEER, TO LIMIT SIZES OF BEER CONTAINERS, TO RESTRICT THE EXTENSION OF CREDIT ON SALES OF BEER, TO REQUIRE PERMITS FOR EMPLOYEES OF LICENSEES, TO PRESCRIBE PERMISSIBLE AND PROHIBITED ACTS BY BREWERS, DEALERS AND WHOLESALERS IN AID OF LICENSED RETAILERS, AND PROVIDING PENALTIES FOR VIOLATION THEREOF, TO ESTABLISH SANITATION REQUIREMENTS FOR LICENSED RETAILERS, TO PRESCRIBE LIMITATIONS ON SIGNS OF LICENSED RETAILERS, AND TO REQUIRE THE USE OF TAP MARKERS; BY REPEALING SECTIONS 23-1011, RELATING TO REVOCATIONS OF RETAILERS' AND PROVIDING PENALTIES FOR VIOLATIONS OF LICENSES, AND 23-1019, RELATING TO REVIEWS OF REFUSALS TO GRANT LICENSES AND TO REVOCATIONS AND SUSPENSIONS OF LICENSES; BY ADDING NEW SECTIONS THERETO FOLLOWING SAID NEW SECTION 23-1036 TO BE KNOWN AND DESIGNATED AS SECTIONS 23-1037, 23-1038, 23-1039, 23-1040, 23-1041, 23-1042, 23-1043, 23-1044 AND 23-1045, TO GRANT AUTHORITY TO THE COMMISSIONER OF LAW ENFORCEMENT TO REVOKE, SUSPEND OR REFUSE GRANT OF RENEWAL OF LICENSES, TO PROVIDE FOR NOTICES OF COMMISSIONER'S DETERMINATIONS WITH RESPECT TO REVOCATIONS, SUSPENSIONS OR REFUSALS TO GRANT RENEWALS OF LICENSES, TO PROVIDE FOR PROCEEDINGS TO CONTEST SUCH DETERMINATIONS, TO GRANT SIMILAR AUTHORITY TO COUNTIES AND MUNICIPALITIES SUBJECT TO THE SAME PROCEEDINGS TO CONTEST DETERMINATIONS, AND TO PROVIDE FOR AP-
PEALS TO THE IDAHO SUPREME COURT; BY ADDING
A NEW SECTION THERETO FOLLOWING SAID NEW SEC-
TION 23-1045 TO BE KNOWN AND DESIGNATED AS
SECTION 23-1046 PROVIDING FOR SEPARABILITY, AND
DECLARING AN EMERGENCY.

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

SECTION 1. That Section 23-1010, Idaho Code, as amend-
ed, be, and the same is hereby repealed.

SECTION 2. That Title 23, Chapter 10, Idaho Code, be,
and the same is hereby amended by adding a new section
thereto following Section 23-1009, to be known and design-
ated as Section 23-1010, to read as follows:

23-1010. LICENSE TO SELL BEER AT RETAIL; AP-
PLICATION PROCEDURE AND FORM; SHOWING OF
ELIGIBILITY FOR LICENSE AND DISQUALIFICATIONS.

(1) Every person who shall apply for a state license to
sell beer at retail shall tender the license fee to, and file
written application for license with, the Commissioner. The
application shall be on a form prescribed by the Commissi-
sioner which shall require such information concerning the
applicant, the premises for which license is sought and
the business to be conducted thereon by the applicant as
the Commissioner may deem necessary or advisable, and
which shall enable the Commissioner to determine that the
applicant is eligible and has none of the disqualifications
for license, as provided for in this section. Such informa-
tion shall include the following:

(a) The name and place of residence of the applicant
and length of his residence within the State of Idaho, and
if the applicant is a partnership, the names, places of resi-
dence and lengths of residence within the State of Idaho
of each partner, and, if the applicant is a corporation or
association, the date and place of incorporation or organ-
ization, the location of its principal place of business in
Idaho and the names and places of residence of its officers,
directors or members of its governing board, and of the
person who manages or will manage the business of sell-
ing beer at retail;

(b) The particular place for which the license is desired,
designating the same by a street and number, if practicable,
or by such other apt description as definitely locates such
place, and the name of the owner of the premises for which
license is sought;
(2) The application shall affirmatively show:

(a) That the applicant is the bona fide owner of the business which will be engaged in the sale of beer at retail and with respect to which license is sought;

(b) That the condition of the place or building wherein it is proposed to sell beer at retail conforms to all laws and regulations of the State of Idaho and to the ordinances of the county and municipality applicable thereto relating to public health and safety and to the zoning ordinances of the municipality applicable thereto;

(c) That there is no stamp or permit outstanding and in force which has been issued to any person by the United States Government for the premises for which license to sell beer at retail is sought which stamp or permit denotes payment of any special tax imposed by the United States Government on a retail dealer in liquor or wines, unless said premises are premises for which a retail license for sale of liquor by the drink, issued under the provisions of Chapter 9, Title 23, Idaho Code, is in force and effect;

(d) That the individual applicant, or each partner of a partnership applicant, is a citizen of the United States; or, with respect to a corporation or association, that it is qualified to do business within the State of Idaho and that the person who is or will be the manager of the corporation's or association's business of selling beer at retail is a citizen; further, that such individual applicant, at least one of the partners of the partnership applicant, and said manager of the corporation or association applicant, shall have been a bona-fide resident of the State of Idaho for at least thirty days prior to the date of application;

(e) That the applicant, if an individual, is not less than twenty-one years of age;

(f) That within three years immediately preceding the date of filing the application the applicant has not been convicted of the violation of any law of the State of Idaho, any other state, or of the United States, regulating, governing or prohibiting the sale, manufacture, transportation or possession of alcoholic beverages or intoxicating liquors, or, within said time, suffered the forfeiture of a bond for failure to appear in answer to charges of any such violation;

(g) That within five years immediately preceding the date of filing the application the applicant has not been
convicted of any felony or paid any fine or completed any sentence of confinement therefor within said time;

(h) That within three years next preceding the date of filing said application the applicant has not had any license provided for herein, or any license or permit issued to the applicant pursuant to the law of this State, or any other state, or of the United States, to sell, manufacture, transport or possess alcoholic beverages or intoxicating liquors, revoked.

(3) The affirmative showing required with respect to an applicant under (e), (f), (g) and (h) of subsection (2) of this section shall also be required to be made with respect to each partner of a partnership applicant and to each incumbent officer, director or member of the governing board of a corporation or association applicant, and to each person then employed by an applicant whose duties include the serving or dispensing of beer.

(4) The application must be subscribed and sworn to by the individual applicant, or by a partner of a partnership applicant, or by an officer or manager of a corporation or association applicant, before a notary public or other person authorized by law to administer oaths.

(5) If an applicant shall be unable to make any affirmative showing required in this section or if an application shall contain a false material statement, knowingly made, the same shall constitute a disqualification for license and license shall be refused. If license is received on any application containing a false material statement, knowingly made, such license shall be revoked. If at any time during the period for which license is issued a licensee becomes unable to make the affirmative showings required by this section license shall be revoked, or, if disqualification can be removed, the license shall be suspended until the same shall be removed. The procedure to be followed upon refusal, revocation or suspension of license as herein provided for shall be in accordance with the procedure set forth in this act.

(6) All licenses issued hereunder shall expire at 1:00 o'clock A.M. on January 1 of the following year and shall be subject to renewal upon reapplication.

SECTION 3. That Section 23-1013, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Title 23, Chapter 10, Idaho Code, be,
and the same is hereby amended by adding a new section thereto following Section 23-1012, to be known and designated as Section 23-1013, to read as follows:

23-1013. RESTRICTIONS CONCERNING AGE. — It shall be unlawful for any person to sell, serve or dispense beer to or by any person under twenty years of age.

SECTION 5. That Title 23, Chapter 10, Idaho Code, be, and the same is hereby amended by adding new sections thereto following Section 23-1026, to be known and designated as Sections 23-1027, 23-1028, 23-1029, 23-1030, 23-1031, 23-1032, 23-1033, 23-1034, 23-1035 and 23-1036, to read as follows:

23-1027. CERTIFICATE OF APPROVAL REQUIRED OF MANUFACTURE. — It shall be unlawful for any person licensed under the provisions of this Act, to purchase, import, transport or cause to be transported into or within the State of Idaho any beer for resale therein, unless prior thereto a Certificate of Approval shall have been issued by the Commissioner to the manufacturer of such beer. The Certificate of Approval herein required shall be issued to a manufacturer of beer upon application therefor provided the manufacturer shall have first agreed in writing with the Commissioner as follows: (a) to furnish to the Commissioner, on or before the 15th day of each month, a written report under oath on a form to be prescribed by the Commissioner showing the quantity of beer sold, delivered or shipped to each wholesaler or dealer of beer licensed in this State for resale in this state; and (b) that such manufacturer and every person employed by it or acting as its agents (other than wholesalers and dealers licensed in this state) will faithfully comply with and observe all the provisions of the laws of the State of Idaho relating to beer and all rules and regulations adopted by the Commissioner pursuant to such laws. If, after obtaining such Certificate, any such manufacturer shall fail to submit such report, or, if it, or any such person employed by it or acting as its agent, shall violate the terms of such agreement, the Commissioner may determine to revoke or suspend such certificate by reason thereof. The procedure for giving notice of such determination and for proceedings to contest determination as provided for in Sections 23-1037 through 23-1045 shall govern insofar as they may be applicable. The District Court of Ada County shall have jurisdiction of any such proceedings to contest the Commissioner's determination.
23-1028. WHOLESALER, WAREHOUSES AND RECORDS.—Each licensed wholesaler and dealer shall sell and distribute beer in this State only from stocks of beer maintained in a warehouse or warehouses owned or used by such wholesaler or dealer in the conduct of his business as such. All records which a wholesaler or dealer is by law or regulation required to maintain, shall be kept at his warehouse, or, if such wholesaler or dealer shall have more than one warehouse, then in the warehouse of such wholesaler or dealer which he shall designate as his principal warehouse.

23-1029. POSTING OF PRICES.—Each licensed wholesaler and dealer engaged in selling beer for resale within this State, shall file with the Commissioner a written schedule of prices to be charged by him for beer sold within this State for resale therein, which schedule of prices shall be uniform for the same class of buyers in the same trade area within this State, and shall set forth; (a) all brands and types of products offered for sale; (b) the delivered sale price thereof in the several trade areas of the State to the various classes of buyers; and (c) any allowance granted for returned containers. Such schedule of prices so filed may be changed or modified from time to time by filing with the Commissioner a new schedule of prices, not less than ten days prior to the effective date thereof, and upon the filing of said new prices the Commissioner shall give notice thereof to all brewers, wholesalers and dealers licensed in this State, and to all holders of Certificates of Approval. Such schedule of prices so filed may not be withdrawn prior to its effective date, and upon becoming effective shall remain in effect for a minimum period of ten days. Such price schedule, so filed, shall be subject to public inspection and shall not be considered confidential. Upon the filing of the original schedule of prices, and after the effective date of any schedule of prices amendatory thereto, all prices therein stated shall be strictly adhered to, and any departure or variation therefrom shall constitute the giving of aid or assistance prohibited by the provisions of Section 23-1033.

23-1030. SIZE OF CONTAINERS.—No dealer or wholesaler shall purchase, receive or resell any beer except in the original container as prepared for the market by the brewer at the place of manufacture. No brewer, dealer or wholesaler shall, without permission of the Commissioner, adopt or use any container for beer, differing in size from the following:
23-1031. EXTENSION OF CREDIT.—No sale or delivery of beer shall be made to any licensed retailer, except for cash paid at the time of or prior to delivery thereof, and in no event shall any brewer, wholesaler or dealer licensed in the State and engaged in the sale of beer for resale extend any credit on account of such beer to a licensed retailer, nor shall any licensed retailer accept or receive delivery of such beer except when payment therefor is made in cash at the time of or prior to delivery thereof. Any extension or acceptance of credit in violation hereof shall constitute the giving and receiving of aid or assistance to or by a licensed retailer prohibited by the provisions of Section 23-1033.

23-1032. EMPLOYEE PERMIT.—No employee of any brewer, dealer or wholesaler, shall sell, solicit, or take orders for beer in this State without having a permit therefor issued by the Commissioner. In the event that the holder of any such permit shall violate any of the provisions of the laws of the State of Idaho regulating, governing, or prohibiting the sale, manufacture, transportation or possession of beer, or any rule or regulation adopted pursuant to said laws, the permit of such employee may be suspended or revoked or the issuance or renewal thereof may be refused by the Commissioner in accordance with the procedure prescribed in Sections 23-1037 through 23-1045 of this Act.

23-1033. AID TO RETAILERS.—(1) It shall be unlawful for any brewer, dealer, wholesaler, or the holder of any certificate of approval, directly or indirectly, or through an affiliate, subsidiary, officer, director, agent or employee, to have any financial interest in any licensed retailer's business, or to own or control any real property upon which a licensed retailer conducts his business, except such property as shall have been so owned or controlled continuously for more than one year prior to the effective date of this act; or, directly or indirectly, to aid or assist any licensed retailer by giving such retailer, or any employee thereof, any discounts, premiums or rebates in connection with any sale of beer, or by furnishing, giving,
renting, lending or selling any equipment, signs, supplies, services, or other thing of value, except as expressly permitted by this Act; or, to enter into any lease or other agreement with any retail licensee to control the product or products sold by such retailer, or to provide for any rental or other charge to be paid to or by the retailer for product display or advertising display space; provided, however, that at the request of or with the consent of a licensed retailer, a brewer, dealer, or wholesaler, as an incident to merchandising in the ordinary course of business, and if available to all licensed retailers without discrimination, may:

(a) Perform services incident to the stocking, rotation, and restocking of beer sold and delivered to such licensed retailer on or in such licensed retailer's store room, sales room shelves or refrigerating units and to the marking of containers of such beer to indicate the selling price as established by such retailer, and perform services incident to the arranging, rearranging or relocating of advertising displays on the premises of such retail licensee when the same are made up of filled cases, bottles, cans or other containers of such beer then or theretofore sold and delivered to such licensed retailer; provided, however, such services shall be rendered in such manner that the products, displays, or the shelving, refrigerator, or display space assigned by such licensed retailer to any other brewer, dealer, or wholesaler shall not thereby be appropriated, hidden or reduced;

(b) Provide to a licensed retailer, in connection with the advertising displays referred to in subsection (1) (a) of this Section, as a part of said display, advertising materials, equipment and supplies; provided, however, that such advertising materials, equipment and supplies shall be subject to such reasonable limitations as to size and character as may be prescribed by rules and regulations of the Commissioner;

(c) Furnish to a licensed retailer one illuminated sign bearing the brand name, trade name, or trademark of a brand of beer or the name of a brewer for display on the interior of such licensed retailer's premises, subject, however, to the following limitations and exceptions:

(i) No illuminated sign shall be displayed on the licensed retailer's premises unless the brand of beer referred to thereon by name or mark, or the brand of beer manufactured by the brewer referred to thereon, shall be
regularly available for sale on such licensed retailer's premises;

(ii) Any brewer manufacturing or marketing beer under two or more brand names or trade names or trademarks and any dealer or wholesaler of such beer may furnish to the same retailer two illuminated signs referring to any or all of such brands of beer, provided the same brand of beer is not referred to on both signs;

(iii) On any licensed retailer's premises where only one brand of beer is regularly and exclusively available for sale on draught, the brewer dealer or wholesaler of such brand of beer may furnish such retailer with two illuminated signs referring to such brand of beer, both of which may, with the licensed retailer's consent, be displayed in the windows of such premises;

(iv) No illuminated sign herein authorized shall exceed 630 square inches in area nor have any dimension in excess of 42 inches measured in such manner as the Commissioner may by regulation prescribe;

(d) Furnish to a licensed retailer CO\textsuperscript{2} gas, when the same is furnished at the going retail price and as a bona fide sale in the regular course of business;

(e) Furnish to a licensed retailer illuminated or unilluminated tap marking devices or can or bottle openers, which devices and openers may bear the brand name of any beer or the name of any brewer or wholesaler, or other advertising matter thereon, but an illuminated tap marker shall be considered as an illuminated sign subject to the limitations provided for in this Section;

(f) Perform services in connection with: (i) the inspection of a licensed retailer's draught equipment to insure sanitation and quality control; (ii) the instruction of licensed retailers in the proper use, maintenance and care of draught equipment, glasses and products used in the sale and dispensing of beer and the preparation and distribution of written information or instructions to licensed retailers with respect thereto; (iii) the tapping of kegs;

(2) When any advertising material, equipment, supplies, tap markers, illuminated signs or other property shall be furnished by a brewer, dealer or wholesaler to a retailer, as permitted by this Section, no charge therefor, or for services incident to its installation, shall be made to, or required to be paid by, any other of such licensees, except
as expressly otherwise provided for in this Section and in Section 23-1034.

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

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

23-1034. SANITATION, WHOLESALER ASSISTANCE.—Licensed retailers authorized to sell beer for consumption upon such licensee’s premises, shall keep their premises and all coils, cups, mugs, steins, glasses, and other utensils used in connection with the sale and dispensing of beer in a sanitary condition at all times, and shall comply with all rules and regulations issued by the Department of Public Health in the State of Idaho and applicable to the operation of the business of such licensed retailer. Notwithstanding the provisions of Section 23-1033, a wholesaler may perform emergency services as may be required to maintain sanitation and quality control and which are incident to the repair and cleaning of a licensed retailer’s draught beer equipment and furnish the necessary equipment and repair parts and cleaning supplies required in the performance of such services; provided, that any equipment or parts so furnished shall be sold by the wholesaler and paid for by the retailer, at a price not less than the wholesaler’s cost.

23-1035. RETAILER’S SIGNS.—(1) No licensed retailer shall display more than two illuminated signs authorized under the provisions of Section 23-1033 (1) (c) in the windows of such licensed retailer’s premises.

(2) Except as provided in Section 23-1033 (1) (c) (iii), it shall be unlawful for any licensed retailer to display or permit the display within his premises of more than one illuminated sign authorized under the provisions of said Section 23-1033 (1) (c) referring to the same brand of beer or brewer. It shall be unlawful for any licensed retailer to display or permit the display within his premises of more than two illuminated signs permitted under the provisions of Section 23-1033 (1) (c) (ii) and (iii) which refer to brands of beer manufactured by the same brewer.
(3) Signs indicating that beer is sold or dispensed on any particular premises shall be displayed only on the exterior portion of the building where the licensed retailer shall carry on his business of selling beer at retail or on property on which any such building is situated and which is owned or possessed by such retailer as a part of his business premises. No more than two single-faced signs or one double-faced sign indicating that beer is sold or dispensed on the premises shall be displayed on such building or property. No dimension of any such sign shall exceed 60 inches and the area of each face of a double-faced and of each single-faced sign shall not exceed 1500 square inches measured in such manner as the Commissioner may by regulation prescribe. No such sign shall display or make reference to the name of any brewer or the trade name, trademark or label of any brand of beer.

23-1036. TAP MARKERS. — Every faucet, spigot or other dispensing apparatus used on the premises of a licensed retailer for dispensing draught beer shall conspicuously indicate thereon the brand or trade name of the beer or the trademark of the manufacturer of the beer drawn therefrom.

SECTION 6. That Sections 23-1011, 23-1018, and 23-1019, Idaho Code, be, and the same are hereby repealed.

SECTION 7. That Title 23, Chapter 10, Idaho Code, be, and the same is hereby amended by adding new sections thereto following new Section 23-1036, to be known as Sections 23-1037, 23-1038, 23-1039, 23-1040, 23-1041, 23-1042, 23-1043, 23-1044 and 23-1045 to read as follows:

23-1037. DETERMINATION TO REVOKE, SUSPEND OR REFUSE RENEWAL OF LICENSE BY COMMISSIONER.—In the event of a conviction of any brewer manufacturing beer in this State or of any wholesaler or retailer licensed under the provisions of this Act, of any law of the State of Idaho, or of the United States, regulating, governing or prohibiting the sale, manufacture, transportation or possession of alcoholic beverages or intoxicating liquor, or if the Commissioner shall determine that any such licensee has violated any of the provisions of this Act or any regulation of the Commissioner promulgated under the authority of this Act, the Commissioner may, in his discretion, and in addition to any other penalty imposed, determine to revoke the license of any such licensee, to suspend the same for a period not in excess of six months,
or to refuse to grant a renewal of such license after the date of its expiration.

23-1038. NOTICE OF COMMISSIONER’S DETERMINATION.—When the Commissioner shall make a determination to revoke, to suspend, or to refuse grant of renewal of license by reason of a licensee’s conviction or violation of any law or regulation referred to in Section 23-1037, the Commissioner shall give the licensee involved written notice thereof, which shall be served upon such licensee personally, or by certified mail addressed to such licensee at the premises for which license was issued. If the Commissioner’s determination is made upon the basis of the licensee’s conviction, the notice shall refer to and identify the judgment of conviction, and when made upon any other basis said notice shall contain a statement of the acts with which the licensee is charged and upon which the Commissioner’s determination is based, which statement shall be in ordinary and concise language so as to enable a person of common understanding to know what is intended, and, in the case of a determination to suspend license, the period of such suspension. In cases where the Commissioner has determined to revoke or suspend a license revocation or suspension shall become effective fifteen days after notice shall have been personally served on or mailed to such licensee, and the notice shall so state. In cases where the Commissioner has determined to refuse grant of renewal of license, notice thereof shall be served or mailed not less than fifteen days before the date the license shall expire.

23-1039. CONTEST OF DETERMINATION; ORDER TO SHOW CAUSE AND HEARING.—(1) A licensee aggrieved by the Commissioner’s determination may contest the same. Proceedings to contest a determination shall be instituted by such licensee within fifteen days after the notice of determination shall have been personally served on or deposited in the mail addressed to him by filing a petition therefor with the District Court for the county wherein the premises with respect to which petitioner’s license was issued are situated. The Petitioner shall state in his petition the facts upon which he relies as grounds for contesting said determination. If as grounds for contest the petitioner intends to rely upon a denial that he committed any act or acts with which he is charged in the notice of determination and upon which said determination is based, or upon a denial that he has been convicted of violating any law as charged in said notice, or if he
intends to claim that any such act or acts, although com-
mitted, do not constitute a violation of any law or regu-
lation referred to in Section 23-1037, or that the Commiss-
sioner has acted arbitrarily or capriciously or has abused
his discretion in ordering license revocation or suspension,
or in refusing grant of renewal of license, such denials or
claims shall also be set forth in the petition. The petition
shall be verified by the petitioner and a copy of the Com-
missoner's notice of determination shall be annexed thereto.

(2) If it shall appear to the satisfaction of the Court
from said petition that good cause has been shown there-
for, the Court shall issue an order directed to the Commis-
sioner requiring him, or such representative of the Com-
misssioner as the Commissioner may designate, to appear
at a time and place therein fixed, which shall be not less
than twenty days nor more than forty-five days from the
date of said order, to show cause, if he can, why the Com-
misssioner's said determination should not be vacated or
modified. In the order the Court shall also require the
Clerk of the Court to serve a copy of said order and a copy
of said petition on the Commissioner, forthwith, by mailing
the same, by certified mail, addressed to the Commissioner
of Law Enforcement, at his official address in Boise, Idaho.
Proof of service shall be shown by the Clerk's certificate
to be filed with the Court.

(3) Hearing on said order to show cause shall be by
the Court, without jury. On hearing, the Commissioner,
or his representative, shall have the burden of proceeding
and of showing by a preponderance of the evidence that
the charges as set forth in the notice of determination are
true. Opportunity for prompt and fair hearing are in-
tended by the procedures herein provided for and Idaho
Rules of Civil Procedure shall apply thereto, except when
inconsistent herewith.

23-1040. STAY OF COMMISSIONER'S ORDER ON
DETERMINATION.—In said Petition the aggrieved licen-
see may make application to the Court to stay the effective
date of revocation or suspension of license ordered by the
Commissioner's determination or, in cases involving a re-
fusal to grant renewal of license, for an order requiring
the Commissioner to grant temporary renewal of license,
provided that it shall affirmatively appear to the satisfac-
tion of the Court from the allegations of said petition,
that immediate and irreparable injury, loss or damage will
result to the licensee in the absence of such order for stay
or for issuance of temporary renewal license. As a condition to an order that temporary renewal license be issued, the Court shall require the petitioner to deposit with the Court the full license fee required by law for renewal of license. Said order for stay or for issuance of temporary renewal license shall be included as a part of the order to show cause provided for in Section 23-1039.

23-1041. JUDGMENT ON HEARING.—(1) If, after hearing, the Court shall find that the licensee has been convicted of violation of, or has violated, any law or regulation referred to in Section 23-1037 as specified in the Commissioner's notice provided for in Section 23-1038, judgment shall be entered ordering that revocation or suspension of license, if the same has theretofore become effective, shall remain in effect or continue in accordance with the Commissioner's determination, and, if stay order has theretofore been issued, the judgment shall terminate the same and shall order that revocation or suspension shall be effective forthwith in accordance with the Commissioner's determination, or, in a case involving refusal to grant a renewal of license, that the Commissioner's determination shall be affirmed, that temporary renewal license theretofore issued pursuant to the order of the Court, if any, shall be forthwith cancelled and that the license fee deposited with the Court shall be forfeited and distributed to the State. In cases where revocation or suspension of license shall have been ordered by the Commissioner's determination and the Court shall find that the charges contained in the notice of determination are true, as shown by a preponderance of the evidence, but the Court shall also find that the Commissioner acted arbitrarily or capriciously or that he abused his discretion in ordering revocation or in fixing the term of suspension, the Court may enter judgment modifying said determination by imposing suspension of license, not in excess of six months, in lieu of revocation or by reducing the term of suspension.

(2) If, after hearing, the Court shall find that the licensee has not been convicted of violation of, or has not violated, any law or regulation referred to in Section 23-1037, as specified in the Commissioner's notice provided for in Section 23-1038, judgment shall be entered forthwith vacating the Commissioner's determination and terminating revocation or suspension, if the same has become effective under the Commissioner's determination, and, in cases involving renewal of license, ordering an immediate issuance of license to such licensee, or, if temporary license
has theretofore been issued, that regular license be issued in lieu thereof, and any sum deposited with the Court shall forthwith be transmitted to the state.

23-1042. PROCEDURE FOR OTHER LICENSING AUTHORITIES.—The licensing authority of any county or incorporated municipality shall have and exercise the same powers to revoke, suspend, or to refuse grant of renewal of a retailer's license issued or issuable by it, as are granted to the Commissioner in this Act. The determination of any such licensing authority to revoke, suspend, or to refuse grant of renewal of any retailer's license, shall be upon the same grounds referred to in Section 23-1037, and may also be upon the grounds that the licensee has violated an ordinance validly enacted by it and regulating, governing or prohibiting the sale, manufacture, transportation or possession of alcoholic beverages or intoxicating liquor, and notice thereof shall be given, and proceedings to contest said determination allowed, as provided for in this Act with respect to State licenses issued by the Commissioner. The order to show cause shall be addressed to the County Commissioners of the county or to the City Council of the incorporated municipality, requiring the Commissioners or Councilmen, or such representative as they may designate, to appear in response thereto. Service of the order to show cause and petition shall be ordered to be made upon the Chairman of the Board of County Commissioners or Mayor or City Manager of the municipality, as the case may be.

23-1043. NOTICE OF REVOCATION OR SUSPENSION TO OTHER LICENSING AUTHORITIES.—When revocation or suspension of any licensed retailer's license shall become effective by reason of the determination made by any licensing authority as in this Act provided for, or by reason of the judgment of any District Court on proceedings to contest any such determination, the licensing authority which made such determination shall forthwith give notice thereof in writing to the other licensing authorities from whom license was obtained by the licensee involved.

23-1044. PROCEDURE ON REFUSAL TO GRANT LICENSE.—Upon a determination by the Commissioner or by the licensing authority of any county or municipality to refuse issuance of a license to an applicant upon original application, the same procedure herein provided for in cases involving refusal to grant renewal of license, for
notice and for proceedings to contest determination shall
govern insofar as the same are applicable, except that
issuance of temporary license shall not be required pending
proceedings to contest determination.

23-1045. APPEALS.—An appeal from the judgment of
any District Court on proceedings to contest a determina-
tion may be taken by either party to such proceedings to
the Supreme Court of this State, in the same manner as
in other civil actions. If the judgment of the District Court
shall affirm the determination of any licensing authority
revoking or suspending license or refusing grant of re-
newal of license, further stay of the effective date of revo-
cation or suspension or further continuance of temporary
license pending appeal may be allowed if, in the discretion
of the Court and upon application therefor, order for such
further stay or continuance shall be entered by the Court.

SECTION 8. That Title 23, Chapter 10, Idaho Code, be,
and the same is hereby amended by adding a new section
thereto following said new Section 23-1045, to be known as
Section 23-1046, to read as follows:

23-1046. SEPARABILITY.—If any portion of this Act
shall be declared unconstitutional, it shall not invalidate
the other provisions thereof.

SECTION 9. An emergency existing therefor, which
emergency is hereby declared to exist, this act shall be in
full force and effect from and after its passage and approval.

Approved March 14, 1961.

CHAPTER 300
(H. B. No. 349)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND OF
THE STATE OF IDAHO, TO THE BOARD OF LAND COM-
MISSIONERS FOR NOXIOUS WEED ERADICATION, RANGE
IMPROVEMENT AND RE-SEEDING PROGRAMS FOR THE
PURPOSE OF PAYING SALARIES AND WAGES, FOR THE
PERIOD COMMENCING JULY 1, 1961, AND ENDING JUNE
30, 1963; SUBJECT TO THE PROVISIONS OF THE STANDARD
APPROPRIATIONS ACT OF 1945.
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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
BOARD OF LAND COMMISSIONERS FOR NOXIOUS WEED ERADICATION, RANGE IMPROVEMENT AND RE-SEEDING PROGRAMS:
For: Salaries and Wages $30,000.
Total $30,000.
From the General Fund $30,000.

Approved March 14, 1961.

CHAPTER 301
(H. B. No. 168)

AN ACT
AMENDING SECTION 63-3501, IDAHO CODE, RELATING TO THE TAXATION OF THE OPERATING PROPERTY OF COOPERATIVE ELECTRICAL ASSOCIATIONS BY RE-DEFINING THE TERM "GROSS EARNINGS" TO MEAN THE GROSS RECEIPTS OF A COOPERATIVE ELECTRICAL ASSOCIATION FROM THE DISTRIBUTION, DELIVERY AND SALE OF ELECTRIC POWER WITHIN THE STATE OF IDAHO; AMENDING SECTION 63-3501, IDAHO CODE, BY RE-DEFINING THE TERM "NON-OPERATING PROPERTY" TO INCLUDE REAL OR PERSONAL PROPERTY EMPLOYED BY A COOPERATIVE ELECTRICAL ASSOCIATION FOR THE PURPOSE OF GENERATING ELECTRIC ENERGY; AMENDING SECTION 63-3501, IDAHO CODE, BY DEFINING THEREIN THE TERM "TAXING UNIT" TO INCLUDE THE SEPARATE TAXING DISTRICTS OF THE COUNTY AS WELL AS THE COUNTY ITSELF; AMENDING SECTION 63-3501, IDAHO CODE, BY DEFINING THE TERM "TAX LEVY"; AMENDING SECTION 63-3501, IDAHO CODE, TO DEFINE THE TERM "WEIGHTED WIRE MILEAGE FACTOR"; AMENDING SECTION 63-3503, IDAHO CODE, BY PROVIDING THAT THE STATE TAX COMMISSION SHALL APPORTION
THE TAX ALLOTTED TO EACH COUNTY AMONG THE SEVERAL TAXING UNITS THEREOF WITHIN WHICH ANY OPERATING PROPERTY OF SUCH ASSOCIATION IS SITUATED IN THE PROPORTION THAT THE WEIGHTED WIRE MILEAGE FACTOR FOR EACH SUCH TAXING UNIT BEARS TO THE TOTAL OF THE WEIGHTED WIRE MILEAGE FACTORS OF ALL SUCH TAXING UNITS IN THE COUNTY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 63-3501, Idaho Code, be, and the same is hereby amended to read as follows:

63-3501. DEFINITIONS. — For the purposes of this act:

(a) The term “cooperative electrical association” means any non-profit, co-operative association organized and maintained by its members, whether incorporated or unincorporated, for the purpose of transmitting, distributing or delivering electric power to its members.

(b) The term “gross earnings” means the gross receipts of a co-operative electrical association from the distribution, delivery and sale of electric power within the state of Idaho, but shall not include any earnings or receipts from the distribution, delivery or sale of electric power consumed in pumping water for irrigation or drainage purposes within the state of Idaho, upon the land of such consumer and for the use and benefit of his own land, and where such consumer has received from the association a refund, rebate, or credit of three and one-half per cent (3½%) of the cost to him of the electric power so used and consumed.

(c) The term “operating property” means and includes all real estate, fixtures or personal property owned, controlled, operated or managed by such association in connection with or to facilitate the transmission, distribution, delivery, or measuring of electric power, and all conduits, ducts, or other devices, materials, apparatus or property for containing, holding or carrying conductors used or to be used for the transmission, distribution and delivery of electric power, including construction tools, materials and supplies.

(d) The term “non-operating property” means all other property, real or personal, owned, controlled or managed by such association, and includes all such real or personal property owned, controlled or managed by such association for the purpose of generating electric energy.
(e) The term "taxing unit" shall include the separate taxing districts of the county as well as the county itself.

(f) The term "tax levy" means the total tax levies fixed by each taxing district, as defined herein, in the year next preceding.

(g) The term "weighted wire mileage factor" means a figure which is arrived at by multiplying the tax levy of each taxing unit by the number of wire miles of transmission and distribution lines of such cooperative electrical association situate in such taxing unit.

SECTION 2. That Section 63-3503, Idaho Code, be, and the same is hereby amended to read as follows:

63-3503. FILING OPERATORS' STATEMENT—ALLOTMENT AND APPORTIONMENT OF TAX BY STATE TAX COMMISSION. — Every cooperative electrical association in this state shall file with the state tax commission of the state of Idaho the operators' statement provided for in section 63-704, Idaho Code, and shall include thereon a statement of the amount of its gross earnings for the calendar year next preceding. Upon examining and verifying said statement the state tax commission shall compute the amount of the tax measured by the gross earnings and shall allot to each county in which the operating property of such association is situate that proportion of the total tax of such association shown to be due as the number of wire miles of transmission and distribution lines of such association situate in such county bears to the total wire miles of transmission and distribution lines of such association. The state tax commission shall then, for each county, apportion the ** tax so allotted to the county among the several taxing units thereof within which any operating property of such association is situate, by apportioning to each such taxing unit that proportion of the tax so allotted to the county as the weighted wire mileage factor for each such taxing unit bears to the total of the weighted wire mileage factors of all such taxing units in the county, and shall immediately notify the county treasurer of such allotment and apportionment and the amounts thereof.

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

Approved March 14, 1961.
AMENDING SECTION 33-1503, IDAHO CODE, AS AMENDED, BY DELETING THEREFROM CERTAIN PROVISIONS RELATING TO MEMBERSHIP AND SERVICE CREDITS IN THE TEACHERS' RETIREMENT SYSTEM WHICH ARE NO LONGER OF ANY FORCE OR EFFECT OR WHICH ARE COVERED BY OTHER SECTIONS OF THE IDAHO TEACHERS' RETIREMENT LAW, AND BY DELETING THEREFROM CERTAIN PROVISIONS MAKING IRREVOCABLE THE DETERMINATIONS OF TEACHERS TO BECOME MEMBERS, IN ORDER TO ALLOW ANY TEACHER TO ELECT TO CEASE TO BE A MEMBER AT ANY TIME, SUCH ELECTION TO BE IRREVOCABLE.

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

SECTION 1. That Section 33-1503, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

33-1503. MEMBERSHIP. — The membership of the retirement system shall be composed as follows:

(1) *** Any teacher may elect to become a member of the retirement system by filing with the board a notice of such election on a form prescribed by the board, provided such teacher has not previously elected to cease to be a member.

(2) *** Any member may elect to cease to be a member at any time by filing with the board a notice of such election on a form prescribed by the board. Any such election to cease to be a member shall be irrevocable.

(*3) Should any member in any period of six consecutive years after last becoming a member be absent from service more than five years, or should he withdraw his contributions with interest as provided under subsection (7) of section 33-1505, or should he become a beneficiary or die, he shall thereupon cease to be a member.

(*4) Any teacher while engaged as such in a public school or educational institution of any other state on a temporary exchange basis, as mentioned in section 33-1501, shall for all purposes of this act be considered to be employed during such exchange by the employer in Idaho making such exchange.

Approved March 13, 1961.
CHAPTER 303
(H. B. No. 335)

AN ACT

DECLARING PURPOSE, PROVIDING FOR AN ACTUARIAL STUDY TO DETERMINE COSTS AND CONTRIBUTIONS NECESSARY TO ESTABLISH AND MAKE EFFECTIVE A PUBLIC EMPLOYEES' RETIREMENT SYSTEM FOR THE STATE OF IDAHO; AUTHORIZING THE EXECUTIVE DIRECTOR OF THE EMPLOYMENT SECURITY AGENCY TO CONTRACT WITH AN ACTUARIAL FIRM FROM WITHIN OR OUTSIDE THE STATE OF IDAHO TO MAKE SUCH ACTUARIAL STUDY; ESTABLISHING AN EFFECTIVE DATE FOR COMPLETION OF SUCH STUDY AND SUBMISSION TO THE GOVERNOR; MAKING AN APPROPRIATION, AND EXEMPTING SUCH APPROPRIATION FROM TERMS OF THE STANDARD APPROPRIATION ACT OF 1945.

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

SECTION 1. Inasmuch as a Public Employees' Retirement System for employees of the State of Idaho and its political subdivisions would be a desirable incentive to career public service and would promote more efficient operation of government of the State and its political subdivisions through encouragement of such career public service; and inasmuch as the Idaho State Employees Association has proposed to the Legislature that such a Public Employees Retirement System be established; and inasmuch as such a Public Employees Retirement System must be predicated upon complete, sound and detailed actuarial surveys and findings to determine costs of and contributions to such system to be borne by the State of Idaho, its political subdivisions, and employees of such public employers, it is necessary, and it is the purpose of this Act, to provide for such actuarial study and findings.

SECTION 2. The Executive Director of the Employment Security Agency is hereby empowered, authorized and directed to exercise such authority as to him it shall appear proper, necessary, or desirable to fully, effectually, and completely carry out the purpose of this Act. The Executive Director of the Employment Security Agency is hereby empowered and directed to gather such information and data as may be required to provide actuarial findings and to negotiate with, and by written contract employ, some competent actuarial firm from within or outside the State.
of Idaho to undertake and make such an actuarial study to serve as a basis for establishment of such Public Employees' Retirement System.

SECTION 3. Such study, survey and findings shall be completed and submitted to the office of the Governor of the State of Idaho not later than July 1, 1962, so that this information may be included in the 1963-65 biennium budget book.

SECTION 4. There is hereby appropriated from the General Fund the sum of $10,000.00, or so much thereof as may be necessary, to be expended by the Executive Director of the Employment Security Agency to carry out the purpose of this act; and all such payments shall be made upon claims to be audited, examined and paid as provided by law. Such appropriation shall be exempted from the provisions of the Standard Appropriation Act of 1945.

Approved March 13, 1961.

CHAPTER 304
(H. B. No. 330)

AN ACT
RELATING TO THE APPLICATION FOR, ACCEPTANCE AND USE OF, FUNDS OR ASSETS OF THE IDAHO RURAL REHABILITATION CORPORATION FROM THE TRUSTEE THEREOF.

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

SECTION 1. It is hereby declared, as a matter of legislative determination, that agriculture in Idaho is in dire need of additional facilities and funds for rural rehabilitation purposes and that in the interest of the public welfare and general prosperity of the people of the state of Idaho that agriculture should be maintained and encouraged by having at its disposal those federal funds allotted to Idaho for rural rehabilitation purposes.

SECTION 2. The commissioner of agriculture is hereby designated as that official of the state of Idaho authorized to make application to and receive from the secretary of agriculture of the United States, or any other proper federal
official, pursuant and subject to the provisions of Public Law 499, 81st Congress, approved May 3, 1950, the trust assets, either funds or property, held by the United States as trustee is behalf of the Idaho Rural Rehabilitation Corporation.

SECTION 3. The commissioner of agriculture is authorized to enter into agreements with the secretary of agriculture of the United States pursuant to section 2(f) of the aforesaid Act of the Congress of the United States, upon such terms and conditions and for such periods of time as may be mutually agreeable, authorizing the secretary of agriculture of the United States to accept, administer, expend and use in the state of Idaho all or any part of such trust assets or any other funds of the state of Idaho which may be appropriated for such uses for carrying out the purposes of Title I and II of the Bankhead-Jones Farm Tenant Act, in accordance with the applicable provisions of Title IV thereof, as now or hereafter amended, and to do any and all things necessary to effectuate and carry out the purposes of said agreements.

SECTION 4. Notwithstanding any other provisions of law, funds and the proceeds of the trust assets which are not authorized to be administered by the secretary of agriculture of the United States under the provisions of section 3 shall be received by the commissioner of agriculture and by him deposited in the state treasury in a special fund for obligation and expenditure by the commissioner of agriculture for the purposes of section 3 or for use by the commissioner of agriculture for such of the rural rehabilitation purposes permissible under the charter of the now dissolved Idaho Rural Rehabilitation Corporation as may from time to time be agreed upon by the commissioner of agriculture and the secretary of agriculture of the United States, subject to the applicable provisions of said Public Law 499.

SECTION 5. The commissioner of agriculture is authorized and empowered to:

(a) Collect, compromise, adjust or cancel claims and obligations arising out of or administered under this act or under any mortgage, lease, contract or agreement entered into or administered pursuant to this act and, if in his judgment, necessary and advisable, pursue the same to final collection in any court having jurisdiction.

(b) Bid for and purchase at any execution, foreclosure or other sale, or otherwise to acquire property upon which
the commissioner of agriculture has a lien by reason of a judgment or execution, or which is pledged, mortgaged, conveyed or which otherwise secures any loan or other indebtedness owing to or acquired by the commissioner of agriculture under this act, and

(c) Accept title to any property so purchased or acquired; to operate or lease such property for such period as may be deemed necessary to protect the investment therein; and to sell or otherwise dispose of such property in a manner consistent with the provisions of this act.

The authority herein contained shall be delegated to the secretary of agriculture of the United States with respect to funds or assets authorized to be administered and used by him under agreements entered into pursuant to section 3 of this act.

SECTION 6. The United States and the secretary of agriculture thereof, shall be held free from liability by virtue of the transfer of the assets to the commissioner of agriculture of the state of Idaho pursuant to this act.

SECTION 7. If any one or more provisions of this law shall ever be held invalid for any reason, such holding shall not affect the enforceability of the remaining provisions of this law.

Approved March 13, 1961.

CHAPTER 305  
(H. B. No. 353)

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 to the Department of Public Assistance for administrative costs and for all other purposes provided in the public assistance law or any acts amendatory or supplemental thereto, the sum of $9,698,931.00 or so much thereof as may be necessary; the transfer and disbursements of the said moneys to be made from the General Fund to the Cooperative Welfare Fund in conformity with the provisions of Chapter 4, Title 56, Idaho Code, for the period commencing July 1, 1961, and ending June 30, 1963.

SECTION 2. If for any reason at any time revenues to the General Fund are insufficient to meet in full the appropriations to be made from the General Fund, the State Board of Examiners may order that only a portion of the funds provided for in Section 1 of this Act be transferred from the General Fund to the Cooperative Welfare Fund. This transfer shall be made in the same pro rata share as the total income bears to the total appropriations and transfers to be made out of the General Fund.

SECTION 3. The appropriation herein made is subject to the provisions of the Standard Appropriations Act of 1945.

Approved March 13, 1961.

CHAPTER 306
(H. B. No. 381)

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
STATE AGENCY HAVING RESPONSIBILITY FOR PARKS ADMINISTRATION:
For: Salaries and Wages $81,000.00
     Travel Expense 5,000.00
     Other Current Expense 25,000.00
     Capital Outlay 100,032.00

Total $211,032.00

From the General Fund $211,032.00

SECTION 2. All moneys in the Capital Outlay category above must be handled in conformity with the provisions of Section 67-2304, Idaho Code, as amended, regardless of amount.

Approved March 13, 1961.

CHAPTER 307
(H. B. No. 347)

AN ACT

DECLARING THE INTENT OF THE LEGISLATURE TO PROVIDE FOR THE CONSTRUCTION OF AN ARMORY AT POCATELLO, IDAHO; AUTHORIZING THE ADJUTANT GENERAL TO USE STATE FUNDS HERETOFORE APPROPRIATED TO THE ARMORY CONSTRUCTION FUND TO FINANCE CONSTRUCTION OF THE POCATELLO ARMORY; REQUIRING THE ADJUTANT GENERAL TO REIMBURSE THE ARMORY CONSTRUCTION FUND FROM THE SALE OF THE EXISTING ARMORY AT POCATELLO, IDAHO; AND DECLARING THAT THE AUTHORITY GRANTED IN THIS ACT DOES NOT CANCEL THE AUTHORIZATION FOR OTHER ARMORIES OR JEOPARDIZE THEIR CONSTRUCTION.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. It is the intent of the Legislature by the adoption of this act to provide for the construction of an armory at Pocatello, Idaho, as a part of the general program for the construction of armories at various locations in the state of Idaho. Construction of the armory at Pocatello, Idaho, can be accomplished through the sale of the existing armory and the real property upon which it is situate, but such sale cannot be made until the new armory authorized by this act has been constructed.

SECTION 2. The Adjutant General is hereby authorized, after obtaining the approval therefor from the State Board of Examiners, to utilize any state funds appropriated therefor, or during this session of the Legislature, to the Armory Construction Fund, to pay costs incurred by the state for the construction of an armory at Pocatello, Idaho. Any such funds so utilized shall be to provide the state's share of the funds needed for matching purposes with the federal government under the provisions of the Armory Construction Act.

SECTION 3. After the armory authorized by this act has been constructed at Pocatello, Idaho, the Adjutant General shall arrange for the sale of the existing Pocatello Armory and the real property upon which it is situate. After the sale, the Adjutant General shall use the proceeds of said sale, or so much thereof as shall be necessary, to reimburse the Armory Construction Fund for any state funds which have been utilized as provided herein for the construction of the new armory at Pocatello, Idaho.

SECTION 4. The authorization granted herein to the Adjutant General does not cancel the authorization for construction of armories authorized heretofore, or by this session of the Legislature, and is not intended to jeopardize the construction of any said armories.

Approved March 13, 1961.

CHAPTER 308
(H. B. No. 324)
AN ACT
MAKING PERMANENT PROVISION FOR THE FUNDING OF THE TEACHERS' RETIREMENT SYSTEM IN ORDER TO
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PERMANENTLY GUARANTEE PAYMENT OF THE ANNUITIES, REFUNDS, ALLOWANCES AND BENEFITS DUE AND TO BECOME DUE UNDER SUCH SYSTEM; STATING THE PURPOSES OF THE ACT; AMENDING SECTION 33-1509, IDAHO CODE, TO DECLARE THE PUBLIC SCHOOL ENDOWMENTS TO CONSTITUTE THE STATE'S SHARE OF THE RESERVES OF THE TEACHERS' RETIREMENT SYSTEM AND TO PROVIDE THAT THE FUND SHALL NEVER BY THIS ACT OR OTHERWISE BE DIMINISHED BUT SHALL REMAIN INVOLATE AND INTACT; APPROPRIATING $200,000 OR SO MUCH THEREOF AS MAY BE NECESSARY FROM THE PUBLIC SCHOOL INCOME FUND TO THE TEACHERS' RETIREMENT SYSTEM FOR THE PURPOSE OF PAYING ANNUITIES, BENEFITS, REFUNDS AND ALLOWANCES AS THE SAME BECOME DUE AND APPROPRIATING THE SAME AMOUNT FOR EACH SUCCEEDING FISCAL PERIOD FROM THE SAME FUND FOR THE SAME PURPOSES; PROVIDING THAT THE STATE BOARD OF EDUCATION AND THE DIRECTOR OF THE BUDGET SHALL ADD AN AMOUNT TO THE GENERAL FUND APPROPRIATION TO THE PUBLIC SCHOOL EQUALIZATION FUND EQUAL IN AMOUNT TO THE AMOUNT HEREBY APPROPRIATED TO THE TEACHERS' RETIREMENT SYSTEM FOR THIS AND EACH SUCCEEDING FISCAL PERIOD IN ORDER NOT TO DIMINISH THE AMOUNT OF MONEYS AVAILABLE FOR THE PUBLIC SCHOOLS; AND PRESCRIBING AN EFFECTIVE DATE.

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

SECTION 1. DECLARATION OF PURPOSE. — Mindful that the maintenance and support of an adequate system of free public schools is a constitutional obligation of the State of Idaho, and that such a system cannot be maintained without an adequate, effective and talented teaching staff, the Legislature of Idaho in this act recognizes that the provision of an adequately financed and permanently funded retirement for the members of the teachers' retirement system is as important a public obligation as the maintenance of adequate salary scales and is in fact a part of the compensation now paid members of the public school teaching profession. The public purpose served by the enactment of the Teachers' Retirement Law was the purpose of adequately staffing our public schools with adequately trained and compensated teachers. This purpose furthers the State's efforts to maintain and support an adequate system of free public schools, and in so doing serves the precise purposes which the public school endowments were created to serve,
and in furtherance of which appropriations have historically been made from the public school endowment income fund to the school districts of the State for the maintenance and operation of schools, including the payment of teachers' compensation. The Teachers' Retirement System serves the public purposes sought to be served by irrevocable dedication of the interest in the public school endowment to the maintenance of the schools of the State. Being desirous of making permanent provision for meeting the state's obligations to the teachers' retirement system, thereby eliminating the necessity of biennial legislative consideration of appropriations to the system, and to provide final and full guarantee that the State will always meet its valid and incontestable obligations to the teachers of Idaho under the system, this act is enacted.

SECTION 2. That Section 33-1509, Idaho Code, be, and the same is hereby amended to read as follows:

33-1509. OBLIGATIONS OF STATE — USE OF INCOME, INTEREST AND DIVIDENDS. — (a) The creation and maintenance of reserves in the service annuity accumulation fund the maintenance of savings annuity reserves and service annuity reserves as provided for, and interest earned creditable to the various funds, as provided in section 33-1508, and the payment of all service annuities, savings annuities, retirement allowances, refunds and other benefits granted under the provisions of this act are hereby made obligations of the state of Idaho, and all expenses in connection with the administration and operation of this retirement system are hereby made obligations of the state of Idaho and the contributing members of the teachers' retirement system, in equal shares. All income, interest and dividends derived from deposits and investments authorized by this act shall be used for the payment of the said obligations of the state. Any amounts derived therefor which, when combined with the regular amounts otherwise contributed by the state, exceed the amount required to provide said obligations, shall be used to reduce the regular appropriations otherwise required.

(b) The public school endowment fund of the State of Idaho created and accumulated pursuant to Article IX, Constitution of Idaho, and now amounting to in excess of 36 million dollars, is hereby declared to guarantee the fulfillment of the state's obligation to contribute to the payment of benefits, allowances, annuities and refunds under the Teachers' Retirement System to members thereof and mem-
bers who may become members thereof by virtue of existing law, and is declared to stand in the place of the state's portion of the funded reserves of the Teachers' Retirement System, provided, however, that the public school endowment fund shall never by this act or otherwise be diminished, but shall remain forever inviolate and intact as provided in the Constitution.

(c) There is hereby appropriated out of the public school endowment income fund the sum of $200,000 or so much thereof as may be necessary to the Teachers' Retirement System for the purpose of paying the state's share of annuities, refunds, allowances and benefits which will become due in the fiscal biennium beginning July 1, 1961; and in each fiscal period thereafter, there is hereby appropriated to the Teachers' Retirement System from the public school endowment income fund a sum equal to the state's share of the annuities, benefits, allowances and refunds, estimated to become due in such fiscal period, but not to exceed $200,000, or so much thereof as may be necessary.

(d) In computing the general fund contribution to the public school equalization fund in 1961 and in each biennium thereafter, the State Board of Education and the Director of the Budget are hereby directed to take into consideration the amount appropriated in sub-section (c) of this section, and are further directed to add a sum to the general fund appropriation to the public school equalization fund equal in amount to the sum hereby appropriated to the Teachers' Retirement System in order to meet the full requirements of the public school equalization fund formula in all districts.

SECTION 3. This act shall be in full force and effect on and after July 1, 1961.

Approved March 13, 1961.

CHAPTER 309
(H. B. No. 217)

AN ACT
PROHIBITING DISCRIMINATION IN EMPLOYMENT AND IN PUBLIC ACCOMMODATIONS BECAUSE OF RACE, CREED, COLOR OR NATIONAL ORIGIN; DECLARING PUBLIC POL-
ICY; DEFINING TERMS; MAKING VIOLATIONS A MISDEMEANOR.

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

SECTION 1. The right to be free from discrimination because of race, creed, color, or national origin is recognized as and declared to be a civil right. This right shall include, but not be limited to:

(1) The right to obtain and hold employment without discrimination.

(2) The right to the full enjoyment of any of the accommodations, facilities or privileges of any place of public resort, accommodation, assemblage or amusement.

SECTION 2. Terms used in this chapter shall have the following definitions:

(a) "Every person" shall be construed to include any owner, lessee, proprietor, manager, agent or employee whether one or more natural persons, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees, receivers, of this state and its political subdivisions, boards and commissions, engaged in or exercising control over the operation of any place of public resort, accommodation, assemblage or amusement.

(b) "Deny" is hereby defined to include any act which directly or indirectly, or by subterfuge, by a person or his agent or employee, results or is intended or calculated to result in whole or in part in any discrimination, distinction, restriction, or unequal treatment or the requiring of any person to pay a larger sum than the uniform rates charged other persons, or the refusing or withholding from any person the admission, patronage, custom, presence, frequenting, dwelling, staying, or lodging in any place of public resort, accommodation, assemblage, or amusement except for conditions and limitations established by law and applicable alike to all persons, regardless of race, creed or color.

(c) "Full enjoyment of" shall be construed to include the right to purchase any service, commodity or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage or amusement, without acts directly or indirectly causing persons of any particular race, creed or color, to be treated as not welcome, accepted, desired or solicited.
(d) "National origin" includes "ancestry."

(e) "Any place of public resort, accommodation, assemblage or amusement" is hereby defined to include, but not to be limited to any public place, licensed or unlicensed, kept for gain, hire or reward, or where charges are made for admission, service, occupancy or use of any property or facilities, whether conducted for the entertainment, housing or lodging of transient guests, or for the benefit, use or accommodation of those seeking health, recreation or rest, or for the sale of goods and merchandise, or for the rendering of personal services, or for public conveyance or transportation on land, water or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gatherings, congregates, or assemblies for amusement, recreation or public purposes, or public halls, public elevators and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or any educational institution wholly or partially supported by public funds, or schools of special instruction, or nursery schools, or day care centers or children's camps; nothing herein contained shall be construed to include, or apply to, any institute, bona fide club, or place of accommodation, which is by its nature distinctly private provided that where public use is permitted that use shall be covered by this section; nor shall anything herein contained apply to any educational facility operated or maintained by a bona fide religious or sectarian institution; and the right of a natural parent in loco parentis to direct the education and upbringing of a child under his control is hereby affirmed.

SECTION 3. Every person who denies to any other person because of race, creed, color, or national origin the right to work: (a) by refusing to hire, (b) by discharging, (c) by barring from employment, or (d) by discriminating against such person in compensation or in other terms or conditions of employment; and every person who denies to any other person because of race, creed, color or national origin, the full enjoyment of any of the accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage, or amusement, shall be guilty of a misdemeanor.

Approved March 14, 1961.
AN ACT

PROVIDING FOR THE ESTABLISHMENT OF DRIVER TRAINING COURSES IN CERTAIN PUBLIC AND PRIVATE SCHOOLS FOR SPECIFIED PERSONS, SUBJECT TO CERTAIN QUALIFICATIONS; PROVIDING FOR THE ESTABLISHMENT OF STANDARDS FOR DRIVER TRAINING COURSES BY THE COMMISSIONER OF LAW ENFORCEMENT AND THE STATE BOARD OF EDUCATION WITHIN SPECIFIED LIMITS; PROVIDING PROCEDURES FOR THE AUTHORIZATION THEREOF BY THE STATE BOARD OF EDUCATION AND FOR REPORTS THEREON BY THE SCHOOL DISTRICTS; PROVIDING FOR THE ADMINISTRATION AND APPORTIONMENT TO THE PUBLIC SCHOOL DISTRICTS OF FUNDS THEREFOR; AUTHORIZING THE STATE BOARD OF EDUCATION TO EMPLOY PERSONS TO ADMINISTER SUCH DRIVER TRAINING PROGRAMS AND PROVIDING FOR REIMBURSEMENT OF THE COSTS THEREOF; ESTABLISHING A DRIVER TRAINING FUND AND APPROPRIATING CERTAIN MONIES FROM THE MOTOR VEHICLE FUND FOR THE PURPOSES OF THIS ACT FOR THE PERIOD COMMENCING JULY 1, 1961, AND ENDING JUNE 30, 1963, SUBJECT TO THE PROVISIONS OF THE STANDARD APPROPRIATIONS ACT OF 1945; AMENDING SECTION 49-309, IDAHO CODE, AS AMENDED, TO QUALIFY THE ISSUANCE OF RESTRICTED LICENSES TO PERSONS 14 TO 16 YEARS OF AGE; AMENDING SECTION 49-311, IDAHO CODE, TO PROHIBIT THE ISSUANCE OF SUCH RESTRICTED LICENSES EXCEPT UPON SUCCESSFUL COMPLETION OF A DRIVER TRAINING COURSE; AMENDING SECTION 49-312, IDAHO CODE, AS AMENDED, TO INCREASE THE FEE FOR AN OPERATOR'S LICENSE TO $4.00, THE FEE FOR A CHAUFFEUR'S LICENSE TO $3.00, AND THE FEE FOR AN INSTRUCTION PERMIT TO $3.00, AND TO PROVIDE FOR AN ADDITIONAL DRIVER TRAINING FEE OF $3.00; AMENDING SECTION 49-322, IDAHO CODE, AS AMENDED, TO INCREASE THE FEE FOR RENEWAL OF OPERATOR'S LICENSE TO $4.00, AND THE FEE FOR RENEWAL OF CHAUFFEUR'S LICENSE TO $3.00; AMENDING SECTION 49-346, IDAHO CODE, AS AMENDED, TO PROVIDE THAT SPECIFIED AMOUNTS OF SUCH FEES BE DEPOSITED IN THE MOTOR VEHICLE FUND OF THE STATE OF IDAHO; AMENDING SECTION 49-349, IDAHO CODE, AS AMENDED, PROVIDING THE AMOUNT OF SUCH FEE TO BE RETAINED BY THE COUNTY; AND PROVIDING THE EFFECTIVE DATES OF THIS ACT.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. In conjunction with its supervisions of traffic on the public highways, the Department of Law Enforcement is hereby authorized to cooperate with the State Board of Education in encouraging the establishment, on and after September 1, 1961, of driver training courses by the various public school operating districts and by private schools in the state of Idaho.

SECTION 2. In the public school operating districts, except as provided in Section 5 of this act, such courses may be conducted at a time other than during the regular school day, that is, after the close of the regular school day, on Saturdays, or during the summer vacation. Such courses shall be made available only to persons fourteen through eighteen years of age;

SECTION 3. The State Board of Education and the commissioner of law enforcement are hereby authorized and directed to establish minimum standards for driver training programs offered by private, parochial or public schools which standards shall not be less than thirty (30) clock hours classroom instruction and a minimum of six (6) clock hours behind the wheel practice driving. Such minimum course to be taught by a certified instructor.

SECTION 4. Enrollment in driver training courses operated by school districts shall be open to private or parochial school students who attend such schools located in the school districts which offer such programs. No charge or enrollment fee not required to be paid by enrollees who attend public schools in the district shall be required of, or paid by, such private or parochial school students.

SECTION 5. Any school district desiring to offer a course in driver training during the regular school day shall annually, and at least thirty (30) days prior to the opening of school, secure written authorization from the State Board of Education for the operation of such program.

SECTION 6. School districts desirous of offering driver training programs shall provide the State Board of Education with all information which the board may deem necessary in determining the feasibility and advisability of offering such programs. The board in concurrence with the commissioner of law enforcement may grant or deny the request of any district or districts to operate driver training programs; provided, however, that no such request shall be granted unless the Board of Education and the commissioner
of law enforcement have first approved the standards of the course proposed to be given. The board shall notify each applicant of their decision, stating the reasons therefor. The decision shall be final. No program operated by any school district, or districts without the prior written approval of the State Board of Education and the commissioner of law enforcement shall receive any money from the driver training funds.

**SECTION 7.** Two or more school districts, by written agreement, may offer a driver training program for the benefit of the children of the districts concerned. In submitting an application for the approval of such a program, one district shall be designated as the operating district, and, if such application be approved by the State Board of Education, all reports and apportionment of funds shall be made as if such designated district was the only district operating a driver training program.

**SECTION 8.** Each school district which has conducted an approved driver training program shall submit, not later than February 15, June 15, and September 1, for the respective semester, or summer session, to the State Board of Education, a report showing (1) the number of students who have enrolled and those who have successfully completed the driver training program offered by the district; and (2) the total cost of the program's operation; and (3) other pertinent information which the State Board of Education may require.

**SECTION 9.** The State Board of Education shall determine, district by district, the per capita cost of driver training for the particular semester or reporting period. Upon making such determination the State Board of Education shall multiply the per capita cost of the driver training programs by the average of the number of students who have enrolled and those who have successfully completed such course in each district. This amount of money shall be the amount due each district from the driver training fund and shall be so certified to the commissioner of law enforcement; provided, that in no case shall more than fifty-five dollars ($55.00) per pupil be so certified.

**SECTION 10.** The State Board of Education shall certify periodically not later than March 15, July 15, and September 30, of each year, to the commissioner of law enforcement a list of the school districts operating approved driver training programs during the preceding period, and the amount of money to be apportioned each district from the driver train-
ing fund, and the commissioner of law enforcement shall forthwith certify such amounts to the state auditor for payment according to law from moneys in the driver training fund.

SECTION 11. The State Board of Education is hereby authorized, empowered, and directed to employ a state supervisor of driver training, and other supervisory and clerical help which they may deem necessary, to carry into effect the provisions of this act. The State Board of Education shall keep an accurate and complete record of all expenses for the administration and supervision of the driver training program; and quarterly, on April 15, July 15, October 15, and January 15, of each year, the State Board of Education shall certify to the commissioner of law enforcement the actual expenses incurred in the operation of this program for the preceding quarter. The commissioner of law enforcement shall thereupon have transferred from the driver training fund an amount equal to the costs so certified to the administrative funds of the State Department of Education.

SECTION 12. There is hereby appropriated out of the Motor Vehicle fund of the state of Idaho, to the commissioner of law enforcement a sum equal to the amount accruing thereto from the provisions of Section 17 of this act, to be known as the Driver Training Fund, or so much thereof as may be necessary, for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay pursuant to this act, for the period commencing July 1, 1961, and ending June 30, 1963, subject to the provisions of the Standard Appropriations Act of 1945.

SECTION 13. That Section 49-309, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

49-309. WHAT PERSONS SHALL NOT BE LICENSED. — The department shall not issue any license hereunder:

1. To any person, as an operator, who is under the age of 16 years, except that the department may issue a restricted license as hereinafter provided to any person who is at least 14 years of age ** upon meeting the requirements of Section 49-311;**

2. To any person, as a chauffeur, who is under the age of 18 years **;**

3. To any person, as an operator, or chauffeur, whose li-
cense has been suspended during such suspension nor to any person whose license has been revoked, until the expiration of one year after such license was revoked;

4. To any person, as an operator or chauffeur, who is an habitual drunkard, or is addicted to the use of narcotic drugs;

5. To any person, as an operator or chauffeur, who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to competency by the methods provided by law;

6. To any person, as an operator or chauffeur, who is required by this act to take an examination, unless such person shall have successfully passed such examination.

7. To any person who may be required under any law of this state, now existing or hereafter adopted, to deposit proof of financial responsibility and who has not deposited such proof.

8. To any person when the commissioner has good cause to believe that the operation of a motor vehicle on the highways by such person would be inimical to public safety or welfare.

SECTION 14. That Section 49-311, Idaho Code, be, and the same is hereby amended to read as follows:

49-311. INSTRUCTION PERMITS AND TEMPORARY LICENSES:— (a) Any person, who, except for his lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain an operator’s license under this act, may apply for a temporary instruction permit, and the department shall issue such permit, entitling the applicant, while having such permit in his immediate possession, to drive a motor vehicle upon the highways for a period of *120 days, but, except when operating a motorcycle, such person must be accompanied by a licensed operator or chauffeur who is actually occupying a seat beside the driver.

(b) The department may, in its discretion, issue a temporary driver’s permit to an applicant for an operator’s license permitting him to operate a motor vehicle while the department is completing its investigation and determination of all facts relative to such applicant’s right to receive an operator’s license. Such permit must be in his immediate possession while operating a motor vehicle, and it shall be
invalid when the applicant's license has been issued or for good cause has been refused.

(c) On and after July 1, 1962, no person under the age of 16 years shall be issued a restricted license unless that person has successfully completed an approved driver training course.

SECTION 15. That Section 49-312, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

49-312. APPLICATION FOR LICENSE OR INSTRUCTION PERMIT. — (a) Every application for an instruction permit or for an operator's or chauffeur's license shall be made upon a form furnished by the department and shall be verified by the applicant before a person authorized to administer oaths, and officers and employees of the department and sheriffs and their deputies are hereby authorized to administer such oaths without charge. Every application for a permit or license shall be accompanied by the required fee, to-wit: Applications for instruction permit, * $3.00; applications for operator's license, * $4.00; applications for chauffeur's license, * $3.00. Every applicant for an instruction permit or operator's license who is required to take or who elects to take a driver training course in a public school in this state shall be required to pay an additional fee of $3.00.

(b) Every said application shall state the full name, date of birth, sex, and residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as an operator or chauffeur, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation, or refusal.

(c) Whenever application is received from a person previously licensed in another jurisdiction, the department shall request copy of operator's record from such other jurisdiction. When received, the operator's record shall become a part of the operator's record in this state with the same force and effect as though entered on the operator's record in this state in the original instance.

(d) Whenever the department receives request for an operator's record from another licensing jurisdiction, the record shall be forwarded without charge.
SECTION 16. That Section 49-322, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

49-322. EXPIRATION OF LICENSES. — (a) The expiration date for each operator’s license issued after the passage and approval of this act shall be the birthday of the operator in the second year following the date of issuance of such license. The birthday of the operator as used herein shall be the birthday as indicated on his application for an operator’s license. Every such license and all licenses heretofore issued which are valid on the effective date of this act shall be renewable on or before its expiration upon application and payment of the fee of $4.00 and shall be renewed on application by the person to whom such license was issued upon such form as the department may require. The department may in its discretion require an examination of the applicant as upon an original application. To the extent as its facilities permit, the department shall, before issuing or renewing any license, check the record of the applicant for traffic violations and traffic accidents, and may withhold or refuse the issuance of a license to any applicant unless satisfied upon reasonable proof that such person can, and will operate a motor vehicle safely.

(b) Every chauffeur’s license issued prior to the passage and approval of this act shall expire upon the next birthday of each licensee thereafter. The expiration date for each chauffeur’s license issued after the passage and approval of this act shall be the birthday of the chauffeur in the next year following the date of issuance of such license. The birthday of the chauffeur as used herein shall be the birthday as indicated on his application for a chauffeur’s license. Every such chauffeur’s license heretofore issued which is valid on the effective date of this act shall be renewable on or before its expiration date upon the application and payment of the fee of three dollars. The department may in its discretion limit an examination of an applicant for renewal of a chauffeur’s license to an examination of physical condition only.

SECTION 17. That Section 49-346, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

49-346. DEPOSIT OF FEES. — All fees paid to the department under this act shall be deposited by the department with the treasurer of the state of Idaho, and the same shall be placed in the motor vehicle fund, except that $2.00 for each operator’s license and instruction permit and $1.00 for each chauffeur’s license issued, and all of the additional driver training course fees paid shall be deposited by the
treasurer of the state of Idaho in the Motor Vehicle Fund. All actual and necessary expenses incurred by the department in connection with the administration of the act shall be paid from *the motor vehicle* fund upon claims audited and paid as other claims against the state of Idaho.

SECTION 18. That Section 49-349, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

49-349. REMITTANCE OF FEES. — All moneys or fees which shall be paid to or collected by the sheriff of any county of the state of Idaho for receiving applications for or renewals of motor vehicle operator’s licenses and motor vehicle chauffeur’s licenses shall, not later than the end of each and every month, be paid to the county treasurer wherein said fees were collected and the county treasurer shall deposit *80¢ from each* of said fees to the credit of the current expense fund and shall, at least monthly, remit the remainder of all of said fees to the department of law enforcement of the state of Idaho.

SECTION 19. This act shall be in full force and effect on and after July 1, 1961, except as otherwise specifically provided in this act, and except that the provisions relating to reporting and certification for the apportionment and payment of funds, which are contained in Sections 8, 9, 10, and 11, of this act, shall be in full force and effect on and after February 1, 1962.

Approved March 13, 1961.

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CHAPTER 311  
(H. B. No. 34)  

AN ACT  

AMENDING TITLE 54, CHAPTER 10, IDAHO CODE, RELATING TO THE LICENSING OF ELECTRICAL WORKERS AND INSPECTION OF ELECTRICAL WORK BY REPEALING SECTIONS 54-1004, 54-1006, 54-1010, 54-1011, AND 54-1012 THEREOF; BY AMENDING SECTION 54-1001 TO CHANGE THE APPLICABLE NATIONAL ELECTRICAL CODE FROM THAT OF 1953 TO 1959; BY ADDING NEW SECTIONS TO BE DESIGNATED AS SECTIONS 54-1001A, 54-1001B, AND 54-1001C, PROVIDING FOR THE MAINTENANCE OF COPIES OF THE
NATIONAL ELECTRICAL CODE AND FOR ITS USE BY THE COMMISSIONER OF LAW ENFORCEMENT IN MAKING INSPECTIONS, AND PROVIDING FOR THE EXEMPTION OF CERTAIN INCORPORATED CITIES OR VILLAGES FROM SUCH INSPECTIONS EXCEPT AS REQUESTED BY THE MAYOR OR MANAGER OF SUCH CITY OR VILLAGE; BY AMENDING SECTION 54-1002, PROHIBITING ACTION AS AN ELECTRICAL CONTRACTOR OR JOURNEYMAN WITHOUT A LICENSE THEREFOR; BY AMENDING SECTION 54-1003, REQUIRING THE COMMISSIONER OF LAW ENFORCEMENT TO CONDUCT EXAMINATIONS AND ISSUE LICENSES TO ELECTRICAL CONTRACTORS AND JOURNEYMAN ELECTRICIANS; BY ADDING A NEW SECTION TO BE DESIGNATED AS SECTION 54-1003A, DEFINING VARIOUS TYPES OF ELECTRICIANS; BY ADDING A NEW SECTION TO BE DESIGNATED AS SECTION 54-1004, PROVIDING FOR THE INSPECTION AND TESTING OF ELECTRICAL INSTALLATIONS BY THE COMMISSIONER OF LAW ENFORCEMENT AND PROCEDURES FOR NOTICE AND GROUNDS FOR DISCONNECTION OF SERVICE; BY AMENDING SECTION 54-1005, AUTHORIZING THE MAKING OF RULES AND REGULATIONS BY THE COMMISSIONER OF LAW ENFORCEMENT AND REQUIRING THE USE OF INSPECTING TAGS AND FEES; BY ADDING A NEW SECTION TO BE DESIGNATED AS SECTION 54-1006, CREATING THE STATE ELECTRICAL BOARD AND DEFINING ITS MEMBERSHIP, SPECIFYING THE MEMBERS AND QUALIFICATIONS OF ITS MEMBERS AND ITS DUTIES AND PROCEDURES; BY AMENDING SECTION 54-1007, SPECIFYING THE QUALIFICATIONS FOR LICENSES; BY AMENDING SECTION 54-1008, SPECIFYING THE DATE OF EXPIRATION OF LICENSES; BY AMENDING SECTION 54-1009, SPECIFYING THE PROCEDURE FOR REVOCATION OR SUSPENSION OF LICENSES; BY ADDING A NEW SECTION TO BE DESIGNATED AS SECTION 54-1010, SPECIFYING THE QUALIFICATIONS FOR ELECTRICAL CONTRACTORS; BY AMENDING SECTION 54-1013, PROVIDING FOR THE RENEWAL OF LICENSES; BY AMENDING SECTION 54-1014, PROVIDING FOR LICENSE FEES; BY AMENDING SECTION 54-1015, PROVIDING FOR AN ELECTRICAL BOARD ACCOUNT AS A PART OF THE GENERAL FUND AND FOR THE DEPOSIT IN SAID ACCOUNT OF ALL MONEYS RECEIVED UNDER THIS ACT AND ALL MONEYS IN THE ELECTRICAL CONTRACTORS ACCOUNT; BY AMENDING SECTION 54-1016 TO EXEMPT CERTAIN PERSONS FROM THE LICENSING PROVISIONS OF THIS ACT; AND BY AMENDING SECTION 54-1017, PROVIDING PENALTIES FOR VIOLATIONS OF THIS ACT.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Sections 54-1004, 54-1006, 54-1010, 54-1011, and 54-1012, Idaho Code, be, and the same are hereby repealed.

SECTION 2. That Section 54-1001, Idaho Code, be, and the same is hereby amended to read as follows:

54-1001. DECLARATION OF POLICY. — From and after the taking effect of this act, all installations in the state of Idaho of wires and equipment to convey electric current and installations of apparatus to be operated by such current, except as hereinafter provided, shall be made substantially in accord with the National Electrical Code of 1959, as approved by the American Standards Association, relating to such work as far as the same cover both fire and personal injury hazards, and as the National Electrical Code shall be amended, revised, compiled and published from time to time and as such amendments or revisions are adopted by the commissioner of law enforcement ***.

SECTION 3. That Title 54, Chapter 10, Idaho Code, be, and the same is hereby amended by adding new sections thereto following Section 54-1001, to be known as Sections 54-1001A, 54-1001B and 54-1001C, and to read as follows:

54-1001A. — The commissioner of law enforcement shall have on file in his office three copies of the National Electrical Code as adopted. A printed copy of such code, certified as such by the commissioner shall be received in any court in this state as conclusive evidence of the contents of the originals on file in the office of the commissioner of law enforcement.

54-1001B. — The provisions of this act relating to state inspection, except as provided in Section 54-1001C, shall not apply within the corporate limits of incorporated cities and villages which, by ordinance or building code, prescribe the manner in which wires or equipment to convey current and apparatus to be operated by such current shall be installed, provided that the provisions of the National Electrical Code are used as the minimum standard in the preparation of such ordinances or building codes and provided that actual inspections are made.

54-1001C. — The commissioner of law enforcement may make electrical inspections within any incorporated city or village upon written request from the mayor or manager of such city or village. Such inspections shall be made in
accordance with the local ordinance or building code. Service of the inspector shall be furnished at cost, such cost to be paid monthly to the commissioner by the city or village requesting inspection service.

SECTION 4. That Section 54-1002, Idaho Code, be, and the same is hereby amended to read as follows:

54-1002. LICENSE ESSENTIAL TO ENGAGE IN BUSINESS. — (1) From and after July 1, 1961, it shall be unlawful for any person, partnership, company, firm, association or corporation, to act, or attempt to act, as an electrical contractor in this state until such person, partnership, company, firm, association or corporation, shall have received a license as an electrical contractor, as herein defined, issued pursuant to the provisions of this act by the commissioner of law enforcement. (2) From and after July 1, 1961, it shall be unlawful for any person to act as a journeyman electrician in this State until such person shall have received a license as a journeyman electrician, as herein defined, issued pursuant to the provisions of this act, by the commissioner of law enforcement.

SECTION 5. That Section 54-1003, Idaho Code, be, and the same is hereby amended to read as follows:

54-1003. COMMISSIONER OF LAW ENFORCEMENT AUTHORIZED TO ISSUE LICENSES. — The commissioner of law enforcement of the state of Idaho is hereby authorized and empowered to conduct examinations and to pass upon the qualifications of applicants, and to grant and issue licenses to such applicants as are found to be qualified to engage in the trade, business or calling of a journeyman electrician or electrical contractor in the manner and upon the terms and conditions hereinafter provided. All licenses granted hereunder shall not be transferable. Licenses shall be issued upon the condition that the holder thereof shall comply with all provisions of this act.

SECTION 6. That Title 54, Chapter 10, Idaho Code, be and the same is hereby amended by adding a new section thereto following Section 54-1003, to be known as Section 54-1003A, and to read as follows:

54-1003A. (1) Electrical Contractor. Except as provided in Section 54-1016, any person, partnership, company, firm, association or corporation engaging in, conducting, or carrying on the business of installing wires or equipment to carry electric current or installing apparatus to be operated by such current, or entering into agreements to install such
wires, equipment or apparatus, shall for the purpose of this act be known as an electrical contractor. (2) Journeyman Electrician. Except as provided in Section 54-1016 and Part 3 and Part 4 of this section, any person who personally performs or supervises the actual physical work of installing electric wiring or equipment to convey electric current, or apparatus to be operated by such current, shall, for the purpose of this act, be known as a journeyman electrician. (3) Apprentice Electrician. Any person who, for the purpose of learning the trade of journeyman electrician, engages in the installation of electric wiring, equipment, or apparatus while under the constant on-the-job supervision of a qualified journeyman electrician shall, for the purpose of this act, be known as an apprentice electrician. (4) Maintenance Electrician. Any person who is regularly employed to service, maintain or repair electrical apparatus, or to make minor repairs or alterations to existing electrical wires or equipment located on his employer's premises shall, for the purpose of this act, be known as a maintenance electrician.

SECTION 7. That Title 54, Chapter 10, Idaho Code, be, and the same is hereby amended by adding a new section thereto following Section 54-1003A, to be known as Section 54-1004, and to read as follows:

54-1004. — The commissioner of law enforcement may, during reasonable hours, inspect, reinspect or test any electrical installation coming under the provisions of this act. If, upon inspection, any electrical installation is found to be not in conformity with the provisions of this act, the person, partnership, company, firm, association or corporation making such installation shall immediately be notified, in writing. The notice shall clearly indicate any and all defects to be corrected and specify a definite period of time during which such corrections shall be made. The commissioner of law enforcement may cut or disconnect any wire in cases of emergency where necessary for safety of life or property, or order the disconnection of electrical service to any electrical installation, coming under the provisions of this act, when such installation is found to be dangerous to life or property.

SECTION 8. That Section 54-1005, Idaho Code, be, and the same is hereby amended to read as follows:

54-1005. RULES AND REGULATIONS — INSPECTIONS — INSPECTION TAGS AND FEES. — (1) The commissioner of law enforcement is hereby authorized and
directed to prescribe, amend and enforce rules and regulations consistent with this act for the administration of this act and to effectuate the purposes thereof, and for the *** licensing of electrical contractors and the examination and licensing of journeymen * electricians, and to make inspections of electrical *** installations referred to in Section 54-1001, and to issue inspection tags covering such installations, and to establish and charge a reasonable and uniform schedule of fees therefor, which shall not exceed the expenses of providing such inspection service. *** (2) Individuals, firms, co-operatives, corporation, or municipalities selling electricity, hereinafter known as the power supplier, shall not connect with or energize any electrical installation, coming under the provisions of this act, unless the owner or a licensed electrical contractor has delivered to the power supplier an inspection tag, issued by the commissioner of law enforcement, covering the installation to be energized. Immediately after an installation has been energized, the power supplier shall deliver to the commissioner of law enforcement or his authorized agent, the inspection tag covering such installation. (3) It shall be unlawful for any person, partnership, company, firm, association or corporation other than a power supplier, to energize any electrical installation coming under the provisions of this act unless an application for an electrical inspection tag, covering such installation, together with the inspection fee herein provided, has been forwarded to the commissioner of law enforcement.

SECTION 9. That Title 54, Chapter 10, Idaho Code, be, and the same is hereby amended by adding a new section thereto following Section 54-1005, to be known as Section 54-1006, and to read as follows:

54-1006. (1) The State Electrical Board, hereinafter known as The Board, is hereby created and made a part of the Department of Law Enforcement. It shall be the responsibility and duty of The Board to assist the commissioner of law enforcement in the administration and enforcement of the provisions of this act. (2) The Board shall consist of 7 members to be appointed by the commissioner of law enforcement with power of removal for cause. The term of office of the first 7 appointees shall begin on July 1, 1961. One shall be appointed for a term of one year, two for a term of two years, two for a term of three years and two for a term of four years. Thereafter Board members shall be appointed for a term of four years. Whenever a vacancy occurs, the commissioner shall appoint a qualified person to fill the vacancy for the unexpired portion of the term.
(3) All members of The Board shall be citizens of the United States, residents of this state for not less than two years and shall be qualified by experience, knowledge and integrity to assist the commissioner in formulating rules and regulations for examinations, in passing on the fitness and qualifications of applicants for electrical contractor and journeyman electrician licenses and in establishing standards for electrical products to be used in electrical installations coming under the provisions of this act. (4) The members of The Board shall, at their first regular meeting following the effective date of this act and every two years thereafter, elect by majority vote of the members of The Board, a chairman who shall preside at meetings of The Board. In the event the chairman is not present at any Board meeting, The Board may by majority vote of the members present appoint a temporary chairman. A majority of the members of The Board shall constitute a quorum. (5) The Board shall maintain an office in the State Capitol Building or at such other place in the city of Boise as The Board may designate and shall, with the approval of the commissioner, employ such persons as may be necessary to the performance of its duties. The Board shall, with the approval of the commissioner, appoint one or more persons who are properly qualified by experience, training and knowledge, to serve as electrical inspectors, one of whom shall be designated as Chief Electrical Inspector. The Chief Electrical Inspector shall serve as Secretary-Manager for The Board. (6) Each member of The Board not otherwise compensated by public moneys shall be reimbursed for transportation and subsistence and shall be paid not more than $10.00 for each day spent in attendance at meetings of The Board.

SECTION 10. That Section 54-1007, Idaho Code, be, and the same is hereby amended to read as follows:

54-1007. ISSUANCE OF LICENSES.—The commissioner of law enforcement shall issue *** licenses to such persons as have by * examination shown themselves to be fit, competent and qualified to engage in the ** trade *** of journeyman electrician, and to such persons, firms, partnerships, associations or corporations as have shown themselves to be fit, competent and qualified to engage in the business of electrical contracting. Any person who has worked as a journeyman electrician or as an apprentice electrician, as herein defined, for a period of not less than two years, shall be considered as qualified to apply for a journeyman electrician's license in this state.
SECTION 11. That Section 54-1008, Idaho Code, be, and the same is hereby amended to read as follows:

54-1008. DURATION OF LICENSE. — All *** licenses shall bear the date of issue, and shall expire on the first day of July next following the date of issue, unless renewed ** as provided in this act.

SECTION 12. That Section 54-1009, Idaho Code, be, and the same is hereby amended to read as follows:

54-1009. REVOCATION OR SUSPENSION OF LICENSES — HEARINGS — TAKING TESTIMONY. — The commissioner of law enforcement shall have power to revoke or suspend any *** license if the same was obtained through error or fraud, or if the * holder thereof is shown to be grossly incompetent, or has *** wilfully violated any of the rules and regulations prescribed by said commissioner, or as prescribed in this act; or has, after due notice, failed or refused to correct, within the specified time, any electrical installation not in compliance with the provisions of this act, provided, before any * license shall be revoked or suspended, the holder thereof shall have written notice enumerating the charges against him, and shall be given a hearing by said commissioner, and have an opportunity to produce testimony in his behalf, at a time and place specified in said notice, which time shall not be less than five days after the service thereof, provided that any person whose license has been or shall be revoked or suspended by the commissioner shall have the right to have the proceedings of said commissioner revoking or suspending his license and all the evidence therein reviewed on a writ of certiorari, by the District Court of the county in which the commissioner held the hearings when said license was revoked or suspended. Said writ shall be issued, upon the petition of the person whose license shall have been revoked or suspended, by said court or the clerk thereof, either in term-time or in vacation, provided request for said writ is made within thirty days after the license has been revoked or suspended by the commissioner. The writ shall command the commissioner to certify to said court the record and proceedings and a complete transcript thereof, and all the evidence therein pertaining to the revocation or suspension of said license. The jurisdiction of said court shall be limited to a review of the question of law. The petition for the writ of certiorari shall set forth the rights of the petitioner and the injuries complained of by him and shall be verified by him. If the proceedings of the commissioner shall be sustained or upheld
by the court, its orders, decisions, or judgments revoking or suspending said license shall remain and continue in full force and effect, unless upon an appeal to a higher court the decision of the district court is reversed.

The commissioner of law enforcement shall have power to appoint, by an order in writing, any competent person to take testimony, who shall have power to administer oaths, issue subpoenas and compel the attendance of witnesses, and the decision of the commissioner shall be based on his examination of the testimony taken and the records produced. Any person whose license has been revoked may, after the expiration of one year from the date of such revocation, but not before, apply for a new license.

SECTION 13. That Title 54, Chapter 10, Idaho Code, be, and the same is hereby amended by adding a new section thereto following Section 54-1009, to be known as Section 54-1010, and to read as follows:

54-1010. (1) On and after July 1, 1961, any electrical contractor who works as a journeyman electrician, as herein defined, shall be required to have a journeyman electrician's license issued under the provisions of this act. All installations of electrical wiring, equipment or apparatus made by an electrical contractor shall be done by or under the direct supervision of a licensed journeyman electrician. (2) Any person who has by examination received an electrical contractor's certificate of competency, issued by the commissioner of law enforcement prior to July 1, 1961, or any person who has, without examination, been issued an electrical contractor's certificate of competency prior to January 1, 1948, shall be eligible to receive, on or before December 31, 1961, a journeyman electrician's license, without examination, upon payment of the $3.00 fee specified in Section 54-1014. The individual owner of an electrical contracting business may act as his own journeyman electrician provided that he has complied with the provisions of Section 54-1002 pertaining to journeyman electrician. Each electrical contractor in this state shall, upon request of the commissioner of law enforcement, or his authorized agent, furnish a list of journeyman electricians in said electrical contractor's employ.

SECTION 14. That Section 54-1013, Idaho Code, be, and the same is hereby amended to read as follows:

54-1013. RENEWAL OF LICENSES. — A license once issued under this act, unless revoked or suspended as
herein provided, may be renewed at anytime during the month of July *** next following its issuance on the payment of the renewal fee herein specified, and *** any license which has expired may be revived at anytime within five years from the first day of July next following its issuance, by payment of the revival fee herein specified. Certificates of competency issued prior to July 1, 1961, shall, for the purpose of this act, be considered as licenses and may be renewed or revived as herein provided.

SECTION 15. That Section 54-1014, Idaho Code, be, and the same is hereby amended to read as follows:

54-1014. FEES. — The following ** fees shall be charged *** by the commissioner of law enforcement **:

- Electrical Contractor's * license ........................................... $60.00
- Renewal of Electrical Contractor's * license .......... 40.00
- Journeyman Electrician's * license ..................................... 3.00
- Renewal of Journeyman Electrician's * license .......... 2.00
- Examination fee * .......................................................... 10.00
- Revival ** of Electrical Contractor's * license .......... 60.00
- Revival ** of Journeyman Electrician's license .......... 3.00

SECTION 16. That Section 54-1015, Idaho Code, be, and the same is hereby amended to read as follows:

54-1015. "ELECTRICAL BOARD ACCOUNT" ESTABLISHED. — All money received by the commissioner of law enforcement, under the terms and provisions of this act, shall be paid into the state treasury monthly, and shall be, by the state treasurer, placed to the credit of the general fund ** in an account to be known as the "Electrical * Board Account," and all such moneys, hereafter placed in said * account, are hereby set aside and appropriated to the department of law enforcement to carry into effect the provisions of this act. All moneys in the Electrical Contractor's Account, upon the effective date of this act, shall be placed to the credit of the Electrical Board Account as herein created.

SECTION 17. That Section 54-1016, Idaho Code, be, and the same is hereby amended to read as follows:

54-1016. EXEMPTIONS. — Nothing in this act shall be deemed to apply to the installation *** or maintenance of communication circuits, wires and apparatus; nor to any electrical public utility, or its employees, in the installation and maintenance of electrical wiring, circuits, apparatus and equipment by or for such public utility, or comprising
a part of its plants, lines or system ***. The licensing provisions of this act shall not apply to persons making electrical installations on their own property or to regularly employed maintenance electricians working on the premises of their employer.

SECTION 18. That Section 54-1017, Idaho Code, be, and the same is hereby amended to read as follows:

54-1017. VIOLATIONS OF ACT A MISDEMEANOR. — Any person, partnership, company, firm, association or corporation who shall engage in the trade, business or calling of an electrical contractor or journeyman electrician, without a *** license as provided for by this act, or who shall violate any of the provisions of this act, or the rules or regulations of the commissioner of law enforcement herein provided for, or who shall refuse to perform any duty lawfully enjoined upon him by the commissioner of law enforcement within the prescribed time; or who shall fail, neglect, or refuse to obey any lawful order given or made by the commissioner of law enforcement shall be guilty of a misdemeanor. Each day of such violation shall constitute a separate offense.

Approved March 13, 1961.

CHAPTER 312
(H. B. No. 344)

AN ACT
AMENDING SECTION 67-4806, IDAHO CODE, TO PROVIDE FOR PAYMENT OF ACTUAL EXPENSES OF OPERATIONS OF SURPLUS PROPERTY AGENCY, THE PURCHASE OF NECESSARY EQUIPMENT FROM THE SURPLUS PROPERTY REVOLVING FUND AND AUTHORIZING THE ACQUISITION AND MAINTENANCE OF WORKING CAPITAL RESERVE WITHIN THE SURPLUS PROPERTY REVOLVING FUND; PRESCRIBING THE MANNER FOR DETERMINING WORKING CAPITAL RESERVE; AUTHORIZING DIRECTOR TO TRANSFER FROM SURPLUS PROPERTY REVOLVING FUND TO THE GENERAL FUND ANY SUM NOT EXCEEDING THE AMOUNTS HERETOFORE APPROPRIATED TO SAID FUND; PROVIDING FOR DISPOSITION OF SURPLUS PROPERTY REVOLVING FUND UPON TERMINATION OR REPEAL OF THE ACT.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-4806, Idaho Code, be, and the same is hereby amended to read as follows:

67-4806. APPROPRIATION—CHARGES AND FEES, DISPOSITION. — There is hereby appropriated to the surplus property agency out of the general fund of the state of Idaho, the sum of twenty-five thousand dollars, to be credited and deposited to a surplus property revolving fund which is hereby created and which sum shall be available on the effective date of this act, to carry out the provisions of this act. The charges or fees received by the surplus property agency for acquisition, warehousing, distribution or transfer of surplus property shall be deposited and credited to the said surplus property revolving fund, which fund shall be available for expenditure in administering the provisions of this act, including payment of the actual expenses of current operations of the surplus property agency, the purchase of necessary equipment for the use of the agency, and the acquisition and maintenance of a working capital reserve within the surplus property revolving fund. The appropriation herein made is hereby declared to be exempt from the provisions of the Standard Appropriations Act of 1945.

The amount of the working capital reserve in any fiscal year shall be determined by the director and shall not exceed an amount equivalent to the estimated cost of operation of the surplus property agency for the next succeeding fiscal year; provided, however, that accounts receivable which are uncollectible and all liabilities of the surplus property agency, including the unrepaid balance of the amount heretofore appropriated to the surplus property revolving fund from the general fund of the state of Idaho, shall be deducted from current assets in determining, as of the end of any fiscal year, the amount of working capital reserve for the next succeeding fiscal year.

In any fiscal year the director may transfer from the surplus property revolving fund to the general fund of the state of Idaho any sum not exceeding the unrepaid balance of the amount heretofore appropriated to the surplus property revolving fund. Upon termination or repeal of this act, any balance remaining in said revolving fund not exceeding the unrepaid balance of the amount heretofore appropriated to the surplus property revolving fund is hereby transferred to and made a part of the general fund of the state, and any balance remaining in the said revolving
fund in excess of the said unrepaid balance shall be disposed for the benefit of qualified public health, educational, civil defense, and other organizations or institutions within the state of Idaho in accordance with the requirements of federal law.

Approved March 13, 1961.

CHAPTER 313
(H. B. No. 114)

AN ACT

AMENDING TITLE 33, CHAPTER 4, IDAHO CODE, BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 33-405, TO BE KNOWN AND DESIGNATED AS SECTION 33-405 A, PROVIDING FOR ABSENTEE VOTING IN ALL SCHOOL DISTRICT ELECTIONS; PROVIDING FOR PROCEDURES, AND DECLARING AN EMERGENCY.

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

SECTION 1. That Title 33, Chapter 4, Idaho Code, be and the same is hereby amended by adding a new section thereto following section 33-405, to read as follows:

33-405 A. ABSENTEE VOTING — PROVISIONS FOR ISSUANCE AND DISPOSITION OF BALLOTS. In all school district elections of whatever nature or for whatever purpose, any qualified elector who is absent, or expects to be absent, from the district on the day of holding such election, or who is within the district and is or will be unable, because of physical disability or because of blindness, to go to the voting place, may vote at such election in the manner set forth herein, and the clerk of the board of trustees of the school district shall be charged with issuing ballots and applications therefor and disposing of the same as herein provided.

Five (5) days prior to any such election, and up to and including the day before the holding of such election, any qualified voter coming under the provisions of this act may make application, in writing, to the clerk of the board of trustees of the district to cast his vote in absentia; such application shall set forth the reason that the voter cannot cast his vote at the polls; upon receiving such application,
the clerk being satisfied that the application is valid and good cause therefor is shown, he shall have the voter execute and swear to the oath of qualifications as required by law, which then shall be attested by the clerk upon whom authority therefor is specifically hereby granted and upon execution of such oath the clerk shall thereupon provide the voter with a ballot in the same form that will be used at such election; the voter shall cast his vote in secret after which the voter shall fold the ballot and hand it to the clerk who shall place the ballot, together with the voter's oath in an envelope, seal the same, and place the voter's name, the date when said vote was cast and a signed statement by the clerk that said vote was cast in accordance with this statute; the clerk shall keep the written application of the voter as a part of the records of the school district; at the opening of the polls the clerk shall deliver all such envelopes containing the ballots and oaths as aforesaid to the judges of election who shall thereupon open the same, examine the voter's oath and upon finding the oath to be properly executed and attested, as herein provided, place the said ballot, still folded, in the ballot box in the same manner as if the voter were personally present, subscribing the voter's name to any polling book or other record of voters being kept at said election; provided, that no absentee ballot shall be cast unless the oath of the voter as herein provided shall have been first sworn to by such voter before the clerk of the district, or his deputy if there be such, and the board of trustees of any school district, upon finding good cause therefor, is hereby authorized to appoint a deputy clerk who shall be empowered to take such oaths as herein provided.

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

Approved March 13, 1961.

CHAPTER 314
(H. B. No. 266)

AN ACT
AMENDING SECTION 50-2114, IDAHO CODE, RELATING TO RETIREMENT AND RETIREMENT BENEFITS OF POLICEMEN, TO PROVIDE FOR OPTIONAL RETIREMENT AT AGE
SIXTY, MANDATORY RETIREMENT AT AGE SIXTY-FIVE AND UPON INCAPACITY AFTER AGE SIXTY, AND TO CHANGE THE BASIS FOR THE DETERMINATION OF RETIREMENT BENEFITS; AMENDING SECTION 50-2115, IDAHO CODE, TO CHANGE THE METHOD OF COMPUTING REFUNDS OF SALARY DEDUCTIONS, AND TO CHANGE THE TERM "RESIGNATION" TO "TERMINATION"; AND AMENDING SECTION 50-2116, IDAHO CODE, TO SPECIFY PROCEDURES TO BE USED IN DETERMINING BENEFITS FOR SERVICE CONNECTED INJURY OR ILLNESS, TO PROVIDE FOR A REDUCTION IN SUCH BENEFITS UNDER CERTAIN CIRCUMSTANCES, AND TO REDUCE THE AMOUNT OF BENEFITS PAID TO WIDOWS UNDER CERTAIN CIRCUMSTANCES FROM THE SAME AMOUNT TO THREE-FOURTHS OF THE AMOUNT PAYABLE TO THE HUSBAND PRIOR TO HIS DEATH.

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

SECTION 1. That Section 50-2114, Idaho Code, be, and the same is hereby amended to read as follows:

50-2114. (a) Whenever any person shall have been duly appointed, selected and sworn in as a member in any capacity or rank whatsoever of a regularly constituted police department of any city or town in the state of Idaho, of any city or town which may hereafter be subject to the provisions of this act and, shall have reached the age of sixty years, shall be retired upon his written application to the board of retirement fund commissioners, and every other member of such a police department who reaches the age of sixty-five, or any member who, after reaching the age of sixty years, continues in a regular capacity with such police department and thereafter becomes physically or mentally incapacitated in a degree which prevents efficient service, shall by the order and direction of the said board be retired from further service with such city or town police department. When any person shall have served not less than twenty-five years accumulatively with the same city or town police department, he may, should he so desire, have the right to retire at that time, provided he has not reached the age of sixty-five years and provided further that whenever such person eligible to retire upon completion of twenty-five years of accumulated service so elects, he may, upon application to the board of police retirement fund commissioners, remain in active service as long as his physical condition permits, or until reaching the age of sixty-five years. When the board issues an order of retire-
ment, said order shall terminate and end the services of a person in such police department, except in cases of extreme emergency as determined by the board of police retirement fund commissioners in cooperation with the chief of police of said city or town, and such person to be retired shall thereafter during his lifetime be paid from such fund, a yearly retirement sum, equal to one-half of *** the average annual salary received by such person during the five highest salary years of his last ten years of service next preceding the date of such retirement.

(b) The period of time during which any paid policeman who is entitled to retire under this act is out of the service with the constituted police department of said city or town, while on authorized leave of absence, other than leave of absence granted a policeman by reason of injury or illness, and during which period of time the said policeman is not carried on the payroll of the police department of such city or town, shall not be counted as applying to accumulative service under this act, except that this shall not apply to leave of absence granted to any policeman of any city or town for the purpose of service in the armed forces of the United States during time of war. The period of time prior to granting a leave of absence, other than those granted due to injury or illness, or for the purpose of serving in the armed forces of the United States in time of war, when such policeman was actually on the payroll of the police department of the city or town, and period of time the said policeman is actually on the payroll of the said police department after his return from leave of absence, shall be computed to establish length of accumulated service. Also, providing that any paid policeman of any city or town coming under the provisions of this act, who shall leave the service of the said police department and has been repaid any part or all of the moneys paid by him through payroll deductions to the police department fund, shall, if and when returning to service of said police department, repay the amount of money he was reimbursed, under the following provisions of this act, to the said policeman’s retirement fund before becoming eligible to receive retirement pay under the provisions of this act.

SECTION 2. That Section 50-2115, Idaho Code, be, and the same is hereby amended to read as follows:

50-2115. A policeman who has been employed by a regularly constituted police department in a city or town in the state of Idaho for a period of *** less than five continuous
years shall, upon termination of such employment, and upon application to the board of police retirement fund commissioners, be refunded one-fourth of the moneys deducted from his salary and placed in the police retirement fund. The amount to be refunded upon the application of a policeman who has been employed by said police department for a period not less than five years continuously, shall be one-third of the moneys deducted from his salary and placed in the police retirement fund; for not less than ten years continuous employment with said police department, one-half of the moneys deducted from his salary and placed in the police retirement fund shall, upon application, be refunded; and after having completed fifteen years of continuous service with said police department, all of the moneys deducted from his salary and placed in the police retirement fund shall be refunded upon application of such policeman upon termination.

SECTION 3. That Section 50-2116, Idaho Code, be, and the same is hereby amended to read as follows:

50-2116. No person shall be retired under this act, as provided in the above sections, unless the said party shall comply with the qualifications set out and provided by this act.

(a) Any paid policeman incapacitated by injury *** or by illness as a result of the performance of his official duties as a paid member of a police department shall be retired so long as such disability shall continue in a degree which prevents efficient service, and during such disability * shall be paid from the said fund *** disability benefit as follows:

(1) For disability attributable wholly to service as a paid policeman, a monthly sum equal to one-twenty-fourth of the amount of the annual salary attached to the rank which he held in the said police department of the city, or town, for a period of one year next preceding the date of such retirement;

(2) For disability attributable only in part to service as a paid policeman, a monthly disability benefit in an amount to be fixed by the board of police retirement fund commissioners, but commensurate with the extent or proportion such service-connected disability relates to such person's pre-existing injury or infirmity. The said board may increase or decrease such monthly benefits whenever the impairment in the person's earning capacity warrants an increase or decrease, but in no event shall a monthly benefit
paid to such person exceed the benefit provided under sub-
paragraph (1) above.

(3) Provided, however, that if any such paid policeman is
entitled to receive compensation under the Workmen's Com-
pensation Law of the state of Idaho as it now exists, or shall
hereafter be amended, the amount payable under this act
shall be reduced by the amount to which said paid policeman
is entitled under the Workmen's Compensation Law.

(4) The board of police retirement fund commissioners
shall require medical examinations of all applicants for re-
tirement by reason of disability, and shall, at the discretion
of said board, require periodic medical examinations of per-
sons receiving a disability retirement allowance. The said
board shall prescribe general rules for medical examinations
required hereunder, and may provide for the discontinuance
of any disability retirement allowance and forfeiture of all
rights under this act for any person who refuses to submit
to such an examination.

(5) The decision of the said board as to eligibility allow-
ances or benefits shall be final.

(6) When a disability beneficiary is determined by the
said board to be not incapacitated in a degree which prevents
efficient service, his disability retirement allowance shall be
cancelled forthwith. If thereafter such person be reinstated
in the service of his department, he shall be credited with
the number of years of continuous service with which he
was credited at the time of his retirement for disability.

(7) Such a person, who for any reason is not reinstated
in the service of his department, shall receive separation
benefits according to his entitlement, as provided under
Section 50-2115, Idaho Code.

(b) In event a paid policeman is killed or sustains injury,
from which death results, while in the performance of his
duty, and leaves surviving him a widow, his widow shall,
during the time she remains his widow and does not re-
marry, be paid from the said fund a yearly retirement sum,
equal to one-half of the amount of the salary attached to the
rank he held in the said police department of the city or
town, for a period of one year next preceding the date of
such time of injury or death; in event the widow of a
policeman so killed, or whose death so results, shall remarry
and there shall be, at the time of such remarriage, the
minor child or minor children of deceased under the age of
eighteen years, the payments aforesaid shall be paid to the
widow, notwithstanding such remarriage but for the sole benefit of such minor child or children under and until reaching the age of eighteen years; provided, however, that any sums payable to any widow or minor child or children of any policeman under this act shall be reduced by any sum to which such widow or minor child or children may be entitled under the provisions of the Workmen's Compensation Law of the state of Idaho.

(c) In event a paid policeman, retired on retirement pay shall die and leave surviving him a widow, who was his wife for over five years immediately prior to his death, but no minor children, she shall receive *** an amount equal to three-fourths of the retirement or benefit pay of her husband prior to his death, but only during her lifetime or until she remarries.

(d) In event a paid policeman, retired on retirement pay, shall die and leave surviving him a widow, who was his wife for over five years immediately prior to his death, and his minor child or children, the widow shall be paid the retirement pay to which her deceased husband was eligible, and if she dies or remarries the full retirement pay shall be paid to the child or children until they reach the age of eighteen years, and to any child or children after the age of eighteen (18) years who are, or may become, mentally and/or physically incapacitated, rendering such child or children as dependents.

(e) In event any paid policeman shall die within three months, from, and as a result of injuries received in performance of duty, and shall at the time of his death be unmarried but shall leave surviving him dependent natural father and mother, the retirement or benefit pay to which he would have been entitled thereunder shall be paid fifty percent to each of the surviving parents during the continuance of his or her natural life.

(f) The widow of any paid policeman, dying from causes disconnected with his official duties, but during the period of his service, shall be paid from the said fund the monthly sum of twenty-five dollars until her death or remarriage.

(g) In addition to the foregoing, the said fund shall pay, at the death of any paid policeman, from whatever cause, while employed in the service of the city or town police department, the sum of one hundred dollars, as funeral expenses, to the undertaker who buries him.

(h) Any policeman, or father, mother, widow, child or
children of a policeman entitled to compensation under the Workmen's Compensation Law, shall draw benefits under this act only to the extent that the benefits under this act exceed those to which he shall be entitled under the Workmen's Compensation Law of the state of Idaho.

Approved March 13, 1961.

CHAPTER 315
(S. B. No. 36)

AN ACT

AUTHORIZING AN ADDITIONAL DISTRICT JUDGE FOR THE TENTH JUDICIAL DISTRICT; PROVIDING FOR THE FIXING OF THE TERMS OF COURT IN SAID DISTRICT; AUTHORIZING THE APPOINTMENT OF SAID ADDITIONAL JUDGE TO HOLD OFFICE UNTIL THE NEXT GENERAL ELECTION AT WHICH DISTRICT JUDGES ARE ELECTED; AND PROVIDING FOR THE CHAMBERS OF THE SAID ADDITIONAL DISTRICT JUDGE, AND PROVIDING FOR THE ELECTION OF SUCH ADDITIONAL JUDGE AT SUCH NEXT GENERAL ELECTION; REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

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

SECTION 1. That an additional district judge is hereby created and authorized for the Tenth Judicial District.

SECTION 2. That the Governor shall, within thirty (30) days after the passage and approval of this Act, appoint such additional district judge for said Tenth Judicial District, to hold office until the next general election for district judges, and until his successor is elected and qualified; and said judge shall receive the salary and perform the duties of a district judge for said district.

SECTION 3. The senior judge in point of continuous service in said judicial district is hereby empowered to re-fix the terms of the district court in the said Tenth Judicial District for the year 1961, and thereafter they shall be fixed as provided by law.

SECTION 4. The jurisdiction of the respective judges of said district shall be equal and co-extensive with the bound-
aries of the district, and to the same extent as in the case of judges of other districts of this State; and the terms of court in the counties of said district may be so arranged that one or more courts shall be in session at the same time.

SECTION 5. The additional district judge hereby created and authorized shall reside in the City of Grangeville, Idaho County, Idaho, and have his chambers therein, within the said Tenth Judicial District.

SECTION 6. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 14, 1961.

CHAPTER 316
(H. B. No. 238)

AN ACT
AMENDING CHAPTER 12 OF TITLE 22, IDAHO CODE, AS AMENDED, RELATING TO THE IDAHO POTATO AND ONION COMMISSION, BY AMENDING SECTION 22-1202, IDAHO CODE, AS AMENDED, TO INCREASE THE MEMBERSHIP OF THE IDAHO POTATO AND ONION COMMISSION FROM SEVEN TO NINE, TO PROVIDE THAT TWO MEMBERS SHALL BE PROCESSORS, TO CHANGE THE PROCEDURES FOR THE NOMINATION OF MEMBERS FOR APPOINTMENT BY THE GOVERNOR, AND TO INCREASE THE ALLOWANCE TO MEMBERS FOR ATTENDANCE IN MEETINGS FROM $5.00 TO $15.00 PER DAY; AMENDING SECTION 22-1204, IDAHO CODE, AS AMENDED, TO EXTEND THE DEFINITIONS FOR "DEALER" AND "HANDLER" TO INCLUDE PROCESSORS, TO DEFINE THE TERMS "SHIPPER," "PROCESSOR" AND "PROCESSING," AND TO RE-DEFINE THE TERM "GROWER" AS USED IN CHAPTER 12 OF TITLE 22, IDAHO CODE; AND DECLARING AN EMERGENCY; AMENDING SECTION 22-1207, IDAHO CODE, AS AMENDED, TO PROVIDE THAT NONE OF THE POWERS SHALL BE EXERCISED AND NONE OF THE REVENUE SHALL BE EXPENDED AS PROVIDED IN SUBSECTION 11 THEREOF EXCEPT UPON THE AFFIRMATIVE VOTE OF SIX OR MORE OF THE MEMBERS OF THE COMMISSION; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 22-1202, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

22-1202. POTATO AND ONION COMMISSION CREATED.—There is hereby created and established the “Idaho potato and onion commission” to be composed of *** nine practical potato and onion men, *** resident citizens of the state of Idaho for a period of three (3) years prior to their appointment each of whom has had active experience in growing, or * * shipping, or processing of potatoes and/or onions produced in the state of Idaho. At least * five members of said commission shall be growers who are actually now engaged in the production of potatoes and/or onions. *** Two of the members shall be shippers who are actually now engaged in the shipping of potatoes and/or onions, and two of the members shall be processors who are actually now engaged in the processing of potatoes and/or onions. The qualifications for members of said commission as above required shall continue throughout their respective terms of office. * * * Three growers shall be nominated for each grower vacancy that occurs, from which the Governor shall appoint one. Two grower commissioners shall be appointed from the district known as District No. 1, consisting of the counties of Oneida, Franklin, Bear Lake, Caribou, Bannock, Power, Bingham, Bonneville, Teton, Madison, Jefferson, Fremont, Clark, Butte, Custer, and Lemhi; two * * * grower commissioners shall be appointed from the district known as District No. 2, consisting of the counties of Cassia, Minidoka, Twin Falls, Jerome, Lincoln, Blaine, Gooding, Elmore, Camas, Boise, and Valley; * * * and one grower commissioner shall be appointed from the district known as District No. 3, consisting of the counties of Owyhee, Ada, Canyon, Gem, Payette, Washington, * Adams, * * * Idaho, Lewis, Nez Perce, Clearwater, Latah, Benewah, Shoshone, Kooskia, Bonner, and Boundary. * * * Three shippers shall be nominated for each shipper vacancy that occurs from which the Governor shall appoint one. One shipper member shall be appointed from the area identified as District No. 1; and one shipper member shall be appointed from combined districts No. 2 and 3, above outlined. Three processors shall be nominated for each processor vacancy that occurs from which the Governor shall appoint one. Processor commissioners do not necessarily need to be nominated from geographical areas. Nominations must be made 30 days prior to appointment. All nominations must give equal consideration to all who are eligible for appointment as defined in this act. The Idaho Potato and Onion Commission shall hold separate meetings of the growers, shippers, or processors,
as the nominations to be made shall require, in the various districts, to determine who shall be nominated for appointment. Notice of said meetings shall be given by publication in one newspaper published in each county of the district or districts in which said nominations are to be made, and the notice shall be published in two issues of each newspaper, the first to be approximately thirty days and the second approximately ten days before said meeting. The notice shall state the purpose, time and place of said meeting. All meetings held for the selection of nominees shall be held prior to March 31 of the year the appointment or appointments are to be made.

The term of office shall be three years and no commissioner shall serve more than two consecutive terms. The commissioners shall elect a chairman for a term of one year. The Commissioner of Agriculture shall be an ex-officio member of the commission without voting rights.

On July 1, 1961, the Governor shall appoint one grower, one shipper and one processor member for a term of three years; three grower members for a term of two years; and one grower, one shipper and one processor member for a term of one year. Vacancies thereafter shall be filled as terms expire. Each of such commissioners shall hold office until his successor has been appointed and qualified.

A majority of the members of said commission shall constitute a quorum for the transaction of all business and the carrying out of the duties of said commission. Before entering on the discharge of their duties as members of said commission, each member shall take and subscribe to the oath of office prescribed for state officers.

No member of the commission shall receive any salary or other compensation but each member of the commission shall receive the sum of \(*\) fifteen dollars (\*$15.00) per day for each day spent in actual attendance in meetings of the commission and such allowance for traveling expenses in attending meetings of the commission as is allowed other state employees for traveling expenses.

SECTION 2. That Section 22-1204, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

22-1204. DEFINITIONS. — As used in this act:

1. The term "commission" means the Idaho potato and onion commission.
2. The term “person” means individual, partnership, corporation, association, grower and/or any other business unit.

3. The term “potatoes” and “onions” mean and include only potatoes and onions sold or intended for human consumption and grown in the state of Idaho.

4. “Shipment” of potatoes and onions shall be deemed to take place when the potatoes and onions are loaded within the state of Idaho, in a car, bulk, truck or other conveyance in which the potatoes and onions are to be transported for sale or otherwise.

5. The term “dealer” means and includes any person engaged in the business of buying, receiving, processing, or selling potatoes and/or onions for profit or remuneration.

6. The term “shipper” means and includes * * * one who is properly licensed under federal and state laws and actively engaged in the packing and shipping of potatoes and/or onions in the primary channel of trade in interstate commerce, and who ships more than he produces.

7. The term “grower” means * * * one who is actively engaged in the production of farm products, primarily potatoes and/or onions, and who is not engaged in the shipping or processing of potatoes and/or onions.

8. Potatoes and onions shall be deemed to be delivered into the primary channel of trade when any such potatoes and/or onions are sold or delivered for shipment, or delivered for canning and/or processing into by-products.

9. The term “hundredweight” means one hundred pound unit or combination of packages making a hundred pound unit of any shipment of potatoes and onions based on invoice and/or bill of lading records.

10. The term “processor” means a person who is actively engaged in the processing of potatoes and/or onions for human consumption.

11. The term “processing” means changing the form of potatoes and/or onions from the raw or natural state into a product for human consumption.

12. The term “handler” means and includes any person processing potatoes and/or onions or handling them in the primary channel of trade.

SECTION 3. 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.

SECTION 4. That Section 22-1207, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

22-1207. POWERS AND DUTIES OF COMMISSION. — The powers and duties of the commission shall include the following:

1. To adopt and from time to time to alter, rescind, modify and/or amend all proper and necessary rules, regulations and orders for the exercise of its powers and the performance of its duties under this act.

2. To contract and be contracted with.

3. To employ and at its pleasure discharge an advertising manager, agents, advertising agencies and such other help as it deems necessary and to outline their powers and duties and fix their compensation.

4. To make in the name of the commission such advertising contracts and other agreements as may be necessary.

5. To keep books, records and accounts of all its doings, which books, records and accounts shall be open to inspection and audit by the state auditor at all times.

6. To purchase or authorize the purchase of all office equipment and supplies and to incur all other reasonable and necessary expenses and obligations in connection with and required for the proper carrying out of the provisions of this act.

7. To define and describe such grade or grades of potatoes and/or onions that may be advertised in accordance with the provisions of this act.

8. To define and designate the character of the brands, labels, stencils, or other distinctive marks under which said potatoes and/or onions may be marketed in order to secure the greatest returns to producers and meet the requirements of their advertising campaign.

9. To devise and arrange for the application of either a seal, label, brand, package, or any other suitable device that will protect the identity of the original Idaho pack of potatoes and onions as near to the final consumer as possible.

10. Whenever and wherever it deems it to be necessary the commission shall use its offices to prevent any substitu-
tion of other potatoes and/or onions for Idaho potatoes and onions and to prevent the misrepresentation or the misbranding of Idaho potatoes and/or onions at any and all times at any and all points where they discover the same is being done.

11. To make, conduct or carry on studies and research in connection with the raising, production and marketing of potatoes and onions, including study and research dealing with the industrial and other uses of potatoes and onions and their by-products, and the extension and stabilization of markets for such commodities; to disseminate information with respect to such study and research as a part of the commission's advertising, publicity and sales promotion activities authorized by this act and to assist, aid and educate growers, dealers and handlers in the raising, production and marketing of potatoes and onions.

For the accomplishment of such ends the commission is hereby empowered to employ the necessary persons or contract for the performance of required services; to cooperate with any organization of growers in this state, whether organized by authority of law or voluntary, engaged in carrying on similar activities and to participate jointly with any such organization, by contract or otherwise, in financing such study and research or paying for the employment of persons or services required or in carrying out projects and programs as herein contemplated; provided, however, expenditures authorized by the commission for the purposes herein mentioned shall not exceed in any year an amount equal to 12½% of the tax collected on potatoes levied and imposed pursuant to section 22-1211 Idaho Code.

Provided, further, that none of the powers specified in this subsection 11 shall be exercised, and no expenditure of revenue as provided in this subsection 11 shall be authorized except upon the affirmative vote of six or more of the members of the commission.

Approved March 14, 1961.
CHAPTER 317
(S. B. No. 60)

AN ACT

RELATING TO JUDICIAL DISTRICTS; AMENDING CHAPTER 8, TITLE 1, OF THE IDAHO CODE, AS AMENDED, BY AMENDING SECTION 1-806, IDAHO CODE, TO PROVIDE THAT THE FIFTH DISTRICT SHALL COMPREHEND ONLY BANNOCK AND POWER COUNTIES; AND BY ADDING A NEW SECTION FOLLOWING SECTION 1-814, IDAHO CODE, TO BE KNOWN AND DESIGNATED AS SECTION 1-815, IDAHO CODE, CREATING A THIRTEENTH JUDICIAL DISTRICT COMPOSED OF THE COUNTIES OF ONEIDA, FRANKLIN, CARIBOU AND BEAR LAKE; REPEALING CONFLICTING LAWS.

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

SECTION 1. That Section 1-806, Idaho Code, be, and the same is hereby amended to read as follows:

1-806. FIFTH DISTRICT. — The fifth district comprises the counties of Bannock and Power.

SECTION 2. That Chapter 8, Title 1, of the Idaho Code, as amended, be, and the same is hereby amended by adding thereto a new section following Section 1-814, to be known and designated as Section 1-815, and to read as follows:

1-815. THIRTEENTH DISTRICT. — The thirteenth district comprises counties of Oneida, Franklin, Caribou and Bear Lake, with the chambers of the judge of said district, when not holding court in any other of said counties of the district, to be determined by the presiding judge.

SECTION 3. All acts or parts of acts in conflict in whole or in part of this act are hereby repealed.

Approved March 14, 1961.

CHAPTER 318
(S. B. No. 247)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO, TO THE COMMISSIONER OF FI-
NANCE FOR THE PURPOSE OF PAYING SALARIES AND WAGES FOR THE PERIOD COMMENCING WITH THE PASSAGE AND APPROVAL OF THIS ACT AND ENDING JUNE 30, 1963; SUBJECT TO THE PROVISIONS OF THE STANDARD APPROPRIATIONS ACT OF 1945; 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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages of the agency herein named, for the period commencing with the passage and approval of this Act and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945.

To Whom Appropriated:  
COMMISSIONER OF INSURANCE:
For:  Salaries and Wages  $25,000

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

Approved March 14, 1961.

CHAPTER 319
(S. B. No. 248)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO, TO THE COMMISSIONER OF INSURANCE FOR THE PURPOSE OF PAYING SALARIES AND WAGES FOR THE PERIOD COMMENCING WITH THE PASSAGE AND APPROVAL OF THIS ACT AND ENDING JUNE 30, 1963; SUBJECT TO THE PROVISIONS OF THE STANDARD APPROPRIATIONS ACT OF 1945; 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 following sums of
money, or so much thereof as may be necessary, for the purpose of paying salaries and wages of the agency herein named, for the period commencing with the passage and approval of this Act and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
COMMISSIONER OF INSURANCE: For: Salaries and Wages ..........................$30,000

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

Approved March 14, 1961.

CHAPTER 320
(S. B. No. 250)

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 following sums of money, or so much thereof as may be necessary, for the purpose of paying salaries and wages of the agency herein named, for the period commencing July 1, 1961, and ending June 30, 1963; subject to the provisions of the Standard Appropriations Act of 1945.

To Whom Appropriated: Appropriations:
BOARD OF LAND COMMISSIONERS FOR NOXIOUS WEED ERADICATION, RANGE IMPROVEMENT AND RE-SEEDING PROGRAMS:
CHAPTER 321
(S. B. No. 251)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND OF
THE STATE OF IDAHO, TO THE STATE BOARD OF EDUCATION
FOR THE PURPOSE OF PAYING SALARIES AND WAGES,
TRAVEL EXPENSE, OTHER CURRENT EXPENSE
AND CAPITAL OUTLAY FOR THE PERIOD COMMENCING
JULY 1, 1961, AND ENDING JUNE 30, 1963; SUBJECT TO
THE PROVISIONS OF THE STANDARD APPROPRIATIONS
ACT OF 1945.

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 following sums of
money, or so much thereof as may be necessary, for the
purpose of paying salaries and wages, travel expense, other
current expense and capital outlay of the agency herein
named, for the period commencing July 1, 1961, and ending
June 30, 1963; subject to the provisions of the Standard
Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
STATE BOARD OF EDUCATION:
For: Total (Lump Sum) $20,000
From the General Fund $20,000

Approved March 14, 1961.
CHAPTER 322
(H. B. No. 268)

AN ACT

AMENDING SECTION 1-409, IDAHO CODE, AS AMENDED, PROVIDING THAT THE SALARY OF THE CLERK OF THE SUPREME COURT SHALL BE IN SUCH ANNUAL AMOUNT AS IS FIXED BY THE SUPREME COURT, AND BY THE COURT CERTIFIED TO THE STATE AUDITOR BY THE FIRST DAY OF JULY OF EACH YEAR; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 1-409, Idaho Code, as amended, be, and the same is, hereby amended to read as follows:

1-409. SALARY. — The clerk of the court shall receive, in full compensation for all services rendered by him to the state of Idaho, a salary of $50,000 per annum, in such amount as shall be fixed by the court and certified to the state auditor as of the first day of July of each year, payable in monthly installments out of the general fund.

SECTION 2. EFFECTIVE DATE. — This act shall take effect and be in force from and after July 1, 1961.

To become a law without the Governor's approval.

CHAPTER 323
(H. B. No. 337)

AN ACT

REPEALING SECTION 31-3104, IDAHO CODE, RELATING TO THE SALARIES OF COUNTY COMMISSIONERS; FIXING THE SALARIES FOR THE COUNTY COMMISSIONERS IN THE VARIOUS COUNTIES AND PROVIDING FOR THE PAYMENT OF THEIR NECESSARY EXPENSES; PROVIDING FOR CHANGING THE BUDGET TO COMPLY WITH THE PROVISIONS OF THIS ACT; PROVIDING THAT THE PROVISIONS OF THIS ACT SHALL BE RETROACTIVE TO THE SECOND MONDAY OF JANUARY, 1961; AND DECLARING AN EMERGENCY.

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. The salaries of the county commissioners in the various counties shall be as set forth in the following paragraphs:

1. An annual salary of $7,000.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Ada County.

2. An annual salary of $6,000.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Canyon County.

3. An annual salary of $4,800.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Bannock County, Bonner County and Bonneville County.

4. An annual salary of $4,500.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Kootenai County.

5. An annual salary of $3,950.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Nez Perce County.

6. An annual salary of $3,950.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Shoshone County.

7. An annual salary of $3,900.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Twin Falls County.

8. An annual salary of $3,800.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Bingham County.

9. An annual salary of $2,400.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Latah County.

10. An annual salary of $2,100.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Boundary County, Fremont County, Idaho County and Jefferson County.

11. An annual salary of $2,000.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Elmore County.
12. An annual salary of $1,800.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Caribou County, Clearwater County, Gem County, Jerome County, Madison County, Payette County and Washington County.

13. An annual salary of $1,700.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Cassia County.

14. An annual salary of $1,600.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Franklin County.

15. An annual salary of $1,500.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Bear Lake County, Lemhi County, Owyhee County and Valley County.

16. An annual salary of $1,250.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Blaine County.

17. An annual salary of $1,200.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Benewah County, Gooding County, Minidoka County and Oneida County.

18. An annual salary of $1,000.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Lewis County.

19. An annual salary of $900.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Adams County, Butte County, Clark County, Custer County and Power County.

20. An annual salary of $750.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Lincoln County.

21. An annual salary of $600.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Boise County and Camas County.

22. An annual salary of $420.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Teton County.

SECTION 3. The Board of County Commissioners of the several counties of the State of Idaho, at the first meeting after the passage and approval of this act, shall, without
notice, adopt a resolution amending the budget of the offices of county commissioners in each of said counties to provide for the payment therein of the salary provided for in this act, and said resolution shall be lawful authorization for the payment of the salaries so fixed and provided by this act.

SECTION 4. The provisions of this act shall be effective retroactively on and after the second Monday of January, 1961.

SECTION 5. 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.

To become a law without the Governor’s approval.

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CHAPTER 324
(H. B. No. 87)

AN ACT

AMENDING SECTION 1-1102, IDAHO CODE, AS AMENDED, RELATING TO SALARY OF DISTRICT COURT REPORTERS, AND PROVIDING THE EFFECTIVE DATE OF THIS ACT.

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

SECTION 1. That Section 1-1102, Idaho Code, as amended, be, and the same hereby is, amended to read as follows:

1-1102. OATH, BOND, SALARY AND EXPENSES. — Said reporter shall take the oath required to be taken by the judicial officers; give a bond to be approved by the judge of the district court, in the sum of $5,000.00, conditioned for the faithful performance of his duties, which bond shall be filed in the office of the secretary of state; hold his office during the pleasure of said judge, and shall receive a salary of * $7,200.00 per annum, to be paid monthly. There shall be paid in addition to said salary, to each of the court reporters of the district courts, out of the state treasury, for each term of district court held by the judge thereof, for the trial and disposition of causes and the transaction of business under the laws of the state, in other counties than that in which said court reporter resides, his actual and necessary expenses for traveling and attending each term:
provided, however, that no stenographic reporter shall be
paid his salary, or any portion thereof, unless he shall have
first taken and subscribed an oath that he has prepared the
transcript of the testimony on appeal either in a civil or
criminal action, or specified portion thereof, in the order in
which the copy of the order directing him to prepare the
same has been served upon him: provided, however, that the
estimated cost of transcribing such transcript shall have
been paid to such reporter at the time of the service of the
copy of the order upon him.

SECTION 2. EFFECTIVE DATE. — This act shall be in
full force and effect on and after July 1, 1961.

To become a law without the Governor's approval.

CHAPTER 325
(H. B. No. 399)

AN ACT
AMENDING SECTION 47-101, IDAHO CODE, AS AMENDED, TO
INCREASE THE SALARY OF THE STATE INSPECTOR OF
MINES FROM $8,000 TO $10,000 PER ANNUM.

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

SECTION 1. That Section 47-101, Idaho Code, as amend-
ed, be, and the same is hereby amended to read as follows:

47-101. The office of inspector of mines for the state of
Idaho is hereby created, the same to be filled every four
years at the general election, by the qualified electors of the
state, as other state officers, commencing with the general
election in 1946. The inspector of mines shall hold his office
for the term of two years until the first Monday in January,
1947, and from and after the first Monday in January, 1947,
shall hold his office for a term of four years, and until his
successor is elected and qualified. Before entering upon the
discharge of his duties as such inspector of mines he shall
file an official bond in the sum of $5,000, conditioned for
the faithful performance of his office, in form and manner
as other official bonds of state officers. The inspector of
mines shall receive as full compensation for his services
a salary of * $10,000 per annum and such salary shall be
paid monthly as due out of the state treasury and shall be in full for all services.

To become a law without the Governor's approval.

CHAPTER 326
(H. B. No. 258)

AN ACT

AMENDING SECTION 59-501, IDAHO CODE, TO INCREASE THE COMPENSATION OF STATE ELECTIVE OFFICERS, AND TO INCLUDE THE STATE AUDITOR AND STATE TREASURER AMONG THE OFFICERS ENTITLED TO HAVE TRAVEL EXPENSES ALLOWED AND PAID BY THE STATE UNDER SPECIFIED CONDITIONS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 59-501, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

59-501. SALARIES OF STATE ELECTIVE OFFICERS — MONTHLY PAYMENT — TRAVELING EXPENSES — FEES PROPERTY OF STATE. — The governor, secretary of state, state auditor, state treasurer, attorney-general and superintendent of public instruction shall, during their continuance in office, receive for their services compensation as follows:

Governor, * $15,000 per annum;
Secretary of State, * $10,000 per annum;
State Auditor, * $10,000 per annum; said salary to be audited by the State Treasurer *;
Attorney-General, * $10,000 per annum;
State Treasurer, *$10,000 per annum; and
State Superintendent of Public Instruction, * $10,000 per annum.

Such compensation shall be paid monthly as due out of the state treasury, and shall be in full for all services by said officers respectively rendered in any official capacity or em-
ployment whatever during their respective terms of office; but no increase of compensation shall affect the salaries of such officers during their present terms of office; provided, however, that the actual and necessary expenses of the governor, lieutenant governor, secretary of state, attorney-general, state auditor, state treasurer, and superintendent of public instruction while traveling within the state, or between points within the state, in the performance of official duties, shall be allowed and paid by the state; not however, exceeding such sum as shall be appropriated for such purpose.


No officer named in this section shall receive, for the performance of any official duty, any fee for his own use, but all fees fixed by law for the performance by either of them, of any official duty, shall be collected in advance and deposited with the state treasurer to the credit of the state.

SECTION 2. The provisions of this Act shall be in effect on and after 12 noon on the first Monday in January, 1963.

To become law without the Governor's approval.

CHAPTER 327
(H. B. No. 336)

AN ACT

REPEALING SECTION 31-3113, IDAHO CODE, RELATING TO THE SALARIES OF PROSECUTING ATTORNEYS; FIXING THE SALARIES OF PROSECUTING ATTORNEYS IN THE VARIOUS COUNTIES; REQUIRING THE COUNTY COMMISSIONERS TO AMEND THEIR RESPECTIVE BUDGETS TO COMPLY WITH THE PROVISIONS OF THIS ACT, AND THE PROCEDURES THEREFOR; PROVIDING THAT THIS ACT SHALL BE RETROACTIVE TO THE SECOND MONDAY OF JANUARY, 1961; AND DECLARING AN EMERGENCY.

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 salaries of the prosecuting attorneys in the various counties shall be as set forth in the following paragraphs;

1. An annual salary of $7,000.00 shall be paid to each of the prosecuting attorneys of Ada County and Canyon County.

2. An annual salary of $6,500.00 shall be paid to the prosecuting attorney of Bonneville County.

3. An annual salary of $6,000.00 shall be paid to the prosecuting attorney of Bannock County.

4. An annual salary of $6,250.00 shall be paid to the prosecuting attorney of Kootenai County.

5. An annual salary of $5,750.00 shall be paid to each of the prosecuting attorneys of Twin Falls County and Shoshone County.

6. An annual salary of $5,550.00 shall be paid to the prosecuting attorney of Elmore County.

7. An annual salary of $5,200.00 shall be paid to the prosecuting attorney of Nez Perce County.

8. An annual salary of $5,000.00 shall be paid to the prosecuting attorney of Bingham County.

9. An annual salary of $4,800.00 shall be paid to the prosecuting attorney of Bonner County.

10. An annual salary of $4,000.00 shall be paid to the prosecuting attorney of Payette County.

11. An annual salary of $3,800.00 shall be paid to each of the prosecuting attorneys of Boundary County and Owyhee County.

12. An annual salary of $3,600.00 shall be paid to each of the prosecuting attorneys of Latah County, Washington County, Caribou County, Idaho County, Valley County, Lewis County, Jefferson County, Lincoln County and Gem County.

13. An annual salary of $3,500.00 shall be paid to each of the prosecuting attorneys of Benewah County, Clearwater County and Jerome County.
14. An annual salary of $3,400.00 shall be paid to each of the prosecuting attorneys of Fremont County and Cassia County.

15. An annual salary of $3,200.00 shall be paid to each of the prosecuting attorneys of Butte County and Madison County.

16. An annual salary of $3,100.00 shall be paid to the prosecuting attorney of Minidoka County.

17. An annual salary of $3,000.00 shall be paid to each of the prosecuting attorneys of Bear Lake County, Camas County, Franklin County, Gooding County and Lemhi County.

18. An annual salary of $2,700.00 shall be paid to the prosecuting attorney of Blaine County.

19. An annual salary of $2,500.00 shall be paid to the prosecuting attorney of Custer County.

20. An annual salary of $2,400.00 shall be paid to each of the prosecuting attorneys of Oneida County, Power County and Clark County.

21. An annual salary of $2,200.00 shall be paid to each of the prosecuting attorneys of Teton County and Adams County.

22. An annual salary of $1,620.00 shall be paid to the prosecuting attorney of Boise County.

SECTION 3. The Board of County Commissioners of the several counties of the state of Idaho, 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 said counties to provide for the payment therein of the salary provided for in this act, and said resolution shall be lawful authorization for the payment of the salaries so fixed and provided by this act.

SECTION 4. The provisions of this act shall be retroactive as of and from the second Monday of January, 1961.

SECTION 5. 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.

To become a law without the Governor's approval.
CHAPTER 328
(H. B. No. 340)

AN ACT

AMENDING CHAPTER 30 OF TITLE 63, IDAHO CODE, RELATING TO TAXES ON INCOME, BY AMENDING SECTION 63-3004, IDAHO CODE, TO CHANGE THE DATE OF THE APPLICABLE INTERNAL REVENUE CODE FROM DECEMBER 31, 1958, TO DECEMBER 31, 1960; BY AMENDING SECTION 63-3013, IDAHO CODE, TO CHANGE THE DEFINITION OF THE TERM "RESIDENT"; BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 63-3013, IDAHO CODE, TO BE KNOWN AND DESIGNATED AS SECTION 63-3013A, IDAHO CODE, TO DEFINE THE TERM "PART-YEAR RESIDENT"; BY AMENDING SECTION 63-3014, IDAHO CODE, TO CHANGE THE DEFINITION OF THE TERM "NON-RESIDENT"; BY AMENDING SECTION 63-3022, IDAHO CODE, TO EXEMPT INDIVIDUALS FROM THE REQUIREMENT THAT THE STATE TAXES PAID OR ACCRUED BE ADDED IN COMPUTING TAXABLE INCOME, AND TO EXTEND THE TIME OF THE OPERATING LOSS CARRY-OVER FROM TWO TO FIVE YEARS, AND TO CLARIFY LANGUAGE; BY AMENDING SECTION 63-3023, IDAHO CODE, TO EXPAND THE DEFINITION OF THE TERM "BUSINESS SITUS"; BY AMENDING SECTION 63-3025, IDAHO CODE, TO CLARIFY THE NATURE OF THE TAX ON CORPORATIONS; BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 63-3025, IDAHO CODE, TO BE KNOWN AND DESIGNATED AS SECTION 63-3025A, IDAHO CODE, TO LEVY A TAX UPON THE INCOME OF CORPORATIONS NOT COVERED BY THE PROVISIONS OF SECTION 63-3025, IDAHO CODE; BY AMENDING SECTION 63-3026, IDAHO CODE, TO INCREASE THE LIMITATION ON THE RATE OF CAPITAL STOCK DIVIDENDS PAYABLE BY INCOME TAX EXEMPT COOPERATIVE ASSOCIATIONS; BY AMENDING SECTION 63-3027, IDAHO CODE, TO REFINE THE LANGUAGE AND TO CLARIFY THE APPORTIONMENT OF INCOME; BY AMENDING SECTION 63-3028, IDAHO CODE, TO PROVIDE FOR THE AMOUNT OF FEDERAL INCOME TAX DEDUCTIBLE BY CORPORATIONS; BY AMENDING SECTION 63-3029, IDAHO CODE, TO EXPAND THE METHOD OF COMPUTING THE CREDIT FOR INCOME TAXES PAID ANOTHER STATE, AND TO AUTHORIZE RECIPROCAL AGREEMENTS WITH TAX AUTHORITIES OF OTHER STATES AND TERRITORIES; BY AMENDING SECTION 63-3030, IDAHO CODE, TO REQUIRE PART-YEAR RESIDENTS TO MAKE RETURNS OF
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INCOME; BY AMENDING SECTION 63-3031, IDAHO CODE, TO PERMIT THE FILING OF JOINT RETURNS BY HUSBANDS AND WIVES WHERE NEITHER IS A NON-RESIDENT ALIEN; BY AMENDING SECTION 63-3034, IDAHO CODE, TO DELETE PROVISIONS ALLOWING INSTALLMENT PAYMENTS; BY AMENDING SECTION 63-3037, IDAHO CODE, TO REQUIRE INFORMATION RETURNS ON CORPORATE LIQUIDATION DISTRIBUTIONS AND REQUIRE INFORMATION RETURNS TO CORRESPOND TO THE REQUIREMENTS OF THE INTERNAL REVENUE CODE; BY AMENDING SECTION 63-3039, IDAHO CODE, TO REFINE THE PROVISIONS RELATING TO THE ADOPTION OF RULES AND REGULATIONS AND PUBLICATION OF STATISTICS TO CHANGE THE TIME FOR THE PUBLICATION THEREOF, AND TO DELETE THE PROVISIONS RELATING TO AN ADVISORY BOARD; BY AMENDING SECTION 63-3041, IDAHO CODE, TO ALLOW CREDITS OR REFUNDS OF INCOME TAXES ON JOINT RETURNS TO A SURVIVING SPOUSE, AND EQUAL DIVISION OF REFUND OR CREDIT BETWEEN SEPARATED COUPLES; BY AMENDING SECTION 63-3043, IDAHO CODE, TO CORRECT AN ERROR IN THE CITATION CONTAINED THEREIN; BY AMENDING SECTIONS 63-3059, 63-3060, 63-3061 AND 63-3062, IDAHO CODE, TO INCLUDE DEPUTY COLLECTOR AS ONE OF THE OFFICIALS AUTHORIZED TO COLLECT INCOME TAXES AS SPECIFIED THEREIN AND TO DEMAND THE PRODUCTION OF BOOKS; BY AMENDING SECTION 63-3065, IDAHO CODE, TO PERMIT THE TAX COLLECTOR UNDER SPECIFIED CONDITIONS TO EMPLOY THE SERVICES OF CERTAIN PERSONS TO COLLECT TAXES AND TO PAY FEES FOR SUCH SERVICES OUT OF MONIES RECOVERED; BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 63-3065, IDAHO CODE, TO BE KNOWN AND DESIGNATED AS SECTION 63-3065A, IDAHO CODE, TO PROVIDE FOR IN PERSONAM JURISDICTION OVER NON-RESIDENTS BY THE COURTS OF THIS STATE; BY AMENDING SECTION 63-3068, IDAHO CODE, TO EXTEND THE PERIOD OF LIMITATION FOR THE COLLECTION OF TAX FROM THREE TO SIX YEARS IN CERTAIN CIRCUMSTANCES AND TO CLARIFY THE LANGUAGE CONTAINED THEREIN; BY AMENDING SECTION 63-3072, IDAHO CODE, TO EXTEND THE PERIOD OF LIMITATION FOR CLAIMING CREDITS OR REFUNDS OF TAXES AS A RESULT OF FEDERAL DETERMINATIONS; BY AMENDING SECTION 63-3077, IDAHO CODE, TO PERMIT THE INSPECTION OF INCOME TAX RETURNS AND TO REQUIRE THE FILING OF AND PERMIT THE RELEASE OF RELATED INFORMATION UNDER SPECIFIED CONDI-
TIONS; AND PROVIDING THAT THE PROVISIONS OF THIS ACT SHALL BE SEVERABLE, FIXING RETROACTIVE EFFECTIVE DATES FOR THE VARIOUS SECTIONS OF THIS ACT, AND DECLARING AN EMERGENCY.

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 63-3013, Idaho Code, be, and the same is hereby amended to read as follows:

63-3013. RESIDENT. — The term “resident,” for income tax purposes, means any individual who * * * during the taxable year * has been domiciled in Idaho or has resided within the state of Idaho for * * * the entire taxable year.

SECTION 3. That Title 63, Chapter 30, Idaho Code, be, and the same is hereby amended by adding a new section thereto following Section 63-3013, Idaho Code, to be known and designated as Section 63-3013A, Idaho Code, and to read as follows:

63-3013A. PART-YEAR RESIDENT. — The term “part-year resident” means an individual who enters or leaves the state during the taxable year and has resided or was domiciled within the state for a period of less than twelve months during the taxable year. The taxable income of such taxpayer from sources within this state shall be determined in the same manner as provided for non-residents.

SECTION 4. That Section 63-3014, Idaho Code, be, and the same is hereby amended to read as follows:

63-3014. NON-RESIDENT. — The term “non-resident” means any individual who is not a resident * * * or part-year resident.

SECTION 5. That Section 63-3022, Idaho Code, be, and the same is hereby amended to read as follows:

63-3022. TAXABLE INCOME. — The term “taxable income” means “taxable income” as defined in Section 63 of the Internal Revenue Code, adjusted as follows:
(a) Add interest and dividends received or accrued during the taxable year from foreign securities and from securities issued by states and other political subdivisions exempt from federal income tax under the Internal Revenue Code, less applicable amortization.

(b) Add any state taxes, measured by net income, paid or accrued during the taxable year adjusted for state tax refunds; provided, however, that this subsection (b) shall not apply to taxes paid or accrued under this act by individuals.

(c) Subtract the amount of federal income tax paid or accrued, adjusted by any federal income tax refunds received or accrued during the taxable year.

(d) Add the net operating loss deduction used in arriving at taxable income as defined in Section 63 of the Internal Revenue Code.

(e) Subtract any net operating loss incurred in the five next preceding taxable years; provided, however, such net operating loss shall be subtracted first in the first succeeding taxable year, and any excess not so subtracted may then be subtracted in the second succeeding taxable year, and any excess shall be subtracted in each succeeding taxable year in order until the net operating loss is exhausted, but the total subtracted in such succeeding taxable years shall not exceed the total of such net operating loss.

(f) In the case of a corporation, add the amount deducted under the provisions of Section 243 (a) of the Internal Revenue Code (relating to dividends received by corporations) as limited by Section 246 (b) (1) of said code.

(g) In the case of a corporation, subtract an amount equal to 85 per centum of the amount received during the taxable year as dividends from a qualifying corporation, subject to the rules provided in Section 246 (b) (1) of the Internal Revenue Code. For the purpose of this section, a "qualifying corporation" means a corporation which has shown to the satisfaction of the Tax Collector that more than 50 per centum of its taxable income for the taxable year immediately preceding the declaration of such dividends was taxable by the state of Idaho under the provisions of this act, or under a previous tax levied by the state of Idaho measured by income.

(h) In calculating the limitation imposed by Section 613 (a) of the Internal Revenue Code relating to depletion allowances, the following adjustments shall apply:
(1) No deduction shall be included for any state taxes measured by income; and

(2) Federal income tax paid or accrued shall be included as a deduction in measuring the taxable income from the property for which the depletion allowance is being computed.

(i) Subtract the amount of any income received or accrued during the taxable year which is exempt from taxation by this state, under the provisions of any other law of this state or a law of the United States, if not previously subtracted in arriving at taxable income, as defined by Section 63 of the Internal Revenue Code.

(j) In the case of a corporation subtract an amount equal to fifty per cent (50%) of the excess of the net long-term capital gain over the net short-term capital loss; provided, however, that this subtraction shall not be taken into account in the determination of a net operating loss.

SECTION 6. That Section 63-3023, Idaho Code, be, and the same is hereby amended to read as follows:

63-3023. BUSINESS SITUS. — The term "business situs" shall include or be constituted by the owning or operating of business facilities or property or conducting business or farming operations, including soliciting business, within the state of Idaho, working for salary or wages, being a member of a partnership which transacts business within this state, being a stockholder of a corporation having income from Idaho sources having elected to file federal returns thereon pursuant to Subchapter S of the Internal Revenue Code, being a person who is the beneficiary of any estate or trust deriving income, other than dividends and/or interest, from Idaho sources, or any other activity from which income is received, realized or derived from Idaho sources; provided, however, the receipt of income derived solely from interest and/or dividends from sources within the state of Idaho is expressly declared to be insufficient to establish business situs unless coupled with one or more of the * qualifications hereinbefore set forth.

SECTION 7. That Section 63-3025, Idaho Code, be, and the same is hereby amended to read as follows:

63-3025. TAX ON CORPORATE FRANCHISE. — A tax is hereby imposed on any corporation for each taxable year commencing on or after January 1, 1959, for the privilege of exercising its corporate franchise within this
state during such taxable year, which shall be measured by that part of its taxable income derived from sources within this state during such taxable year, and such tax shall be computed at the rate of 9.5% on all such taxable income.

SECTION 8. That Chapter 30 of Title 63, Idaho Code, be and the same is hereby amended by adding a new section thereto, following Section 63-3025, Idaho Code, to be known and designated as Section 63-3025A, Idaho Code, and to read as follows:

63-3025A. TAX ON CORPORATE INCOME. — A tax is hereby imposed on the taxable income of any corporation derived from sources within this state, for each taxable year commencing on or after January 1, 1961, and such tax shall be computed at the rate of 9.5% on all such taxable income; provided, however, the tax imposed by this section shall not apply to corporations taxed pursuant to the provisions of Section 63-3025, Idaho Code, as amended.

SECTION 9. That Section 63-3026, Idaho Code, be, and the same is hereby amended to read as follows:

63-3026. ORGANIZATIONS EXEMPT FROM THE TAX IMPOSED BY THIS ACT. — An organization described in Section 501 of the Internal Revenue Code, and the additional organizations listed below shall be specifically exempt from taxation under this act unless such exemption is denied under Section 502, 503 or 504 of the Internal Revenue Code.

(a) Fraternal beneficiary societies, orders, or associations, operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system;

(b) Farmer's or other mutual hail, cyclone, casualty, or fire insurance companies or associations (including inter-insurers and reciprocal underwriters of the same class) the income of which is used or held only for the purpose of paying losses or expenses;

(c) Farmer's, fruit growers', or like associations organized and operated on a cooperative basis (1) for the purpose of marketing the products of members, and turning back to them the proceeds of sales, less the necessary marketing expenses, on the basis of either the quantity or the value of the products furnished by them, or (2) for the purpose of purchasing supplies and equipment for the use
of members and turning over such supplies and equipment to them at actual cost, plus necessary expenses. Exemptions shall not be denied any such association because it has capital stock if the dividend rate of such stock is fixed at not to exceed the legal rate of interest in the state on the value of the consideration for which the stock was issued or eight per centum per annum, whichever is greater, and if substantially all such stock (other than non-voting preferred stock, the owners of which are not entitled or permitted to participate directly or indirectly in the profits of the association, dissolution or otherwise, beyond the fixed dividends) is owned by producers who market their products or purchase their supplies and equipment through the association; nor shall exemption be denied any such association because there is accumulated and maintained by it a reserve required by state law or a reasonable reserve for any necessary purpose;

(d) Federal land banks and National Farm Loan Associations, as provided in the Federal Loan Act, as amended;

(e) Provided, however, that Federal Savings and Loan Associations shall not be exempt hereunder;

(f) Provided further that unrelated business income as defined in the Internal Revenue Code shall be subject to taxation under this act.

SECTION 10. That Section 63-3027, Idaho Code, be, and the same is hereby amended to read as follows:

63-3027. COMPUTING TAXABLE INCOME OF NON-RESIDENT PERSONS AND ANY CORPORATIONS.—

(a) In computing the taxable income of a non-resident person with business situs in this state or any corporation with a business situs in this state, income realized from or derived from sources within this state includes:

(1) Interest on bonds, notes or other interest-bearing obligations of the state of Idaho, or any political subdivision thereof, or of residents of the state of Idaho, corporate or otherwise.

(2) Dividends received from a qualifying corporation as defined in subsection (g) of Section 63-3022, Idaho Code, as amended.

(3) Compensation for labor or personal services performed in the state. In the case of a non-resident officer
or director of a corporation more than fifty per cent of
the business of which is done in the state, the salary,
fees, or other compensation of such officer or director,
paid to him by such corporation, shall be treated as in­
come from sources within the state; and whether or not
any personal services have been performed by such non­
resident officer or director in this state, he shall be deemed
to have a business situs in this state; further if such
salary or fees be not reported on the return of such non­
resident, such corporation shall not deduct as part of
its expenses for the taxable year any part of such salary
or fees in computing its taxable income.

(4) Rentals or royalties from property located in the
state or from any interest in such property, including
rentals or royalties for the use of or for the privilege
of using in the state of Idaho, patents, copyrights, se­
cret processes and formulas, good will, trademarks, trade
brands, franchises, and other like property.

(5) Gains, profits, and income from the sale of real
property located in the state.

(6) Gains, profits, and income derived from the pur­
chase of personal property without the state and its
sale within the state.

(7) Gains, profits, and income derived from any part­
nership having a business situs within the state.

Treatment of such items of income shall in all re­
spects be made according to the provisions of the Internal
Revenue Code and Section * * * 63-3022, Idaho Code, as
amended.

(b) In computing taxable income, the items specified in
subsection (a) as being income from sources within the
state shall be modified only by deductions, subtractions or
additions which are directly related or properly allocated
thereto, and a ratable part of such other deductions, sub­
tractions or additions which cannot be definitely or directly
related to any such item of income, under regulations of
general apportionment to be prescribed by the Tax Collector.

(c) In the case of items of income derived from sources
partly within and partly without the state, including in­
come from transportation or other services rendered partly
within and partly without the state, or from the sale of
personal property produced (in whole or in part) by the
taxpayer without and sold within the state, or from the
purchase of personal property within the state and its
sale without the state, the portion of taxable income may be determined by processes or formulas of general apportionment prescribed herein.

(d) Allocation: If the taxpayer's total income is derived from sources both within and without the state of Idaho, and the part within is so separate and distinct from and unconnected from the part without that the taxable income within can be determined without regard to the part without, then the part without the state of Idaho shall not be considered in computing the tax imposed hereunder.

If the taxpayer's total income is derived from sources both within and without the state, and the part within is so connected with the part without that the taxable income from the part within cannot be accurately determined independently from the part without, then the entire taxable income derived from sources both within and without the state of Idaho shall be determined as hereinbefore provided, and the taxable income from sources within the state shall be equal to that percentage of such entire taxable income as the average percentage as determined by adding the percentage of average real and tangible personal property within the state is to the average real and tangible personal property everywhere, to the percentage of total payroll of taxpayer within the state is to total payroll of taxpayer everywhere, to the percentage of gross sales or revenue attributable to the state is to gross sales or revenue everywhere, all being divided by the number of factors used; this percentage of total taxable income equals taxable income within the state of Idaho, and subject to the Idaho tax, provided that whenever income of corporations from the conducting and carrying on of their trades or businesses is derived from sources outside of the state of Idaho, and such income is not returned for income tax purposes in the state of Idaho, no deductions allowable by the laws of this state, and arising or growing out of the earning or production of such income, may be taken by any such corporations in the ascertainment and computation of income for income tax purposes in the state of Idaho. In the determination of taxable income from sources within the state by the processes or formulas of general apportionment prescribed herein, the taxpayer's total net income from all sources must be used, without exclusion of any net income of divisional or departmental units or any activities thereof regardless of situs, excepting the items realized from or derived from sources within this state
described in paragraph (a) of this section to be treated as non-apportionable income.

(e) If the process or formula of general apportionment set out in subsection (d) hereof does not fairly or equitably determine taxable income from sources within the state, the Tax Collector may require, or the taxpayer may request:

1. The use of separate accounting for determining taxable income from sources within the state, including a reasonable allowance for indirect or overhead costs;

2. The exclusion of one or more factors in any formula of general apportionment, and obtaining the fraction of apportionment by means of the total factors used;

3. The inclusion of one or more additional factors to any formula of general apportionment which will more fairly or equitably determine the taxable income from sources within the state, and obtaining the fraction of apportionment by means of the total factors so used;

4. The use of any other method that will fairly or equitably determine the taxable income from sources within the state.

(f) For purposes of this section a parent and subsidiary corporation may, when necessary to accurately reflect income, be considered a single corporation solely for the purpose of allocation of income realized from purchases without and sales within this state or purchases within and sales without this state.

(g) In computing the taxable income of a part-year or non-resident individual, trust or estate, the optional standard deduction as defined in Section 141 of the Internal Revenue Code, if applicable, the exemptions as defined in Section 151 of the Internal Revenue Code, and the Federal Income Tax deduction shall all be allowed in the proportion that the adjusted gross income of the taxpayer from Idaho sources bears to the total adjusted gross income from all sources before any deductions therefrom. The adjusted gross income, as used in this subsection, shall mean adjusted gross income as defined in Section 62 of the Internal Revenue Code with adjustments for necessary additions and subtractions of income under this act.

SECTION 11. That Section 63-3028, Idaho Code, be, and the same is hereby amended to read as follows:

63-3028. DEDUCTION OF FEDERAL INCOME TAX-
ES—CORPORATION.—In computing the taxable income of a corporation where the total taxable income subject to federal income tax is derived from sources within the state and from sources without the state, the amount of federal income tax deductible shall be the amount of federal income tax which would be payable if the taxable income, as computed under Section 63-3022, Idaho Code, as amended, and allocated under Section 63-3027, Idaho Code, as amended, and before the allowance of any federal income tax deduction, were the total taxable income subject to federal income tax; provided, however, that where the total net income of a corporation from all sources subject to federal income tax reflects net losses from sources without the state, the deduction for federal income tax shall not exceed the total amount of federal income tax paid or accrued.

In all cases, any federal income taxes shall be adjusted to reflect any refund, deficiency or credit during the taxable year.

SECTION 12. That Section 63-3029, Idaho Code, be, and the same is hereby amended to read as follows:

63-3029. CREDIT FOR INCOME TAXES PAID ANOTHER STATE OR TERRITORY.—

(a) Whenever a resident person, excluding corporations, has become liable for income tax to another state, as a non-resident of such state, upon his taxable income, or any part thereof, for the taxable year, which is derived from sources without this state and subject to taxation under this chapter, the amount of income tax payable by him under this chapter shall be credited with the income tax so payable by him to such other state or territory. The credit provided for by this subsection shall not be granted to a taxpayer when the laws of such other state or territory, under which the income in question is subject to tax assessment, provide for a credit to such taxpayer substantially similar to that granted in subsection (b) hereof. The credit granted shall be limited to the proportion of the tax computed under this chapter, but before the allowance of this credit, which the taxable income from such other state or territory bears to total taxable income; provided, however, that such credit shall not be in excess of the actual tax payable to such other state or territory.

(b) Whenever a person, other than a corporation, who
is a non-resident, or part-year resident of this state has become liable for income tax to the state where he resides upon his taxable income for the taxable year, derived from sources within this state and subject to taxation under this chapter, the amount of income tax payable by him under this chapter shall be credited with the tax so payable by him to the state where he resides. The credit granted shall be limited to the proportion of the tax payable by him to the state or territory where he resides which his taxable income subject to taxation under this chapter bears to his entire taxable income upon which the tax so payable to such other state or territory was imposed; provided, however, that such credit shall not be in excess of the tax payable under this act; and provided, further, that such credit shall be allowed only if the laws of such state or territory:

(1) Grant a substantially similar credit to residents of this state subject to income tax under such laws, or

(2) Impose a tax upon the personal incomes of its residents derived from sources in this state and exempt from taxation the personal incomes of residents of this state.

No credit shall be allowed against the amount of the tax on any income taxable under this chapter which is exempt from taxation under the laws of such other state.

(c) To substantiate the credit allowed under this section, the Tax Collector may require a copy of any receipt showing payment of income taxes to another state and/or a copy of any return or returns filed with such other state or territory.

(d) In order to give full effect to the intent of this section, the Tax Collector is hereby authorized to enter into reciprocal agreements with the taxing authorities of the several states and territories.

SECTION 13. 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) 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 $1200 or more);

(2) Any non-resident 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) of $600 or more which is subject to Idaho income tax (except that any 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 a gross income of $1200 or more derived from any source within the state of Idaho);

(3) Every corporation subject to taxation by this act;

(4) Every estate, the resident 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) of $600 or more for the current taxable year subject to Idaho income tax;

(6) Every trust, the residence of which trust is in Idaho, having a 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) of $100 or more for the current taxable year subject to Idaho income tax;

(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 Tax Collector in accordance with the provisions of Section 6012 (b) of the Internal Revenue Code.

SECTION 14. That Section 63-3031, Idaho Code, be, and the same is hereby amended to read as follows:

63-3031. JOINT RETURNS.—

(a) A husband and wife may make a single return jointly even though one of the spouses has neither gross income nor deductions, except as provided below:

(1) No joint return shall be made if, during the current taxable year, either the husband or the wife is a non-resident * alien of the United States.

(2) No joint return shall be made if husband and wife have different taxable years, unless the difference in taxable years is the result of the death of either or both of them; except that if either spouse changes his annual accounting period during the taxable year, or if the surviving spouse remarries within the taxable year no such return shall be filed.

(3) For the purpose of subsection (2) of this section, the joint return, if permitted, shall be treated as if the taxable years of both spouses ended on the date of the closing of the surviving spouse's taxable year.

(4) In the case of death of one spouse or both spouses the joint return with respect to the decedent may be made only by his executor or administrator; except that in the case of the death of one spouse the joint return may be made by the surviving spouse with respect to both himself and the decedent if no return for the taxable year has been made by the decedent, no executor or administrator has been appointed, and no executor or administrator is appointed before the last day prescribed by law for filing the return of the surviving spouse. If an executor or administrator of the decedent is appointed after the making of the joint return by the surviving spouse, the executor or administrator may disaffirm such joint return by making, within one year after the last day prescribed by law for filing the return of the surviving spouse, a separate return for the taxable year of the decedent with respect to which the joint return was made, in which case the return made by the survivor shall constitute his separate return.

(b) Definitions. For purposes of this section—
(1) The status as husband and wife of two individuals having taxable years beginning on the same day shall be determined

(A) if both have the same taxable year—as of the close of such year; and

(B) if one dies before the close of the taxable year of the other—as of the time of such death; and

(2) an individual who is legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married; and

(3) if a joint return is made, the tax shall be computed on the aggregate income and the liability with respect to the tax shall be joint and several.

SECTION 15. That Section 63-3034, Idaho Code, be, and the same is hereby amended to read as follows:

63-3034. PAYMENT OF TAX.—The entire tax imposed by this act shall be paid to the Tax Collector on or before the date upon which the return must be filed with the Tax Collector * * *

SECTION 16. That Section 63-3037, Idaho Code, be, and the same is hereby amended to read as follows:

63-3037. INFORMATION RETURNS.—All persons, in whatever capacity, including lessees or mortgagors of real or personal property, fiduciaries and employers, making payment to another person of interest, rent, salaries, wages, except as provided by subsection (b) of Section * * * 63-3035, Idaho Code, and Section * 63-3036, Idaho Code, premiums, annuities, compensation, remunerations, emoluments * , other fixed or determinable gains, profits and income, or corporate liquidation distributions shall make returns to the Tax Collector setting forth the amount of such gains, profits * and income, and the name and address of the recipient of such payment. Such returns shall * * * correspond to the requirements of the Internal Revenue Code.

SECTION 17. That Section 63-3039, Idaho Code, be, and the same is hereby amended to read as follows:

63-3039. RULES AND REGULATIONS — PUBLICATION OF STATISTICS AND LAW.—

(a) The Tax Collector shall prescribe all needful rules and regulations for the enforcement of this act (which
shall be deemed to include all interpretations and constructions of this act, which must be uniformly made, by the Tax Collector) and shall prepare all forms which may be required of taxpayers. All rules or regulations and forms shall be printed for general distribution and the Tax Collector is hereby authorized to contract for such printing. The Tax Collector may make a charge for each copy of rules and regulations which charge shall not exceed the actual cost of printing the same plus ten per cent (10%) to cover expense of the Tax Collector for postage or other handling costs but no charge shall be made for any form required of taxpayers. No rule or regulation shall become effective until thirty (30) days after the * * * * rule or regulation as published is made available to the public and each rule or regulation requiring compliance by a taxpayer shall have an effective date. The Tax Collector is authorized to establish an annual * charge for all rules, regulations and other publications of the department and to receive subscriptions therefor which shall entitle the subscriber to delivery of such publications by mail as soon as the same are published.

(b) The Tax Collector shall * * * as soon as practicable after the effective date of this act adopt rules and regulations as provided herein. Such rules and regulations shall conform wherever practicable to the regulations promulgated by the Commissioner for the Internal Revenue Code**.

(c) *Any law to the contrary notwithstanding*, the Tax Collector shall prepare and publish annually such statistics as are reasonably available with respect to the operation of the department including pertinent statistics of the income reported, taxes collected, and such other matters as may be deemed valuable information for the public and also such information and statistics as the Governor and/or the Legislature may require from time to time.

(d) The Tax Collector shall cause this act to be published in pamphlet form together with such amendments as may from time to time be made, which pamphlet shall include any rules or regulations then in effect and shall provide for the sale of the same to the public at a uniform price not to exceed the cost of printing plus ten percent of such cost for postage and other handling charges incurred by the Tax Collector.

SECTION 18. That Section 63-3041, Idaho Code, be, and the same is hereby amended to read as follows:
63-3041. OVERPAYMENTS.—If the taxpayer has paid more than the amount determined to be the correct amount of the tax, the excess shall be credited or refunded as provided in Section * 63-3072, Idaho Code, as amended. In the event a joint return has been filed and one spouse dies prior to issuance of credit or refund, the credit or refund may be granted the surviving spouse. In the event a joint return has been filed by a couple separated after filing of the return, the credit or refund may be equally divided between such persons unless a joint claim has theretofore been properly executed.

SECTION 19. That Section 63-3043, Idaho Code, be, and the same is hereby amended to read as follows:

63-3043. CONTEMPT.—In case any person refuses to comply with any subpoena or order under this act or to produce or permit the examination or inspection of any books, papers or documents pertinent to any investigation or inquiry hereunder, or to testify to any matter regarding which he may lawfully be interrogated, such fact shall be reported by the collector or a deputy collector, to the district court or the judge thereof of any district wherein such person resides or may be found, and such court or judge shall order such witness to attend and testify, or otherwise compel obedience to the lawful demands and requests of any of said officials; and on failure or refusal of any person to obey such order, he shall be dealt with as for contempt of court under the applicable provisions of chapter 6 of title 7, Idaho Code * *.

SECTION 20. That Section 63-3059, Idaho Code, be, and the same is hereby amended to read as follows:

63-3059. LEVY OR DISTRAINT WARRANT.—In case of neglect or refusal to pay taxes or deficiencies as hereinabove provided, the Tax Collector may levy, or, by warrant issued under his own hand, authorize a sheriff, * constable, or deputy collector, to levy upon, seize and sell all property, except such as is exempt by the preceding section, belonging to such person, for the payment of the amount due or for the enforcement of any lien authorized and filed pursuant to this act.

SECTION 21. That Section 63-3060, Idaho Code, be, and the same is hereby amended to read as follows:

63-3060. PROCEEDINGS ON LEVY OR DISTRAINT. —When a warrant is issued by the Tax Collector for the collection of any tax, interest, penalty, additional amount
or addition to such tax, imposed by this act or for the enforcement of any lien authorized by this act, it shall be directed to any sheriff, * constable, or deputy collector, and any such warrant shall have the same force and effect as a writ of execution. It may and shall be levied and sale made pursuant to it in the same manner and with the same force and effect as a levy and sale pursuant to a writ of execution. The sheriff, * constable, or deputy collector, shall receive upon the completion of his services pursuant to said warrant, and the Tax Collector is authorized to pay to said sheriff, * constable, or deputy collector, the same fees, commissions and expenses pursuant to said warrant as are provided by law for similar services pursuant to a writ of execution, except that fees for publication in a newspaper shall be subject to approval by the Tax Collector rather than by the court; said fees, commissions and expenses shall be an obligation of the taxpayer and may be collected from the taxpayer by virtue of the warrant. Any such warrant issued by the Tax Collector shall show the name and last known address of the taxpayer liable for the amount, and shall show the year for which such tax, interest, penalty, additional amount, or addition to such tax, is due and the amount thereof, and the fact that the Tax Collector has complied with all provisions of this act in the determination of the amount required to be paid, and that the tax, interest, penalty, additional amount, or addition to such tax, is due and payable according to law.

SECTION 22. That Section 63-3061, Idaho Code, be, and the same is hereby amended to read as follows:

63-3061. SUCCESSIVE SEIZURES. — Whenever any property which is seized and sold by virtue of the foregoing provisions is not sufficient to satisfy the claim of the state for which distraint or seizure is made, the sheriff, * constable, or deputy collector may thereafter, and as often as the same may be necessary, proceed to seize and sell in like manner any other property liable to seizure of the taxpayer against whom such claim exists, until the amount due from such taxpayer, together with all expenses, is fully paid.

SECTION 23. That Section 63-3062, Idaho Code, be, and the same is hereby amended to read as follows:

63-3062. PRODUCTION OF BOOKS.—All persons, and officers of companies or corporations, are required on demand of a sheriff, * constable, or deputy collector about
to distrain, or having distrained on any property or rights of property, to exhibit all books containing evidence or statements relating to the subject of distraint, or the property or rights of property liable to distraint for the tax due.

SECTION 24. That Section 63-3065, Idaho Code, be, and the same is hereby amended to read as follows:

63-3065. JEOPARDY ASSESSMENTS.—

(a) If the Tax Collector finds that a taxpayer is about to depart from the state of Idaho or to remove his property therefrom, or to conceal himself or his property therein, or to do any other act tending to prejudice or to render wholly or partially ineffectual proceedings to collect the tax for the taxable year then last past or the taxable year then current unless such proceedings be brought without delay, the Tax Collector shall declare the taxable period for such taxpayer immediately terminated and shall cause notice of such findings and declaration to be given the taxpayer, together with a demand for immediate payment of the tax for the taxable period so declared terminated and of the tax for the preceding taxable year or so much of said taxes as is unpaid, whether or not the time otherwise allowed by law for filing returns and paying the tax has expired; and such taxes shall thereupon become immediately due and payable. In any proceedings in court brought to enforce payment of taxes made due and payable by virtue of the provisions of this section the finding of the Tax Collector, made as herein provided, whether made after notice to the taxpayer or not, shall be for all purposes prima facia evidence of the taxpayer's design.

(b) A taxpayer who is not in default in making any return or paying any taxes assessed under this chapter may furnish to the state of Idaho under regulations to be prescribed by the Tax Collector, security approved by the Tax Collector that he will duly make the return next thereafter required to be filed and pay the tax next thereafter required to be paid. The Tax Collector may approve and accept in like manner security for return and payment of taxes made due and payable by virtue of the provisions of this section.

(c) If security is approved and accepted pursuant to the provisions of this section and such further or other security with respect to the tax or taxes covered thereby is given as the Tax Collector shall from time to time find necessary and require, payment of such taxes shall not be
enforced by any proceedings under the provisions of this
section prior to the expiration of the time otherwise allowed
for paying such respective taxes.

(d) In the case of a bona fide resident of the state of
Idaho about to depart from the state of Idaho the Tax
Collector may, at his discretion, waive any or all of the
requirements placed upon the taxpayer by this section.

(e) If a taxpayer violates or attempts to violate this
section there shall, in addition to all other penalties, be
added as part of the tax twenty-five per centum (25%)
of the total amount of the tax or deficiency in the tax.

(f) If the taxpayer owing tax is not within this state
or has departed from the state and ignores all demands
for payment, the Tax Collector is authorized to employ the
services of any qualified collection agency or attorney and
to pay fees for such services out of monies recovered.

SECTION 25. That Title 63, Chapter 30, Idaho Code, be,
and the same is hereby amended by adding a new section
thereto following Section 63-3065, Idaho Code, to be known
and designated as Section 63-3065A, Idaho Code, and to
read as follows:

63-3065A. JURISDICTION OVER NON-RESIDENTS.
—A deficiency assessed and due and payable by a person
not within the state may be prosecuted against such per­
son by an action in any court in this state having juris­
diction of the subject matter, and the court shall have in
personam jurisdiction of such a person in any such action
for taxes imposed and assessed under this act. Notice shall
be given such person by personal service without the state
or by publication, and the action shall proceed in accord­
ance with the rules and statutes regulating procedure in
this state; provided, however, that, in the event such notice
shall be by publication, notice shall also be mailed by regis­
tered or certified mail to such person at his last known
address.

SECTION 26. That Section 63-3068, Idaho Code, be, and
the same is hereby amended to read as follows:

63-3068. PERIOD OF LIMITATION UPON ASSESS­
MENT 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 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 years after assessment of the tax and provided, further, that this shall not be in derogation of any of the remedies elsewhere herein provided.

(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 months (6) 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 audit or otherwise, and no corresponding adjustment has been reported to the state, the limitation upon assessment shall be one year from the delivery of notice of final determination thereof to the Tax Collector.

SECTION 27. 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 Tax Collector is authorized and the State Tax Commission is authorized to order the Tax Collector 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 Tax Collector.

(c) No such credit or refund of taxes, penalties or interest paid, shall be allowed or made after three 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 period of limitation shall be one 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.
SECTION 28. That Section 63-3077, Idaho Code, be, and the same is hereby amended to read as follows:

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

Notwithstanding the provisions of this act as to secrecy, any duly constituted committee of either branch of the state legislature shall have the right to inspect returns upon request. Nothing in this act shall prohibit a taxpayer, or his authorized representative, upon proper identification, from inspecting or copying his own income tax returns. Any taxpayer making a return, whether accrual or cash basis, shall furnish the Tax Collector with the figure or figures representing the value of his inventory of stock of goods in trade. In the event the taxpayer shall have more than one place of business, then and in that event the taxpayer shall give the amount of inventory of each separate place of business, separately. The Tax Collector is hereby authorized and empowered to deliver to the County Assessor of any county of the state of Idaho the amount of inventory claimed by the taxpayer in any year in a place of business located in the county whose assessor requested such information.

SECTION 29. If any provisions, parts or portions of this act or the application thereof to any taxpayer, person or circumstances shall be held invalid, such invalidity shall not affect the balance of the provisions of this act or the application thereof, and to this end the provisions of this act are declared to be severable.
SECTION 30. DECLARATION OF EMERGENCY AND EFFECTIVE DATE. — An emergency existing therefor, which emergency is hereby declared to exist, this act, upon its passage and approval, shall take effect and be in force retroactively from and after January 1, 1961, and shall pertain only to taxable years commencing on or after January 1, 1961; except that Section 11 amending Section 63-3028, Idaho Code, and Section 14 amending Section 63-3031, Idaho Code, shall take effect and be in force retroactively from and after January 1, 1959, and shall pertain only to taxable years commencing on or after January 1, 1959.

Approved March 11, 1961.

CHAPTER 329
(H. B. No. 227)

AN ACT

DIRECTING THE STATE BOARD OF EDUCATION AND BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO TO CAUSE A SURVEY OF ALL TAX-SUPPORTED EDUCATIONAL INSTITUTIONS OFFERING COURSES OF STUDY ABOVE THE HIGH SCHOOL LEVEL IN THIS STATE FOR SPECIFIED PURPOSES; PROVIDING FOR APPORTIONMENT OF THE COST OF THE SURVEY AMONG THE INSTITUTIONS INCLUDED IN THE STUDY; AND DECLARING AN EMERGENCY.

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

SECTION 1. The State Board of Education and Board of Regents of the University of Idaho are hereby directed to cause a survey of all tax-supported institutions offering courses above the high school level in this state, to be made by a responsible public or private agency, individual or individuals covering these areas:

A. The objectives of the Higher Education Program projected through the next fifteen years, and the degree to which these are being realized, with suggested programs for more effective and efficient realization of these objectives.

B. The degree of proliferation, duplication and overlapping of objectives and course offerings as between and within the public institutions of higher education.
SECTION 2. The costs of this survey shall be borne by the public institutions of higher education in this state which are included in the study and shall be apportioned among them on a ratio determined by total regular student enrollment.

SECTION 3. 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.

Approved March 14, 1961.

CHAPTER 330
(H. B. No. 182)

AN ACT

PROVIDING A COMPREHENSIVE CODIFICATION, CONSOLIDATION, AND REVISION OF LAWS OF THE STATE OF IDAHO RELATING TO INSURANCE AND THE INSURANCE BUSINESS; TO REGULATE THE INCORPORATION, FORMATION, AUTHORIZATION, AFFAIRS, TRANSACTIONS, AND PROCEEDURES OF DOMESTIC INSURANCE COMPANIES, SOCIETIES AND ASSOCIATIONS, AND THE ADMISSION, AUTHORIZATION, AFFAIRS, TRANSACTIONS AND PROCEEDURES OF FOREIGN AND ALIEN INSURANCE COMPANIES, SOCIETIES AND ASSOCIATIONS; TO PROVIDE THEIR RIGHTS, POWERS AND IMMUNITIES, AND TO PRESCRIBE THE CONDITIONS ON WHICH INSURANCE COMPANIES, SOCIETIES AND ASSOCIATIONS ORGANIZED, EXISTING, OR AUTHORIZED UNDER THIS ACT MAY EXERCISE THEIR POWERS; TO PROVIDE THE RIGHTS, POWERS, PROHIBITIONS, AND IMMUNITIES, AND TO PRESCRIBE THE CONDITIONS ON WHICH OTHER PERSONS, FIRMS, CORPORATIONS, AND ASSOCIATIONS ENGAGED IN OR RELATIVE TO AN INSURANCE BUSINESS OR INSURANCE TRANSACTION MAY EXERCISE THEIR RIGHTS OR POWERS; TO PROVIDE WITH RESPECT TO SUITS AGAINST INSURERS; TO PROVIDE THE CONDITIONS FOR OR AFFECTING TRANSACTIONS IN THIS STATE BY OR FOR UNAUTHORIZED INSURERS; TO PRESCRIBE TERMS, CONDITIONS, AND PROHIBITIONS FOR OR WITH RESPECT TO CERTAIN INSURANCE CONTRACTS AND ANNUITY CONTRACTS, AND TO PROVIDE FOR CERTAIN POWERS,
RIGHTS, OBLIGATIONS, PROHIBITIONS, IMMUNITIES, AND CONSEQUENCES AS TO INSUREDS AND OTHER PERSONS RELATIVE TO SUCH CONTRACTS AND MATTERS AFFECTING OR ARISING THEREFROM; TO PROVIDE FOR LICENSES, FEES, AND TAXES AND FOR THE DISPOSITION THEREOF; TO PROVIDE FOR THE DEPARTMENTAL ADMINISTRATION OF THE INSURANCE LAWS, AND DEPARTMENTAL SUPERVISION AND REGULATION OF INSURERS AND INSURANCE BUSINESS WITHIN OR RELATIVE TO THIS STATE, AND PRESCRIBING DUTIES, POWERS, RIGHTS, PROHIBITIONS, AND PROCEDURES FOR OR RELATING TO SUCH ADMINISTRATION, SUPERVISION, AND REGULATION; TO PROVIDE FOR THE REHABILITATION AND LIQUIDATION OF INSURANCE COMPANIES, SOCIETIES, AND ASSOCIATIONS, AND FOR SIMILAR DELINQUENCY PROCEEDINGS WITH RESPECT TO SUCH COMPANIES, SOCIETIES, AND ASSOCIATIONS; TO PROVIDE FOR THE PROCUREMENT OF INSURANCE ON PUBLIC PROPERTY AND RISKS, AND PRESCRIBING CERTAIN TERMS AND CONDITIONS FOR OR RELATIVE TO SUCH INSURANCE; TO PRESERVE THE VALIDITY AND EFFECTIVENESS OF AUTHORITIES, LICENSES, INSURANCE AND ANNUITY CONTRACT FORMS, FILINGS, AND DOCUMENTS LAWFULLY GRANTED, EXISTING, MADE, OR USED UNDER LAWS REPEALED BY THIS ACT; TO PRESERVE THE DEPARTMENT OF INSURANCE AND THE TENURE OF THE EXISTING COMMISSIONER OF INSURANCE AS CREATED OR EXISTING UNDER LAWS REPEALED BY THIS ACT; TO DEFINE CERTAIN TERMS AS USED IN THIS ACT, AND TO PROVIDE FOR THE APPLICABILITY OF THIS ACT WITH RESPECT TO OTHER LAWS; TO PROVIDE CERTAIN RULES OF CONSTRUCTION RELATIVE TO THE PROVISIONS OF THIS ACT; TO PROVIDE A GENERAL SAVING CLAUSE; TO PROVIDE FOR SEPARABILITY OF THE PROVISIONS OF THIS ACT; TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS ACT; TO PROVIDE THE EFFECTIVE DATE OF THIS ACT AND OF PARTICULAR PROVISIONS OF THIS ACT; TO REPEAL CHAPTERS 1 THROUGH 14, INCLUSIVE, CHAPTERS 16 THROUGH 30, INCLUSIVE, AND CHAPTERS 32 THROUGH 40, INCLUSIVE, ALL OF TITLE 41, IDAHO CODE, AND TO REPEAL SECTIONS 41-1501 THROUGH 41-1507, INCLUSIVE, AND SECTIONS 41-1514 THROUGH 41-1521, INCLUSIVE, IDAHO CODE.

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

SECTION 1. SHORT TITLE.—This Act constitutes the Idaho insurance code.
SECTION 2. "INSURANCE" DEFINED. — "Insurance" is a contract whereby one undertakes to indemnify another or pay or allow a specified or ascertainable amount or benefit upon determinable risk contingencies.

SECTION 3. "INSURER" DEFINED. — "Insurer" includes every person engaged as indemnitor, surety, or contractor in the business of entering into contracts of insurance or of annuity.

SECTION 4. "PERSON" DEFINED. — "Person" includes any individual, insurer, company, association, organization, Lloyd's insurer, society, reciprocal insurer or interinsurance exchange, partnership, syndicate, business trust, corporation and every legal entity.

SECTION 5. "COMMISSIONER", "DEPARTMENT" DEFINED. — (1) "Commissioner" means the Commissioner of Insurance of this state.

(2) "Department" means the Department of Insurance of this state.

SECTION 6. "DOMESTIC", "FOREIGN", "ALIEN" INSURER DEFINED. — (1) A "domestic" insurer is one formed under the laws of this state.

(2) A "foreign" insurer is one formed under the laws of a jurisdiction other than this state.

(3) An "alien" insurer is one formed under the laws of any country other than the United States of America, its states, districts, territories, and commonwealths.

(4) Except where distinguished by context, "foreign" insurers includes also "alien" insurers.

SECTION 7. "STATE" DEFINED. — When used in context signifying a jurisdiction other than the state of Idaho, "state" means any state, district, territory, commonwealth, or possession of the United States of America, and the Panama Canal Zone.

SECTION 8. "DOMICILE" DEFINED. — The "domicile" of an insurer means:

(1) As to Canadian insurers, Canada and the province in which the insurer's head office is located.

(2) As to other alien insurers authorized to transact insurance in one or more states, as provided in section 103 (retaliatory provision).
(3) As to alien insurers not authorized to transact insurance in one or more states, the country under the laws of which the insurer was formed.

(4) As to all other insurers, the state under the laws of which the insurer was formed.

SECTION 9. "PRINCIPAL OFFICE" DEFINED. —
"Principal office" means:

(1) As to Canadian insurers, the office in Canada from which the general affairs of the insurer are directed or managed;

(2) As to other alien insurers authorized to transact insurance in one or more states, the office in United States from which the general affairs of the insurer in the United States are directed or managed;

(3) As to all other insurers, the office from which the general affairs of the insurer are directed or managed.

SECTION 10. "AUTHORIZED", "UNAUTHORIZED" INSURER DEFINED.—(1) An "authorized" insurer is one duly authorized by a subsisting certificate of authority issued by the Commissioner to transact insurance in this state.

(2) An "unauthorized" insurer is one not so authorized.

SECTION 11. "CERTIFICATE OF AUTHORITY", "LICENSE" DEFINED.—(1) A "certificate of authority" is one issued by the Commissioner evidencing the authority of an insurer to transact insurance in this state.

(2) A "license" is authority granted by the Commissioner pursuant to this code authorizing the licensee to engage in a business or operation of insurance in this state other than as an insurer, and the certificate by which such authority is evidenced.

SECTION 12. "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.
SECTION 13. COMPLIANCE REQUIRED — PUBLIC INTEREST. — (1) No person shall transact a business of insurance in Idaho, or relative to a subject of insurance resident, located or to be performed in Idaho, without complying with the applicable provisions of this code.

(2) The business of insurance is one affected by the public interest, requiring that all persons be actuated by good faith, abstain from deception, and practice honesty and equity in all insurance matters. Upon the insurer, the insured, and their representatives, and all concerned in insurance transactions, rests the duty of preserving the integrity of insurance.

SECTION 14. APPLICATION OF CODE AS TO PARTICULAR TYPES OF INSURERS.—No provision of this code shall apply with respect to:

(1) Domestic mutual benefit insurers (as identified in chapter 30), except as stated in chapter 30 (Mutual Benefit Associations).

(2) County mutual insurers (as identified in chapter 31), except as stated in chapter 31 (County Mutual Insurers).

(3) Fraternal benefit societies (as identified in chapter 32), except as stated in chapter 32 (Fraternal Benefit Societies).

(4) Hospital and medical service corporations (as identified in chapter 34), except as stated in chapter 34 (Hospital and Medical Service Corporations).

SECTION 15. PARTICULAR PROVISIONS PREVAIL. —Provisions of this code relative to a particular kind of insurance or a particular type of insurer or to a particular matter shall prevail over provisions relating to insurance in general or insurers in general or to such matter in general.

SECTION 16. CAPTIONS NOT TO AFFECT MEANING. — The scope and meaning of any provision of this code shall not be limited or otherwise affected by the caption or heading of any chapter, section or provision.

SECTION 17. GENERAL PENALTY. — Each violation of this code for which a greater penalty is not provided by another provision of this code or by other applicable laws of this state, shall in addition to any applicable prescribed denial, suspension, or revocation of certificate of authority or license be punishable upon conviction by a
fine of not more than one thousand dollars ($1,000) or by imprisonment in the county jail for a period not to exceed six (6) months, or by both such fine and imprisonment in the discretion of the court. Each instance of violation may be considered a separate offense.

SECTION 18. DEPARTMENT OF INSURANCE. — There shall be a Department of Insurance of the state of Idaho.

SECTION 19. COMMISSIONER OF INSURANCE — APPOINTMENT — TERM — QUALIFICATIONS. — (1) The Commissioner of Insurance shall be the chief executive officer of the Department of Insurance.

(2) The Commissioner shall be appointed by the Governor and shall hold office for a term of four (4) years, subject to earlier removal by the Governor. A vacancy in the office of Commissioner shall be filled for the balance of the unexpired term only.

(3) The Governor shall not appoint as Commissioner any individual, and no individual shall hold the office of Commissioner, who is not qualified therefor as follows:

(a) Must be a qualified elector of the state of Idaho; and

(b) Must have had at least five (5) years' practical experience in one or more of the types of insurance business subject to regulation by the Commissioner, or have had other professional or business experience reasonably adequate in character and scope to equip him to discharge the duties and fulfill the responsibilities of the office of Commissioner.

SECTION 20. COMMISSIONER'S SALARY. — The Commissioner shall receive such salary as is provided by law, to be paid in the same manner as other state officers are paid. The Commissioner shall devote his full business time to the duties of his office.

SECTION 21. COMMISSIONER'S OATH AND BOND. — At the time of taking office the Commissioner shall take an oath of office, and give bond in favor of the State of Idaho in the penal sum of twenty-five thousand dollars ($25,000). The surety on the bond shall be a corporate surety authorized to transact such business in this state. The form of the bond and surety shall be subject to the Governor's approval. The oath and bond shall be filed with the Secretary of State.
SECTION 22. OFFICIAL SEAL.—(1) The Commissioner shall have an official seal, in the form and design as so in use immediately prior to the effective date of this code.

(2) The Commissioner shall issue under his official seal all certificates, other than licenses of agents, brokers, adjusters, and other insurance representatives, to be issued by him under the laws of this state.

SECTION 23. DEPUTIES AND ASSISTANTS.—(1) The Commissioner may appoint, employ, fix the compensation of, prescribe and require the duties of, and discharge such deputies and personnel as the duties of his office may require.

(2) The Commissioner shall appoint as a deputy with respect to matters concerning life and disability insurance, a person qualified therefor by experience in such kinds of insurance business or in the supervision thereof by public authority. The Commissioner shall appoint as a deputy with respect to matters concerning the other kinds of insurance, another person qualified therefor by experience in such other kinds of insurance business or in the supervision thereof by public authority. The Commissioner shall designate one of such deputies as chief deputy.

(3) The deputy Commissioners referred to in subsection (2) above shall each give an official bond in favor of the State in the penal sum of ten thousand dollars ($10,000). The surety on the bond shall be a corporate surety authorized to transact such business in this state. The form of the bond and surety shall be subject to the Commissioner’s approval. The bond shall be filed with the Secretary of State.

(4) The Commissioner may contract for and procure on a basis of fee, and without giving such persons any status as an employee of this state, such independently contracting actuarial, technical and other similar professional services as he may from time to time require for the discharge of his duties.

SECTION 24. DELEGATION OF POWERS.—(1) The Commissioner may delegate to his deputy, assistant, counsel, actuary, examiner or employee, the exercise or discharge in the Commissioner’s name of any power, duty, or function, whether ministerial, discretionary or of whatever character, vested in or imposed upon the Commissioner under this code.
(2) The official act of any such person so acting in the Commissioner's name and by his authority shall be deemed to be an official act of the Commissioner.

SECTION 25.  PROHIBITED INTERESTS, REWARDS. — (1) The Commissioner or any deputy, actuary, examiner, assistant or employee of the Commissioner shall not be a director, officer, or employee of any insurer or be financially interested in the business of any insurer, except as a policyholder or claimant under an insurance policy or by reason of rights theretofore vested in commissions, fees, or retirement benefits related to services theretofore performed; nor shall any such individual engage in any other business or occupation interfering with or inconsistent with the duties of his office or employment, or serve on or under any political committee or take an active part in any political campaign on behalf of any candidate or party.

(2) Except as provided in section 26, no person shall directly or indirectly give or pay to the Commissioner, or any deputy, actuary, examiner, assistant or employee of the Commissioner, and the Commissioner or his deputy, actuary, examiner, assistant or employee shall not directly or indirectly receive or accept, any fee, compensation, loan, gift, or other thing of value in addition to the compensation and expense allowance provided by law, for any service rendered or to be rendered as such Commissioner, deputy, actuary, examiner, assistant or employee or in connection therewith, or for services rendered or to be rendered in relation to legislation, or for extra services rendered or to be rendered, or for any cause whatsoever related, to any person who is subject to the supervision of the Commissioner under this code.

SECTION 26. PROFESSIONAL SERVICES.— (1) Upon a domestic insurer's written request to the Commissioner, the Commissioner may authorize an examiner, actuary, or other insurance technician appointed or employed by the Commissioner, to render to the insurer such professional or technical services as may not otherwise be reasonably obtainable from professional sources within this state.

(2) Compensation for services so actually rendered shall be in such reasonable amount as may be agreed upon between the insurer and the individual performing the services. Such individual shall file a copy of his statement for services with the Commissioner before delivery of the same to the insurer or payment thereof.
SECTION 27. GENERAL POWERS, DUTIES.—(1) The Commissioner shall enforce the provisions of this code, and shall execute the duties imposed upon him by this code.

(2) The Commissioner shall have the powers and authority expressly conferred upon him by or reasonably implied from the provisions of this code.

(3) The Commissioner may conduct such examinations and investigations of insurance matters, in addition to examinations and investigations expressly authorized, as he may deem proper to determine whether any person has violated any provision of this code or to secure information useful in the lawful administration of any such provision. The cost of such additional examinations and investigations shall be borne by the state.

(4) The Commissioner shall have such additional powers and duties as may be provided by other laws of this state.

SECTION 28. RULES AND REGULATIONS.—(1) The Commissioner may make reasonable rules and regulations necessary for or as an aid to the effectuation of any provision of this code. No such rule or regulation shall extend, modify, or conflict with any law of this state or the reasonable implications thereof.

(2) Any such rule or regulation affecting persons or matters other than the personnel or the internal affairs of the department shall be made or amended only after a hearing thereon of which notice was given as required by section 52. If reasonably possible the Commissioner shall set forth the proposed rule or regulation or amendment in or with the notice of hearing.

(3) No such rule or regulation as to which a hearing is required under subsection (2) above shall be effective until after it has been on file as a public record in the Commissioner’s office for at least ten (10) days.

(4) Upon request and payment of the reasonable cost thereof if required and fixed by the Commissioner, the Commissioner shall furnish a copy of any such rule or regulation to any person so requesting.

(5) In addition to any other penalty provided, willful violation of any such rule or regulation shall subject the violator to such suspension or revocation of certificate of authority or license as may be applicable under this code as for violation of the provision as to which such rule or regulation relates.
SECTION 29. ORDERS, NOTICES. — (1) Orders and notices of the Commissioner shall be effective only when in writing signed by him or by his authority.

(2) Every such order shall state its effective date, and shall concisely state:

(a) Its intent or purpose.

(b) The grounds on which based.

(c) The provisions of this code pursuant to which action is taken or proposed to be taken; but failure to so designate a particular provision shall not deprive the Commissioner of the right to rely thereon.

(3) Except as may be provided in this code respecting particular procedures, an order or notice may be given by delivery to the person to be ordered or notified or by mailing it, postage prepaid, addressed to him at his residence or principal place of business as last of record in the department. Notice so mailed shall be deemed to have been given when deposited in a letter depository of a United States post office.

SECTION 30. ENFORCEMENT. — (1) The Commissioner may institute such suits or other lawful proceedings as he may deem necessary for the enforcement of any provisions of this code.

(2) If the Commissioner has reason to believe that any person has violated any provision of this code, or any provision of other law as applicable to insurance operations, for which criminal prosecution is provided and would be in order, he shall give the information relative thereto to the Attorney General or County Attorney having jurisdiction of any such violation. The Attorney General or County Attorney shall promptly institute such action or proceedings against such person as the information may require or justify.

(3) Whenever the Commissioner may deem it necessary, he shall employ counsel, or call upon the Attorney General of this state for legal counsel and such assistance as may be necessary.

SECTION 31. RECORDS — REPRODUCTION — DESTRUCTION. — (1) The Commissioner shall preserve in permanent form records of his proceedings and hearings and including a concise statement of the results of any
investigations or examinations of insurers, and shall file such records in the department.

(2) The records and insurance filings in the department shall be open to public inspection, except as otherwise provided by this code.

(3) The Commissioner may photograph, microphotograph or reproduce on film, whereby each page will be reproduced in exact conformity with the original except as to dimensions, financial statements of insurers, reports of business transacted in this state by foreign insurers, reports of examination of insurers, and such other records and documents on file in his office as he may in his discretion select.

(4) The Commissioner may destroy unneeded or obsolete records and filings of the department in accordance with provisions and procedures applicable to administrative agencies of this state in general.

SECTION 32. USE OF REPRODUCTIONS AND CERTIFIED COPIES AS EVIDENCE.—(1) Photographs or microphotographs in the form of film or prints of documents and records made under section 31(3) shall have the same force and effect as the originals thereof, and duly certified or authenticated reproductions of such photographs or microphotographs shall be as admissible in evidence as are the originals.

(2) Upon request of any person and payment of the applicable fee, the Commissioner shall furnish a certified copy of any record in his office which is then subject to public inspection.

(3) Copies of original records or documents in his office certified by the Commissioner shall have the same effect and force and be received in evidence in all courts equally and in like manner as if they were originals.

SECTION 33. COMMISSIONER'S ANNUAL REPORT.—As early after July 1 as is consistent with full and accurate preparation the Commissioner annually shall transmit to the Governor a report of his official transactions containing with respect to the calendar year next preceding:

(1) A list of all authorized insurers transacting insurance in this state, showing as to each insurer the name, location, amount of capital (if a stock insurer) or surplus (if a mutual or reciprocal insurer), date of incorporation
or formation, date of commencement of business, and kinds of insurance transacted.

(2) A condensed form of financial statements and reports of every authorized insurer for the calendar year, as audited and corrected by the Commissioner, arranged in tabular form or in abstracts.

(3) A list of insurers whose business in this state was terminated and the reason for such termination; and if such termination was a result of liquidation, or of delinquency proceedings brought against the insurer in this or any other state, the amount of the insurer's assets and liabilities so far as the same are known to the Commissioner.

(4) A statement of the operating expenses of the department, including salaries, transportation, communication, printing, office supplies, fixed charges (insurance and bonds) and miscellaneous expense.

(5) A detailed statement of the monies and fees received by the department and from what source.

(6) Any recommendations for amendments or supplementations to insurance laws which, in the Commissioner's opinion, may be desirable.

(7) Such other pertinent information and matters as the Commissioner deems to be in the public interest.

SECTION 34. PUBLICATIONS AUTHORIZED. — The Commissioner shall publish, by printing or other suitable form of reproduction:

(1) Pamphlet or booklet copies of the insurance laws of this state;

(2) The Commissioner's annual report;

(3) Such copies of results of investigations or examinations of insurers for public distribution as he deems to be in the public interest;

(4) Such compilations as he deems advisable from time to time of the general orders of the Commissioner then in force; and

(5) Such other material as he may compile and deem relevant and suitable for the more effective administration of this code.

SECTION 35. PUBLICATIONS—SALE.—(1) The Com-
missioner shall fix a price at not less than cost of distribution and printing or other reproduction, to be paid by persons requesting copies of the insurance laws and such other publications referred to in section 34 as he deems proper to sell on behalf of the state rather than distribute free of charge on a basis of reciprocity.

(2) The Commissioner shall account for and deposit all moneys so received in the same manner as applies under section 109 to fees and taxes collected by him.

SECTION 36. EXAMINATION OF INSURERS. — (1) For the purpose of determining its financial condition, ability to fulfill and manner of fulfillment of its obligations, the nature of its operations, and compliance with the law, the Commissioner shall examine the affairs, transactions, accounts, records, and assets of each authorized insurer, including the attorney in fact of a reciprocal insurer in so far as insurer transactions are concerned, as often as he deems advisable. Except as otherwise expressly provided, he shall so examine each domestic insurer not less frequently than every three (3) years.

(2) Examination of an alien insurer shall be limited to its insurance transactions, assets, trust deposits and affairs in the United States except as otherwise required by the Commissioner.

(3) The Commissioner shall in like manner examine each insurer applying for an initial certificate of authority to transact insurance in this state.

(4) In lieu of making his own examination, the Commissioner may, in his discretion, accept a full report of the last recent examination of a foreign or alien insurer, certified to by the insurance supervisory official of another state.

SECTION 37. EXAMINATION OF AGENTS, MANAGERS, ADJUSTERS, PROMOTORS.—For the purpose of ascertaining compliance with law, the Commissioner may as often as he deems advisable examine the accounts, records, documents, and transactions, pertaining to or affecting its insurance affairs or proposed insurance affairs, of:

(1) Any insurance agent, solicitor, surplus line broker, general agent, or adjuster.

(2) Any persons having a contract under which he enjoys in fact the exclusive or dominant right to manage or control an insurer.
(3) Any person holding the shares of voting stock or policyholder proxies of a domestic insurer, for the purpose of controlling the management thereof, as voting trustee or otherwise.

(4) Any person engaged in this state in, or proposing to be engaged in this state in, or holding himself out in this state as so engaging or proposing, or in this state assisting in, the promotion or formation of an insurer or insurance holding corporation, or corporation to finance an insurer or the production of its business.

SECTION 38. PLACE OF EXAMINATION. — (1) The examination may be conducted by the Commissioner or his accredited examiners at the offices wherever located of the person being examined and at such other places as may be required for determination of matters under examination.

(2) In the case of alien insurers the examination may be so conducted in the insurer's United States offices and at places within the United States, except as otherwise required by the Commissioner.

SECTION 39. EXAMINATION COOPERATION WITH OTHER STATES.—As far as practical the Commissioner shall conduct the examination of a foreign or alien insurer in cooperation with the insurance supervisory officials of other states in which the insurer transacts business, and for the purpose thereof may participate in joint examinations of insurers or be represented in an examination by an examiner of another state.

SECTION 40. CONDUCT OF EXAMINATION — ACCESS TO RECORDS — CORRECTION OF ACCOUNTS — REMOVAL OF RECORDS. — (1) Upon such examination the Commissioner or examiner may examine under oath any officer, agent, or other individual deemed to have material information regarding the affairs of the person under examination.

(2) Every person being examined, its officers, attorneys, employees, agents, representatives or others having custody or control thereof, shall make freely available to the Commissioner or his examiners the accounts, records, documents, files, information, assets and matters in his possession or control relating to the subject of the examination, and shall facilitate the examination.

(3) If the Commissioner finds any accounts or records
to be inadequate or incorrectly kept or posted, he may procure the services of competent persons to reconstruct, rewrite, post or balance them at the expense of the person being examined if such person has failed to maintain, complete or correct such records or accounts after the Commissioner has given him notice and a reasonable opportunity to do so.

(4) Neither the Commissioner nor any examiner shall remove any record, account, document, file or other property of the person being examined from the offices of such person except with the written consent of such person being given in advance of such removal, or pursuant to an order of court duly obtained. This provision shall not be deemed to affect the making and removal of copies or abstractions of any such record, account, document, or file.

SECTION 41. EXAMINATION — APPRAISAL OF ASSET. — (1) If the Commissioner deems it necessary to value any asset involved in such an examination, he may make written request of the person being examined to appoint one or more appraisers who by reason of education, experience or special training are competent to appraise such asset. Any such appraiser shall be subject to the written approval of the Commissioner. If no such appointment is made within ten (10) days after the request therefor was delivered to such person, the Commissioner may appoint the appraiser or appraisers.

(2) Any such appraisal shall be promptly made, and a copy of the report thereof shall be furnished to the Commissioner.

(3) The reasonable expense of the appraisal shall be borne by the person being examined.

SECTION 42. OBSTRUCTION OF EXAMINATION—PENALTY.—Any individual who wilfully obstructs the Commissioner or his examiner in the conduct of any examination authorized by this chapter shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 17 (general penalty).

SECTION 43. EXAMINERS — QUALIFICATIONS. — For the conduct of or assistance in examinations under this chapter the Commissioner shall appoint as examiners only individuals who by reason of education, experience, or special training are competent to perform the duties and fulfill the responsibilities of an insurance examiner. In the selection of examiners the Commissioner shall give due con-
consideration to standards and qualifications therefor recommended by the National Association of Insurance Commissioners or any successor organization thereto.

SECTION 44. EXAMINATION REPORT. — (1) The Commissioner or his examiner shall make a full and true written report of every examination made by him under this chapter, and shall verify the report by his oath.

(2) The report shall comprise only facts appearing upon the books, papers, records or documents of the person being examined, or ascertained from testimony of individuals under oath concerning the affairs of such person, together with such conclusions and recommendations as may reasonably be warranted from such facts.

(3) The Commissioner shall furnish a copy of the report to the person examined not less than twenty (20) days prior to filing the report in his office, and may, in his discretion, also furnish a copy thereof to each member of an insurer's board of directors. If such person so requests in writing within such twenty-day period, the Commissioner shall grant a hearing as to the report and shall not file the report until after the hearing and after such modifications have been made therein as the Commissioner deems proper.

(4) The report when so verified and filed shall be admissible in evidence in any action or proceeding brought by the Commissioner against the person examined, or against its officers, employees or agents, and shall be presumptive evidence of the material facts stated therein. The Commissioner or his examiners may at any time testify and offer other proper evidence as to information secured or matters discovered during the course of an examination, whether or not a written report of the examination has been either made, furnished or filed in the department.

(5) The Commissioner may withhold from public inspection any examination or investigation report for so long as he deems such withholding to be necessary for the protection of the person examined or investigated against unwarranted injury or to be in the public interest. After the examination report has been filed, as hereinabove provided, the Commissioner may publish the report or the results of the examination as contained therein in one or more newspapers in this state.

SECTION 45. EXAMINATION EXPENSE.—(1) Every insurer or corporation so examined shall, at the direction
of the Commissioner, pay to the examiners and other persons assisting in making the examination, the actual travel expenses, reasonable living expense allowance, and compensation, at reasonable rates customary for such examination and as approved by the Commissioner, necessarily incurred on account of the examination, upon presentation of a detailed account of such charges and expenses. A consolidated account of all such charges and expenses for the examination shall be certified to in duplicate by the insurer or corporation examined, one copy of which shall be retained by such insurer or corporation and the other copy filed in the department as a public record.

(2) No person shall pay and no examiner shall accept any additional emolument on account of any examination.

SECTION 46. WITNESSES AND EVIDENCE.—(1) As to the subject of an examination, investigation, or hearing being conducted by him the Commissioner or any deputy or examiner appointed by him may administer oaths, examine and cross-examine witnesses, receive oral and documentary evidence, and shall have the power to subpoena witnesses, compel their attendance and testimony, and require by subpoena the production of books, papers, records, files, correspondence, documents and other evidence which he deems relevant to the inquiry.

(2) If any individual refuses to comply with any such subpoena or to testify as to any matter concerning which he may be lawfully interrogated, the district court of the county wherein such examination, investigation, or hearing is being conducted or of the county wherein such individual resides, on the Commissioner’s application may issue an order requiring such individual to comply with the subpoena and to testify; and failure to obey such an order may be punished by the court as a contempt thereof.

(3) Subpoenas shall be served, and proof of such service made, in the same manner as if issued by a district court. Witness fees and mileage, if claimed, shall be allowed the same as for testimony in a district court.

(4) Any individual wilfully testifying falsely under oath as to any matter material to any such examination, investigation or hearing shall upon conviction thereof be guilty of perjury and shall be punished accordingly.

SECTION 47. TESTIMONY COMPelled—IMMUNITY FROM PROSECUTION.—(1) If any person asks to be excused from attending or testifying or from producing
any books, papers, records, contracts, documents, or other evidence in connection with any examination, hearing, or investigation being conducted by the Commissioner, his deputy or examiner; or in any proceeding or action before any court or magistrate upon a charge of violation of this code, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture, and shall notwithstanding be directed to give such testimony or produce such evidence, he must, if so directed by the Commissioner and the Attorney General, nonetheless comply with such direction; but he shall not thereafter be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may have so testified or produced evidence, and no testimony so given or evidence produced shall be received against him upon any criminal action, investigation, or proceeding; except, however, that no such person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in such testimony, and the testimony or evidence so given or produced shall be admissible against him upon any criminal action, investigation, or proceeding concerning such perjury; nor shall he be exempt from the refusal, suspension, or revocation of any license, permission, or authority conferred, or to be conferred, pursuant to this code.

(2) Any such individual may execute, acknowledge and file in the department a statement expressly waiving such immunity or privilege in respect to any transaction, matter or thing specified in such statement, and thereupon the testimony of such individual or such evidence in relation to such transaction, matter, or thing may be received or produced before any judge or justice, court, tribunal, magistrate, grand jury or otherwise, and if so received or produced such individual shall not be entitled to any immunity or privileges on account of any testimony he may so give or evidence so produced.

Section 48. Hearings and Appeal—Scope of Provisions. — Section 49 through 63 shall apply as to all hearings and as to all appeals from the Commissioner relative to any matter treated in this code; except, that such sections shall not apply as to chapters 14 (property insurance rates), 15 (casualty and surety rates), 16 (workmen's compensation rates), and 17 (insurance examining bureaus).

Section 49. Hearings, in General. — (1) The
Commissioner may hold a hearing which he deems necessary for any purpose within the scope of this code.

(2) The Commissioner shall hold a hearing:

(a) If required by any provision of this code, or

(b) Upon written demand for a hearing by a person aggrieved by any act, threatened act or failure of the Commissioner to act, or by any report, rule, regulation or order of the Commissioner (other than an order for the holding of a hearing, or an order on a hearing of which hearing such person had actual notice or pursuant to such order).

(3) Any such demand for a hearing shall summarize the information and grounds to be relied upon as a basis for the relief to be sought at the hearing.

(4) The Commissioner shall hold such demanded hearing within thirty (30) days after his receipt of the demand, unless postponed by mutual consent. Failure to hold the hearing shall constitute a denial of the relief sought, and shall be the equivalent of an order on hearing for the purpose of an appeal under section 58.

SECTION 50. STAY OF ACTION.—(1) Such demand for a hearing received by the Commissioner prior to the effective date of action taken or proposed to be taken by him shall stay such action pending the hearing, except as to action taken or proposed:

(a) Under an order on hearing, or

(b) Under an order pursuant to an order on hearing, or

(c) Under an order to make good an impairment of the capital funds of an insurer.

(2) In any case where an automatic stay is not provided for, and if the Commissioner after written request therefor fails to grant a stay, the person aggrieved thereby may apply to the district court for Ada County for a stay of the Commissioner’s action.

SECTION 51. PLACE OF HEARING—ADMISSION OF PUBLIC.—The hearing shall be held at the place designated by the Commissioner, and at his discretion it may be open to the public.

SECTION 52. NOTICE OF HEARING.—(1) Except where a longer period of notice is provided by other provisions of this code relative to particular matters, not less
than ten (10) days in advance the Commissioner shall give notice of the time and place of the hearing, stating the matters to be considered thereat. If the persons to be given notice are not specified in the provision pursuant to which hearing is held, the Commissioner shall give such notice to all persons whose pecuniary interests are to be directly and immediately affected by such hearing.

(2) If any such hearing is to be held for consideration of rules and regulations of the Commissioner, or for the consideration of other matters which under subsection (1) above would otherwise require separate notices to more than one hundred (100) persons, in lieu of the notice required under such subsection the Commissioner may give notice of the hearing by publishing the notice in at least three (3), but not to exceed five (5), daily newspapers, at least once each week during the four (4) weeks immediately preceding the week in which the hearing is to be held. The Commissioner shall select such newspapers, as to location and circulation, as he deems necessary to give adequate opportunity of notice to such persons as should receive notice of the hearing. The published notice shall state the time and place of the hearing and shall specify the matters to be considered thereat. At time of first publication the Commissioner shall mail to every advisory organization which has filed with him pursuant to section 330, a copy of the published notice if the proposed hearing would affect any interest of members of such advisory organization.

(3) All such notices, other than published notices, shall be given as provided in section 29.

SECTION 53. SHOW CAUSE NOTICE.—If any person is entitled to a hearing by any provision of the insurance code before any proposed action is taken, the notice of the proposed action may be in the form of a notice to show cause stating that the proposed action may be taken, unless such person shows cause at a hearing to be held as specified in the notice why the proposed action should not be taken, and stating the basis of the proposed action.

SECTION 54. ADJOURNED HEARING.—The Commissioner may adjourn any hearing from time to time and from place to place without other notice of the adjourned hearing than announcement thereof at the hearing.

SECTION 55. NON-ATTENDANCE.—The validity of any hearing held in accordance with the notice thereof
shall not be affected by failure of any person to attend or to remain in attendance.

SECTION 56. HEARING PROCEDURE.—(1) The Commissioner shall preside at the hearing and, unless a stenographic record is made as hereinbelow provided, shall keep a true and concise record of the proceedings thereat.

(2) The Commissioner shall allow any party to the hearing to appear in person and by counsel, to be present during the giving of all evidence, to have a reasonable opportunity to inspect all documentary and other evidence and to examine and cross-examine witnesses, to present evidence in support of his interest and to have subpoenas issued by the Commissioner to compel attendance of witnesses and production of evidence in his behalf. The testimony may be taken orally or by deposition, and any party shall have such right of introducing evidence by deposition as may obtain in the district courts.

(3) Upon good cause shown the Commissioner shall permit to become a party to the hearing by intervention, if timely, only such persons who were not original parties thereto and whose interests are to be directly and immediately affected by the Commissioner’s order made upon the hearing.

(4) Any person heard shall make full disclosure of facts pertinent to the subject of inquiry as requested by the Commissioner or by any party to the hearing.

(5) Formal rules of pleading or of evidence need not be observed in the hearing, except that the right of any party to invoke such rules and the rule of exclusion of witnesses is preserved.

(6) Upon written request seasonably made by a party to the hearing and at such person’s expense, the Commissioner shall cause a full stenographic record of the proceedings to be made by a competent reporter. If transcribed, two copies of such stenographic record shall be furnished to the Commissioner without cost to the Commissioner or the state, and one of such copies shall be a part of the Commissioner’s record of the hearing. If so transcribed a copy of such stenographic record shall be furnished to any other party to the hearing at the request and expense of such other party.

SECTION 57. ORDER ON HEARING.—(1) In the conduct of hearings under this code and making his order
thereon, the Commissioner shall act in a quasi-judicial capacity.

(2) Within thirty (30) days after termination of a hearing and completion of the transcript, if any, or of any rehearing thereof or reargument thereon, or within such other period as may be specified in this code as to particular proceedings, the Commissioner shall make his order on hearing and, subject to subsection (5) below, shall give a copy of the order to each person to whom notice of the hearing was given or required to be given and to any other person who became a party to the hearing by intervention.

(3) The order shall contain a concise statement of the facts as found by the Commissioner, and of his conclusions therefrom, and the matters required by section 29 (orders, notices).

(4) The order may confirm, modify, or nullify action taken under an existing order, or may constitute the taking of any new action coming within the scope of the notice of the hearing.

(5) If notice of the hearing was given by publication as provided for in section 52, the Commissioner may publish the order on hearing once each week for four (4) consecutive weeks in the same newspapers in which such notice was published, the first such publication to be made on the date of the order. Publication of the order shall be in lieu of the giving of copies of the order as required under subsection (2) above. At time of first publication the Commissioner shall mail to every advisory organization which has filed with him pursuant to section 330, a copy of the published order if the order would affect any interest of members of such advisory organization.

SECTION 58. APPEALS FROM THE COMMISSIONER.—(1) An appeal from the Commissioner shall be taken only from an order on hearing, or as to a matter on which the Commissioner has refused or failed to hold a hearing after demand therefor under section 49, or as to a matter as to which the Commissioner has refused or failed to make his order on hearing as required by section 57. Any person who was a party to such hearing or whose pecuniary interests are directly and immediately affected by any such refusal or failure to grant or hold a hearing, and who is aggrieved by such order, refusal or failure, may appeal from such order or as to any such matter within thirty (30) days after:
(a) The order on hearing has been mailed or delivered to the persons entitled to receive the same, or, if the order was published as provided in section 57 (5), the date of the last such publication; or

(b) The Commissioner has refused or failed to make his order on hearing as required under section 57; or

(c) The Commissioner has refused or failed to grant or hold a hearing as required under section 49.

(2) If not so taken, the right to appeal from or restrain the Commissioner with respect to the matter as to which right to hearing or appeal may otherwise exist, shall conclusively be deemed to have been waived.

SECTION 59. HOW APPEAL TAKEN. — The appeal shall be taken to the district court of the third judicial district of Idaho for Ada County, by filing with the clerk of such court a petition for a review of the Commissioner's order or action, containing a copy of the order, if any, and a statement of the particulars in which it is claimed that the order or the Commissioner, in absence of such an order, is in error and a statement of the relief prayed for, and by serving upon the Commissioner a copy of the petition, certified by the clerk of the court to be a true copy.

SECTION 60. RECORD TO COURT. — Upon being served with a copy of the petition for review of an order on hearing, the Commissioner shall forthwith prepare and file with the clerk of the court a true and complete transcript of his record of the hearing on which the order appealed from was made. The cost of the transcript may be included in the costs allowed by the court.

SECTION 61. HEARING THE APPEAL. — The court shall give precedence to, and may summarily hear and determine the appeal. The court shall hear the appeal de novo in the manner provided by law for the trial of suits in equity, upon the transcript of the record of the Commissioner's hearing, if any, and on such additional proper evidence as may be offered by any party. After considering the evidence the court may affirm, modify, or set aside the order appealed from, or issue such other order as the court deems proper.

SECTION 62. STAY OF ACTION ON APPEAL. — (1) The taking of an appeal shall not stay any action taken or proposed to be taken by the Commissioner under the order appealed from, unless a stay is granted by the court at a hearing held as part of the proceedings on appeal.
(2) A stay shall not be granted by the court in any case where the granting of a stay would tend to injure the public interest. In granting a stay, the court may require of the person taking the appeal such security or other conditions as it deems proper.

(3) If the order appealed from is one suspending, revoking, or refusing to renew an agent's, solicitor's, broker's or adjuster's license, the appellant, by filing a bond with the clerk of the court, subject to approval of the court, in the sum of five hundred dollars ($500), conditioned to pay all costs that may be awarded against him, may, if filed prior to the effective date of such order, supersede the order appealed from until the final determination of the appeal.

SECTION 63. APPEALS TO SUPREME COURT.—An appeal may be taken to the supreme court of this state, as in civil actions, from a judgment of the district court made pursuant to any provision of this chapter. Such appeals shall be advanced upon the calendar of the supreme court and be heard at the earliest convenient date.

SECTION 64. "STOCK" INSURER DEFINED.—For the purposes of this code a "stock" insurer is an incorporated insurer with its capital divided into shares and owned by its stockholders.

SECTION 65. "MUTUAL" INSURER DEFINED.—A "mutual" insurer is an incorporated insurer without capital stock and the governing body of which is elected by its policyholders. This definition shall not be deemed to exclude as "mutual" insurers certain foreign insurers found by the Commissioner to be organized on the mutual plan under the laws of their states of domicile, but having temporary share capital or providing for election of the insurer's governing body on a reasonable basis by policyholders and others.

SECTION 66. "RECIProCAL" INSURER DEFINED.—A "reciprocal" insurer is as defined in section 629 of this code.

SECTION 67. "CHARTER" DEFINED. — "Charter" means articles of incorporation, articles of agreement, articles of association or other basic constituent document of a corporation, or the power of attorney of a reciprocal insurer.

SECTION 68. CERTIFICATE OF AUTHORITY REQUIRED.—(1) No person shall act as an insurer and no
insurer or its agents, attorneys, subscribers, or representa­
tives shall directly or indirectly transact insurance in this
state except as authorized by a subsisting certificate of
authority issued to the insurer by the Commissioner, ex­
cept as to such transactions as are expressly otherwise
provided for in this code.

(2) No insurer shall from offices or by personnel or
facilities located in this state solicit insurance applications
or otherwise transact insurance in another state or coun­
try unless it holds a subsisting certificate of authority
issued to it by the Commissioner authorizing it to trans­
act the same kind or kinds of insurance in this state.

SECTION 69. EXCEPTIONS TO CERTIFICATE OF
AUTHORITY REQUIREMENT.—A certificate of author­
ity shall not be required of an insurer with respect to the
following:

(1) Investigation, settlement, or litigation of claims
under its policies lawfully written in this state, or liquida­
tion of assets and liabilities of the insurer (other than col­
lection of new premiums), all as resulting from its former
authorized operations in this state.

(2) Transactions thereunder subsequent to issuance of
a policy covering only subjects of insurance not resident,
located or expressly to be performed in this state at time
of issuance, and lawfully solicited, written and delivered
outside this state.

(3) Transactions pursuant to surplus lines coverages
lawfully written under chapter 12 of this code.

(4) Reinsurance, when transacted by an insurer duly
authorized by its state of domicile to transact the kind of
insurance involved.

(5) The continuation and servicing of life insurance or
disability insurance policies or annuity contracts remaining
in force as to residents of this state if the insurer has
withdrawn from the state and is not transacting new in­
urance therein.

SECTION 70. AUTHORIZATION FOR INVESTMENT
PURPOSES ONLY.—A foreign insurer may make invest­
ments in this state without certificate of authority as pro­
vided by sections 30-518 and 30-519, Idaho Code. Such
an insurer shall not be subject to any other provision of
this code.
SECTION 71. GENERAL ELIGIBILITY FOR CERTIFICATE OF AUTHORITY.—To qualify for and hold authority to transact insurance in this state an insurer must be otherwise in compliance with this code and with its charter powers, and must be an incorporated stock insurer, or an incorporated mutual insurer, or a reciprocal insurer, of the same general type as may be formed as a domestic insurer under this code; except that:

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

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

SECTION 72. GOVERNMENT-OWNED INSURERS NOT TO BE AUTHORIZED.—No insurer the voting control or ownership of which is held in whole or substantial part by any government or governmental agency, or which is operated for or by any such government or agency, shall be authorized to transact insurance in this state. Membership in a mutual insurer, or subscribership in a reciprocal insurer, or ownership of stock of an insurer by the alien property custodian or similar official of the United States, or supervision of an insurer by public insurance supervisory authority shall not be deemed to be an ownership, control, or operation of the insurer for the purposes of this subsection.

SECTION 73. PAYMENT OF BACK TAXES.—(1) In addition to other applicable requirements therefor, no insurer formerly an authorized insurer in this state and again seeking admission to this state as an authorized in-
surer shall be so authorized unless the insurer, as part of its application for such authority, includes a written statement duly sworn to by at least two of its executive officers of all premiums received by the insurer with respect to insurance on subjects of insurance resident, located, or to be performed in this state, subsequent to its previous withdrawal for any cause from this state, and pays to the state premium tax thereon at the same rate and in the same amount as the insurer would have paid on such premiums had it continued to be an authorized insurer in this state during the period interim its withdrawal and its re-application for authority.

(2) Any insurer not theretofore authorized in this state which, within three (3) years prior to its application for authority to transact insurance in Idaho has transacted insurance in this state in violation of the laws of Idaho, shall not be granted such authority unless it is otherwise fully qualified therefor, files with the Commissioner a written statement sworn to by two of its executive officers of all premiums received by it during such three (3) years with respect to insurance on subjects resident, located or to be performed in Idaho, and pays to the Commissioner as an additional fee for the filing of its application for certificate of authority, an amount of money equal to the premium tax which it would have paid to this state with respect to such premiums if it had been an authorized insurer in this state throughout such period.

SECTION 74. NAME OF INSURER.—(1) No insurer shall be formed or authorized to transact insurance in this state which has or uses a name or principal identifying name factor which is the same as or deceptively similar to that of another insurer earlier so authorized.

(2) No life insurer shall be so authorized which has or uses a name deceptively similar to that of another insurer authorized to transact insurance in this state within the preceding ten (10) years if life insurance policies originally issued by such other insurer are still outstanding in this state.

(3) No insurer shall hereafter be formed or newly authorized to transact insurance in this state which has or uses a name the same as or deceptively similar to the name of any foreign insurer doing business elsewhere than in this state if such foreign insurer has within the last preceding twelve (12) months signified its intention to secure incorporation in this state under such name, or do busi-
ness as a foreign insurer in this state under such name by filing notice of such intention with the Commissioner, unless the written consent to the use of such name or deceptively similar name has been given by such foreign insurer.

(4) No insurer shall be so authorized which has or uses a name which tends to deceive or mislead as to the type of organization of the insurer.

(5) In case of conflict of names hereafter between two insurers, or a conflict otherwise prohibited under this section, the Commissioner may permit, or shall require as a condition to the issuance of an original certificate of authority to an applicant insurer, the insurer to use in this state such supplementation or modification of its name or such business name as may reasonably be necessary to avoid the conflict. No such name, supplementation or modification shall contain the principal identifying factor of the name of any other insurer already authorized to transact insurance in this state.

SECTION 75. COMBINATIONS OF INSURING POWERS, ONE INSURER.—An insurer which otherwise qualifies therefor may be authorized to transact any one kind or combination of kinds of insurance as defined in chapter 5 of this code, except:

(1) A life insurer may grant annuities and may be authorized to transact in addition only disability insurance; except, that the Commissioner shall, if the insurer otherwise qualifies therefor, continue so to authorize any life insurer which immediately prior to the effective date of this code was lawfully authorized to transact in this state a kind or kinds of insurance in addition to life, and disability, insurances and annuity business.

(2) A reciprocal insurer shall not transact life insurance.

(3) A title insurer shall be a stock insurer, and shall not transact any other kind of insurance. This provision shall not prohibit the ceding of reinsurance by a title insurer to insurers other than mutual or reciprocal insurers.

SECTION 76. CAPITAL FUNDS REQUIRED, FOREIGN INSURERS AND NEW DOMESTIC INSURERS. — (1) To qualify for authority to transact any one kind of insurance (as defined in chapter 5) or combination of kinds of insurance as shown below, a foreign insurer, or a domestic insurer applying for its original certificate of
authority in this state, or any insurer re-applying for a certificate of authority in this state after having withdrawn from this state for any cause, shall possess and thereafter maintain unimpaired basic paid-in capital stock (if a stock insurer) or unimpaired basic surplus (if a foreign mutual insurer or foreign reciprocal insurer), and shall possess when first so authorized additional funds in surplus as follows:

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<tr>
<td>Domestic stock insurers</td>
<td>200,000</td>
<td>150,000</td>
</tr>
<tr>
<td>Foreign stock, mutual insurers</td>
<td>300,000</td>
<td>225,000</td>
</tr>
<tr>
<td><strong>Property</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>200,000</td>
<td>100,000</td>
</tr>
<tr>
<td><strong>Casualty</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Without workmen's compensation</td>
<td>200,000</td>
<td>100,000</td>
</tr>
<tr>
<td>With workmen's compensation</td>
<td>250,000</td>
<td>150,000</td>
</tr>
<tr>
<td><strong>Marine and transportation</strong></td>
<td>200,000</td>
<td>100,000</td>
</tr>
<tr>
<td><strong>Surety</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>250,000</td>
<td>150,000</td>
</tr>
<tr>
<td><strong>Title</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>100,000</td>
<td>100,000</td>
</tr>
<tr>
<td><strong>Multiple lines</strong> (any two or more kinds of insurance, other than life or title insurances)**</td>
<td>400,000</td>
<td>200,000</td>
</tr>
</tbody>
</table>

(2) Capital and surplus requirements are based upon all the kinds of insurance transacted by the insurer in any and all areas in which it operates or proposes to operate, whether or not only a portion of such kinds are to be transacted in this state.

(3) If within three (3) years after date of its initial certificate of authority in this state such an insurer requests authority to transact an additional kind or kinds of insurance, it shall not be so authorized unless it then possesses basic surplus or additional surplus in such an amount
as would be required under this section as for an original certificate of authority covering all the kinds of insurance the insurer then proposes to transact.

(4) As to surplus required for qualification to transact one or more kinds of insurance and thereafter to be maintained, domestic mutual insurers hereafter formed are governed by chapter 28 of this code and domestic reciprocal insurers hereafter formed are governed by chapter 29.

SECTION 77. CAPITAL FUNDS REQUIRED, OLD DOMESTIC INSURERS.—(1) A domestic insurer holding a valid certificate of authority to transact insurance in this state immediately prior to the effective date of this code may continue to be authorized to transact the same kinds of insurance as permitted by such certificate of authority by maintaining thereafter unimpaired not less than the same amount of paid-in capital stock (if a stock insurer) or not less than the same amount of surplus (if a mutual or reciprocal insurer) as required under the laws of this state for such authority in force immediately prior to such effective date, and as if such laws had continued in force; except that in no case shall any such domestic insurer be thereby required to have and maintain a larger amount of capital and/or surplus than a like domestic insurer transacting the same kinds of insurance and formed under this code.

(2) Such an insurer shall not hereafter be granted authority to transact any other or additional kind of insurance unless it then fully complies with the requirements as to capital and surplus, as applied to all the kinds of insurance it then proposes to transact, as provided under section 76 as to new domestic insurers.

SECTION 78. PERMISSIBLE INSURING COMBINATIONS WITHOUT ADDITIONAL CAPITAL FUNDS.—(1) A life insurer may also grant annuities without additional capital or additional surplus.

(2) A disability insurer may also issue insurance against congenital defects, as defined in section 115(1) (1), without additional capital or additional surplus.

(3) A casualty insurer may be authorized to transact also disability insurance without additional capital or additional surplus.

(4) A property insurer may without additional capital or additional surplus include such amount and kind of in-
insurance against legal liability for injury, damage, or loss to the person or property of others, and for medical, hospital, and surgical expense related to such injury, as the Commissioner deems to be reasonably incidental to insurance of real property against fire and other perils under policies covering farm properties, or residential properties designed for occupancy by not more than four (4) families, with or without incidental office, professional, private school or studio occupancy by an insured, whether or not the premium or rate charged for certain perils so covered is specified in the policy. Any provision of section 118 (limit of risk) to the contrary notwithstanding, no insurer authorized as to property insurance only shall pursuant to this subsection retain risk as to any one subject of insurance as to hazards other than property insurance hazards, in an amount exceeding five percent (5%) of its surplus to policyholders.

(5) Subsections (3) and (4) above shall not apply as to old domestic insurers authorized pursuant to section 77 (1).

SECTION 79. DEPOSIT, GENERAL REQUIREMENT.
— (1) This section shall apply as to all insurers other than title insurers.

(2) The Commissioner shall not authorize any insurer to transact insurance in this state unless it makes and thereafter maintains in trust in this state through the Commissioner for the protection of all its policyholders or of all its policyholders and creditors, a deposit of cash or securities eligible for deposit under section 172 of this code in the amount of two hundred thousand dollars ($200,000), except that:

(a) Insurers authorized to transact insurance and transacting insurance immediately prior to the effective date of this code, shall have a period of one (1) year from and after such effective date within which to comply with any increase in deposit required under this section.

(b) As to foreign insurers, in lieu of such deposit or part thereof in this state, the Commissioner shall accept the certificate in proper form of the public official having supervision over insurers in any other state to the effect that a like deposit or part thereof by such insurer is being maintained in public custody or control pursuant to law in such state in trust for the protection generally of the insurer's policyholders or its policyholders and creditors.

(c) As to alien insurers, in lieu of such deposit or part
thereof in this state, the Commissioner shall accept evidence satisfactory to him that the insurer maintains within the United States by way of trust deposits with public depositaries, or in trust institutions acceptable to the Commissioner, assets available for discharge of its United States insurance obligations, which assets shall be in amount not less than the outstanding liabilities of the insurer arising out of its insurance transactions in the United States together with a surplus equal to the larger of the following sums:

(i) The largest deposit required by this code to be made by a foreign insurer transacting like kinds of insurance, or

(ii) Three hundred thousand dollars ($300,000). Such surplus shall for all purposes under this code be deemed to be the "capital" or "surplus" of the insurer.

(3) Deposits of foreign or alien insurers in another state shall be in cash and/or securities of substantially as high quality as those eligible for deposit in this state under section 172.

(4) All such deposits in this state are subject to the applicable provisions of chapter 8 (administration of deposits).

SECTION 80. SPECIAL DEPOSIT, WORKMEN'S COMPENSATION INSURERS.—(1) For authority to write workmen's compensation coverages in this state a foreign or alien insurer shall, in addition to any other requirement therefor under this code, deposit and maintain on deposit with the State Treasurer of Idaho through the Commissioner cash or securities eligible for deposit under section 172, in the amount of not less than twenty-five thousand dollars ($25,000).

(2) The deposit shall be so held in trust for the exclusive benefit of the holders of the obligations of the insurer under the workmen's compensation laws of this state, and shall remain with the State Treasurer to answer any default of the insurer as surety upon any such obligation as established by final judgment upon which execution may lawfully be issued against the insurer.

(3) The deposit shall be subject to the applicable provisions of chapter 8 (administration of deposits).

SECTION 81. DEPOSIT OF TITLE INSURER.—(1) No title insurer shall be authorized to transact insurance in
this state until it deposits and while it thereafter main-
tains on deposit in this state through the Commissioner, 
cash or securities eligible for deposit under section 172 in 
the amount of one hundred thousand dollars ($100,000); 
except, that the deposit of a domestic title insurer which 
was lawfully transacting such business in this state under 
laws in force immediately prior to the effective date of 
this code shall be in an amount determined as follows: 

(a) Twenty-five thousand dollars ($25,000), plus 

(b) Twenty-five hundred dollars ($2,500) for each five 
thousand (5,000) or terminal fraction thereof of popula-
tion in excess of one hundred thousand (100,000) of aggre-
gate population of those counties of Idaho in which the 
insurer transacts business, if the insurer transacts busi-
ness in more than one county of Idaho, but 

(c) In no event shall a deposit in excess of one hundred 
thousand dollars ($100,000) be so required. For the pur-
pose of this provision population shall be based upon the 
most recent official federal or state census. 

(2) The deposit shall be known as a “guaranty fund”, 
and shall be held as security for the faithful performance 
by the insurer of all its undertakings and liabilities under 
its title policies or other guarantees of title to property, 
but shall not be subject to any other liabilities of the 
insurer. 

(3) The deposit shall be subject to the applicable pro-
visions of chapter 8 (administration of deposits). 

SECTION 82. APPLICATION FOR CERTIFICATE OF 
AUTHORITY.—To apply for an original certificate of au-
thority an insurer shall file with the Commissioner its appli-
cation therefor, accompanied by the applicable fees as speci-
fied in section 104, showing its name, location of its home 
office or principal office in the United States (if an alien 
insurer), the kinds of insurance to be transacted, date of 
anization or incorporation, form of organization, state 
or country of domicile, and such additional information as 
the Commissioner may reasonably require, together with 
the following documents, as applicable:

(1) If a corporation, two (2) copies (other than photo-
static copies or similar form of reproduction) of its corpo-
rate charter, articles of incorporation or other charter docu-
ments, with all amendments thereto, currently certified by
the public official with whom the originals are on file in the state or country of domicile.

(2) If a domestic insurer or mutual insurer, one copy (other than photostatic copy or similar form of reproduction) of its bylaws as amended, certified by the insurer's corporate secretary.

(3) If a reciprocal insurer, a copy of the power of attorney of its attorney in fact, and a copy of its subscribers' agreement, if any, both certified by the attorney in fact; and if a domestic reciprocal insurer, the declaration provided for in section 635.

(4) A complete copy of its financial statement as of not earlier than the December 31 next preceding in form as customarily used in the United States by like insurers, sworn to by at least two executive officers of the insurer, or certified by the public insurance supervisory official of the insurer's state of domicile or of entry into the United States.

(5) Copy of report of last examination, if any, made of the insurer within not more than the three (3) years next preceding, certified by the public insurance supervisory official of the insurer's state of domicile or of entry into the United States; or, in the case of newly formed insurers, copy of the report of the "qualifying" examination of the insurer, similarly certified.

(6) Appointment of the Commissioner pursuant to section 96, as its attorney to receive service of legal process.

(7) If a foreign insurer, a certificate of the public insurance supervisory official of its state or country of domicile showing that it is authorized to transact in such state or country the kind or kinds of insurance proposed to be transacted in this state.

(8) If a workmen's compensation insurer, tender of the special deposit required under section 80.

(9) If an alien insurer, a copy of the appointment and authority of its United States manager, certified by its officer having custody of its records.

(10) If a foreign insurer, certificate as to deposit if to be tendered pursuant to section 79.

(11) If a life or disability insurer, one copy of the insurer's rate book and of each form of policy proposed to be issued in this state.
(12) A certificate of the insurer granting authority to an officer or authorized representative of the insurer to appoint and remove agents.

SECTION 83. CONSIDERATION OF APPLICATION.—An application for a certificate of authority shall be examined by the Commissioner, and if he finds the application to be complete and that the documents included therein are otherwise in proper order, he shall forward the applicant insurer's articles of incorporation and bylaws, if any, or copy of the power of attorney if a reciprocal insurer, and the insurer's appointment of the Commissioner as process agent to the Attorney General for examination. The Attorney General shall examine the documents, and if found by him to be in accordance with the requirements of this code and not inconsistent with the constitution of this state he shall so certify in an opinion to the Commissioner.

SECTION 84. FILING OF ARTICLES OF INCORPORATION.—If the Commissioner has found the insurer's application for certificate of authority to be in order, and if the Attorney General has found the documents examined by him pursuant to section 83 to be in accordance with the requirements of this code and not inconsistent with the constitution of this state and has so certified to the Commissioner, if the insurer is incorporated the Commissioner shall deliver to the Secretary of State both copies of the insurer's articles of incorporation and of amendments thereto, together with the fee for filing the same as required under section 104 (fee schedule). The Secretary of State shall file one copy of the articles and amendments in his office, make the other copy thereof conform as to the filing data in his office and return the same to the Commissioner. The Commissioner shall place such other copy on file in the department.

SECTION 85. ISSUANCE, REFUSAL OF CERTIFICATE OF AUTHORITY.—(1) If upon completion of its application the Commissioner finds, from the application, the Attorney General's opinion referred to in section 83, and such other investigation and information as he may make or acquire, that the insurer is fully qualified for and entitled thereto under this code, he shall issue to the insurer a proper certificate of authority; if he does not so find, the Commissioner shall issue his order refusing such authority.

(2) The Commissioner and Attorney General shall take all necessary action therefor as specified in section 83 and
this section, and shall either issue or refuse to issue a certificate of authority within a reasonable time after the completion of the application for such authority.

(3) The certificate of authority, if issued, shall specify the kind or kinds of insurance the insurer is authorized to transact in this state. At the insurer's request, the Commissioner may issue authority limited to particular types of insurance or insurance coverages within the scope of a kind of insurance as defined in chapter 5 of this code.

SECTION 86. WHAT CERTIFICATE EVIDENCES OWNERSHIP OF CERTIFICATE.—(1) An insurer's subsisting certificate of authority is evidence of its authority to transact in this state the kind or kinds of insurance specified therein, either as direct insurer or as reinsurer or as both.

(2) Although issued to the insurer the certificate of authority is at all times the property of the state of Idaho. Upon any expiration, suspension, or termination thereof the insurer shall promptly deliver the certificate of authority to the Commissioner.

SECTION 87. CONTINUANCE, EXPIRATION, REINSTATEMENT OF CERTIFICATE OF AUTHORITY.—(1) A certificate of authority shall continue in force as long as the insurer is entitled thereto under this code and until suspended or revoked by the Commissioner, or terminated at the request of the insurer; subject, however, to continuance of the certificate by the insurer each year by:

(a) Payment prior to March 1 of the continuation fee provided in section 104 (fee schedule); and

(b) Due filing by the insurer of its annual statement for the calendar year preceding as required under section 98; and

(c) Payment by the insurer of premium taxes with respect to the preceding calendar year as required by sections 105 and 106.

(2) If not so continued by the insurer, its certificate of authority shall expire as at midnight on the March 31 next following such failure of the insurer to continue it in force. The Commissioner shall promptly notify the insurer of the occurrence of any failure resulting in impending expiration of its certificate of authority.

(3) The Commissioner may, in his discretion, upon the
insurer’s request made within three (3) months after expiration, reinstate a certificate of authority which the insurer has inadvertently permitted to expire, after the insurer has fully cured all its failures which resulted in the expiration, and upon payment by the insurer of the fee for reinstatement specified in section 104 (fee schedule). Otherwise the insurer shall be granted another certificate of authority only after filing application therefor and meeting all other requirements as for an original certificate of authority in this state.

SECTION 88. AMENDMENT OF CERTIFICATE OF AUTHORITY.—The Commissioner may at any time amend an insurer’s certificate of authority to accord with changes in the insurer’s charter or insuring powers.

SECTION 89. SUSPENSION OR REVOCATION OF CERTIFICATE OF AUTHORITY, MANDATORY GROUNDS.—(1) The Commissioner shall refuse to continue, or shall suspend or revoke, an insurer’s certificate of authority:

(a) If such action is required by any provision of this code; or

(b) If a foreign insurer, it no longer meets the requirements for the authority, on account of deficiency of assets or otherwise; or if a domestic insurer, it has failed to cure an impairment of capital or surplus within the time allowed therefor by the Commissioner under this code; or

(c) If the insurer knowingly exceeds its charter powers or powers granted under its certificate of authority; or

(d) If the insurer’s certificate of authority to transact insurance therein is suspended or revoked by its state of domicile, or state of entry into the United States if an alien insurer.

(2) Except in cases of insolvency or impairment of required capital or surplus, or suspension or revocation by another state as referred to in subdivision (d) above, the Commissioner shall so refuse, suspend, or revoke the certificate of authority only after a hearing granted to the insurer thereon, unless the insurer waives such hearing in writing.

SECTION 90. SUSPENSION, REVOCATION OF CERTIFICATE OF AUTHORITY, DISCRETIONARY AND SPECIAL GROUNDS.—(1) The Commissioner may, in his
discretion, refuse to continue or suspend or revoke an insurer’s certificate of authority if he finds after a hearing thereon that the insurer has violated or failed to comply with any lawful order of the Commissioner, or any provision of this code other than those for which suspension or revocation is mandatory.

(2) The Commissioner shall suspend or revoke an insurer’s certificate of authority on any of the following grounds if he finds after a hearing thereon that the insurer:

(a) Is in unsound condition, or in such condition or using such methods and practices in the conduct of its business, as to render its further transaction of insurance in this state hazardous or injurious to its policyholders or to the public.

(b) Has failed, after written request therefor by the Commissioner, to remove or discharge an officer or director who has been convicted of any crime involving fraud, dishonesty, or like moral turpitude.

(c) With such frequency as to indicate its general business practice in this state, has without just cause refused to pay claims arising under coverages provided by its policies, whether the claim is in favor of an insured or is in favor of a third person with respect to the liability of an insured to such third person, or, with like frequency, without just cause compels insureds or claimants to accept less than the amount due them or to employ attorneys or to bring suit against the insurer or such an insured to obtain full payment or settlement of such claims.

(d) Is affiliated with and under the same general management, or interlocking directorate, or ownership as another insurer which transacts direct insurance in this state without having a certificate of authority therefor, except as permitted under this code.

(e) Refuses to be examined, or if its directors, officers, employees, or representatives refuse to submit to examination relative to its affairs, or to produce its accounts, records, and files for examination by the Commissioner when required, or refuse to perform any legal obligation relative to the examination.

(f) Has failed to pay any final judgment rendered against it in this state upon any policy, bond, recognizance, or undertaking issued or guaranteed by it, within thirty (30) days after the judgment became final, or within thirty
(30) days after time for taking an appeal has expired, or within thirty (30) days after dismissal of an appeal before final determination, whichever date is the later.

(3) The Commissioner may, in his discretion and without advance notice or a hearing thereon, immediately suspend the certificate of authority of any insurer as to which proceedings for receivership, conservatorship, rehabilitation, or other delinquency proceedings, have been commenced in any state by the public insurance supervisory official of such state.

SECTION 91. ORDER, NOTICE OF SUSPENSION, REVOCATION OR REFUSAL — EFFECT UPON AGENTS' AUTHORITY.—(1) All suspensions or revocations of, or refusals to continue, an insurer's certificate of authority shall be by the Commissioner's order given to the insurer as provided by section 29.

(2) Upon suspending or revoking or refusing to continue the insurer's certificate of authority the Commissioner shall forthwith give notice thereof to the insurer's agents in this state of record in the department, and shall likewise suspend or revoke the authority of such agents to represent the insurer.

(3) In his discretion the Commissioner may likewise publish notice of such suspension, revocation or refusal in one or more newspapers of general circulation in this state.

SECTION 92. DURATION OF SUSPENSION—INSURER'S OBLIGATIONS DURING SUSPENSION PERIOD—REINSTATEMENT.—(1) Suspension of an insurer's certificate of authority shall be for such period as the Commissioner specifies in the order of suspension, but not to exceed one year. During the suspension the Commissioner may rescind or shorten the suspension by his further order.

(2) During the suspension period the insurer shall not solicit or write any new business in this state, but shall file its annual statement, pay fees, licenses, and taxes as required under this code, and may service its business already in force in this state, as if the certificate of authority had continued in full force.

(3) Upon expiration of the suspension period, if within such period the certificate of authority has not terminated, the insurer's certificate of authority shall automatically reinstate unless the Commissioner finds that the causes of the suspension have not terminated, or that the insurer is
otherwise not in compliance with the requirements of this code, and of which the Commissioner shall give the insurer notice not less than thirty (30) days in advance of the expiration of the suspension period. If not so automatically reinstated the certificate of authority shall be deemed to have terminated as of the end of the suspension period.

(4) Upon reinstatement of the insurer's certificate of authority, the authority of its agents in this state to represent the insurer shall likewise reinstate. The Commissioner shall promptly notify the insurer and its agents in this state of record in the department, of such reinstatement. If pursuant to section 91(3) the Commissioner has published notice of such suspension he shall in like manner publish notice of the reinstatement.

SECTION 93. IMPAIRED INSURERS — NOTICE TO AGENTS — PENALTY. — (1) Upon suspension, revocation or refusal to continue the certificate of authority of an insurer on account of deficiency of assets (if a foreign insurer) or failure to cure an impairment of the capital stock (if a stock insurer) or surplus (if a mutual or reciprocal) of a domestic insurer, as provided under section 89(1)(b), every officer and director of the insurer must, either separately or jointly with one or more of the others and within four (4) days after notice of such suspension, revocation or refusal was given to the insurer by the Commissioner, notify by any available means every person authorized by the insurer, as of immediately prior to such suspension, revocation or refusal, to write business for the insurer in Idaho, immediately to cease such writing; and each such person so notified shall immediately cease to write any further business for the insurer in Idaho.

(2) Each individual made responsible for such notification under the foregoing subsection, who fails so to notify, and every person so authorized who, after being so notified or otherwise being informed as to such impairment or suspension, revocation, or refusal, solicits or writes further business for the insurer, is guilty of a felony and upon conviction shall be punished by a fine of not exceeding ten thousand dollars ($10,000) or by imprisonment in the Idaho state penitentiary for a term of not exceeding ten (10) years, or by both such fine and imprisonment.

(3) This section does not apply to any person or persons, whomsoever, who has been appointed as and is acting as rehabilitator or receiver of the insurer in judicial
proceedings in a court of the United States or of the state of Idaho.

**SECTION 94. IMPAIRED INSURERS—LIABILITY OF OFFICERS.**—The president and each director of a stock insurer who, after knowing that the insurer's capital is impaired, permits or assents in the writing of new business by the insurer in this state during the existence of such impairment, shall, together with their respective estates, be severally and jointly liable for the amount of any loss or losses which may be incurred by the insured under any such new insurance.

**SECTION 95. FOREIGN INSURERS, NO FAVORED TREATMENT—EXEMPTION FROM CERTAIN OTHER REQUIREMENTS.**—A foreign insurer authorized to transact insurance in this state and fully complying with this code shall be exempt from complying with the provisions of sections 30-501 through 30-508, Idaho Code.

**SECTION 96. COMMISSIONER PROCESS AGENT FOR FOREIGN INSURERS.**—(1) Before the Commissioner shall issue to it a certificate of authority to transact insurance in this state each foreign and alien insurer and each domestic reciprocal insurer shall appoint the Commissioner, and his successors in office, as its attorney to receive service of legal process issued against the insurer in this state. The appointment shall be made on a form as designated and furnished by the Commissioner. The appointment shall be irrevocable, shall bind the insurer and any successor in interest or to the assets or liabilities of the insurer, and shall remain in effect as long as there is in force any contract of the insurer in this state or any obligation of the insurer arising out of its transactions in this state.

(2) Service of such process against a foreign or alien insurer shall be made only by service thereof upon the Commissioner, or his deputy, or other person in charge of his office during his absence.

(3) At time of application for a certificate of authority the insurer shall file the appointment with the Commissioner, together with designation of the person to whom process against it served upon the Commissioner is to be forwarded. The insurer may change such designation by a new filing.

**SECTION 97. SERVING PROCESS—TIME TO PLEAD.**—(1) Duplicate copies of legal process against an insurer
for whom the Commissioner is attorney, shall be served upon him either by a person competent to serve a summons or by registered mail. At the time of service the plaintiff shall pay to the Commissioner two dollars ($2), taxable as costs in the action.

(2) The Commissioner shall forthwith send one of the copies of the process, by registered or certified mail with return receipt requested, to the person designated for the purpose by the insurer in its most recent such designation filed with the Commissioner.

(3) The Commissioner shall keep a record of the day of service upon him of all legal process. No proceedings shall be had against the insurer, and the insurer shall not be required to appear, plead, or answer until the expiration of thirty (30) days after the date of service upon the Commissioner.

(4) Process served upon the Commissioner and copy thereof forwarded as in this section provided shall for all purposes constitute valid and binding service thereof upon the insurer.

SECTION 98. ANNUAL STATEMENT.—(1) Each authorized insurer shall annually on or before March 1, or within any extension of time therefor, not to exceed thirty (30) days, which the Commissioner for good cause may have granted, file with the Commissioner a full and true statement of its financial condition, transactions and affairs as of the December 31 preceding. The statement shall be in such general form and context, and provide the information as called for by, the form of annual statement as currently in general and customary use in the United States with any useful or necessary modification or adaptation thereof required, approved, or accepted by the Commissioner for the type of insurer and kinds of insurance to be reported upon, and as supplemented by additional information required by the Commissioner. At the seasonable request of a domestic insurer the Commissioner shall furnish to the insurer the blank form of annual statement to be used by it. The statement shall be verified by the oath of the insurer’s president or vice-president, and secretary or actuary as applicable, or if a reciprocal insurer, by the oath of the attorney in fact or its like officers if a corporation.

(2) The statement of an alien insurer shall be verified by its United States manager or other officer duly author-
ized, and shall relate only to the insurer's transactions and affairs in the United States unless the Commissioner requires otherwise. If the Commissioner requires a statement as to the insurer's affairs throughout the world, the insurer shall file such statement with the Commissioner as soon as reasonably possible.

(3) An insurer which is subject to section 100 (resident agent, countersignature law) shall attach to its annual statement the affidavit required under section 102.

(4) The Commissioner may refuse to accept fee for continuation of the insurer's certificate of authority, as provided in section 87, or may in his discretion suspend or revoke the certificate of authority of any insurer failing to file its annual statement when due.

(5) At time of filing, the insurer shall pay to the Commissioner the fee for filing its statement as prescribed in section 104 (fee schedule).

SECTION 99. REVIEW OF ANNUAL STATEMENT—ADDITIONAL INFORMATION.—(1) As soon as reasonably possible after the insurer has filed its annual statement with him, the Commissioner shall review the same and require correction of such errors or omissions in the statement as appear from such review.

(2) In addition to information called for and furnished in connection with its annual statement, an insurer shall promptly furnish to the Commissioner such other or further information with respect to any of its transactions or affairs as the Commissioner may from time to time request in writing.

SECTION 100. RESIDENT AGENT, COUNTERSIGNATURE LAW.—Except as provided in section 101, no authorized insurer shall make, write, place or cause to be made, written or placed, any policy or contract of insurance or indemnity of any kind or character, or a general or floating policy covering risks on property located in Idaho, liability created by or accruing under the laws of this state, or undertakings to be performed in this state, except through its resident insurance agents licensed as provided in this code, who shall countersign all policies or indemnity contracts so issued, and who shall keep a record of the same, containing the usual and customary information concerning the risk undertaken and the full premium paid or to be paid therefor, to the end that the state may receive the taxes required by law to be paid on premiums
collected for insurance on property or undertakings located in this state. When two (2) or more insurers issue a single policy of insurance the policy may be countersigned on behalf of all insurers appearing thereon by a licensed agent, resident in this state, of any one of such insurer.

SECTION 101. EXCEPTIONS TO RESIDENT AGENT, COUNTERSIGNATURE LAW. — (1) Nothing in section 100 shall be construed as preventing the free and unlimited right to negotiate wholly outside of this state contracts of insurance by licensed nonresident brokers, provided the policies, endorsements or evidence of insurance covering properties or insurable interests in this state are countersigned by a resident agent of this state, in which event the countersigning agent shall receive a commission of not less than five percent (5%) of the premium paid or one-third (⅓) of the commission paid to the licensed nonresident broker, whichever is less.

(2) Section 100 shall not apply to the following contracts:

(a) Life insurance and annuities;

(b) Disability insurance;

(c) Title insurance; countersignature of title insurance policies is as provided in section 567;

(d) Policies covering property in transit while in the possession or custody of any common carrier, or the rolling stock or other property of any common carrier used and employed by it as a common carrier of freight or passengers, or both;

(e) Reinsurance or retrocessions made by or for authorized insurers;

(f) Contracts issued by domestic reciprocal insurers writing workmen's compensation for employers commonly known as self-insurers; nor, with respect to countersignature, to policies issued by a reciprocal insurer not using agents compensated by commissions in the general solicitation of business;

(g) Bid bonds issued by a surety insurer in connection with any public or private contract; or

(h) Ocean marine insurance.

SECTION 102. AFFIDAVIT OF COMPLIANCE WITH RESIDENT AGENT, COUNTERSIGNATURE LAW. —
Every authorized foreign insurer as to whom section 100 is applicable shall cause to be attached to its annual statement when filed with the Commissioner as required under section 98, the affidavit of its president, manager or chief executive officer in the United States to the effect that all policies, bonds, duplicate policies or contract of insurance of every kind and character, and all general and floating policies upon persons and property, resident, situated or located in this state, made, written, placed and caused to be made, written and placed in this state by the insurer during the year covered by such statement, and which under sections 100 and 101 were required to be so written, made or placed through resident licensed agents of this state and to be countersigned by such an agent, were so done only through agents, resident within this state and legally commissioned and licensed to transact insurance business therein; and that such resident agents had received, or, if the business is still pending, would receive the full commission or countersignature commission therefore, as applicable, when the premiums were severally paid.

SECTION 103. RETALIATORY PROVISION.—(1) The purpose of this section is to aid in the protection of insurers formed under the laws of Idaho and transacting insurance in other states or countries against discriminatory or onerous requirements under the laws of such states or countries or the administration thereof.

(2) When by or pursuant to the laws of any other state or foreign country or province any taxes, licenses and other fees, in the aggregate, and any fines, penalties, deposit requirements or other material obligations, prohibitions or restrictions are or would be imposed upon Idaho insurers, or upon the agents or representatives of such insurers, which are in excess of such taxes, licenses and other fees, in the aggregate, or which are in excess of the fines, penalties, deposit requirements or other obligations, prohibitions, or restrictions directly imposed upon similar insurers, or upon the agents or representatives of such insurers, of such other state or country under the statutes of this state, so long as such laws of such other state or country continue in force or are so applied, the same taxes, licenses and other fees, in the aggregate, or fines, penalties or deposit requirements or other material obligations, prohibitions, or restrictions of whatever kind shall be imposed by the Commissioner upon the insurers, or upon the agents or representatives of such insurers, of such other state or country doing business or seeking to do business in
Idaho. Any tax, license or other fee or other obligation imposed by any city, county, or other political subdivision or agency of such other state or country on Idaho insurers or their agents or representatives shall be deemed to be imposed by such state or country within the meaning of this section.

(3) This section shall not apply as to personal income taxes, nor as to ad valorem taxes on real or personal property nor as to special purpose obligations or assessments imposed by another state in connection with particular kinds of insurance other than property insurance; except that deductions, from premium taxes or other taxes otherwise payable, allowed on account of real estate or personal property taxes paid shall be taken into consideration by the Commissioner in determining the propriety and extent of retaliatory action under this section.

(4) For the purposes of this section the domicile of an alien insurer, other than insurers formed under the laws of Canada, or a province thereof, shall be that state designated by the insurer in writing filed with the Commissioner at time of admission to this state or within six (6) months after the effective date of this code, whichever date is the later, and may be any one of the following states:

(a) That in which the insurer was first authorized to transact insurance;

(b) That in which is located the insurer's principal place of business in the United States;

(c) That in which is held the largest deposit of trusteed assets of the insurer for the protection of its policyholders in the United States.

If the insurer makes no such designation its domicile shall be deemed to be that state in which is located its principal place of business in the United States.

(5) The domicile of an insurer formed under the laws of Canada or a province thereof shall be as provided in section 8(1).

SECTION 104. FEE SCHEDULE. — The Commissioner shall collect in advance, and persons so served shall pay to him in advance, fees, licenses, and miscellaneous charges as follows:

(1) Certificate of authority of insurer:
(a) Filing application for original certificate of authority:

(i) Filing financial statement ........................................ $50.00

(ii) Filing and certifying charter or articles of incorporation and bylaws (and in addition the Commissioner shall collect from a foreign insurer, for filing its charter or articles with the Secretary of State, the same fees as required therefor of a like domestic insurer) .......................................................... 10.00

(iii) Filing appointment of Commissioner as process agent .......................................................... 2.00

(b) Issuance of original certificate of authority .... 50.00

(c) Annual continuation of certificate of authority .......................................................... 50.00

(d) Reinstatement of certificate of authority (section 87) .......................................................... 50.00

(e) Certified copy of certificate of authority ...... 3.00

(2) Charter documents:

(a) Filing and certifying amendment of charter or articles of incorporation, in addition to fees, if any, required for filing same with Secretary of State.. 10.00

(b) Filing amendment to bylaws ........................................ 5.00

(3) Annual statement: Filing, other than as part of application for original certificate of authority .......................................................... 50.00

(4) Agents, brokers, and solicitors:

(a) Agent’s license, general lines agents, including also disability insurance when written by property, casualty, or surety insurer otherwise represented by the agent:

(i) Filing application for original license, and including issuance of license, if issued ...................... 5.00

(ii) Original appointment of agent, each insurer .. 3.00

(iii) Annual continuation of appointment, each insurer .......................................................... 5.00

(iv) Temporary license .......................................................... 5.00
(b) Agent’s license, life or disability insurance, including both life and disability insurance when so licensed as to the same insurer:

(i) Application for original license, including issuance of license, if issued, each insurer $ 5.00

(ii) Appointment of same agent by each additional insurer 5.00

(iii) Annual continuation of appointment, each insurer 5.00

(iv) Temporary license, each insurer 5.00

(c) Limited license as agent, as provided for in section 200:

(i) Motor vehicle physical damage, same as for general lines agent license

(ii) Accident ticket policies, each insurer each year 3.00

(iii) Baggage ticket policies, each insurer each year 3.00

(iv) Credit insurance, same as for general lines agent license

(d) Examination for license, each examination and each time taken 5.00

(e) Nonresident broker license, original license ... 100.00
    Annual continuation of license ... 100.00

(f) Solicitor’s license, application for original license, including issuance of license, if issued ... 5.00
    Annual continuation of license ... 5.00

(5) Insurance vending machine license, each machine, each year 10.00

(6) Surplus line broker’s license, application for original license, including issuance of license, if issued ... 25.00
    Annual continuation of license ... 25.00

(7) Adjuster’s license, application for original license, including issuance of license, if issued ... 25.00
    Annual continuation of license ... 25.00

(8) Rating organization, triennial license fee ... 25.00
(9) Examining bureau, quadrennial license fee ....$ 25.00

(10) Organization and financing of insurer:

(a) Filing application for solicitation permit ...... 25.00

(b) Issuance of solicitation permit .................... 25.00

(11) Miscellaneous services:

(a) Commissioner's certificate under seal (except certificates of authority or certified copies thereof or licenses) .............................................. 1.00

(b) For each copy of document filed in his office, per each folio of one hundred (100) words ............ .20

(c) For valuing life insurance, actual cost of the valuation but not to exceed one cent for each $1000 of insurance.

(d) For receiving and forwarding copy of summons or other process served upon the Commissioner, as process agent of an insurer or non-resident broker ...................................................... 2.00

SECTION 105. PREMIUM TAX.—(1) Each authorized insurer shall file with the Commissioner on or before the first day of March of each year a statement (on forms as prescribed and furnished by the Commissioner) under oath showing the amount of all gross premiums received by the insurer on direct risks written in this state, and also, if a domestic insurer, on direct risks situated in any other state or states in which the insurer is not licensed and upon which no premium tax is otherwise paid or payable, during the year ending December 31 next preceding, and pay the Commissioner a tax at the rate set forth in subsection (2) below on the amount of such gross premiums collected in excess of premiums and cancellations returned, and premium dividends paid to or credited to the accounts of such policyholders; provided that life insurers may in computing the taxable premiums on life insurance also deduct the amount of coupons paid to policyholders, and in computing the tax on annuity considerations may also deduct the amount, not in excess of the considerations actually received on the contract, returned or refunded to the prospective annuitant or to a person designated by him before benefits commence under the contract. As to title insurance "gross premium" means the insurance risk portion of the amount charged for title insurance.
(2) Subject to section 106, the rate of tax shall be as follows:

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

(b) As to all other kinds of insurance and as to annuity contracts in general, the rate of tax shall be three percent (3%).

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

(4) This section shall not apply as to life insurance policies or annuity contracts issued under pension plans or profit-sharing plans exempt or qualified under sections 401(a), 404 or 501(a) of the United States Internal Revenue Code, as hereafter amended or renumbered from time to time.

SECTION 106. REDUCED TAX BASED ON IDAHO INVESTMENTS. — Any domestic insurer having at all times throughout the year with respect to which the tax is payable twenty-five percent (25%) or more of its assets invested in the investments set forth below, shall, with respect to premiums on risks located in this state on which taxes are to be computed under section 105, compute and pay such tax at the rate of one percent (1%) instead of at any higher rate provided for under such section 105:

(1) Bonds or warrants of this state, or of any county, city or incorporated town or district within this state authorized by law to be issued, or

(2) Taxable real estate within this state, or

(3) First mortgages upon improved, unencumbered real estate situated within this state, or

(4) Stocks or bonds of corporations organized under the laws of this state if such stocks or bonds are lawful investments of the insurer under chapter 7 (investments) of this code, or

(5) Bonds authorized by law to be issued against the revenues derived from the operation in this state of do-
mestic water and sewage systems or off-street parking facilities, or

(6) Time deposits with Idaho banks, or trust companies, or savings and loan associations, or building and loan associations or on deposit for interest income purposes with any legally organized and approved financial institution domiciled within this state and insured by any instrumentality of the United States Government.

SECTION 107. PENALTY FOR FAILURE TO PAY TAX.—Any insurer failing to render the statement and pay the tax required under sections 105 and 106 for more than thirty (30) days after the same are due shall be liable to a fine of twenty-five dollars ($25) for each additional day of delinquency; and the taxes may be collected by distraint and recovered by an action to be instituted by the Attorney General in the name of the state in any court of competent jurisdiction. The Commissioner shall suspend or revoke the certificate of authority of the delinquent insurer until the statement is filed and the taxes and fine, if any, are fully paid.

SECTION 108. IN LIEU, PRE-EMPTION PROVISIONS. — (1) Payment to the Commissioner by an insurer of the tax upon its premiums as in this chapter required, shall be in lieu of all other taxes upon premiums, taxes upon income, franchise or other taxes measured by income, and upon the personal property of the insurer and the shares of stock or assets thereof; provided, that all real property, if any, of the insurer shall be listed, assessed and taxed the same as real property of like character of individuals.

(2) The State of Idaho hereby pre-empts the field of imposing excise, privilege, franchise, income, license, permit, registration, and similar taxes, licenses and fees upon insurers and their agents and other representatives as such; and no county, city, municipality, district, or other political subdivision or agency in this state shall levy upon insurers, or upon their agents and representatives as such, any such tax, license or fee; nor shall any such county, city, municipality, district, political subdivision or agency require of any such insurer, agent or representative, duly authorized or licensed as such under this code, any additional authorization, license, or permit of any kind for conducting therein transactions otherwise lawful under the authority or license granted under this code.

SECTION 109. DEPOSIT, REPORT OF FEES, LI-
CENSES, TAXES.—(1) The Commissioner shall transmit all fees, licenses, taxes, fines and penalties collected by him to the State Treasurer at least once a week, or oftener in his discretion. All such funds shall be placed in the general fund of the state of Idaho. The Commissioner shall file with the State Auditor a statement of each deposit thus made.

(2) The Commissioner shall make and file with the State Auditor on the first day of each month an itemized statement of the fees, licenses, taxes, fines and penalties collected by him during the preceding month, and shall deliver a certified copy of the statement to the State Treasurer.

SECTION 110. DEFINITIONS NOT MUTUALLY EXCLUSIVE.—It is intended that certain insurance coverages may come within the definitions of two or more kinds of insurance as defined in this chapter, and the inclusion of such coverage within one definition shall not exclude it as to any other kind of insurance within the definition of which such coverage is likewise reasonably includable.

SECTION 111. "LIFE INSURANCE" DEFINED.—"Life insurance" is insurance on human lives. The trans- action of life insurance includes also the granting of endowment benefits, additional benefits in event of death or dismemberment by accident or accidental means, additional benefits in event of the insured’s disability, and optional modes of settlement of proceeds of life insurance. Life insurance does not include workmen’s compensation coverages.

SECTION 112. "DISABILITY INSURANCE" DEFINED.—“Disability insurance” is insurance of human beings against bodily injury, disablement, or death by accident or accidental means, or the expense thereof, or against disablement or expense resulting from sickness, and every insurance appertaining thereto. Disability insurance does not include workmen’s compensation coverages.

SECTION 113. "PROPERTY INSURANCE" DEFINED.—“Property insurance” is insurance on real or personal property of every kind and of every interest therein, whether on land, water, or in the air, against loss or damage from any and all hazard or cause, and against loss consequential upon such loss or damage, other than non-contractual legal liability for any such loss or damage.
Property insurance does not include title insurance, as defined in section 117.

SECTION 114. "MARINE AND TRANSPORTATION INSURANCE" DEFINED.—"Marine and transportation insurance" includes:

(1) Insurance against any kind of loss or damage to:

(a) Vessels, craft, aircraft, cars, automobiles and vehicles of every kind, as well as all goods, freights, cargoes, merchandise, effects, disbursements, profits, monies, bullion, precious stones, securities, choses in action, evidences of debt, valuable papers, bottomry and respondentia interests and all other kinds of property and interests therein, in respect to, appertaining to or in connection with any and all risks or perils of navigation, transit, or transportation, including war risks, on or under any seas or other waters, on land or in the air, or while being assembled, packed, crated, baled, compressed or similarly prepared for shipment or while awaiting the same or during any delays, storage, transshipment, or reshipment incident thereto, including marine builder's risks and all personal property floater risks, and

(b) Person or to property in connection with or appertaining to a marine, inland marine, transit or transportation insurance, including liability for loss of or damage to either, arising out of or in connection with the construction, repair, operation, maintenance or use of the subject matter of such insurance (but not including life insurance or surety bonds nor insurance against loss by reason of bodily injury to the person arising out of the ownership, maintenance or use of automobiles), and

(c) Precious stones, jewels, jewelry, gold, silver and other precious metals, whether used in business or trade or otherwise and whether the same be in course of transportation or otherwise, and

(d) Bridges, tunnels and other instrumentalities of transportation and communication (excluding buildings, their furniture and furnishings, fixed contents and supplies held in storage) unless fire, tornado, sprinkler leakage, hail, explosion, earthquake, riot and/or civil commotion are the only hazards to be covered; piers, wharves, docks and slips, excluding the risks of fire, tornado, sprinkler leakage, hail, explosion, earthquake, riot and/or civil commotion; other aids to navigation and transportation, including dry docks and marine railways, against all risks.
(2) "Marine protection and indemnity insurance", meaning insurance against, or against legal liability of the insured for, loss, damage or expense arising out of, or incident to, the ownership, operation, chartering, maintenance, use, repair or construction of any vessel, craft or instrumentality in use in ocean or inland waterways, including liability of the insured for personal injury, illness or death or for loss of or damage to the property of another person.

SECTION 115. "CASUALTY INSURANCE" DEFINED.
—(1) "Casualty insurance" includes:

(a) Vehicle insurance. Insurance against loss of or damage to any land vehicle or aircraft or any draft or riding animal or to property while contained therein or thereon or being loaded or unloaded therein or therefrom, from any hazard or cause, and against any loss, liability or expense resulting from or incidental to ownership, maintenance or use of any such vehicle, aircraft or animal; and provision of medical, hospital, surgical, disability benefits to injured persons and funeral and death benefits to dependents, beneficiaries, or personal representatives of persons killed, irrespective of legal liability of the insured, when issued as an incidental coverage with or supplemental to insurance on the vehicle, aircraft or animal.

(b) Automobile guaranty. Insurance of the mechanical condition, or freedom from defective or worn parts or equipment, of motor vehicles.

(c) Liability insurance. Insurance against legal liability for the death, injury, or disability of any human being, or for damage to property; and provision of medical, hospital, surgical, disability benefits to injured persons and funeral and death benefits to dependents, beneficiaries or personal representatives of persons killed, irrespective of legal liability of the insured, when issued as an incidental coverage with or supplemental to liability insurance.

(d) Workmen's compensation. Insurance of the obligations accepted by, imposed upon, or assumed by employers under law for death, disablement, or injury of employees.

(e) Burglary and theft. Insurance against loss or damage by burglary, theft, larceny, robbery, forgery, fraud, vandalism, malicious mischief, confiscation, or wrongful conversion, disposal; or concealment, or from any attempt at any of the foregoing; including supplemental coverage for medical, hospital, surgical, and funeral expense incurred by the named insured or any other person as a
result of bodily injury during the commission of a burglary, robbery, or theft by another; also insurance against loss of or damage to moneys, coins, bullion, securities, notes, drafts, acceptances, or any other valuable papers and documents, resulting from any cause.

(f) Personal property floater. Insurance upon personal effects against loss or damage from any cause, under a personal property floater.

(g) Glass. Insurance against loss or damage to glass, including its lettering, ornamentation, and fittings.

(h) Boiler and machinery. Insurance against any liability and loss or damage to property or interest resulting from accidents to or explosions of boilers, pipes, pressure containers, machinery, or apparatus, and to make inspection of and issue certificates of inspection upon boilers, machinery, and apparatus of any kind, whether or not insured.

(i) Leakage and fire extinguishing equipment. Insurance against loss or damage to any property or interest caused by the breakage or leakage of sprinklers, hoses, pumps, and other fire extinguishing equipment or apparatus, water pipes or containers, or by water entering through leaks or openings in buildings, and insurance against loss or damage to such sprinklers, hoses, pumps, and other fire extinguishing equipment or apparatus.

(j) Credit. Insurance against loss or damage resulting from failure of debtors to pay their obligations to the insured.

(k) Malpractice. Insurance against legal liability of the insured, and against loss, damage, or expense incidental to a claim of such liability, and including medical, hospital, surgical, and funeral benefits to injured persons, irrespective of legal liability of the insured, arising out of the death, injury or disablement of any person, or arising out of damage to the economic interest of any person, as the result of negligence in rendering expert, fiduciary, or professional service.

(l) Congenital defects. Insurance against congenital defects in human beings.

(m) Livestock. Insurance against loss or damage to livestock, and services of a veterinary for such animals.

(n) Elevator. Insurance against loss of or damage to
any property of the insured, resulting from the ownership, maintenance or use of elevators, except loss or damage by fire, and to make inspections of and issue certificates of inspection upon, elevators.

(o) Entertainments. Insurance indemnifying the producer of any motion picture, television, radio, theatrical, sport, spectacle, entertainment, or similar production, event, or exhibition against loss from interruption, postponement, or cancellation thereof due to death, accidental injury, or sickness of performers, participants, directors, or other principals.

(p) Failure to file certain instruments. Insurance against loss resulting from failure to file or record written instruments affecting the title of or creating a lien upon personal property.

(q) Miscellaneous: Insurance against any other kind of loss, damage, or liability properly a subject of insurance and not within any other kind of insurance as defined in this chapter, if such insurance is not disapproved by the Commissioner as being contrary to law or public policy.

(2) Provision of medical, hospital, surgical, and funeral benefits, and of coverage against accidental death or injury, as incidental to and part of other insurance as stated under subdivisions (a) (vehicle), (c) (liability), (e) (burglary), and (k) (malpractice) of subsection (1) shall for all purposes be deemed to be the same kind of insurance to which it is so incidental, and shall not be subject to provisions of this code applicable to life or disability insurances.

SECTION 116. “SURETY INSURANCE” DEFINED.—
“Surety insurance” includes:

(1) Fidelity insurance, which is insurance guaranteeing the fidelity of persons holding positions of public or private trust.

(2) Insurance or guaranty of the obligations of employers under workmen’s compensation laws.

(3) Insurance guaranteeing the performance of contracts, other than insurance policies, and guaranteeing and executing bonds, undertakings, and contracts of suretyship.

(4) Insurance indemnifying banks, bankers, brokers, financial or moneyed corporations or associations against loss, resulting from any cause, of bills of exchange, notes,
bonds, securities, evidences of debt, deeds, mortgages, warehouse receipts or other valuable papers, documents, money, precious metals and articles made therefrom, jewelry, watches, necklaces, bracelets, gems, precious and semi-precious stones, including any loss while the same are being transported in armored motor vehicles, or by messenger, but not including any other risks of transportation or navigation; also insurance against loss or damage to such an insured's premises or to his furniture, furnishings, equipment, safes, and vaults therein, caused by burglary, robbery, theft, vandalism or malicious mischief, or any attempt thereat.

SECTION 117. "TITLE INSURANCE" DEFINED. —
(1) "Title insurance" is the certification or guarantee of title or ownership, or insurance of owners of property or others having an interest therein or liens or encumbrances thereon, against loss by encumbrance, or defective titles, or invalidity, or adverse claim to title. This definition shall not be deemed to apply as to the business of preparing and issuing abstracts of, but not certifying, guaranteeing, or insuring, title to or ownership of property or certifying to the validity of documents relative to such title.

(2) A title insurer may also insure:
(a) The identity, due execution, and validity of any note or bond secured by mortgage or deed of trust; and
(b) The identity, due execution, validity and recording of any such mortgage or deed of trust.

SECTION 118. LIMIT OF RISK.—No insurer shall retain any risk on any one subject of insurance, whether located or to be performed in this state or elsewhere, in an amount exceeding ten percent (10%) of its surplus to policyholders.

(2) A "subject of insurance" for the purposes of this section, as to insurance against fire and hazards other than windstorm, earthquake and other catastrophic hazards, includes all properties insured by the same insurer which are customarily considered by underwriters to be subject to loss or damage from the same fire or the same occurrence of any other hazard insured against.

(3) Reinsurance ceded as authorized by section 120 of this code shall be deducted in determining risk retained. As to surety risks, deduction shall also be made of the amount assumed by any established incorporated co-surety
and the value of any security deposited, pledged, or held subject to the surety's consent and for the surety's protection.

(4) As to alien insurers, this section shall relate only to risks and surplus to policyholders of the insurer's United States branch.

(5) "Surplus to policyholders" for the purposes of this section, in addition to the insurer's capital and surplus, shall be deemed to include any voluntary reserves which are not required pursuant to law, and shall be determined from the last sworn statement of the insurer on file with the Commissioner, or by the last report of examination of the insurer, whichever is the more recent at time of assumption of risk.

(6) This section shall not apply to life or disability insurance, annuities, title insurance, insurance of wet marine and transportation risks, workmen's compensation insurance, employers' liability coverages, nor to any policy or type of coverage as to which the maximum possible loss to the insurer is not readily ascertainable on issuance of the policy.

(7) Limits of risk as to newly formed domestic mutual insurers shall be as provided in section 588.

SECTION 119. "REINSURANCE" DEFINED.—"Reinsurance" is a contract under which an originating insurer (called the "ceding" insurer) procures insurance for itself in another insurer (called the "assuming" insurer or the "reinsurer") with respect to part or all of an insurance risk of the originating insurer.

SECTION 120. AUTHORIZED REINSURANCE.—(1) An insurer may accept reinsurance only of such risks, and retain risk thereon within such limits, as it is otherwise authorized to insure.

(2) Except as provided in sections 121, 624 (mergers and consolidations of stock insurers) and 626 (bulk reinsurance, mutual insurers), an insurer may reinsure all or any part of any particular Idaho risk with an insurer authorized to transact such insurance in this state, or in any other solvent insurer approved or accepted by the Commissioner for the purpose of such reinsurance. The Commissioner shall not so approve or accept any such reinsurance by a ceding domestic insurer in an unauthorized insurer which he finds for good cause would be contrary to the
interests of the policyholders or stockholders of such domestic insurer.

(3) No credit shall be allowed, as an asset or as a deduction from liability, to any ceding insurer for reinsurance unless the reinsurance is payable by the assuming insurer on the basis of the liability of the ceding insurer under the contracts reinsured without diminution because of the insolvency of the ceding insurer.

(4) Upon request of the Commissioner, a ceding insurer shall promptly inform the Commissioner in writing of the cancellation or any other material change of any of its reinsurance treaties or arrangements.

(5) This section does not apply to marine and transportation insurance.

SECTION 121. REINSURANCE BY IMPAIRED OR WITHDRAWING INSURERS—PENALTY FOR VIOLATION.—(1) No authorized insurer whose capital stock (if a stock insurer) or required minimum surplus (if a mutual or reciprocal insurer) is impaired, or which is insolvent, or which is withdrawing from business in this state, shall reinsure its insurance in force on Idaho risks with any insurer not authorized to transact such insurance in this state, until the plan of such reinsurance has been submitted to the Commissioner and has been approved by him in writing.

(2) The Commissioner shall approve such plan of reinsurance unless he finds that one or more of the following grounds for disapproval exist:

(a) The proposed reinsurer is in unsound financial condition; or

(b) The proposed reinsurance would not provide the Idaho policyholders involved, with reasonably adequate service; or

(c) The proposed reinsurer could not qualify for a certificate of authority to transact such insurance in this state; or

(d) The proposed reinsurance would be contrary to the interests of such Idaho policyholders.

(3) No domestic insurer shall accept reinsurance of all or substantially all of the risks of another insurer unless the plan for such reinsurance has been submitted to and
approved by the Commissioner, as provided in sections 624 (mergers and consolidations of stock insurers) and 626 (bulk reinsurance, mutual insurers).

(4) Upon effectuation of any such reinsurance the reinsurer shall become liable to the insured under the policy for any loss occurring under the policy so reinsured, and shall, within a reasonable time after such effectuation, replace such policies with its own policies, or by endorsement on the original policies acknowledge liability thereunder. In the case of cancellation of such a policy after effectuation of the reinsurance, the reinsurer shall be liable to the insured thereunder for the return premium due.

(5) Any person who acts for, or purports to act for, any insurer or reinsurer in violating any of the provisions of this section shall be guilty of a felony and, upon conviction, shall be punished by a fine of not exceeding ten thousand dollars ($10,000) or by imprisonment in the penitentiary for not exceeding ten (10) years, or by both such fine and imprisonment.

SECTION 122. "ASSETS" DEFINED.—In any determination of the financial condition of an insurer, there shall be allowed as assets only such assets as are owned by the insurer and which consist of:

(1) Cash in the possession of the insurer, or in transit under its control, and including the true balance of any deposit in a solvent bank or trust company.

(2) Investments, securities, properties and loans acquired or held in accordance with this code, and in connection therewith the following items:

(a) Interest due or accrued on any bond or evidence of indebtedness which is not in default and which is not valued on a basis including accrued interest.

(b) Declared and unpaid dividends on stock and shares, unless such amount has otherwise been allowed as an asset.

(c) Interest due or accrued upon a collateral loan in an amount not to exceed one year’s interest thereon.

(d) Interest due or accrued on deposits in solvent banks and trust companies, and interest due or accrued on other assets, if such interest is in the judgment of the Commissioner a collectible asset.

(e) Interest due or accrued on a mortgage loan, in an
amount not exceeding in any event the amount, if any, of the excess of the value of the property less delinquent taxes thereon over the unpaid principal; but in no event shall interest accrued for a period in excess of eighteen (18) months be allowed as an asset.

(f) Rent due or accrued on real property if such rent is not in arrears for more than three (3) months, and rent more than three (3) months in arrears if the payment of such rent be adequately secured by property held in the name of the tenant and conveyed to the insurer as collateral.

(g) The unaccrued portion of taxes paid prior to the due date on real property.

(3) Premium notes, policy loans, and other policy assets and liens on policies and certificates of life insurance and annuity contracts and accrued interest thereon, in an amount not exceeding the legal reserve and other policy liabilities carried on each individual policy.

(4) The net amount of uncollected and deferred premiums and annuity considerations in the case of a life insurer.

(5) Premiums in the course of collection, other than for life insurance, not more than three (3) months past due, less commissions payable thereon. The foregoing limitation shall not apply to premiums payable directly or indirectly by the United States government or by any of its instrumentalities.

(6) Instalment premiums other than life insurance premiums to the extent of the unearned premium reserve carried on the policy to which premiums apply.

(7) Notes and like written obligations not past due, taken for premiums other than life insurance premiums, on policies permitted to be issued on such basis, to the extent of the unearned premium reserves carried thereon.

(8) The full amount of reinsurance recoverable by a ceding insurer from a solvent reinsurer and which reinsurance is authorized under section 120.

(9) Amounts receivable by an assuming insurer representing funds withheld by a solvent ceding insurer under a reinsurance treaty.

(10) Deposits or equities recoverable from underwriting
associations, syndicates and reinsurance funds, or from any suspended banking institution, to the extent deemed by the Commissioner available for the payment of losses and claims and at values to be determined by him.

(11) Electronic and mechanical machines constituting a data processing and accounting system if the cost of such system is at least twenty-five thousand dollars ($25,000), which cost shall be amortized in full over a period not to exceed ten (10) calendar years.

(12) All assets, whether or not consistent with the provisions of this section, as may be allowed pursuant to the annual statement form approved by the Commissioner for the kinds of insurance to be reported upon therein.

(13) Other assets, not inconsistent with the provisions of this section, deemed by the Commissioner to be available for the payment of losses and claims, at values to be determined by him.

SECTION 123. ASSETS AS DEDUCTIONS FROM LIABILITIES.—Assets may be allowed as deductions from corresponding liabilities, and liabilities may be charged as deductions from assets, and deductions from assets may be charged as liabilities, in accordance with the form of annual statement applicable to the insurer as prescribed by the Commissioner, or otherwise in his discretion.

SECTION 124. ASSETS NOT ALLOWED.—In addition to assets impliedly excluded by the provisions of section 122 of this chapter, the following expressly shall not be allowed as assets in any determination of the financial condition of an insurer:

(1) Good will, trade names and other like intangible assets.

(2) Advances to officers (other than policy loans) whether secured or not, and advances to employees, agents and other persons on personal security only.

(3) Stock of such insurer, owned by it, or any material equity therein or loans secured thereby, or any material proportionate interest in such stock acquired or held through the ownership by such insurer of an interest in another firm, corporation or business unit.

(4) Furniture, fixtures, furnishings, safes, vehicles, libraries, stationery, literature, and other equipment, machines, and supplies (other than data processing and ac-
counting systems authorized under section 122(11), except in the case of title insurers such materials and plants as the insurer is expressly authorized to invest in under section 163 of this code and except, in the case of any insurer, such personal property as the insurer is permitted to hold pursuant to chapter 7 of this code, or which is reasonably necessary for the maintenance and operation of real estate lawfully acquired and held by the insurer other than real estate used by it for home office, branch office and similar purposes.

(5) The amount, if any, by which the aggregate book value of investments as carried in the ledger assets of the insurer exceeds the aggregate value thereof as determined under this code.

SECTION 125. DISALLOWANCE OF "WASH" TRANSACTIONS.—(1) The Commissioner shall disallow as an asset or as a credit against liabilities any reinsurance found by him after a hearing thereon to have been arranged for the purpose principally of deception as to the ceding insurer’s financial condition as of the date of any financial statement of the insurer. Without limiting the general purport of the foregoing provision, reinsurance of any substantial part of the insurer’s outstanding risks contracted for in fact within four (4) months prior to the date of any such financial statement and canceled in fact within four (4) months after the date of such statement, or reinsurance under which the reinsurer bears no substantial insurance risk or substantial risk of net loss to itself, shall prima facie be deemed to have been arranged for the purpose principally of deception within the intent of this provision.

(2) The Commissioner shall disallow as an asset any deposit, funds or other assets of the insurer found by him after a hearing thereon:

(a) Not to be in good faith the property of the insurer, and

(b) Not freely subject to withdrawal or liquidation by the insurer at any time for the payment or discharge of claims or other obligations arising under its policies, and

(c) To be resulting from arrangements made principally for the purpose of deception as to the insurer’s financial condition as of the date of any financial statement of the insurer.
(3) No such disallowance of assets or credits shall be valid unless made by the Commissioner after a hearing of which notice was given the insurer within six (6) months after the date the financial statement of the insurer as to which such deception is claimed was filed with the Commissioner.

(4) The Commissioner may suspend or revoke the certificate of authority of any insurer which has knowingly been a party to any such deception or attempt thereat.

Section 126. Liabilities, in General.—In any determination of the financial condition of an insurer, capital stock and liabilities to be charged against its assets shall include:

(1) The amount of its capital stock outstanding, if any.

(2) The amount, estimated consistent with the provisions of this code, necessary to pay all of its unpaid losses and claims incurred on or prior to the date of statement, whether reported or unreported, together with the expenses of adjustment or settlement thereof.

(3) With reference to life and disability insurance and annuity contracts:

(a) The amount of reserves on life insurance policies and annuity contracts in force, valued according to the tables of mortality, rates of interest, and methods adopted pursuant to this code which are applicable thereto.

(b) Reserves for disability benefits, for both active and disabled lives.

(c) Reserves for accidental death benefits.

(d) Any additional reserves which may be required by the Commissioner consistent with applicable customary and general practice in insurance accounting.

(4) With reference to insurance other than specified in subsection (3) of this section, and other than title insurance, the amount of reserves equal to the unearned portions of the gross premiums charged on policies in force, computed in accordance with this chapter.

(5) Taxes, expenses and other obligations due or accrued at the date of the statement.

Section 127. Unearned Premium Reserve.—
(1) As to insurance against loss or damage to property
(except as provided in section 128), and as to all general casualty insurance and surety insurance, every insurer shall maintain an unearned premium reserve on all policies in force.

(2) The Commissioner may require that such reserves shall be equal to the unearned portions of the gross premiums in force after deducting applicable reinsurance in solvent insurers as computed on each respective risk from the policy's date of issue. If the Commissioner does not so require, the portions of the gross premium in force, less applicable reinsurance in solvent insurers, to be held as an unearned premium reserve, shall be computed according to the following table:

<table>
<thead>
<tr>
<th>Term for which policy was written</th>
<th>Reserve for unearned premium</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 year or less</td>
<td>( \frac{1}{2} )</td>
</tr>
<tr>
<td>2 years</td>
<td></td>
</tr>
<tr>
<td>1st year</td>
<td>( \frac{3}{4} )</td>
</tr>
<tr>
<td>2nd year</td>
<td>( \frac{1}{4} )</td>
</tr>
<tr>
<td>3 years</td>
<td></td>
</tr>
<tr>
<td>1st year</td>
<td>( \frac{5}{6} )</td>
</tr>
<tr>
<td>2nd year</td>
<td>( \frac{1}{2} )</td>
</tr>
<tr>
<td>3rd year</td>
<td>( \frac{1}{6} )</td>
</tr>
<tr>
<td>4 years</td>
<td></td>
</tr>
<tr>
<td>1st year</td>
<td>( \frac{7}{8} )</td>
</tr>
<tr>
<td>2nd year</td>
<td>( \frac{5}{8} )</td>
</tr>
<tr>
<td>3rd year</td>
<td>( \frac{3}{8} )</td>
</tr>
<tr>
<td>4th year</td>
<td>( \frac{1}{8} )</td>
</tr>
<tr>
<td>5 years</td>
<td></td>
</tr>
<tr>
<td>1st year</td>
<td>( \frac{9}{10} )</td>
</tr>
<tr>
<td>2nd year</td>
<td>( \frac{7}{10} )</td>
</tr>
<tr>
<td>3rd year</td>
<td>( \frac{1}{2} )</td>
</tr>
<tr>
<td>4th year</td>
<td>( \frac{3}{10} )</td>
</tr>
<tr>
<td>5th year</td>
<td>( \frac{1}{10} )</td>
</tr>
<tr>
<td>Over 5 years</td>
<td>pro rata</td>
</tr>
</tbody>
</table>

(3) In lieu of computation according to the foregoing table, the insurer at its option may compute all of such reserves on a monthly or more frequent pro rata basis.

(4) After adopting a method for computing such reserve, an insurer shall not change methods without approval of the insurance supervisory official of the insurer's domicile.

(5) This section does not apply to title insurance.

SECTION 128. UNEARNED PREMIUM RESERVE FOR MARINE AND TRANSPORTATION INSURANCE.
As to marine and transportation insurance, the entire amount of premiums on trip risks not terminated shall be deemed unearned; and the Commissioner may require the insurer to carry a reserve equal to one hundred percent (100%) of premiums on trip risks written during the month ended as of the date of statement.

**SECTION 129. RESERVE FOR DISABILITY INSURANCE.**—For all disability insurance policies the insurer shall maintain an active life reserve which shall place a sound value on its liabilities under such policies and be not less than the reserve according to appropriate standards set forth in regulations issued by the Commissioner and, in no event, less in the aggregate than the pro rata gross unearned premiums for such policies.

**SECTION 130. LOSS RESERVES, LIABILITY INSURANCE AND WORKMEN'S COMPENSATION.**—Where called for by the form of annual statement required of the insurer, the reserve for outstanding losses under insurance against loss or damage from accident to or injuries suffered by an employee or other person and for which the insured is liable, shall be computed as follows:

1. For all liability suits being defended under policies written more than:
   
   a. Ten (10) years prior to the date as of which the statement is made, $1,500 for each suit.
   
   b. Five (5) or more and less than ten (10) years prior to the date as of which the statement is made, $1,000 for each suit.
   
   c. Three (3) or more and less than five (5) years prior to the date as of which the statement is made, $850 for each suit.

2. For all liability policies written during the three (3) years immediately preceding the date as of which the statement is made, the reserve shall be sixty percent (60%) of the earned liability premiums of each of such three (3) years less all losses and expense payments made under liability policies written in the corresponding years; but in any event, such reserve shall for the first of such three (3) years be not less than $750 for each outstanding liability suit on such year’s policies.

3. For all workmen’s compensation claims under policies written more than three (3) years prior to the date
as of which the statement is made, the reserve shall be the present value at four percent (4%) interest of the determined and the estimated future payments.

(4) For all workmen's compensation claims under policies written in the three (3) years immediately preceding the date as of which the statement is made, such reserve shall be sixty-five percent (65%) of the earned compensation premiums of each of such three (3) years, less all loss and loss expense payments made in connection with such claims under policies written in the corresponding years. But in any event in the case of the first year of any such three-year period, such reserve shall be not less than the present value at four percent (4%) interest of the determined and the estimated unpaid compensation claims under policies written during such year.

SECTION 131. INCREASE OF INADEQUATE LOSS RESERVES.—If loss experience shows that an insurer's loss reserves, however computed or estimated, are inadequate, the Commissioner shall require the insurer to maintain loss reserves in such additional amount as is needed to make them adequate. This section does not apply as to life insurance.

SECTION 132. RESERVE FOR LOSSES, UNEARNED PREMIUMS—TITLE INSURERS.—(1) Each title insurer shall maintain a special reserve in adequate amount to cover its liability as to losses incurred under policies issued by it.

(2) Each domestic title insurer shall establish and maintain a reserve for unearned premiums on its policies and guaranties in force. Such reserve shall at all times and for all purposes be considered a separate and distinct trust fund and shall be deemed and considered and shall constitute unearned portions of the original premiums and shall be charged as a reserve liability of the insurer in determining its financial condition. On all title insurance policies heretofore issued by the insurer, an unearned premiums reserve shall be set up and hereafter maintained in the amount which would have accumulated, as of the effective date of this code, if the foregoing requirement had been in existence ever since the date of the policy. Such reserve shall be computed as follows:

(a) With respect to owners and/or purchasers policies perpetual in term, monthly at the close of each month beginning as of July 1, 1947, the insurer shall set aside into
the reserve ten percent (10%) of the risk portion of the gross premium or fees received or to be received on account of policies written during the next preceding calendar month. After any such policy has been in force for ten (10) years, or upon earlier termination thereof for any cause, that portion of the reserve related thereto shall be released and may be used by the insurer thereafter for any lawful purpose.

(b) With respect to mortgage policies having a term, it shall be assumed for the purposes of this provision that all such policies have an average term of five (5) years from date of issue, and the unearned premium reserve thereon, commencing as of July 1, 1947, shall be computed upon the risk portion of the gross premium or fees charged for the policy according to the table for five (5) year term policies as provided in section 127(2) (unearned premium reserve). If such reserve is determined as at any date other than December 31 of any year, the reserve shall be computed on a pro rata basis for the elapsed months of the calendar year in which the computation is made.

(c) If at any time, after examination of the insurer, the Commissioner determines that its reserve for unearned premiums computed as hereinabove provided is inadequate for the reasonable protection of its policyholders, the Commissioner may by order made after hearing thereon require such reserve to be computed upon such reasonable basis as may be prescribed in the order. No such order shall be retroactively effective.

(3) The unearned premium reserve of a foreign insurer shall be as prescribed or permitted by the laws of the insurer's domicile, unless found by the Commissioner to be inadequate for the reasonable protection of the insurer's Idaho policyholders. In event of such a finding, the insurer shall maintain unearned premium reserves upon business thereafter written in an amount not less than the reserves which would then be required of a domestic title insurer hereunder writing the same business.

SECTION 133. STANDARD VALUATION LAW—LIFE INSURANCE.—(1) This section shall be known as the standard valuation law.

(2) Annual valuation. The Commissioner shall annually value, or cause to be valued, the reserve liabilities (hereinafter called reserves) for all outstanding life insurance policies and annuity and pure endowment contracts of every
life insurer doing business in this state, and may certify
the amount of any such reserves, specifying the mortality
table or tables, rate or rates of interest and methods (net
level premium method or others) used in the calculation of
such reserves. In the case of an alien insurer, such valu­
ation shall be limited to its insurance transactions in the
United States. In calculating such reserves, the Commis­
ioner may use group methods and approximate averages
for fractions of a year or otherwise. He may accept in his
discretion the insurer’s calculation of such reserves. In
lieu of the valuation of the reserves herein required of
any foreign or alien insurer, he may accept any valuation
made or caused to be made by the insurance supervisory
official of any state or other jurisdiction when such valu­
ation complies with the minimum standard herein provided,
and if the official of such state or jurisdiction accepts as
sufficient and valid for all legal purposes the certificate of
valuation of the Commissioner when such certificate states
the valuation to have been made in a specified manner
according to which the aggregate reserves would be at least
as large as if they had been computed in the manner pre­
scribed by the law of that state or jurisdiction. Where
any such valuation is made by the Commissioner, he may
use the actuary of the department or employ an actuary
for the purpose, and the reasonable compensation and ex­
penses of the actuary, at a rate approved by the Commiss­
ioner, upon demand by the Commissioner supported by
an itemized statement of such compensation and expenses,
shall be paid by the insurer. When a domestic insurer fur­
nishes the Commissioner with a valuation of its outstanding
policies as computed by its own actuary or by an actuary
deemed satisfactory for the purpose by the Commissioner,
the valuation shall be verified by the actuary of the depart­
ment without cost to the insurer.

(3) The minimum standard for the valuation of all such
policies and contracts issued on and after January 1, 1914,
and prior to the operative date of section 458 (standard
nonforfeiture law) shall be the American experience table
of mortality and interest at three and one-half percent
(3½%) per annum. Not more than one year shall be used
as a preliminary term. Extra charges may be made in
particular cases of invalid lives and other extra hazards,
policies may be valued in groups, and approximate aver­
ages may be used for fractions of a year. Policies other
than ordinary and twenty (20) payment life may be valued
according to the modified preliminary term, with twenty
(20) payment life policies as a basis for such valuation.
This subsection applies only as to policies and contracts issued prior to the operative date of section 458.

(4) The minimum standard for the valuation of all such policies and contracts issued on or after the operative date of section 458 (standard nonforfeiture law) shall be the Commissioners reserve valuation method defined in subsection (5) below, three and one-half percent (3 1/2%) interest and the following tables:

(a) For all ordinary policies of life insurance issued on the standard basis, excluding any disability and accidental death benefits in such policies, the Commissioners 1941 standard ordinary mortality table for such policies issued prior to the operative date of subsection (9) (b) of section 458 and the Commissioners 1958 standard ordinary mortality table for such policies issued on or after such operative date; except, that for any category of such policies issued on female risks modified net premiums and present values, referred to in subsection (5), may be calculated according to an age not more than three (3) years younger than the actual age of the insured.

(b) For all industrial life insurance policies issued on the standard basis, excluding any disability and accidental death benefits in such policies, the 1941 standard industrial mortality table.

(c) For individual annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies, the 1937 standard annuity mortality table or, at the insurer's option, the annuity mortality table for 1949, ultimate, or any modification of either of these tables approved by the Commissioner.

(d) For group annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies, the group annuity mortality table for 1951, any modification of such table approved by the Commissioner, or, at the insurer's option, any of the tables or modifications of tables specified for individual annuity and pure endowment contracts.

(e) For total and permanent disability benefits in or supplementary to ordinary policies or contracts, for policies or contracts issued on or after January 1, 1966, the tables of period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 disability study of the Society of Actuaries, with due regard to the type of benefit; for policies or contracts issued on or after the operative date of
section 458 (standard nonforfeiture law) and prior to January 1, 1966, either such tables or, at the insurer's option, the class (3) disability table (1926). Any such table shall, for active lives, be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(f) For accidental death benefits in or supplementary to policies, for policies issued on or after January 1, 1966, the 1959 accidental death benefits table; for policies issued on or after the operative date of section 458 (standard nonforfeiture law) and prior to January 1, 1966, either such table or, at the insurer's option, the intercompany double indemnity mortality table. Either table shall be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(g) For group life insurance, life insurance issued on the substandard basis and other special benefits, such tables as may be approved by the Commissioner as being sufficient with relation to the benefits provided by such policies.

(5) Commissioners reserve valuation method.

(a) Reserves according to the Commissioners reserve valuation method, for the life insurance and endowment benefits of policies providing for a uniform amount of insurance and requiring the payment of uniform premiums, shall be the excess, if any, of the present value, at the date of valuation, of such future guaranteed benefits provided for by such policies, over the then present value of any future modified net premiums therefor. The modified net premiums for any such policy shall be such uniform percentage of the respective contract premiums for such benefits that the present value, at the date of issue of the policy, of all such modified net premiums shall be equal to the sum of the then present value of such benefits provided for by the policy and the excess of (i) over (ii) as follows:

(i) A net level annual premium equal to the present value, at the date of issue, of such benefits provided for after the first policy year, divided by the present value, at the date of issue, of an annuity of one (1) per annum payable on the first and each subsequent anniversary of such policy on which a premium falls due; provided, however, that such net level annual premium shall not exceed the net level annual premium on the nineteen-year premium whole life plan for insurance of the same amount at an age one year higher than the age at issue of such policy.
(ii) A net one-year term premium for such benefits provided for in the first policy year.

(b) Reserves according to the Commissioners reserve valuation method for:

(i) Life insurance policies providing for a varying amount of insurance or requiring the payment of varying premiums,

(ii) Annuity and pure endowment contracts,

(iii) Disability and accidental death benefits in all policies and contracts, and

(iv) All other benefits, except life insurance and endowment benefits in life insurance policies, shall be calculated by a method consistent with the principles of subsection (5) (a) of this section, except that any extra premiums charged because of impairments or special hazards shall be disregarded in the determination of modified net premiums.

(6) Minimum aggregate reserves. In no event shall an insurer's aggregate reserves for all life insurance policies, excluding disability and accidental death benefits, issued on or after the operative date of section 458, be less than the aggregate reserves calculated in accordance with the method set forth in subsection (5) of this section and the mortality table or tables and rate or rates of interest used in calculating nonforfeiture benefits for such policies.

(7) Optional reserve basis.

(a) Reserves for all policies and contracts issued prior to the operative date of section 458 may be calculated, at the option of the insurer, according to any standards which produce greater aggregate reserves for all such policies and contracts than the minimum reserves required by the laws in effect immediately prior to such date.

(b) For any category of policies, contracts or benefits specified in subsection (4) of this section, issued on or after the operative date of section 458 (the standard nonforfeiture law), reserves may be calculated, at the option of the insurer, according to any standard or standards which produce greater aggregate reserves for such category than those calculated according to the minimum standard herein provided, but the rate or rates of interest used shall not be higher than the corresponding rate or rates of interest used in calculating any nonforfeiture benefits provided for
therein, provided, however, that reserves for participating life insurance policies issued on or after the operative date of section 458 (the standard nonforfeiture law) may, with the consent of the Commissioner, be calculated according to a rate of interest lower than the rate of interest used in calculating the nonforfeiture benefits in such policies, with the further proviso that if such lower rate differs from the rate used in the calculation of the nonforfeiture benefits by more than one-half (½) of one percent (1%), the insurer issuing such policies shall file with the Commissioner a plan providing for such equitable increases, if any, in the cash surrender values and nonforfeiture benefits in such policies as the Commissioner approves.

(8) Lower valuations. An insurer which at any time had adopted any standard of valuation producing greater aggregate reserves than those calculated according to the minimum standard herein provided may, with the approval of the Commissioner, adopt any lower standard of valuation, but not lower than the minimum herein provided.

(9) Deficiency reserve. If the gross premium charged by any life insurer on any policy or contract is less than the net premium for the policy or contract according to the mortality table, rate of interest and method used in calculating the reserve thereon, there shall be maintained on such policy or contract a deficiency reserve in addition to all other reserves required by law. For each such policy or contract the deficiency reserve shall be the present value, according to such standard, of an annuity of the difference between such net premium and the premium charged for such policy or contract, running for the remainder of the premium-paying period.

**SECTION 134. VALUATION OF BONDS.**—All bonds or other evidences of debt having a fixed term and rate of interest held by an insurer may, if amply secured and not in default as to principal or interest, be valued as follows:

(1) If purchased at par, at the par value.

(2) If purchased above or below par, on the basis of the purchase price adjusted so as to bring the value to par at maturity and so as to yield in the meantime the effective rate of interest at which the purchase was made, or in lieu of such method, according to such generally accepted method of valuation elected by the insurer and approved by the Commissioner.
(3) Purchase price shall in no case be taken at a higher figure than the actual market value at the time of purchase, plus actual brokerage, transfer, postage or express charges paid in the acquisition of such securities.

(4) Unless otherwise provided by valuation established or approved by the Commissioner, no such security shall be carried at above the call price for the entire issue during any period within which the security may be so called.

SECTION 135. VALUATION OF OTHER SECURITIES. — (1) Securities, other than those referred to in section 134, held by an insurer may be valued, in the discretion of the Commissioner, at their market value if market value can reasonably be ascertained, otherwise at their fair value determined by a generally accepted method of appraisal or, at the insurer's discretion, at cost when cost is lower than market value or such appraised value.

(2) Preferred or guaranteed stocks or shares while paying full dividends may be carried at a fixed value in lieu of market value, according to a generally accepted method of computation approved by the Commissioner.

SECTION 136. VALUATION OF PROPERTY. — (1) Real property acquired pursuant to a mortgage loan or contract for sale, in the absence of a recent appraisal deemed by the Commissioner to be reliable, shall not be valued at an amount greater than the unpaid principal of the defaulted loan or contract at the date of such acquisition, together with any taxes and expenses paid or incurred in connection with such acquisition, and the cost of improvements thereafter made by the insurer and any amounts thereafter paid by the insurer on assessments levied for improvements in connection with the property.

(2) Other real property held by an insurer shall not be valued at an amount in excess of fair value as determined by recent appraisal. If valuation is based on an appraisal more than three years old, the Commissioner may at his discretion call for and require a new appraisal in order to determine fair value.

SECTION 137. VALUATION OF PURCHASE MONEY MORTGAGES.—Purchase money mortgages on real property referred to in subsection (1) of section 136 of this chapter shall be valued in an amount not exceeding the acquisition cost of the real property covered thereby or ninety percent (90%) of the fair value of such real property, whichever is less.
SECTION 138. SCOPE OF CHAPTER.—Except as to section 169, this chapter shall apply to domestic insurers only.

SECTION 139. ELIGIBLE INVESTMENTS. — (1) Insurers shall invest in or lend their funds on the security of, and shall hold as invested assets, only cash and eligible investments as prescribed in this chapter.

(2) Any particular investment held by an insurer on the effective date of this code, and which was a legal investment at the time it was made, and which the insurer was legally entitled to possess immediately prior to such effective date, shall be deemed to be an eligible investment.

(3) Eligibility of an investment shall be determined as of the date of its making or acquisition, except as stated in subsection (2) above.

(4) Any investment limitation based upon the amount of the insurer's assets or particular funds shall relate to such assets or funds as shown by the insurer's annual statement as of the December 31 next preceding date of making or acquisition of the investment by the insurer, or as shown by a current financial statement.

SECTION 140. GENERAL QUALIFICATIONS. — (1) No security or investment (other than real and personal property acquired under section 165 (real property owned)) of this chapter shall be eligible for acquisition unless it is interest bearing or interest accruing or dividend or income paying, is not then in default in any respect, and the insurer is entitled to receive for its exclusive account and benefit the interest or income accruing thereon.

(2) No security or investment shall be eligible for purchase at a price above its market value.

(3) No provision of this chapter shall prohibit the acquisition by an insurer of other or additional securities or property if received as a dividend or as a lawful distribution of assets, or under a lawful and bona fide agreement of bulk reinsurance, merger, or consolidation. Any investment so acquired which is not otherwise eligible under this chapter shall be disposed of pursuant to section 167 if personal property or securities, or pursuant to section 166 if real property.

SECTION 141. AUTHORIZATION OF INVESTMENTS. —An insurer shall not make, sell, or exchange any invest-
ment or loan, except as to the policy loans or annuity contract loans of a life insurer, unless the same is authorized or approved by its board of directors or by a committee charged by the board of directors or the bylaws with the duty of making such investment, loan, sale or exchange. The minutes of any such committee shall be recorded and reports thereof shall be submitted to the board of directors for approval or disapproval.

SECTION 142. RECORD OF INVESTMENTS. — (1) The insurer shall make a written record in permanent form showing the authorization as to each investment or loan of its funds, which record shall be signed by an officer of the insurer or by the chairman of the committee authorizing or approving the investment or loan.

(2) As to each such investment or loan the insurer's record shall contain:

(a) In the case of loans: The name of the borrower; the location and legal description of the property; a physical description, and the appraised value of the security; the amount of the loan, rate of interest and terms of repayment.

(b) In the case of securities: The name of the obligor; a description of the security and the record of earnings; the amount invested, the rate of interest or dividend, the maturity and yield based upon the purchase price.

(c) In the case of real estate: The location and legal description of the property; a physical description and the appraised value; the purchase price and terms.

(d) In the case of all investments:

(i) The amount of expenses and commissions if any incurred on account of any investment or loan and by whom and to whom payable if not covered by contracts with mortgage loan representatives or correspondents which are part of the insurer's records.

(ii) The name of any officer or director of the insurer having any direct, indirect, or contingent interest in the securities or loan representing the investment, or in the assets of the person in whose behalf the investment or loan is made, and the nature of such interest.

SECTION 143. DIVERSIFICATION OF INVESTMENTS.—An insurer shall invest in or hold as assets
categories of investments within applicable limits as follows only:

(1) One person. An insurer shall not, except with the consent of the Commissioner, have at any one time any combination of investments in or loans upon the security of the obligations, property, or securities of any one person, institution, corporation, or municipal corporation, aggregating an amount exceeding seven percent (7%) of the insurer's assets. This restriction shall not apply as to general obligations of the United States of America or of any state or include policy or annuity contract loans made under section 155.

(2) Voting stock. An insurer shall not invest in or hold at any one time more than ten percent (10%) of the outstanding voting stock of any corporation, except with the consent of the Commissioner given with respect to voting rights of preference stock during default of dividends. This provision does not apply as to stock of a wholly-owned subsidiary of the insurer which subsidiary is engaged exclusively in a business properly incidental to the insurance business of the insurer, or to stock of an insurer acquired under section 152.

(3) Minimum capital. An insurer (other than title insurer) shall invest and maintain invested funds not less in amount than the minimum paid-in capital stock required under this code of a domestic stock insurer transacting like kinds of insurance, only in cash and the securities provided for under the following sections of this chapter: Section 144 (public obligations), and section 158 (real estate mortgages and contracts).

(4) Life insurance reserves. A life insurer shall also invest and keep invested its funds in amount not less than the reserves under its life insurance policies and annuity contracts in force, in cash and/or the securities or investments allowed under this chapter, other than in common stocks, insurance stocks and stocks of subsidiaries of the insurer.

(5) Other specific limits. Limits as to investments in the category of real estate shall be as provided in section 165; and other specific limits shall apply as stated in the sections dealing with other respective kinds of investments.

SECTION 144. PUBLIC OBLIGATIONS. — An insurer may invest any of its funds in bonds or other evidences of debt, not in default as to principal or interest, which are
valid and legally authorized obligations issued, assumed or
guaranteed by the United States or by any state thereof
or by any territory or possession of the United States or
by the District of Columbia or by any county, city, town,
village, municipality or district therein or by any political
subdivision thereof or by any civil division or public instru-
mentality of one or more of the foregoing, if, by statutory
or other legal requirements applicable thereto, such obli-
gations are payable, as to both principal and interest, (1)
from taxes levied or required to be levied upon all tax-
able property or all taxable income within the jurisdiction
of such governmental unit or, (2) from adequate special
revenues pledged or otherwise appropriated or by law re-
quired to be provided for the purpose of such payment,
but not including any obligation payable solely out of special
assessments on properties benefited by local improvements
unless adequate security is evidenced by the ratio of assess-
ment to the value of the property or the obligation is
additionally secured by an adequate guaranty fund required
by law.

SECTION 145. OBLIGATIONS, STOCK OF CERTAIN
FEDERAL AGENCIES.—An insurer may invest in the
obligations, and/or stock where stated, of the following
agencies of the government of the United States of America,
whether or not such obligations are guaranteed by such
government:

(1) Commodity Credit Corporation.
(2) Federal Intermediate Credit Banks.
(3) Federal Land Banks.
(4) Central Bank for Cooperatives.
(5) Federal Home Loan Banks, and stock thereof.
(6) Federal National Mortgage Association, and stock
thereof when acquired in connection with sale of mortgage
loans to such Association.
(7) Any other similar agency of the government of the
United States of America and of similar financial quality.

SECTION 146. IRRIGATION DISTRICT BONDS.—An
insurer may invest in the legally issued bonds, not de-
linquent as to principal or interest, of any solvent irrigation
district created as provided by law in this state, or in any
other state, whose water rights shall have been legally
acquired and finally determined, and shall be fully ade-
quate to supply sufficient water to properly irrigate all the land within such district, and which shall be adequately irrigating not less than thirty percent (30%) of the lands within such irrigation district.

SECTION 147. INTERNATIONAL BANK.—An insurer may invest in obligations issued, assumed or guaranteed by the International Bank for Reconstruction and Development.

SECTION 148. CORPORATE OBLIGATIONS.—An insurer may invest any of its funds in obligations other than those eligible for investment under section 158 (mortgage loans and contracts) if they are issued, assumed, or guaranteed by any solvent institution created or existing under the laws of the United States or of any state, district or territory thereof, and are qualified under any of the following:

(1) Obligations which are secured by adequate collateral security and bear fixed interest if during each of any three (3), including the last two (2), of the five (5) fiscal years next preceding the date of acquisition by the insurer, the net earnings of the issuing, assuming or guaranteeing institution available for its fixed charges, as defined in section 149, have been not less than one and one-fourth (1¼) times the total of its fixed charges for such year. In determining the adequacy of collateral security not more than one-third (1/3) of the total value of such required collateral shall consist of stock other than stock meeting the requirements of section 150 herein.

(2) Fixed interest-bearing obligations, other than those described in subdivision (1) of this section, if the net earnings of the issuing, assuming or guaranteeing institution available for its fixed charges for a period of five (5) fiscal years next preceding the date of acquisition by the insurer have averaged per year not less than one and one-half (1½) times its average annual fixed charges applicable to such period and if during the last year of such period such net earnings have been not less than one and one-half (1½) times its fixed charges for such year.

(3) Adjustment, income or other contingent interest obligations if the net earnings of the issuing, assuming or guaranteeing institution available for its fixed charges for a period of five (5) fiscal years next preceding the date of acquisition by the insurer have averaged per year not less than one and one-half (1½) times the sum of its aver-
age annual fixed charges and its average annual maximum contingent interest applicable to such period and if during each of the last two (2) years of such period such net earnings have been not less than one and one-half (1½) times the sum of its fixed charges and maximum contingent interest for such year.

SECTION 149. CERTAIN TERMS DEFINED — DETERMINATION OF NET EARNINGS. — (1) Certain terms used are defined for the purposes of this chapter as follows:

(a) "Obligation" includes bonds, debentures, notes or other evidences of indebtedness.

(b) "Institution" includes corporations, joint-stock associations, and business trusts.

(c) "Net earnings available for fixed charges" means net income after deducting operating and maintenance expenses, taxes, other than federal and state income taxes, depreciation and depletion, but excluding extraordinary nonrecurring items of income or expense appearing in the regular financial statements of such institutions.

(d) "Fixed charges" includes interest on funded and unfunded debt amortization of debt discount, and rentals for leased properties.

(2) If net earnings are determined in reliance upon consolidated earnings statements of parent and subsidiary institutions, such net earnings shall be determined after provision for income taxes of subsidiaries and after proper allowance for minority stock interest, if any; and the required coverage of fixed charges shall be computed on a basis including fixed charges and preferred dividends of subsidiaries other than those payable by such subsidiaries to the parent corporation or to any other of such subsidiaries, except that if the minority common stock interest in the subsidiary corporation is substantial, the fixed charges and preferred dividends may be apportioned in accordance with regulations prescribed by the Commissioner.

SECTION 150. PREFERRED AND GUARANTEED STOCKS—DIVERSIFICATION.—(1) An insurer may invest any of its funds, in an aggregate amount not exceeding ten percent (10%) of its assets if a life insurer, or not exceeding fifteen percent (15%) of such assets if other than a life insurer, in preferred or guaranteed stocks or shares, other than common stocks, of solvent institutions
existing under the laws of the United States or of any state, district, or territory thereof, if all of the prior obligations and prior preferred stocks, if any, of such institution at the date of acquisition by the insurer are eligible as investments under this chapter; and if qualified under either of the following:

(a) Preferred stocks or shares shall be deemed qualified if both these requirements are met:

(i) The net earnings of the institution available for its fixed charges for a period of five (5) fiscal years next preceding the date of acquisition by the insurer must have averaged per year not less than one and one-half (1½) times the sum of its average annual fixed charges, if any, its average annual maximum contingent interest, if any, and its average annual preferred dividend requirements applicable to such period; and

(ii) During each of the last two (2) years of such period such net earnings must have been not less than one and one-half (1½) times the sum of its fixed charges, contingent interest and preferred dividend requirements for such year. The term "preferred dividend requirements" shall be deemed to mean cumulative or noncumulative dividends whether paid or not.

(b) Guaranteed stocks or shares shall be deemed qualified if the assuming or guaranteeing institution meets the requirements of section 148(1) construed so as to include as a fixed charge the amount of guaranteed dividends of such issue or the rental covering the guarantee of such dividends.

(2) An insurer shall not invest in or loan upon any preferred stock having voting rights, or of any one institution, in excess of the limits provided in section 143(2) (diversification of investments).

SECTION 151. COMMON STOCKS. — After satisfying the requirements of section 143(3) and (4) (investment of capital and life reserves), a life insurer or life and disability insurer may invest funds in an aggregate amount not in excess of twenty-five percent (25%) of its surplus if a stock insurer, or in an aggregate amount not in excess of twenty-five percent (25%) of its surplus over its minimum required surplus if a mutual or reciprocal insurer, in common shares of stock in solvent United States corporations that qualify as a sound investment. Other
insurers may have so invested not to exceed fifteen percent (15%) of assets.

SECTION 152. INSURANCE STOCKS.—(1) An insurer other than a life insurer may invest a portion of its surplus funds in an aggregate amount not exceeding fifty percent (50%) of its surplus over its capital stock and other liabilities or thirty-five percent (35%) of its capital funds whichever is greater, in the stocks of other insurers organized and existing under the laws of states of the United States.

(2) A life insurer may invest in such insurance stocks in an aggregate amount not exceeding the smaller of the following amounts: Five percent (5%) of its assets; or twenty-five percent (25%) of its surplus over its capital stock and other liabilities, or of surplus over its required minimum surplus if a mutual life insurer.

(3) An insurer shall not purchase or hold as an investment more than five percent (5%) of the voting stock of any one other insurer, and subject further to the investment limits of section 143(1) (investment in securities, etc. of any one person). This limitation shall not apply if such other insurer is the subsidiary of, and substantially all its shares having voting powers are owned by, an insurer other than a life insurer.

(4) Indirect or proportionate interests in insurance stocks held by an insurer through any intermediate subsidiary or subsidiaries shall be included in applying the limitations provided in this section.

(5) The limitations on investments in insurance stocks set forth in this section shall not apply to stocks acquired under a plan for merger of the insurers which has been approved by the Commissioner or as to shares received as stock dividends upon shares already owned.

(6) Shares acquired and held under this section shall not, for the purposes of the limitations provided under section 151, be included among other common stocks held by the insurer.

SECTION 153. INVESTMENT TRUST SECURITIES.—An insurer may invest in the securities of any open end management type investment company or investment trust registered with the federal Securities & Exchange Commission under the Investment Company Act of 1940 as from time to time amended, if such investment company
or trust has been organized for not less than ten (10) years and has assets not less than twenty-five million dollars ($25,000,000) as at date of investment by the insurer. The aggregate amount invested under this section shall not exceed ten percent (10%) of the insurer's assets.

**SECTION 154. EQUIPMENT TRUST OBLIGATIONS.** — An insurer may invest any of its funds, in an aggregate amount not exceeding ten percent (10%) of its assets, in equipment trust obligations or certificates which are adequately secured or in other adequately secured instruments evidencing an interest in transportation equipment wholly or in part within the United States and the right to receive determined portions of rental, purchase or other fixed obligatory payments for the use or purchase of such transportation equipment.

**SECTION 155. POLICY LOANS.** — A life insurer may lend to its policyholder upon pledge of the policy as collateral security, any sum not exceeding the cash surrender value of the policy; or may lend against pledge or assignment of any of its supplementary contracts or other contracts or obligations, so long as the loan is adequately secured by such pledge or assignment. Loans so made are eligible investments of the insurer.

**SECTION 156. COLLATERAL LOANS.** — An insurer may lend and thereby invest its funds upon the pledge of securities eligible for investment under this chapter. As at date made, no such loan shall exceed in amount ninety percent (90%) of the market value of such collateral pledged. The amount so loaned shall be included pro rata in determining the maximum percentage of funds permitted under this chapter to be invested in the respective categories of securities so pledged.

**SECTION 157. SAVINGS AND SHARE ACCOUNTS.** — An insurer may invest or deposit any of its funds in share or savings accounts of savings and loan associations, or in savings accounts of banks, and in any one such institution only to the extent that such an account is insured by the federal savings and loan insurance corporation or the federal deposit insurance corporation.

**SECTION 158. MORTGAGE LOANS AND CONTRACTS.** — An insurer may invest any of its funds in:

(1) Bonds or evidences of debt which are secured by first mortgages or deeds of trust on improved unencumbered real property located in the United States.
(2) The equity of the seller of any such property in the contract for a deed, covering the entire balance due on a bona fide sale of such property, in amount not to exceed ten thousand dollars ($10,000) or the amount permissible under section 143, whichever is greater, in any one such contract for deed; nor in any amount in excess of the following percentages of the actual sale price or fair value of the property, whichever is the smaller:

(a) If a dwelling primarily designed for single family occupancy and occupied by the purchaser under such contract,—seventy-five percent (75%).

(b) In all other cases,—sixty-six and two-thirds percent (66⅔%).

(3) Purchase money mortgages or like securities received by it upon the sale or exchange of real property acquired pursuant to section 165.

(4) Bonds or notes secured by mortgage or trust deed guaranteed or insured by the Federal Housing Administration under the terms of an act of Congress of the United States for June twenty-seventh, nineteen hundred thirty-four, entitled the "National Housing Act", as amended.

(5) Bonds or notes secured by mortgage or trust deed guaranteed or insured as to principal in whole or in part by the Administrator of Veterans' Affairs pursuant to the provisions of title III of an act of Congress of the United States of June twenty-second, nineteen hundred forty-four, entitled the "Servicemen's Readjustment Act of 1944", as amended.

(6) Evidences of debt secured by first mortgages or deeds of trust upon leasehold estates, running for a term of not less than fifteen (15) years beyond the maturity of the loan as made or as extended, in improved real property, otherwise unencumbered, and if the mortgagee is entitled to be subrogated to all the rights under the leasehold.

SECTION 159. MORTGAGE LOAN LIMITED BY PROPERTY VALUE.—(1) No mortgage loan or investment therein upon any one parcel of real property shall exceed in amount at the time of acquisition:

(a) Seventy-five percent (75%) of the fair value of the property if the property is a dwelling house primarily intended for occupancy by one family and the loan is required to be amortized within not more than thirty (30)
years by payment of installments thereon at regular intervals not less frequent than every three (3) months; or

(b) Sixty-six and two-thirds percent (66\(\frac{2}{3}\)% ) of the fair value of the property in all other cases.

(2) The extent to which a mortgage loan made under subdivision (4) or (5) of section 158 is guaranteed by the Administrator of Veterans' Affairs may be deducted before application of the limitations contained in subsection (1) above.

SECTION 160. APPRAISAL — LIMIT OF AMOUNT LOANED. — (1) The fair value of property shall be determined by appraisal by a competent appraiser at the time of the making or acquisition of a mortgage loan or investing in a contract for the deed thereon; except, that as to bonds or notes secured by mortgage or trust deed guaranteed or insured by the Federal Housing Administration, or guaranteed or insured as to principal in full or in part by the Administrator of Veterans' Affairs, or guaranteed or insured by the Farmers Home Administration, the valuation made by such administration or administrator shall be deemed to have been made by a competent appraiser for the purposes of this subsection.

(2) An insurer shall not make or acquire a loan or loans upon the security of any one parcel of real property in aggregate amount in excess of ten thousand dollars ($10,000) or more than the amount permissible under section 143 (1) (investment in securities, etc., of any one person), whichever is the greater.

SECTION 161. "IMPROVED REAL PROPERTY" DEFINED. — For the purposes of section 158 "improved real property" shall constitute only farm lands used for tillage, crop or pasture, and real estate on which permanent improvements, or improvements under construction or in process of construction, suitable for residence, institutional, commercial or industrial use, are situated.

SECTION 162. "ENCUMBRANCE" DEFINED. — (1) Real property shall not be deemed to be encumbered within the meaning of section 158 by reason of the existence of instruments reserving mineral, oil, timber or similar rights, rights of way, sewer rights, rights in walls, nor by reason of any liens for taxes or assessments not yet due, or on account of liens not delinquent for community recreational facilities, or for the maintenance of community facilities, nor by reason of building restrictions or other restrictive
covenants common to the community in which the property is located, nor by liens for service and maintenance of water rights where not delinquent, nor when such real property is subject to lease under which rents or profits are reserved to the owner if in any event the security for the loan or investment is a first lien upon the real property.

(2) If under any of the exceptions set forth in subsection (1) of this section there is any sum owing but not due or delinquent, the total amount of such sum shall be deducted from the amount which otherwise might be loaned on the property. The value of any mineral, oil, timber or similar right reserved shall not be included in the fair value of the property.

SECTION 163. SPECIAL INVESTMENTS BY TITLE INSURER.—(1) In addition to other investments eligible under this chapter, a title insurer may invest and have invested an amount not exceeding fifty percent (50%) of its paid-in capital stock in its abstract plant and equipment, and in loans secured by mortgages on abstract plants and equipment. Except with the Commissioner's consent, the insurer shall not invest or have invested in stocks of subsidiaries and other corporate stocks an amount in excess of the insurer's surplus funds exclusive of its paid-in capital stock.

(2) In any determination of the insurer's financial condition no such investment shall be valued at an amount in excess of the lesser of (a) the cost thereof to the insurer, or (b) the fair market value.

(3) No such investment shall be credited against the insurer's unearned premium or loss reserves required under section 132.

SECTION 164. FOREIGN SECURITIES.—An insurer authorized to transact insurance in a foreign country may make investments, in aggregate amount not exceeding its deposit and reserve obligations incurred in such country, in securities of or in such country possessing characteristics and of a quality similar to like investments required pursuant to this chapter for investments in the United States of America.

SECTION 165. REAL ESTATE.—(1) An insurer may acquire, invest in, own, maintain, alter, furnish, improve, manage, lease and convey the following real estate only:
(a) Land and buildings used for home office purposes, together with such other real estate as is required for its accommodation in the convenient transaction of its business.

(b) Real estate acquired in satisfaction in full or in part of or through foreclosure of or judgment obtained upon, loans, mortgages, liens or other evidences of indebtedness previously owing to the insurer in the regular course of its business.

(c) Real estate acquired in part payment of the consideration in the sale of other real estate owned by the insurer.

(d) Real estate acquired by gift or devise.

(e) Real estate acquired through a lawful merger or consolidation of another insurer and not required for its accommodation as provided in subdivision (a) above.

(f) Real estate for the production of income, under lease, or being constructed under a definite agreement providing for lease, to solvent institutions for commercial or industrial purposes, other than for agricultural, horticultural, ranch, mining, mineral, oil, recreational, amusement, club, motel, or hotel purposes.

(2) The aggregate amount so invested by the insurer shall not exceed:

(a) If for home office and its other purposes pursuant to subdivision (a) above, ten percent (10%) of the insurer's assets, subject to the right of the Commissioner to approve an additional amount after hearing and for good cause shown.

(b) If for income purposes pursuant to subdivision (f) above, five percent (5%) of the insurer's assets.

(c) In all categories and for all purposes, not to exceed twenty percent (20%) of the insurer's assets.

(3) An insurer may lease to others part of real property otherwise occupied by it for home office and other purposes under subsection (1) (a) above, but the value of the entire property must be included for the purposes of the limitation upon aggregate real estate investments provided in subsection (2) (a) above.

SECTION 166. TIME LIMIT FOR DISPOSAL OF REAL ESTATE. — (1) Except as provided in subsection (4) be-
low, an insurer shall dispose of real estate within time limits as follows:

(a) If acquired under section 165(1)(a) (home office and branch office property), the insurer shall sell and dispose of the property within five (5) years after it ceased to be used or to be necessary for the purposes stated therein.

(b) If acquired under subdivisions (b) (in satisfaction of debts, etc.), (c) (in part payment on other real estate sold), (d) (by gift or devise), or (e) (merger or consolidation) of section 165(1), the insurer shall sell and dispose of the property within five (5) years after the insurer acquired title thereto.

(c) If acquired under section 165(1)(f) (for production of income), the insurer shall within five (5) years after the termination or expiration of the lease, sell and dispose of the property, or re-lease the property for an additional term under the same conditions provided in such section as for an original leasing.

(2) Any real estate otherwise subject to disposal under subdivisions (b) or (c) above, may be retained by the insurer for home office or branch office purposes for so long as so used, and subject to provisions otherwise applicable to such home office and branch office property.

(3) Any real property otherwise subject to disposal under subdivisions (a) and (b) above, may be retained by the insurer for leasing under section 165(1)(f) for so long as so used, and subject to provisions otherwise applicable to such real estate for leasing.

(4) Upon proof satisfactory to him that the interests of the insurer will suffer materially by the forced sale thereof, the Commissioner may by certificate grant a reasonable additional period, as specified in the certificate, within which the insurer shall dispose of any particular parcel of real estate.

(5) Real estate held by an insurer beyond the period allowed for its disposal under this section shall not constitute an asset of the insurer in any determination of the insurer’s financial condition.

SECTION 167. DISPOSAL OF INELIGIBLE PROPERTY AND SECURITIES.—(1) Any personal property or securities lawfully acquired by an insurer which it could not otherwise have invested in or loaned its funds upon
at the time of such acquisition, shall be disposed of by the insurer within one (1) year from date of acquisition, unless within such period the security has attained to the standard for eligibility. The Commissioner, upon application and proof that forced sale of any such property or security would be against the best interests of the insurer, may extend the disposal period for an additional reasonable time.

(2) While any such property or security remains so ineligible it shall not be allowed as an asset of the insurer.

(3) Any ineligible property or security unlawfully acquired by an insurer shall be disposed of forthwith, and for failure so to do within thirty (30) days after order of the Commissioner requiring such disposal, the Commissioner may suspend or revoke the insurer's certificate of authority.

(4) For the purposes of subsection (3) above, an investment otherwise eligible shall not be deemed ineligible for the reason that it is in excess of the amount permitted under this chapter to be invested in the category of investments to which it belongs; and any such excess investment shall be disposed of within the time prescribed in subsection (1) of this section.

SECTION 168. PROHIBITED INVESTMENTS AND INVESTMENT UNDERWRITING. — (1) In addition to investments excluded under other provisions of this code, an insurer shall not directly or indirectly invest in or loan its funds upon the security of:

(a) Issued shares of its own capital stock, except for the purpose of mutualization under section 622, or in connection with a plan approved by the Commissioner for purchase of such shares by the insurer's officers, employees, or agents. No such stock shall, however, constitute an asset of the insurer in any determination of its financial condition.

(b) Except with the Commissioner's consent, any security issued by any corporation or enterprise the controlling interest of which is, or will after such acquisition by the insurer be, held directly or indirectly by the insurer or any combination of the insurer and the insurer's directors, officers, parent corporation, subsidiaries, controlling stockholders, and the spouses and children of any of the foregoing individuals. Investments in subsidiaries under
sections 143(2) and 152 shall not be subject to this provision.

(c) Any note or other evidence of indebtedness of any director, officer, or controlling stockholder of the insurer, or the spouse or child of any of the foregoing individuals, except as to policy loans authorized under section 155.

(d) Any investment or security which is found by the Commissioner to be designed to evade any prohibition of this chapter.

(2) No insurer shall underwrite or participate in the underwriting of an offering of securities or property by any other person.

SECTION 169. INVESTMENTS OF FOREIGN INSURERS.—The investment portfolio of a foreign or alien insurer shall be as permitted by the laws of its domicile if of a quality substantially as high as that required under this chapter for similar funds of like domestic insurers.

SECTION 170. AUTHORIZED DEPOSITS OF INSURERS. — The following deposits of insurers when made through the Commissioner shall be accepted and held, and shall be subject to the applicable provisions of this chapter:

(1) Deposits required under this code for authority to transact insurance in this state.

(2) Deposits of domestic insurers when made pursuant to the laws of other states, provinces and countries as requirement for authority to transact insurance in such state, province or country.

(3) Deposits in such additional amounts as are permitted to be made under section 177 (excess deposits).

SECTION 171. PURPOSE OF DEPOSIT.—Such deposits shall be held for purposes as follows:

(1) Deposits made in this state under sections 79 (general deposit requirement), 80 (special deposit, workmen’s compensation insurer’s), and 81 (deposit of title insurer) shall be held for the purposes stated in the respective sections.

(2) A deposit made in this state by a domestic insurer transacting insurance in another state, province or country, and as required by the laws of such state, province or country, shall be held for the purpose or purposes specified pursuant to such laws.
(3) Deposits of foreign insurers required pursuant to the retaliatory provision, section 103, shall be held for such purposes as are required by such law, and as specified by the Commissioner's order by which the deposit is required.

SECTION 172. SECURITIES ELIGIBLE FOR DEPOSIT.—(1) All such deposits required under sections 79, 80, and 81 for authority to transact insurance in this state shall consist of certificates of deposit issued by solvent banks, or any combination of securities the market value of which is readily ascertainable and, if negotiable by delivery or assignment, of the kinds described in the following sections:

(a) Section 144 (public obligations);  
(b) Section 145 (securities of certain federal agencies);  
(c) Section 146 (irrigation district obligations);  
(d) Section 147 (international bank);  
(e) Section 148 (corporate obligations);  
(f) Section 154 (equipment trust obligations); and  
(g) Section 157 (savings and share accounts).

(2) Except that the Commissioner shall accept as a security eligible for deposit and recognize as part of the deposit any particular valid and enforceable real estate mortgage already lawfully so on deposit at the effective date of this code, so long as the mortgage continues to qualify for investment of the insurer's funds therein as under chapter 7 of this code and is not in default in any particular.

(3) All such deposits required of a domestic insurer pursuant to the laws of another state, province or country shall be comprised of securities, if negotiable by delivery or assignment, of the kind or kinds required or permitted by the laws of such state, province or country, except stocks, mortgages of any kind and real estate.

(4) Deposits of foreign insurers made in this state under the retaliatory provision, section 103, shall consist of such securities or assets as are required by the Commissioner pursuant to such provision.

SECTION 173. DEPOSITARY — RECEIPT — IRON BOX.— (1) All deposits of insurers made in this state under this code shall be made through the Commissioner.
(2) Upon receipt of any securities to be so deposited the Commissioner shall issue and deliver to the insurer an official receipt or voucher therefor, and shall forthwith deposit such securities, in the presence of the president or other representative of the insurer duly authorized by the insurer in writing for the purpose, in a strong iron or steel box placed in the vault of a safe deposit company or national bank in the City of Boise selected by the insurer and approved by the Commissioner. The box shall require two (2) distinct and different keys to unlock the same, one key to be kept by the Commissioner and the other by the insurer. The box shall not be opened at any time except in the presence of the Commissioner and the president or other authorized representative of the insurer, unless by order of a court of competent jurisdiction.

(3) The insurer shall pay the customary fees for the safekeeping of the box in which its deposit is held.

(4) This section does not apply to the deposit of a workmen's compensation insurer made with the State Treasurer pursuant to section 80 (special deposit, workmen's compensation insurers).

SECTION 174. RECORDS — CERTIFICATE OF DEPOSIT.—(1) The Commissioner shall maintain complete record of all securities deposited through him under this chapter, and of all transactions involving any such deposit.

(2) Upon request of the insurer and payment of the fee therefor required under section 104 (fee schedule), the Commissioner shall furnish to the insurer his certificate under his official seal certifying as to any deposit of the insurer held by him under this code, and as to the amount, composition, and purposes of the deposit.

SECTION 175. ASSIGNMENT OF SECURITIES.—(1) The insurer shall duly assign to the Commissioner and his successors in office in trust all securities being deposited through him under this code which are not negotiable by delivery; or, in lieu of such assignment, the insurer may give the Commissioner an irrevocable power of attorney authorizing him to transfer the securities or any part thereof for any purpose within the scope of this chapter.

(2) Upon release to the insurer, or other person entitled thereto, of any such security the Commissioner shall reassign the same to such insurer or person; or, in the case of power of attorney given pursuant to subsection (1) above, he shall deliver the power of attorney, together with
the securities covered thereby, to the insurer or person entitled thereto.

SECTION 176. APPRAISAL.—The Commissioner may, in his discretion, prior to acceptance for deposit of any particular asset or security, or at any time thereafter while so deposited, have the same appraised or valued by competent appraisers. The reasonable costs of any such appraisal or valuation shall be borne by the insurer.

SECTION 177. EXCESS DEPOSITS.—(1) If securities or assets deposited by an insurer under this chapter are subject to material fluctuations in market value, the Commissioner may, in his discretion, require the insurer to deposit and maintain on deposit additional securities or assets in such amount as may be reasonably necessary to assure that the deposit will at all times have a market value of not less than the amount specified under or pursuant to the law by which the deposit is required.

(2) If not so required by the Commissioner, an insurer may at its option so deposit assets or securities in an amount exceeding its deposit required or otherwise permitted under this code by not more than twenty percent (20%) of such required or permitted deposit, or twenty thousand dollars ($20,000), whichever is the larger amount, for the purpose of absorbing fluctuations in the value of securities and assets deposited, and to facilitate the exchange and substitution of such securities and assets. During the solvency of the insurer any such excess shall be released to the insurer upon its request. During the insolvency of the insurer, such excess deposit shall be released only as provided in section 181(2) (e).

SECTION 178. RIGHTS OF INSURER DURING SOLVENCY.—So long as the insurer remains solvent and is in compliance with this code it may:

(1) Demand, receive, sue for and recover the income from the securities or assets deposited;

(2) Exchange and substitute for the deposited securities or assets, or any part thereof, other eligible securities and assets of equivalent or greater value; and

(3) At any reasonable time inspect any such deposit.

SECTION 179. LEVY UPON DEPOSIT.—(1) No judgment creditor or other claimant of an insurer shall have the right to levy upon any of the assets or securities of
the insurer held on deposit in this state pursuant to section 79 (deposit, general requirement).

(2) As to deposits made in this state pursuant to the retaliatory provision, section 103, levy thereupon shall be permitted only if expressly so provided in the Commissioner's order under which the deposit is required.

(3) As to the special deposit of a workmen's compensation insurer pursuant to section 80, and the deposit of a title insurer pursuant to section 81, if upon expiration of thirty (30) days after the judgment became final the insurer has failed to satisfy in full any final judgment rendered against it by a court of this state and arising out of any contract of insurance or guaranty issued by it if a title insurer, or out of any contract of workmen's compensation insurance issued by it if a workmen's compensation insurer, the judgment may be enforced against the insurer's deposit. For the purposes of this provision a judgment shall be deemed to have become final upon expiration of the period permitted by law for an appeal, or, if an appeal is taken, upon dismissal of the appeal or affirmance of the judgment.

(4) To obtain the enforcement referred to in subsection (3) above, the judgment creditor shall petition the court in the same cause in which the judgment was obtained, setting forth the facts referred to in subsection (3) above, and the court shall direct issuance of a special execution directed to the sheriff of Ada County of this state requiring the sheriff to sell the assets and securities of the insurer on deposit or so much thereof as may be necessary to satisfy the judgment. The court's order authorizing the special execution shall direct that a copy of the judgment, petition, and writ of execution shall be served upon the Commissioner, and also upon the State Treasurer in the case of a levy upon the special deposit of an insurer made pursuant to section 80, within five (5) days thereafter. Upon receipt of such service the Commissioner shall forthwith notify the insurer of the levy and, in all cases other than as to the special deposit of an insurer under section 80, require the insurer within such period as may be specified in the notice, which period shall be not less than ten (10) nor more than thirty (30) days after the date of the notice, to have its president or other duly authorized representative to attend with the insurer's key and the Commissioner to the opening of the box in which the insurer's deposit is kept. Upon the box being so opened the Commissioner shall extract therefrom and deliver to the
sheriff for sale on execution deposited assets or securities of the insurer in amount, up to the full amount so on deposit, not less than as required for the satisfaction of the judgment. In the case of a levy upon the special deposit of an insurer made under section 80, and failure of the insurer fully to pay and discharge such judgment within forty (40) days after the date of notice by the Commissioner, the State Treasurer shall deliver to the sheriff for sale on execution so much of the insurer's securities or assets so on deposit as may be required to cover the judgment and attendant costs. All proceedings for the enforcement of the writ of execution against the deposit shall conform as nearly as may be the practice in ordinary cases except as in this subsection specially provided.

(5) If the insurer, after notice by the Commissioner as required under subsection (4) above, wilfully fails to attend to the opening of the box in which its deposit is kept, or wilfully fails to permit the Commissioner to extract therefrom assets or securities as in subsection (4) above provided, the Commissioner shall after hearing held forthwith revoke the insurer's certificate of authority and institute proceedings for the rehabilitation or liquidation of the insurer under chapter 33 of this code. In any such proceedings the judgment with respect to which execution was issued and leading to the insurer's failure as herein referred to, shall have a first and prior right and claim as to the assets and securities of the insurer constituting its deposit as levied against, as of the date of service upon the Commissioner of the copy of the judgment, petition, and writ of execution as provided for in subsection (4) above.

**Section 180. Deficiency of Deposit.**—(1) For the purpose of determining the sufficiency of its deposit in this state the assets and securities of the insurer on deposit shall be valued at current market value.

(2) If for any reason the current market value of such assets and securities falls below the amount of deposit required of the insurer under this code, the insurer shall promptly deposit other or additional assets or securities eligible for deposit and in amount sufficient to cure the deficiency. If the insurer has failed to cure the deficiency within thirty (30) days after receipt of notice thereof by registered or certified mail from the Commissioner, the Commissioner shall forthwith without further notice revoke the insurer's certificate of authority.
SECTION 181. DURATION AND RELEASE OF DEPOSIT.—(1) Every deposit made in this state by an insurer pursuant to this code shall be so held as long as there is outstanding any liability of the insurer as to which the deposit was required; or, if the deposit was required under the retaliatory provision, section 103, the deposit shall be held for so long as the basis of such retaliation exists.

(2) Except for good cause found by the Commissioner after a hearing thereon, any such deposit shall be released and returned:

(a) To the insurer upon extinguishment by reinsurance or otherwise of all liability of the insurer for the security of which the deposit is held. If by reinsurance, the assuming insurer shall be one authorized to transact such insurance in this state.

(b) To the insurer, during solvency, to the extent such deposit is in excess of the amount required.

(c) To a depositing foreign or alien insurer, during its solvency, which has made a similar deposit in another state and has filed with the Commissioner the certificate or evidence thereof, under the conditions provided for in section 79 (2) (b) or 79 (2) (c).

(d) To the resulting or surviving corporation or to such person as it may designate for the purpose, upon effectuation of a merger or consolidation of the depositing insurer, and upon the resulting or surviving corporation being or becoming authorized to transact insurance in this state.

(e) Upon order of a court of competent jurisdiction, to the receiver, conservator, rehabilitator, or liquidator of the insurer, or to any other properly designated official or officials who succeed to the management and control of the insurer's assets pursuant to delinquency proceedings brought against the insurer under chapter 33 of this code.

SECTION 182. PROOFS FOR RELEASE OF DEPOSIT TO INSURER — COMMISSIONER'S RESPONSIBILITY. — (1) Before authorizing or permitting the release of any deposit or excess portion thereof to the insurer, as provided in section 181, the Commissioner shall require the insurer to file with him a written statement in such form and with such verification as he deems advisable setting forth the facts upon which it bases its entitlement to such release.
(2) If release of the deposit is claimed by the insurer upon the ground that all its liabilities, as to which the deposit was held, have been assumed by another insurer authorized to transact insurance in this state, the insurer shall file with the Commissioner a copy of the contract or agreement of such reinsurance duly attested under the oath of an officer of each of the insurers parties thereto.

(3) If release of the deposit is claimed by a domestic insurer upon the ground that all its liabilities, as to which the deposit was held, have been terminated other than by reinsurance, the Commissioner shall make an examination of the affairs of the insurer for determination of the actuality of such termination.

(4) Upon being satisfied by such statement and reinsurance contract, or examination of the insurer if required under subsection (3) above, and by such other examination, if any, of the affairs of the insurer as he deems advisable to make, that the insurer is entitled to the release of its deposit or excess portion thereof as provided in section 181, the Commissioner shall release the deposit or excess portion thereof to the insurer or its authorized representative.

(5) If the Commissioner wilfully fails faithfully to keep, deposit, account for or surrender any such assets or securities deposited through him, in the manner as authorized or required under this chapter, he shall be liable therefore upon his official bond, and suit may be brought upon the bond by any person injured by such failure. The Commissioner shall not, however, have any liability as to any assets or securities of an insurer released by him in good faith pursuant to the authority vested in him under this chapter.

SECTION 183. SCOPE OF CHAPTER — DISABILITY INSURANCE AGENTS. — (1) Except as referred to in sections 236 (other provisions applicable, life and disability insurance agents) and 244 (other provisions applicable, adjusters), this chapter applies principally as to general lines agents as defined in section 185, solicitors as defined in section 186, and nonresident brokers referred to in section 213.

(2) Agents licensed as to disability insurance on behalf of an insurer also transacting only casualty and/or property and/or surety insurance shall be subject to this chapter rather than to chapter 10, except that agents licensed
as to disability insurance only as to such an insurer are subject also to section 230 (nonresident agents). Agents licensed as to disability insurance on behalf of an insurer transacting only disability insurance or transacting also life insurance, shall be subject only to chapter 10. Agents licensed as to disability insurance on behalf of insurers transacting also life insurance and casualty insurance pursuant to section 75(1) (combinations of insuring powers, one insurer) shall be subject to this chapter if also licensed on behalf of the same insurer as to casualty insurance, otherwise such an agent shall be subject to chapter 10.

SECTION 184. "AGENT" DEFINED.—An "agent" is a natural person appointed by an insurer to solicit and negotiate insurance contracts on its behalf, and if authorized to do so by the insurer, to effectuate, issue and countersign such contracts.

SECTION 185. "GENERAL LINES AGENT" DEFINED.—A "general lines agent" is an agent, as defined in section 184, who transacts any one or more of the following kinds of insurance:

1. Property insurance.
2. Casualty insurance.
3. Surety insurance.
4. Marine and transportation insurance.
5. Disability insurance, when transacted for an insurer also represented by the same agent as to property or casualty or surety insurance.

SECTION 186. "SOLICITOR" DEFINED.—A "solicitor" is an individual appointed by a general lines agent to solicit applications for insurance as a representative of such agent.

SECTION 187. LICENSE REQUIRED, AGENTS AND SOLICITORS.—Unless then licensed as an agent or solicitor under this code with respect to the kind of insurance involved, and except as provided in sections 189 or 213 (nonresident brokers), no person shall directly or indirectly in this state:

1. Be, act as, or advertise or hold himself out to be, an agent or solicitor; or
2. For fee, commission, or compensation solicit or negotiate for insurance on behalf of the insurable interests of any person other than himself; or
(3) Engage or hold himself out as engaging in the business of analyzing or abstracting insurance policies or of counselling or advising or giving opinions (other than as a licensed attorney at law) relative to insurance or insurance contracts, for fee, commission, or other compensation, other than as a salaried bona fide full-time employee so counselling and advising his employer relative to the insurable interests of the employer and of the subsidiaries or business affiliates of the employer; or

(4) Receive or transmit applications for suretyship, or receive for delivery surety insurance contracts founded on applications forwarded from this state, or otherwise procure suretyship to be effected by a surety insurer upon the bonds of persons in this state, or upon bonds given to persons in this state.

SECTION 188. LICENSE REQUIRED AS TO PARTICULAR INSURER — COMPENSATION. — (1) An agent shall place insurance only in an insurer as to which he holds a subsisting appointment as agent pursuant to this chapter.

(2) Except as provided in section 189, no insurer shall compensate for services performed in the solicitation, procurement, or effectuation of insurance on subjects of insurance located or to be performed in this state, any person not licensed pursuant to this chapter as the agent of such insurer, or as a nonresident broker, at the time of the transaction out of which entitlement to such compensation arose.

SECTION 189. EXCEPTIONS TO LICENSE REQUIREMENT.—Sections 187 and 188 shall not apply as to:

(1) Salaried home office or branch office employees of insurers, or salaried employees in the offices of general agents, who perform administrative, clerical, or technical services in such offices and who do not solicit insurance business from insureds or prospective insureds.

(2) The salaried employees in the office of a general lines agent, which employees devote full time to clerical and administrative services, with incidental taking of insurance applications and receiving premiums in the office of the agent, if the employee does not receive any commissions on such applications and his compensation is not varied by the volume of such applications, insurance or premiums.

(3) Service representatives, i.e. officers and travelling
representatives, compensated by salary only, of insurers or of general agents who work with or through resident general lines agents in the solicitation, negotiation, or effectuation of insurance.

(4) Officers and regular representatives, compensated by salary only, of special lines insurers which do not solicit insurance from the general public and do not use resident agents generally in the solicitation of insurance business.

(5) Officers and regular salaried representatives of domestic reciprocal insurers writing only workmen’s compensation coverages for employers commonly known as self-insurers.

(6) Title insurance.

SECTION 190. PURPOSE OF LICENSE — “CONTROLLED BUSINESS”.— (1) The purpose of a license issued under this chapter to a general lines agent or solicitor is to authorize and enable the licensee actively and in good faith to engage in the insurance business as such an agent or solicitor with respect to the general public, and to facilitate the public supervision of such activities in the public interest; and not for the purpose of enabling the licensee to receive a rebate of premium in the form of “commission” or other compensation as an “agent” or “solicitor”, or to enable the licensee to receive commissions or other compensation based upon insurance solicited or procured by or through him upon his own interests or those of other persons with whom he is closely associated in capacities other than as insurance agent or solicitor.

(2) The Commissioner shall not grant, renew, continue, or permit to exist any license as such agent or solicitor as to any applicant therefor or licensee thereunder if he finds that the license has been or is being or will probably be used by the applicant or licensee principally for the purpose of writing “controlled business”, that is, insurance written on his own interests or those of his family or of his employer.

(3) Such a license shall be deemed to have been, or intended to be, used principally for the purpose of writing controlled business if the Commissioner finds that during any twelve (12) months’ period the aggregate premiums accruing or to accrue from such controlled business have exceeded or probably will exceed the aggregate premiums accruing or to accrue on other business written or probably
to be written by such applicant or licensee during the same period.

(4) This section shall not be deemed to prohibit the licensing as to vehicle insurance only of any individual employed by or associated with a motor vehicle sales or financing agency, with respect to insurance of the interest of such agency in a motor vehicle sold or financed by it. This section shall not apply as to the interest of a real estate mortgagee in or as to insurance covering such interest, or in the real estate subject to such mortgage.

SECTION 191. QUALIFICATIONS, GENERAL LINES AGENTS AND SOLICITORS.—For the protection of the people of this state, the Commissioner shall not issue, continue or permit to exist any agent or solicitor license except in compliance with this chapter, or as to any person not qualified therefor as follows:

(1) Must be a natural person twenty-one (21) years or more of age; except that an individual eighteen (18) or more years of age may be so licensed if otherwise qualified therefor and if the Commissioner finds that the licensee will office with and be under the continuing direct supervision of an established licensed agent.

(2) Must be a citizen of the United States of America.

(3) Must be domiciled in and have been a bona fide resident of this state for not less than the six (6) months next preceding the date of application for the license; except that the Commissioner may, in his discretion, waive such advance residence requirement as to an applicant who has been engaged full-time in the insurance business as a licensed insurance agent, broker, or solicitor in another state for not less than the eighteen (18) months next preceding application for license in this state, or who is brought into this state by an authorized insurer or by an established licensed insurance agency to fill a vacancy in this state resulting from the death, disability, or termination in this state of another licensed agent or solicitor, or for other justifiable reason satisfactory to the Commissioner.

(4) Must be trustworthy, and be of good character and reputation as to morals, integrity, and financial responsibility, and must not have been convicted of a felony or of any crime involving moral turpitude.

(5) Must be competent with respect to the business to
be transacted under the license applied for, and must pass to the Commissioner's satisfaction any written examination required under this chapter to test such competency.

(6) Must not be a service representative, as defined in section 189 (3).

(7) Must intend in good faith to engage actively in the insurance business under the license with respect to the general public, and not use or intend to use the license principally for the purpose of writing controlled business as defined in section 190.

SECTION 192. FIRMS AND CORPORATIONS. — The Commissioner shall not issue any license as agent or solicitor to a firm, corporation, or other artificial entity.

SECTION 193. APPLICATION FOR LICENSE. — (1) Application for a general lines agent license or solicitor license shall be made to the Commissioner by the applicant, and be signed and sworn to by the applicant before a notary public or other person authorized by law to take acknowledgments of deeds.

(2) The Commissioner shall designate and prepare forms for application for license which shall require full answers to such questions as may reasonably be necessary to determine the applicant's identity, residence, personal history, business record, experience and training in insurance, purpose for which the license is to be used and other facts as required by the Commissioner to determine whether the applicant meets the applicable qualifications for the license applied for.

(3) If for an agent's license, the application shall state the kinds of insurance proposed to be transacted, and be accompanied by written appointment of the applicant as agent by an authorized insurer, subject to issuance of the license.

(4) If for a solicitor's license, the application shall be accompanied by written appointment of applicant as solicitor by a licensed general lines agent, subject to issuance of the license.

(5) The application shall be accompanied by the certificate (on a form designated and furnished by the Commissioner) of an officer or representative of the insurer proposed to be represented (in the case of applicants for license as agent), or of the proposed employing agent (in
the case of applicants for license as solicitor) as to whether the applicant is known to him, whether the insurer or agent has investigated, or caused an investigation to be made of, the character and business record of the applicant and the uses to be made of the license, if granted, and the findings of such investigation as to applicant's trustworthiness, integrity, financial responsibility, competence and other qualifications, and whether the applicant will use the license principally for the purpose of insuring his own risks or interests and those of his family or employer.

(6) Each such application shall be accompanied by the applicable license fee, appointment of agent fee, examination fee where examination is required under section 194, in the respective amounts as stated in section 104 (fee schedule).

(7) No applicant for license under this chapter shall willfully withhold or misrepresent any fact or information called for in the application form. Violation of this provision shall be a misdemeanor punishable upon conviction by a fine of not more than one thousand dollars ($1,000) or by imprisonment in the county jail for not to exceed six (6) months, or by both such fine and imprisonment in the discretion of the court.

SECTION 194. EXAMINATION. — (1) After completion and filing of the application for license as required under section 193 (as to general lines agent license or solicitor license) or section 227 (life agent license or disability agent license), the Commissioner shall subject each applicant (unless exempted therefrom under section 195) to a personal written examination as to his competence to act as such agent or solicitor.

(2) Examination of an applicant for an agent's license shall cover all of the kinds of insurance for which the applicant has applied to be licensed, as constituted by any one or more of the following classifications:

(a) Life insurance and annuity contracts;

(b) Disability insurance;

(c) Motor vehicle physical damage insurance under a limited license under conditions described in section 200(1);

(d) Vehicle insurance as defined in section 115(1) (a).

(e) Property insurance as defined in section 113.
(f) Marine and transportation insurance as defined in section 114.

(g) Casualty insurance as defined in section 115.

(h) Surety insurance as defined in section 116.

(3) Examination of an applicant for a solicitor's license shall cover all the kinds of insurance, other than life insurance, as to which the appointing agent is licensed.

SECTION 195. EXEMPTION FROM EXAMINATION. —Section 194 shall not apply to and no such examination shall be required of:

(1) Any applicant for license covering the same kind or kinds of insurance as to which the applicant was licensed under a similar license in this state, other than under a temporary license, within the twelve (12) months next preceding date of application, unless such previous license was revoked or continuation thereof refused by the Commissioner.

(2) In the Commissioner's discretion, any applicant whose similar license was suspended within the twelve (12) months next preceding the date of the application.

(3) In the Commissioner's discretion, any applicant who has previously been licensed under a similar license in another state within twelve (12) months prior to his application for license in this state, and upon filing with the Commissioner the certificate of the public official having supervision of insurance in such other state as to the applicant's license and conduct in such state.

(4) Transportation ticket agents of common carriers applying for limited license under section 200 to solicit and sell, as incidental to their duties as such transportation ticket agents, only:

(a) Personal accident insurance ticket policies, or

(b) Insurance of personal effects while being carried as baggage on such common carriers.

SECTION 196. SCOPE OF EXAMINATION—REFERENCE MATERIAL.—(1) Each examination for license as agent or solicitor shall be of such scope as the Commissioner deems reasonably necessary to test the applicant's competence, his knowledge of the kinds of insurance, policies, and transactions to be handled under the license applied
for, of the duties and responsibilities of such a licensee, and of the pertinent provisions of the laws of this state.

(2) The Commissioner shall prepare and make available to applicants for license information as to the general scope of, and principal subjects to be covered by, the examination for a particular license, together with information as to published books and other reference sources which may be studied by the applicant in preparation for the examination; but the Commissioner shall not furnish lists of examination questions and answers nor select examination questions from any list thereof furnished applicants.

SECTION 197. CONDUCT OF EXAMINATION — RE-EXAMINATION — REFUNDS. — (1) The Commissioner shall make any examination required under section 194 available to applicants from time to time with reasonable frequency, and at places in this state reasonably accessible to such applicants. The Commissioner shall make each such examination available at his office at Boise on at least one day of each week.

(2) The Commissioner shall permit the applicant to take, on the same day and at the same place, all examinations required for the license or licenses for which his application has theretofore been completed and is then pending, and for which the examinations fees have been paid.

(3) The Commissioner shall give, conduct and grade all examinations in a fair and impartial manner, and without unfair discrimination as between individuals examined.

(4) The Commissioner may require a reasonable waiting period before re-examination of an applicant who has taken and failed to pass a previous examination covering the same kind or kinds of insurance. The Commissioner shall require an applicant failing to pass an examination after two successive attempts to wait for a period of not less than six (6) months before re-examination.

(5) If an applicant fails to take an examination and terminates his application for the license applied for, the Commissioner shall refund any examination fee paid with respect to such examination.

SECTION 198. ISSUANCE, REFUSAL OF LICENSE. — (1) If after completion of application for a license and the taking and passing of any examination required under this chapter the Commissioner finds that the applicant has fully met the requirements therefor, the Commissioner shall
issue the license to the applicant; otherwise, the Commissioner shall refuse to issue the license and shall promptly notify the applicant and the appointing insurer (if application is for an agent's license) or agent (if application is for a solicitor license) of such refusal, stating the grounds thereof.

(2) In case of refusal of a license the Commissioner shall refund to the appointing insurer or appointing agent, as the case may be, any appointment fee which has been tendered in connection with the application for the license.

SECTION 199. LICENSE CONTENTS—NUMBER OF LICENSES REQUIRED.—(1) The license shall state the name and address of the licensee, date of issue, general conditions relative to expiration or termination, the kind or kinds of insurance covered by the license as classified in section 194(2) and except as provided in section 200, and such other conditions of the license as the Commissioner deems proper for inclusion in the license certificate.

(2) The license of a general lines agent, life insurance agent, or disability insurance agent shall not specify the name of any particular insurer by which the licensee is appointed as agent, and the licensee may represent as such agent under the one license as many insurers as may appoint him therefor in accordance with this chapter.

(3) The license of a solicitor shall also show the name and address of the appointing agent.

(4) Each limited license issued pursuant to section 200 shall show also the name of the insurer so represented, and a separate license shall be issued as to each such insurer.

SECTION 200. LIMITED LICENSES. — (1) The Commissioner may issue to an applicant qualified therefor under this code a limited agent's license as follows:

(a) Covering motor vehicle physical damage insurance only, if the licensee is not concurrently licensed as agent or solicitor as to any other kind of insurance or class of insurance business.

(b) To transportation ticket-selling agents of common carriers, covering personal accident insurance under ticket policies.

(c) To transportation ticket-selling agents of common carriers, covering baggage insurance.
(d) License covering only credit insurance, as such insurance is defined in section 115(1)(j) ("casualty insurance" defined), and no individual so licensed shall during the same period hold a license as an agent or solicitor as to any other or additional kind of insurance.

(2) Applicants for limited license as to accident insurance or baggage insurance under subdivisions (b) or (c) above are exempt from examination, as provided in section 195, and the fee for each such license, including issuance thereof and the appointment by the insurer, shall be in the amount specified in section 104(4)(c) (fee schedule).

SECTION 201. LICENSE BLANKS—DUPLICATES.—
(1) Blank license forms for licenses issued under this chapter, and under chapters 10 (life and disability insurance agents), 11 (adjusters), and 12 (surplus line brokers), shall be signed and issued by the State Auditor to the department from time to time as requested by the Commissioner, and charged to the department. Such license forms shall be consecutively numbered within the respective license categories.

(2) The State Auditor may also issue to the department up to one hundred (100) or more unnumbered blank licenses of each of the respective license categories, likewise charged to the department, to be issued as duplicates of licenses lost or destroyed in transit to the insurer or licensee upon the insurer's or licensee's affidavit showing the original license certificate has been lost. The insurer's or licensee's receipt for such a duplicate, accompanied by the affidavit above required, shall be prima facie evidence that the duplicate has been issued without cost, and upon presentation to the State Auditor the department shall be credited upon the books of the Auditor for the face amount of such duplicates. No charge shall be made against the insurer or licensee for any such duplicate.

SECTION 202. CONTINUATION, EXPIRATION OF LICENSE.—(1) All solicitor, nonresident broker, limited, adjuster, and surplus line broker licenses issued under this code shall continue in force until expired, suspended, revoked or otherwise terminated, but subject to payment to the Commissioner at his office in Boise annually on or before March 31 of the applicable continuation fee as stated in section 104 (fee schedule), accompanied by written request for such continuation. Request for continuation shall be made as follows:
(a) As to nonresident broker, adjuster, and surplus line broker licenses request for continuation shall be made and signed by the licensee.

(b) As to solicitor licenses, request for continuation shall be made and signed by the appointing general lines agent.

(c) As to limited licenses issued under section 200, request for continuation shall be made and signed by the appointing insurer.

(2) Any license referred to in subsection (1) above as to which request for continuation and fee is not so received by the Commissioner, shall be deemed to have expired at midnight on such March 31. Request for continuation of any such license or payment of the continuation fee therefor which is received by the Commissioner after such March 31 and prior to the next following June 30 may be accepted and effectuated by the Commissioner, in his discretion, if accompanied by an annual continuation fee one and one-half \((1\frac{1}{2})\) times the amount otherwise required.

(3) The license of an agent, other than under a limited license pursuant to section 200, shall continue in force as long as there is in effect as to such agent, as shown by the Commissioner's records, an appointment or appointments as agent of authorized insurers covering collectively all of the kinds of insurance or classifications thereof included in the agent's license. Upon termination of all of such licensee's agency appointments as to a particular kind of insurance or classification thereof and failure to replace such appointment within ninety (90) days thereafter, the licensee's license as agent shall automatically thereupon expire and terminate as to such kind of insurance or classification and the licensee shall promptly deliver his license to the Commissioner for reissuance, without fee or charge, as to the kinds of insurance or classifications thereof, if any, covered by the licensee's remaining agency appointments. Upon termination of all of the licensee's agency appointments the license shall forthwith terminate.

(4) As a condition to or in connection with the continuation of any agent or solicitor license the Commissioner may require the licensee to file with him information relative to use made of the license during the next preceding calendar year, and especially showing whether the license has been used principally for the writing of controlled business, as defined in sections 190 or 224.
(5) This section does not apply to temporary licenses issued under sections 206 or 232.

SECTION 203. APPOINTMENT OF AGENTS — CONTINUATION.—(1) Each insurer appointing an agent in this state shall file with the Commissioner the appointment in writing, specifying the kinds of insurance or classifications thereof, as specified in sections 194 or 200, to be transacted by the agent for the insurer, and pay the appointment fee as specified in section 104 (fee schedule). One appointment fee shall cover all of the kinds of insurance so to be transacted by the agent for the one insurer.

(2) Subject to annual continuation by the insurer as provided in subsection (3) below, each appointment shall remain in effect until the agent's license is revoked or otherwise terminated, unless the insurer earlier terminates the appointment as provided in section 204.

(3) Annually on or before March 1, each insurer shall file with the Commissioner an alphabetical list of the names and addresses of all its agents whose appointments in this state are to remain in effect as to the kinds of insurance or classifications thereof for which the respective agents are currently so appointed, accompanied by payment of the annual continuation of appointment fee as provided in section 104 (fee schedule). At the same time, the insurer shall also file with the Commissioner an alphabetical list of the names and addresses of all of its agents whose appointments in this state are not to remain in effect, or whose appointment as to certain kinds or classifications of insurance are not to remain in effect and as designated in such list. Any appointment not so continued and not otherwise expressly terminated shall be deemed to have expired at midnight on March 31.

SECTION 204. TERMINATION OF APPOINTMENT.—(1) Subject to the agent's contract rights, if any, an insurer may terminate an agency appointment at any time. The insurer shall promptly give written notice of such termination and the date thereof to the Commissioner, and to the agent where reasonably possible. The list of appointments not being continued referred to in section 203(3) shall constitute such notice to the Commissioner as to the terminations so listed. The Commissioner may require of the insurer reasonable proof that the insurer has given such notice to the agent, whether upon termination of the appointment by affirmative action of the insurer or by discontinuance as provided in section 203(3).
(2) As part of the notice of termination given the Commissioner, and in connection with the insurer’s list of agency appointments being discontinued as provided for in section 203(3), the insurer shall file with the Commissioner a statement of the facts relative to such termination or noncontinuance and the cause thereof. Any information, document, record or statement so disclosed or furnished to the Commissioner shall be deemed an absolutely privileged communication and shall not be admissible as evidence in any court action or proceeding.

SECTION 205. RIGHTS OF AGENT FOLLOWING TERMINATION OF APPOINTMENT.—(1) Following termination of an agency appointment as to property, casualty or surety insurance, and subject to the terms of any agreement between the agent and the insurer, the agent may continue to service, and receive from the insurer commissions or other compensation relative to, business written by him for the insurer during the existence of the appointment, so long as the agent is licensed as a general lines agent.

(2) This section does not apply as to insurers and agents between whom the relationship of employer and employee exists.

SECTION 206. TEMPORARY LICENSE, GENERAL LINES AGENTS.—(1) If a general lines agent becomes deceased or unable to perform the duties of such an agent by reason of physical or mental impairment or by reason of active service in the military forces of the United States, or in similar emergencies in the discretion of the Commissioner, and there is no other licensed agent in the insurance agency qualified to act as a general lines agent or authorized to represent the insurers represented by such deceased or disabled agent, the Commissioner may issue a temporary general lines agent license to another individual qualified therefor under this chapter except as to the taking and passing of any examination, for use only in such agency.

(2) The licensee under such a temporary license may represent as agent all the insurers so represented by the agent becoming so deceased or disabled without the filing of new appointments, but cannot while so licensed be appointed as to any additional insurer.

(3) The temporary license shall be for such period as is designated therein but not to exceed a period of ninety
(90) days, subject to the right of the Commissioner to extend the license for one additional period of not over ninety (90) days upon request of the licensee and for good cause shown. Any such license shall automatically terminate earlier upon the licensee qualifying for and being issued a regular license as a general lines agent.

(4) Not more than one such temporary license shall be issued to the same individual during any twelve-month period.

(5) The fee for the temporary license shall be as specified in section 104 (fee schedule). The fee shall be applicable upon the fee for issuance of a general lines agent license issued to the same individual prior to expiration of the temporary license.

SECTION 207. SPECIAL REQUIREMENTS AS TO SOLICITORS. — (1) A solicitor shall not be appointed or licensed concurrently as to more than one agent.

(2) The solicitor's license shall cover all the kinds of insurance, other than life and disability insurances, for which the appointing agent is licensed; except, that the solicitor's license shall also cover disability insurance where written by a casualty, property, or surety insurer represented by the agent.

(3) A solicitor shall not concurrently be licensed as agent except as to life or disability insurance.

(4) A solicitor shall not have authority to bind risks, or countersign policies.

(5) The transactions of a solicitor under his license shall be in the name of the appointing agent, and the agent shall be responsible for the acts or omissions of the solicitor within the scope of his appointment.

(6) The solicitor shall maintain his office with that of the appointing agent, and records of his transactions under the license shall be maintained as part of the records of the agent.

(7) The solicitor's license shall remain in the custody of the appointing agent. Upon termination of the appointment the agent shall give written notice thereof to the Commissioner and deliver the license to the Commissioner for cancellation.

SECTION 208. INSURANCE VENDING MACHINES.
(1) A resident agent licensed as to disability insurance may solicit applications for and issue policies of personal travel accident insurance by means of mechanical vending machines supervised by him and placed at airports, railroad stations, bus stations and similar places where transportation tickets are sold and of convenience to the traveling public, if the Commissioner finds:

(a) That the policy to be so sold provides reasonable coverage and benefits, is reasonably suited for sale and issuance, other than life and disability insurances, for a machine therefor in a particular proposed location would be of material convenience to the public;

(b) That the type of vending machine proposed to be used is reasonably suitable and practical for the purpose;

(c) That reasonable means are provided for informing the prospective purchaser of any such policy of the coverage and restrictions of the policy; and

(d) That reasonable means are provided for refund to the applicant or prospective applicant of money inserted in defective machines and for which no insurance, or a less amount than paid for, is actually received.

(2) As to each such machine to be so used, the Commissioner shall issue to the agent a special vending machine license. The license shall specify the name and address of the insurer and agent, the name of the policy to be so sold, the serial number of the machine, and the place where the machine is to be in operation. The license shall be subject to annual continuation, to expiration, suspension or revocation coincidentally with that of the agent. The Commissioner shall also revoke the license as to any machine as to which he finds that the conditions upon which the machine was licensed, as referred to in subsection (1), no longer exist. The license fee shall be as stated in section 104 for each license year or part thereof for each respective vending machine. Proof of the existence of a subsisting license shall be displayed on or about each such vending machine in use in such manner as the Commissioner may reasonably require.

SECTION 209. PLACE OF BUSINESS—DISPLAY OF LICENSES—RECORDS. — (1) Every resident general lines agent shall have and maintain in this state a place of business accessible to the public. The place of business shall be that wherein the licensee principally conducts transactions under his license. The address of such place shall
appear upon the license, and the licensee shall promptly notify the Commissioner of any change thereof. Nothing in this section shall prohibit maintenance of such a place of business in the licensee's place of residence in this state.

(2) The licenses of the licensee, and the licenses of solicitors appointed by the licensee shall be conspicuously displayed by the licensee in his place of business in a part thereof customarily open to the public.

(3) The agent shall keep at his place of business records pertaining to transactions under his license and the licenses of his solicitors, for a period of at least three (3) years after completion of the respective such transactions. Such records shall show, as to each policy issued by or through the agent, not less than the name and address of the insured, the form, number, and term of the policy, the general subject of the insurance, and the general nature of the coverage.

(4) This section does not apply as to life and disability insurances.

SECTION 210. EXCHANGE OF BUSINESS.—A general lines agent may, occasionally only, place an insurance coverage with an insurer as to which he is not then licensed or appointed as an agent, and the insurer shall accept such business, only when placed through a licensed agent, resident in this state, of the insurer. Both agents involved in such an exchange of business must be then licensed as to all of the kinds of insurance represented by the coverage so placed.

SECTION 211. SHARING COMMISSIONS. — (1) No agent or solicitor shall directly or indirectly share his commissions or other compensation received or to be received by him on account of a transaction under his license with any person not also licensed under this chapter as to the same kind or kinds of insurance involved in such transactions. This provision shall not affect payment of the regular salaries due employees of the licensee, or use of funds for family or personal purposes.

(2) This section does not apply as to those transactions with surplus lines brokers which are lawful under section 270.

SECTION 212. REPORTING AND ACCOUNTING FOR PREMIUMS.—(1) All premiums or return premiums received by an agent or solicitor shall be trust funds so re-
ceived by the licensee in a fiduciary capacity, and the agent or solicitor shall in the applicable regular course of business account for and pay the same to the insured, insurer or agent entitled thereto. If the agent establishes a separate deposit for funds so belonging to others in order to avoid a commingling of such fiduciary funds with his own funds, he may deposit and commingle in the same such separate deposit all such funds belonging to others so long as the amount of such deposit so held for each respective other person is reasonably ascertainable from the records and accounts of the agent.

(2) Any agent or solicitor who, not being lawfully entitled thereto, diverts or appropriates such trust or fiduciary funds or any portion thereof to his own use and whether or not such funds have been separately deposited, shall upon conviction be guilty of larceny and shall be punished as provided by law.

SECTION 213. NONRESIDENT BROKERS— LICENSING AUTHORIZED.—(1) Subject to section 214, the Commissioner may upon written application made to him and payment of the license fee required under section 104 (fee schedule) issue a license as a nonresident broker to an individual otherwise qualified for a general lines agent license under this chapter except as to residence in this state and the taking and passing of an examination in this state, if under the laws of the state of his residence similar licenses in such state are granted to residents of this state.

(2) The Commissioner may also issue such a license to a firm or corporation domiciled in another state, if each member, officer, or employee of such firm or corporation who will exercise the license powers is qualified as though for an individual license hereunder, and each is named in the license.

(3) This section does not apply as to life insurance.

SECTION 214. NONRESIDENT BROKERS—SPECIAL CONDITIONS.—In addition to the qualifications and requirements therefor referred to in section 213, the issuance of such a nonresident broker license is subject to the following conditions:

(1) The applicant and licensee must at all times be qualified for and hold in the state of his domicile the license of such state as a resident insurance agent or broker covering all the kinds of insurance covered or to be covered under the Idaho nonresident license. In the case of non-
resident firms and corporations, each individual member, officer or employee to be named in the Idaho license to exercise the powers thereof must either hold such a license in the domicile state or have qualified as for an individual license and be named in the license issued to the firm or corporation in the domicile state.

(2) The applicant or licensee shall not have any direct or indirect pecuniary interest in any agent, insurance agency, or solicitor licensed as a resident of this state, nor shall he establish or maintain any kind of office or place of business in this state. This requirement shall also apply as to each individual named or to be named in, and to exercise the powers of, a license issued to any firm or corporation.

(3) The licensee shall not enter the state of Idaho and solicit insurance business, inspect risks, or otherwise conduct business in this state unless similar privileges in the state of the licensee's domicile are granted to residents of Idaho holding nonresident licenses issued by such other state.

(4) All policies covering Idaho risks placed by the licensee are subject to the countersignature law, section 101(1).

(5) The license is not transferrable.

SECTION 215. NONRESIDENT BROKERS—SERVICE OF PROCESS.—(1) Each licensed nonresident broker shall appoint the Commissioner as his attorney to receive service of legal process issued against the broker in this state upon causes of action arising within this state out of transactions under the license. Service upon the Commissioner as attorney shall constitute effective legal service upon the broker.

(2) The appointment shall be irrevocable for as long as there could be any cause of action against the broker arising out of his insurance transactions in or with respect to this state.

(3) Duplicate copies of such legal process against the broker shall be served upon the Commissioner by a person competent to serve a summons. At the time of service the plaintiff shall pay the Commissioner two dollars ($2.00), taxable as costs in the action.

(4) Upon receiving such service, the Commissioner shall forthwith send one of the copies of the process, by regis-
tered or certified mail with return receipt requested, to the defendant broker at his last address of record with the Commissioner.

(5) The Commissioner shall keep a record of the day and hour of service upon him of all such legal process.

SECTION 216. INSURERS MUST ACCEPT BUSINESS THROUGH LICENSED BROKERS ONLY.—(1) No authorized insurer shall make, write, place or cause to be made, written or placed in this state any policy, duplicate policy, or insurance contract of any kind, covering a subject of insurance resident, located, or to be performed in this state through any nonresident person who is not then licensed as a nonresident broker under this chapter.

(2) The Commissioner may suspend or revoke the certificate of authority of any insurer violating this section.

(3) This section does not apply to life insurance.

SECTION 217. SUSPENSION, REVOCATION, REFUSAL OF LICENSE.—(1) The Commissioner may suspend for not more than twelve (12) months, or may revoke or refuse to continue any license issued under this chapter, or under chapters 10 (life and disability insurance agents) or 11 (adjusters), or any surplus lines broker's license if, after hearing held on not less than twenty (20) days advance notice of such hearing and of the charges against the licensee given as provided in section 29 (3) to the licensee and to the insurers represented (as to an agent) or to the appointing agent (as to a solicitor), he finds that as to the licensee any one or more of the following causes exist:

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

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

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

(d) For misappropriation or conversion to his own use, or illegal withholding, of moneys or property belonging to policyholders, insurers, or beneficiaries, or others and received in conduct of business under the license.
(e) Conviction, by final judgment, of a crime involving moral turpitude.

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

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

(2) The nonresident broker license of a firm or corporation may be suspended, revoked or refused for any of such causes as relate to any individual designated in the license to exercise its powers.

SECTION 218. PROCEDURE FOLLOWING SUSPENSION, REVOCATION—REINSTATEMENT.—(1) Upon suspension, revocation, or refusal to continue any license the Commissioner shall forthwith notify the licensee thereof as provided in section 29(3), and give like notice to the insurers represented in case of an agent’s license, and to the agent by whom appointed in the case of a solicitor’s license.

(2) Suspension, revocation or refusal of any one license held by the licensee under this code shall automatically likewise suspend, revoke or refuse continuation of all other licenses held by the licensee under this code.

(3) Suspension, revocation, or refusal to continue a general lines agent’s license shall automatically likewise suspend, revoke, or refuse to continue the licenses of all solicitors then licensed as to him.

(4) The Commissioner shall not again issue license under this code to or as to any person whose license has been revoked or continuance refused, until after expiration of one (1) year from the date of such revocation or refusal, or if judicial review of such revocation or refusal is sought, then within one (1) year from the date of final court order or decree affirming the revocation or refusal. In event the former licensee again files application for a license under this code the Commissioner may require the applicant to show good cause why the prior revocation or refusal to continue his license shall not be deemed a bar to the issuance of a new license.

SECTION 219. RETURN OF LICENSE. — (1) All licenses, although issued and delivered as to the licensee
agent, solicitor, broker, adjuster, or surplus lines broker, shall at all times be the property of the State of Idaho. Upon any expiration, termination, suspension, or revocation of the license the licensee or other person having possession or custody of the license shall forthwith deliver it to the Commissioner either by personal delivery or by mail.

(2) As to any license lost, stolen or destroyed while in the possession of any such licensee or person, the Commissioner may accept in lieu of return of the license the affidavits of the licensee and other person responsible for or involved in the safekeeping of such license, concerning the facts of such loss, theft or destruction.

SECTION 220. SCOPE OF CHAPTER.—(1) To the extent so applicable, the provisions of this chapter apply only as to:

(a) Life insurance agents,

(b) Agents licensed as to life and disability insurance as to the same insurer, except as provided in section 183 (2), and

(c) Agents licensed as to disability insurance only.

(2) Agents licensed as to disability insurance in circumstances other than referred to in subsection (1) above, shall be so licensed under chapter 9.

SECTION 221. “AGENT” DEFINED.—For the purpose of this chapter an “agent” is a natural person appointed by an insurer to solicit and negotiate any life insurance, disability insurance, or annuity contract on the insurer’s behalf.

SECTION 222. LICENSE REQUIRED.—Unless then licensed as an agent under this chapter with respect to the kind of insurance involved, no person shall directly or indirectly in this state:

(1) Be, act as, or advertise or hold himself out to be, an agent as to life insurance, disability insurance, or annuity contracts; or

(2) For fee, commission, or compensation solicit or negotiate for insurance on behalf of the insurable interests of any person other than himself; or

(3) Engage or hold himself out as engaging in the business of analyzing or abstracting life insurance policies, or
disability insurance policies, or annuity contracts, or of counselling or advising or giving opinions (other than as a licensed attorney at law, or as a recognized consulting actuary advising insurers) relative to any such insurance or contracts, for fee, commission, or other compensation, other than as a salaried bona fide full-time employee so counselling and advising his employer relative to the insurable interests of the employer and of the subsidiaries or business affiliates of the employer.

SECTION 223. EXCEPTIONS TO LICENSE REQUIREMENT.—Sections 221 and 222 shall not apply as to:

(1) Any regular salaried officer or regular salaried employee of the insurer, or of a licensed agent, who does not solicit or accept from the public applications for life insurance, disability insurance, or annuity contracts.

(2) The regular salaried officer or regular salaried employee of an insurer rendering assistance to or on behalf of a licensed agent, if such officer or employee devotes substantially all of his time to activities other than the solicitation of applications for such insurance or contracts and receives no commission or other compensation directly dependent upon the amount of business so obtained.

(3) A person who, in the performance of ministerial duties, secures and forwards information for the purpose of group insurance coverage or for enrolling individuals under group insurance coverages or issuing certificates thereunder where no commission is paid for such services.

SECTION 224. PURPOSE OF LICENSE — CONTROLLED BUSINESS.—(1) The purpose of a license issued under this chapter to an agent is to authorize and enable the licensee actively and in good faith to engage in the insurance business as such an agent with respect to the general public, and to facilitate the public supervision of such activities in the public interest; and not for the purpose of enabling the licensee to receive a rebate of premium in the form of "commission" or other compensation as an "agent", or to enable the licensee to receive commissions or other compensation based upon insurance solicited or procured by or through him upon his own interests or upon those of other persons with whom he is closely associated in capacities other than as an insurance agent.

(2) The Commissioner shall not grant, renew, continue, or permit to exist any such license as to any applicant
therefor or licensee thereunder if he finds that the license has been or is being or will probably be used by the applicant or licensee principally for the purpose of writing "controlled business", that is, insurance or annuity contracts covering himself or members of his family or the officers, directors, stockholders, partners or employees of a partnership, association, or corporation of which he or a member of his family is an officer, director, stockholder, partner or employee.

(3) Such a license shall be deemed to have been, or intended to be, used principally for the purpose of writing controlled business if the Commissioner finds that during any twelve (12) months' period the aggregate commissions or other compensation accruing or to accrue from such controlled business have exceeded or will exceed the aggregate commissions or other compensation accruing or to accrue on other business written or probably to be written by such applicant or licensee during the same period.

SECTION 225. QUALIFICATIONS FOR LICENSE. — For the protection of the people of this state, the Commissioner shall not issue, continue or permit to exist any agent license under this chapter except in compliance with this chapter, or to any person not qualified therefor as follows:

(1) Must be a natural person nineteen (19) years or more of age, as at his nearest birthday.

(2) Must be domiciled in and have been a bona fide resident of this state for not less than the six (6) months next preceding the date of application for the license, except as provided in section 230 (nonresident agents); except that the Commissioner may, in his discretion, waive such advance residence requirement as to an applicant who (a) has been engaged full-time in the insurance business as a licensed agent as to the same kind of insurance in another state for not less than the eighteen (18) months next preceding application for license in this state, or who (b) is brought into this state by an authorized insurer or by an established licensed insurance agency to fill a vacancy in this state resulting from the death, disability, retirement, or termination in this state of another licensed agent, or for other justifiable reasons satisfactory to the Commissioner.

(3) Must be trustworthy, and be of good character and reputation as to morals, integrity, and financial responsi-
bility, and must not have been convicted of a felony or of any crime involving moral turpitude.

(4) Must be competent with respect to the business to be transacted under the license applied for, and must pass to the Commissioner's satisfaction any written examination required under this code to test such competency.

(5) Must intend in good faith to engage actively in the insurance business under the license with respect to the general public, and not use or intend to use the license principally for the purpose of writing controlled business as defined in section 224.

SECTION 226. FIRMS AND CORPORATIONS. — The Commissioner shall not issue any license under this chapter to a firm, corporation, or other artificial entity.

SECTION 227. APPLICATION FOR LICENSE. — (1) Each applicant for a license under this chapter shall file with the Commissioner his written application on forms furnished by the Commissioner. The application shall be signed and duly sworn to by the applicant.

(2) The application form shall require the applicant to state:

(a) His full name;

(b) His residence, occupation, and place of business for the five years preceding date of the application;

(c) Whether he has ever held a license to solicit any kind of insurance in any state;

(d) Whether he has been refused or has had suspended or revoked a license to solicit any kind of insurance in any state;

(e) What insurance experience, if any, he has had;

(f) What instruction in the kinds of insurance or contracts proposed to be solicited, and in the insurance laws of this state, he has had or expects to have;

(g) Whether any insurer or general agent claims that he is indebted under any agency contract or otherwise and, if so, the name of the claimant, the nature of the claim and the applicant's defense thereto;

(h) Whether he has had an agency contract canceled and, if so, when, by what insurer or general agent and the reasons therefor;
(i) Whether he will devote all or part of his efforts to acting as an agent as to life insurance and/or disability insurance and/or annuity contracts, and if part only how much time he will devote to such work and in what other business or businesses he is engaged or employed;

(j) Whether, if applicant is a married woman, her husband has ever applied for or held a license to solicit any kind of insurance in any state and whether such license has been refused, suspended or revoked; and

(k) Such other information as the Commissioner may require.

(3) The application shall be accompanied by the certificate (on a form designated and furnished by the Commissioner) of an officer or representative of the insurer proposed to be represented as to whether the applicant is known to him, whether insurer has investigated, or caused an investigation to be made of, the character and business record of the applicant and the uses to be made of the license, if granted, and the findings of such investigation as to the applicant's trustworthiness, integrity, financial responsibility, competence and other qualifications, and whether the applicant will use the license principally for the purpose of controlled business, as defined in section 224.

(4) The application shall be accompanied by the applicable license fee and examination fee where examination is required under section 194, in the respective amounts as stated in section 104 (fee schedule).

SECTION 228. MISREPRESENTATION IN APPLICATION—PENALTY.—No applicant for license under this chapter shall willfully withhold or misrepresent any fact or information called for in the application form. Any person violating this provision shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000) or by imprisonment in the county jail for not to exceed six (6) months, or by both such fine and imprisonment in the discretion of the court.

SECTION 229. EXAMINATION—ADVISORY BOARD. —(1) Except as otherwise expressly provided as to non-resident agents under section 230, applicants for license under this chapter shall be subject to examination as provided in sections 194 through 197.

(2) With respect to life insurance, the Commissioner
is authorized to appoint an advisory board, consisting of a representative or representatives from each type of life insurer or association whose agents are subject to the provisions of this chapter, to make recommendations to him as to the scope, type, and conduct of written examinations and the times and places within the state where they shall be held. The advisory board, if appointed, shall consist of individuals experienced in the life insurance business and may include life insurer officers and employees, general agents and managers, and licensed life insurance agents. The members of the board shall serve without pay, but, upon the authorization of the Commissioner, shall be reimbursed for their reasonable expenses in attending meetings of the advisory board.

SECTION 230. NONRESIDENT AGENTS.—The Commissioner may, in his discretion, license as a life and/or disability insurance agent an individual while similarly licensed in his state or province of domicile and otherwise qualified for such a license under this code except as to residence in this state, but subject to all the following requirements:

(1) The applicant and licensee shall have no place of business within this state, and shall not have any pecuniary interest in any resident insurance agent or agency in this state.

(2) The Commissioner may enter into a reciprocal agreement with the appropriate official of the state or province of the applicant's domicile waiving the written examination of the applicant by this state, if:

(a) A written examination is required of applicants for life and disability insurance agents' licenses in such other state or province; and

(b) The appropriate official of such other state or province certifies that the applicant holds a currently valid license as a life and/or disability insurance agent, as the case may be, in such state or province and either passed such written examination or was the holder of such an agent's license prior to the time such an examination was required.

(3) The Commissioner may, in his discretion, prior to issuance of such a license, procure a report of investigation of the applicant made by an established commercial investigation and reporting agency. The cost of such investigation and report shall be paid by the applicant to the Com-
missioner upon notification by the Commissioner of the amount thereof. The Commissioner may, in his discretion, require the applicant to deposit with him in advance an amount estimated as being sufficient to cover the cost of any such investigation and report, and the Commissioner shall promptly refund to the applicant any portion of such a deposit which is not actually expended for the purpose for which deposited. All such reports shall be deemed to be privileged communications and shall not be admissible in evidence in any action or proceeding. All such reports shall be the property of the State of Idaho.

(4) In such other state or province a resident of this state must be privileged to procure a life and/or disability insurance agent's license upon conditions not more onerous than the foregoing and without discrimination as to fees or otherwise in favor of the residents of such other state or province.

(5) Prior to issuance of the license the applicant shall appoint the Commissioner as his attorney to receive service of legal process issued against the licensee in this state, and for service of process thereon, in the same applicable terms and manner as provided under section 215 as to non-resident brokers.

SECTION 231. REPRESENTATION OF ADDITIONAL INSURERS.—As provided in section 199(2), a life insurance agent or disability insurance agent can represent under his license as many such insurers as may appoint him as agent pursuant to section 203. Any life insurer may file a request with the Commissioner for notification that any agent authorized to represent it has been appointed to represent another life insurer. Pursuant to such request for notice the Commissioner shall notify the insurer of the appointment of the agent as the agent of other life insurers.

SECTION 232. TEMPORARY AGENT LICENSE.—(1) The Commissioner may issue a temporary license as life and/or disability insurance agent to an individual otherwise qualified therefor under this chapter except as to the taking of a written examination, as follows:

(a) To the executor or administrator of the estate of a deceased person who at the time of his death was a licensed life and/or disability insurance agent; or

(b) To a surviving next of kin of such deceased person if no administrator or executor has been appointed and
qualified, but any license issued under this subdivision shall be revoked upon issuance of a license to an executor or administrator under subdivision (a) above.

(2) No such license shall be effective for more than ninety (90) days. The Commissioner in his discretion may renew the license once upon application and for good cause.

Section 233. Excess or Rejected Risks.—(1) A licensed life or disability insurance agent may place excess or rejected life or disability insurance or annuity risks with any authorized insurer other than an insurer the agent is so licensed to represent; but the agent shall not receive commissions or other compensation from any such other insurer on account of business so placed until after he has been duly appointed as an agent of the insurer in accordance with this code.

(2) "Excess" business is that portion of a risk which is in excess of the amount thereof that an insurer then represented by the agent will accept.

(3) "Rejected" business is a risk that an insurer then represented by the agent has rejected for underwriting reasons, or is willing to accept only on a substandard basis; but which business will be accepted and issued by another authorized insurer at a lower rate.

Section 234. Payment, Sharing of Commissions With Unlicensed Persons Prohibited.—No insurer or agent shall pay directly or indirectly any commission or other valuable consideration to any person for services as an agent within this state unless such person then holds a currently valid license and appointment as agent as to such insurer; nor shall any person other than such a duly licensed and appointed agent accept any such commission or consideration. This section shall not be deemed to prevent the payment or receipt of renewal or other deferred commissions or compensation to or by any person if such person was so duly licensed and appointed at the time of the transactions out of which arose the right to such renewals or deferred commissions or compensation.

Section 235. Change of Address.—Every licensee shall inform the Commissioner promptly in writing of any change of his principal business address.

Section 236. Other Provisions Applicable.—The following sections of chapter 9 shall, to the extent
so applicable, also apply as to applicants for license and licensees who are subject to this chapter:

1. Section 194 (examination).
2. Section 195 (exemption from examination).
3. Section 196 (scope of examination—reference material).
4. Section 197 (conduct of examination—re-examination—refunds).
5. Section 198 (issuance, refusal of license).
6. Section 199 (license contents—number of licenses required).
7. Section 200 (limited licenses).
8. Section 201 (license blanks—duplicates).
9. Section 202 (continuation, expiration of licenses).
10. Section 203 (appointment of agents—continuation).
11. Section 204 (termination of appointment).
12. Section 208 (insurance vending machines).
13. Section 212 (reporting and accounting for premiums).
14. Section 217 (suspension, revocation, refusal of license).
15. Section 218 (procedure following suspension, revocation—reinstatement).
16. Section 219 (return of license).

SECTION 237. SCOPE OF CHAPTER. — This chapter applies only as to adjusters, as defined in section 238.

SECTION 238. “ADJUSTER” DEFINED.—(1) An “adjuster” is a person who, on behalf of the insurer, for compensation as an independent contractor or as the employee of such an independent contractor, or for fee or commission, investigates and negotiates settlement of claims arising under insurance contracts.

(2) None of the following is an “adjuster” for the purposes of this chapter:

(a) A licensed attorney at law who is qualified to practice law in this state.
(b) The salaried employee of an authorized insurer, or group of such insurers under common control or ownership, or of a managing general agent, who adjusts losses for such insurer or insurers or for the authorized insurers represented by the general agent.

(c) The licensed agent of an authorized insurer who, at the insurer's request, from time to time adjusts or assists in adjustment of losses arising under policies issued by such insurer.

SECTION 239. LICENSE REQUIRED.—No person shall in this state be, act as, or advertise or hold himself out to be, an adjuster unless then licensed as an adjuster under this chapter.

SECTION 240. QUALIFICATIONS FOR ADJUSTER'S LICENSE.—(1) Except as provided in subsection (2) below, the Commissioner shall not issue, continue, or permit to exist any license as an adjuster as to any person not qualified therefor as follows:

(a) Must be a natural person not less than twenty-one (21) years of age.

(b) Must be trustworthy, and be of good character and reputation as to morals, integrity, and financial responsibility, and must not have been convicted of a felony or of any crime involving moral turpitude.

(c) Must be a salaried employee of a licensed adjuster, or must have had experience or special education or training as to the investigation and settlement of loss claims under insurance contracts of sufficient duration and extent reasonably to satisfy the Commissioner as to his competence to fulfill the responsibilities of an adjuster.

(2) A firm or corporation, whether or not organized under the laws of this state, may be licensed as an adjuster if each individual who is to exercise the license powers in this state is separately licensed, or is named in the firm or corporation license, and is qualified as for an individual license as adjuster under subsection (1) above. An additional full license fee shall be paid as to each individual in excess of one so named in the firm or corporation license to exercise its powers.

SECTION 241. APPLICATION FOR LICENSE.—The individual desiring to be licensed as an adjuster shall make written application therefor to the Commissioner, on forms
as prescribed and furnished by the Commissioner. The application shall be accompanied by payment of the fee for the license as specified in section 104 (fee schedule).

SECTION 242. SCOPE OF LICENSE—ADJUSTMENT FOR UNAUTHORIZED INSURER.—Under his license an adjuster shall have authority to act as adjuster on behalf of the insurer only as to losses under insurance contracts.

SECTION 243. EMERGENCY ADJUSTERS.—No adjuster’s license or qualifications shall be required as to any adjuster who is sent into this state by and on behalf of an authorized insurer or adjusting firm or corporation for the purpose of investigating or making adjustment of a particular loss under an insurance policy issued by an authorized insurer or as a lawful surplus line contract, or for the purpose of temporarily assisting or substituting for a licensed adjuster who is incapacitated due to illness, injury, or any unforeseeable or uncontrollable incident, or for the adjustment of a series of losses resulting from a catastrophe common to all such losses.

SECTION 244. OTHER PROVISIONS APPLICABLE.—The following sections of chapters 9 or 10 shall, to the extent so applicable, also apply as to adjuster licenses:

(1) Section 198 (issuance, refusal of license).
(2) Section 201 (license blanks—duplicates).
(3) Section 202 (continuation, expiration of license).
(4) Section 217 (suspension, revocation, refusal of license).
(5) Section 218 (procedure following suspension, revocation—reinstatement).
(6) Section 219 (return of license).
(7) Section 228 (misrepresentation in application—penalty).
(8) Section 235 (change of address).

SECTION 245. REPRESENTING OR AIDING UNAUTHORIZED INSURER PROHIBITED.—(1) No person shall in this state directly or indirectly act as agent for, or otherwise represent or aid on behalf of another, any insurer not then authorized to transact such insurance in this state, in the solicitation, negotiation, procurement or effectuation of insurance or annuity contracts, or renewal thereof,
or forwarding of applications for insurance, or in the dissemination of information as to coverage or rates, or inspection of risks, or fixing of rates, or investigation or adjustment of claims or losses, or collection or forwarding of premiums, or in any other manner represent or assist such an insurer in the transaction of insurance with respect to subjects of insurance resident, located or to be performed in this state.

(2) This section does not apply to:

(a) Matters authorized to be done by the Commissioner under the unauthorized insurers process act, sections 248 through 254.

(b) Surplus line insurance when written pursuant to the surplus line law, sections 255 through 276, and coverages specified in section 256 (exemptions from surplus line law).

(c) Any transaction with respect to which the insurer is not required to have a certificate of authority pursuant to section 69 (exceptions to certificate of authority requirement).

(d) A licensed adjuster or attorney at law representing such an insurer from time to time in his professional capacity.

SECTION 246. REPRESENTING OR AIDING UNAUTHORIZED INSURER PROHIBITED—PENALTY.—Any person who violates section 245 shall upon conviction thereof be guilty of a misdemeanor punishable by a fine of not to exceed two thousand dollars ($2,000) or by imprisonment in the county jail for not to exceed six (6) months, or by both such fine and imprisonment in the court's discretion; except, that the court shall increase the amount of any fine so levied by the full amount of any compensation accruing or to accrue to the violator by reason of the acts out of which the violation arose. Each instance of violation shall be considered a separate offense for the purposes of this section.

SECTION 247. SUITS BY UNAUTHORIZED INSURER PROHIBITED.—(1) No unauthorized insurer shall institute or file, or cause to be instituted or filed, any suit, action or proceeding in this state to enforce any right, claim or demand arising out of any insurance transaction in this state.

(2) This section does not apply as to:
(a) Transactions permitted under section 69 (exceptions to certificate of authority requirement).

(b) Coverages exempted from the surplus line law under section 256.

(c) Counter claim, cross complaint, or similar action by an insurer in connection with a suit brought against the insurer in which service of process on the insurer was made under the unauthorized insurers process act, sections 248 through 254.

SECTION 248. UNAUTHORIZED INSURERS PROCESS ACT; TITLE; INTERPRETATION.—(1) Sections 248 through 254 constitute and may be cited as the unauthorized insurers process act.

(2) Such act shall be so interpreted as to effectuate its general purpose to make uniform the law of those states which enact it.

SECTION 249. PURPOSE OF PROCESS ACT. — The purpose of the unauthorized insurers process act is to subject certain insurers to the jurisdiction of courts of this state in suits by or on behalf of insureds or beneficiaries under insurance contracts.

The legislature declares that it is a subject of concern that many residents of this state hold policies of insurance issued or delivered in this state by insurers while not authorized to do business in this state, thus presenting to such residents the often insuperable obstacle of resorting to distant forums for the purpose of asserting legal rights under such policies. In furtherance of such state interest, the legislature herein provides a method of substituted service of process upon such insurers and declares that in so doing it exercises its power to protect its residents and to define, for the purpose of this statute, what constitutes doing business in this state, and also exercises powers and privileges available to the state by virtue of Public Law 15, 79th Congress of the United States, Chapter 20, 1st Session, S. 340, which declares that the business of insurance and every person engaged therein shall be subject to the laws of the several states.

SECTION 250. ACTS CONSTITUTING COMMISSIONER AS PROCESS AGENT.—Any of the following acts in this state, effected by mail or otherwise, by an unauthorized foreign or alien insurer, is equivalent to and shall constitute an appointment by such insurer of the Com-
missioner to be its true and lawful attorney, upon whom may be served all lawful process in any action, suit or proceeding instituted by or on behalf of an insured or beneficiary arising out of any such contract of insurance, and any such act shall be signification of its agreement that such service of process is of the same legal force and validity as personal service of process in this state upon such insurer:

(1) The issuance or delivery of contracts of insurance to residents of this state or to corporations authorized to do business therein.

(2) The solicitation of applications for such contracts,

(3) The collection of premiums, membership fees, assessments or other consideration for such contract, or

(4) Any other transaction of insurance business.

SECTION 251. HOW PROCESS IS SERVED — DEFAULT JUDGMENT. — (1) Such service of process shall be made as provided for in section 97 (1), and:

(a) The Commissioner shall forthwith mail by registered mail one of the copies of such process to the defendant at its last known principal place of business, and shall keep a record of all processes so served upon him.

(b) Such service of process is sufficient, provided (i) notice thereof and (ii) a copy of the process, are sent to the defendant at its last known principal place of business, by the plaintiff or the plaintiff's attorney, by registered mail within ten (10) days thereafter, and provided that on or before the date the defendant is required to appear, or within such further time as the court may allow, there shall be filed with the clerk of the court in which such action is pending (i) the defendant's receipt of registration, or receipt issued by the post office with which the letter is registered, showing the name of the sender of the letter and the name and address of the person to whom the letter is addressed, and (ii) the affidavit of the plaintiff or plaintiff's attorney showing a compliance herewith.

(2) Service of process in any such action, suit or proceeding shall, in addition to the manner provided in subsection (1) of this section, be valid if served upon any person within this state who, on behalf of suchinsurer, is:

(a) Soliciting insurance, or
(b) Making, issuing or delivering any contract of insurance, or

(c) Collecting or receiving any premium, membership fee, assessment or other consideration for insurance; and a copy of such process is sent to the defendant in the same manner as set forth in subsection (1)(b) herein.

(3) No plaintiff or complainant shall be entitled to a judgment by default under this section until the expiration of thirty (30) days from the date of the filing of the affidavit of compliance.

(4) Nothing contained in this section shall limit or abridge the right to serve any process, notice or demand upon any insurer in any other manner now or hereafter permitted by law.

SECTION 252. DEFENSE OF ACTION BY UNAUTHORIZED INSURER.—(1) Before any unauthorized foreign or alien insurer shall file or cause to be filed any pleading in any action, suit or proceeding instituted against it, such unauthorized insurer shall:

(a) Deposit with the clerk of the court in which such action, suit or proceeding is pending, cash or securities, or file with such clerk a bond with good and sufficient sureties, to be approved by the court, in an amount determined by the court to be sufficient to secure the payment of any final judgment which may be rendered in such action, provided, however, that the court may in its discretion make an order dispensing with such deposit or bond where the insurer makes a showing satisfactory to such court that it maintains in a state of the United States funds or securities, in trust or otherwise, sufficient and available to satisfy any final judgment which may be entered in such action, suit or proceeding, and that such insurer will pay any final judgment rendered without requiring suit to be brought on such judgment in the state where such securities are located, or

(b) Procure a certificate of authority to transact the business of insurance in this state.

(2) In any action, suit or proceeding in which service is made in the manner provided in section 251, the court may, in its discretion, order such postponement as may be necessary to afford the defendant reasonable opportunity to comply with the provisions of subsection (1) of this section and to defend such action.
(3) Nothing in subsection (1) of this section is to be construed to prevent an unauthorized foreign or alien insurer from filing a motion, in accordance with the applicable rules of civil procedure, to quash a writ or to set aside service thereof made in the manner provided in section 251, hereof on the ground either:

(a) That such unauthorized insurer has not done any of the acts enumerated in section 250, or

(b) That the person on whom service was made pursuant to subsection (2) of section 251 was not doing any of the acts therein enumerated.

SECTION 253. ATTORNEY FEES. — In any action against an unauthorized foreign or alien insurer, upon a contract of insurance issued or delivered in this state to a resident thereof, or to a corporation authorized to do business therein, if the insurer has failed for thirty (30) days after demand prior to the commencement of the action to make payment in accordance with the terms of the contract, and it appears to the court that such refusal was vexatious and without reasonable cause, the court may allow to the plaintiff a reasonable attorney fee and include such fee in any judgment that may be rendered in such action. Such fee shall not exceed twelve and one-half percent (12½%) of the amount which the court or jury finds the plaintiff is entitled to recover against the insurer, but in no event shall such fee be less than twenty-five dollars ($25). Failure of an insurer to defend any such action shall be deemed prima facie evidence that its failure to make payment was vexatious and without reasonable cause.

SECTION 254. EXEMPTIONS FROM PROCESS ACT. —The provisions of this unauthorized insurers process act shall not apply to any action, suit or proceeding against any unauthorized foreign or alien insurer arising out of any contract of:

(1) Reinsurance, ocean marine, aircraft or railway insurance;

(2) Insurance effectuated in accordance with the surplus line law or any amendments or supplements thereto;

(3) Insurance against legal liability arising out of the ownership, operation or maintenance of any property having a permanent situs outside this state; or

(4) Insurance against loss of or damage to any property having a permanent situs outside this state;
Where such contract of insurance contains a provision designating the Commissioner or a bona fide resident of Idaho to be the true and lawful attorney of such unauthorized insurer upon whom may be served all lawful process in any action, suit or proceeding instituted by or on behalf of an insured or beneficiary arising out of such contract or where the insurer enters a general appearance in any such suit, action or proceeding.

SECTION 255. SURPLUS LINE LAW, SHORT TITLE -PURPOSE.—(1) Sections 255 through 276 constitute and may be cited as the "surplus line law".

(2) It is declared that the purposes of the surplus line law are to provide orderly access for the insuring public of Idaho to insurers not authorized to transact insurance in this state, through only qualified, licensed, and supervised surplus line brokers resident in Idaho and under such safeguards for the insured as may be practical, for insurance coverages and to the extent thereof not procurable from authorized insurers; to protect such authorized insurers, which under the laws of Idaho must meet certain standards as to policy forms and rates, from unwarranted competition by unauthorized insurers who, in the absence of this law, would not be subject to similar requirements; and for other purposes as set forth in this law.

SECTION 256. EXEMPTIONS FROM SURPLUS LINE LAW.—(1) The provisions of this surplus line law controlling the placing of insurance with unauthorized insurers shall not apply to reinsurance or, except as to subsection (2) below, to the following insurances when so placed by licensed agents or surplus line brokers of this state:

(a) Ocean marine and foreign trade insurances.

(b) Insurance on subjects located, resident, or to be performed wholly outside of this state, or on vehicles or aircraft owned and principally garaged outside this state.

(c) Insurance on operations of railroads engaged in transportation in interstate commerce and their property used in such operations.

(d) Insurance of aircraft owned or operated by manufacturers of aircraft, or of aircraft operated in commercial interstate flight, or cargo of such aircraft, or against liability, other than workmen's compensation and employer's liability, arising out of the ownership, maintenance or use of such aircraft.
(2) Brokers so placing any such insurance with an un­
authorized insurer shall keep a full and true record of
each such coverage in detail as required of surplus line
insurance under this law. The record shall be preserved
for not less than five (5) years from the effective date
of the insurance and shall be kept available in this state
and open to the examination of the Commissioner. The
broker shall furnish to the Commissioner at his request
and on forms as designated and furnished by him a report
of all such coverages so placed in a designated calendar
year.

SECTION 257. DEFINITIONS.—(1) “Broker” as used
in this chapter means a surplus line broker duly licensed
as such under this chapter.

(2) To “export” means to place in an unauthorized in­
surer under this surplus line law insurance covering a sub­
ject of insurance resident, located, or to be performed in
Idaho.

SECTION 258. CONDITIONS FOR EXPORT.—If cer­
tain insurance coverages cannot be procured from author­
ized insurers, such coverages, hereinafter designated “sur­
plus lines”, may be procured from unauthorized insurers,
subject to the following conditions:

(1) The insurance must be procured through a licensed
surplus line broker.

(2) The full amount of insurance required must not be
procurable, after diligent effort has been made to do so,
from among a majority of the insurers authorized to trans­
act and actually writing that kind and class of insurance
in this state, and the amount of insurance exported shall
be only the excess over the amount procurable from author­
ized insurers.

(3) The insurance must not be so exported for the pur­
pose of securing advantages either as to:

(a) A lower premium rate than would be accepted by
an authorized insurer; or

(b) Terms of the insurance contract.

SECTION 259. BROKER’S AFFIDAVIT.—At the time
of procuring, effecting, and issuing any such surplus line
insurance the broker shall execute an affidavit, in form
as prescribed or accepted by the Commissioner, setting
forth facts from which it can be determined whether such
insurance was eligible for export under section 258. The broker shall file, or cause to be filed, this affidavit with the Commissioner within thirty (30) days after the insurance was so procured.

SECTION 260. OPEN LINES FOR EXPORT.—(1) The Commissioner may by order declare eligible for export generally and without compliance with the provisions of sections 258(2), 258(3) and 259 any class or classes of insurance coverage or risk for which he finds, after a hearing of which notice was given to each insurer authorized to transact such class or classes in this state, that there is no reasonable or adequate market among authorized insurers either as to acceptance of the risk, contract terms, or premium or premium rate. Any such order shall continue in effect during the existence of the conditions upon which predicated, but subject to earlier termination by the Commissioner.

(2) The broker shall file with or as directed by the Commissioner a memorandum as to each such coverage placed by him in an unauthorized insurer, in such form and context as the Commissioner may reasonably require for the identification of the coverage and determination of the tax payable to the state relative thereto.

(3) The broker, or a licensed Idaho agent of the authorized insurer, may also place with authorized insurers any insurance coverage made eligible for export generally under subsection (1) above, and without regard to rate or form filings which may otherwise be applicable as to the authorized insurer. As to coverages so placed in an authorized insurer the premium tax thereon shall be reported and paid by the insurer as required generally under section 105.

SECTION 261. ELIGIBLE SURPLUS LINE INSURERS.—(1) A broker shall not knowingly place surplus line insurance with an insurer that is unsound financially, or that is ineligible under this section. The broker shall ascertain the financial condition of the unauthorized insurer, to the extent that the same is shown by recent financial statements of the insurer filed with public authority or published, or as otherwise known to the broker, before placing insurance therewith.

(2) The broker shall so insure only in an insurer which meets the following requirements:

(a) Must be authorized to transact insurance of the kind involved in at least one state of the United States, and
have unimpaired capital and/or surplus or an effective trust fund amounting to at least three hundred fifty thousand dollars ($350,000); or

(b) If an alien insurer not authorized to transact insurance in at least one state of the United States, the insurer must have an established and effective trust fund of at least four hundred thousand dollars ($400,000) within the United States administered by a recognized financial institution and held for the benefit of all its policyholders in the United States; or

(c) If not eligible under either (a) or (b) above, the insurer must currently be eligible pursuant to order of Commissioner made upon application therefor by the broker accompanied by the financial statement of the insurer as of the date most recently available and such additional information concerning the insurer as the Commissioner may require. The Commissioner may revoke any such order at any time, and shall notify the broker of such revocation. No insurer shall be eligible which the Commissioner finds or has reason to believe is not sound financially, or does not have an adequate margin of surplus as to policyholders, or may not be relied upon to provide adequate protection and proper payment of claims arising under its coverages in this state; or

(d) Must be in compliance with either (a), (b), or (c) hereinabove and not have been made ineligible as a surplus line insurer by order of the Commissioner received by or known to the broker. The Commissioner may issue such an order of ineligibility if he finds or has reason to believe that the insurer:

(i) Does not meet the requirements of this section; or

(ii) Has without just cause refused to pay claims arising under its contracts in the United States or has otherwise conducted its affairs in such manner as to result in injury or loss to the insuring public of the United States.

(3) Subdivision (c) above shall not be deemed to place upon the Commissioner any duty or responsibility to determine the actual financial condition or claims practices of any unauthorized insurer; and the eligibility of an insurer hereunder shall indicate only that the insurer appears to be sound financially and to have satisfactory claims practices, and that the Commissioner has no credible evidence to the contrary.
SECTION 262. ELIGIBLE SURPLUS LINE INSURERS — PENALTY FOR VIOLATION. — For any violation of section 261 the broker shall, upon conviction thereof, be guilty of a misdemeanor punishable as provided in section 17 (general penalty). If the Commissioner finds, after hearing, that the broker has violated such section he shall revoke all licenses held by him under this code, and shall not again license such individual under this code within a period of two (2) years after such revocation became final.

SECTION 263. EVIDENCE OF THE INSURANCE — CHANGES — PENALTY. — (1) Upon placing a surplus line coverage, the broker shall promptly issue and deliver to the insured evidence of the insurance consisting either of the policy as issued by the insurer or, if such policy is not then available, the surplus line broker’s certificate. Such a certificate shall be executed by the broker and shall show the description and location of the subject of the insurance, coverage, conditions and term of the insurance, the premium and rate charged and taxes collected from the insured, and the name and address of the insured and insurer. If the direct risk is assumed by more than one insurer, the certificate shall state the name and address and proportion of the entire direct risk assumed by each such insurer.

(2) No broker shall issue any such certificate or any cover note, or purport to insure or represent that insurance will be or has been granted by any unauthorized insurer, unless he has prior written authority from the insurer for the insurance, or has received information from the insurer in the regular course of business that such insurance has been granted, or an insurance policy providing the insurance actually has been issued by the insurer and delivered to the insured.

(3) If after the issuance and delivery of any such certificate there is any change as to the identity of the insurers, or the proportion of the direct risk assumed by an insurer as stated in the broker’s original certificate, or in any other material respect as to the insurance coverage evidenced by the certificate, the broker shall promptly issue and deliver to the insured a substitute certificate accurately showing the current status of the coverage and the insurers responsible thereunder.

(4) If a policy issued by the insurer is not available upon placement of the insurance and the broker has issued and delivered his certificate as hereinabove provided, upon
request therefor by the insured the broker shall as soon as reasonably possible procure from the insurer its policy evidencing such insurance and deliver such policy to the insured in replacement of the broker’s certificate theretofore issued.

(5) Any surplus line broker who knowingly or negligently issues a false certificate of insurance, or who fails promptly to notify the insured of any material change with respect to such insurance by delivery to the insured of a substitute certificate as provided in subsection (3), shall upon conviction, be subject to the penalties provided by section 17 of this code or to any greater applicable penalty otherwise provided by law.

SECTION 264. ENDORSEMENT OF CONTRACT. — Every insurance contract procured and delivered as a surplus line coverage pursuant to this law shall have stamped upon it, and be initialed by or bear the name of the surplus line broker who procured it, the following:

“This contract is registered and delivered as a surplus line coverage under the insurance code of the State of Idaho.”

SECTION 265. SURPLUS LINE INSURANCE VALID. —Insurance contracts procured as surplus line coverage from unauthorized insurers in accordance with this law shall be fully valid and enforceable as to all parties, and shall be given recognition in all matters and respects to the same effect as like contracts issued by authorized insurers.

SECTION 266. LIABILITY OF INSURER AS TO LOSSES AND UNEARNED PREMIUMS. — (1) As to a surplus line risk which has been assumed by an unauthorized insurer pursuant to this surplus line insurance law, and if the premium thereon has been received by the surplus line broker who placed such insurance, in all questions thereafter arising under the coverage as between the insurer and the insured the insurer shall be deemed to have received the premium due to it for such coverage; and the insurer shall be liable to the insured as to losses covered by such insurance, and for unearned premiums which may become payable to the insured upon cancellation of such insurance, whether or not in fact the broker is indebted to the insurer with respect to such insurance or for any other cause.
(2) Each unauthorized insurer assuming a surplus line direct risk under this surplus lines insurance law shall be deemed thereby to have subjected itself to the terms of this section.

SECTION 267. LICENSING OF SURPLUS LINE BROKERS.—(1) Any individual while licensed in this state as a resident general lines agent and who is deemed by the Commissioner to be competent and trustworthy with respect to the handling of surplus lines, and while maintaining an office at a designated location in this state, may be licensed as a surplus line broker.

(2) Application for the license shall be made to the Commissioner on forms as designated and furnished by the Commissioner.

(3) The license fee shall be as specified in section 104 (fee schedule).

(4) The license and licensee shall be subject to the applicable provisions of chapter 9 (general lines agents and licensing procedures).

SECTION 268. SUSPENSION, REVOCATION OF BROKER'S LICENSE.—(1) The Commissioner may suspend or revoke any surplus line broker's license:

(a) If the broker fails to file his annual statement or to remit the tax as required by this law; or

(b) If the broker fails to maintain an office in this state, or to keep the records, or to allow the Commissioner to examine his records as required by this law, or if he removes his records from the state; or

(c) If the broker knowingly or negligently places a surplus line coverage in an insurer that is in unsound financial condition in violation of section 261; or

(d) For any other applicable cause for which a general lines agent's license may be suspended or revoked.

(2) The procedures provided by chapter 9 for suspension or revocation of licenses shall apply to suspension or revocation of a surplus line broker's license.

(3) Upon suspending or revoking the broker's surplus line license the Commissioner shall also suspend or revoke all other licenses of the same individual under this code.
(4) No broker whose license has been so suspended or revoked shall again be so licensed until any fines or delinquent taxes owing by him have been paid, nor, in case of revocation, until after expiration of one (1) year from date revocation became final.

SECTION 269. BROKER’S BOND.—Prior to issuance of a license as a surplus line broker the applicant shall file with the Commissioner and thereafter for as long as the license remains in effect he shall keep in force a bond in favor of the State of Idaho in the penal sum of one thousand dollars ($1,000), aggregate liability, with an authorized corporate surety approved by the Commissioner, conditioned that he will conduct business under the license in accordance with the provisions of this law and that he will promptly remit the taxes provided by section 273 herein. The aggregate liability of the surety for any and all claims on any such bond shall in no event exceed the penal sum thereof. No such bond shall be terminated unless not less than thirty (30) days prior written notice thereof is given to the licensee and filed with the Commissioner.

SECTION 270. MAY ACCEPT BUSINESS FROM AGENTS.—A licensed surplus line broker may accept and place surplus line business for any insurance agent licensed in this state for the kind of insurance involved, and may compensate the agent therefor.

SECTION 271. RECORDS OF BROKER. — (1) Each broker shall keep in his office in this state a full and true record of each surplus line coverage procured by him, including a copy of each daily report, if any, a copy of each certificate of insurance issued by him, and such of the following items as may be applicable:

(a) Amount of the insurance;
(b) Gross premium charged;
(c) Return premium paid, if any;
(d) Rate of premium charged upon the several items of property;
(e) Effective date of the contract, and the terms thereof;
(f) Name and address of each insurer on the direct risk and the proportion of the entire risk assumed by such insurer if less than the entire risk;
(g) Name and address of the insured;
(h) Brief general description of the property or risk insured and where located or to be performed; and

(i) Other information as may be required by the Commissioner.

(2) The record shall not be removed from this state and shall at all times within five (5) years after issuance of the coverage to which it relates be open to examination by the Commissioner.

SECTION 272. ANNUAL STATEMENT OF BROKER. —(1) Each broker shall on or before the first day of March of each year file with the Commissioner a verified statement of all surplus line insurance transacted by him during the preceding calendar year.

(2) The statement shall be on forms as prescribed and furnished by the Commissioner and shall show:

(a) Gross amount of each kind of insurance transacted;
(b) Aggregate gross premiums charged;
(c) Aggregate of returned premiums paid to insureds;
(d) Aggregate of net premiums; and
(e) Additional information as required by the Commissioner.

SECTION 273. TAX ON SURPLUS LINES.—(1) On or before the first day of March of each year each broker shall remit to the State Treasurer through the Commissioner a tax on the premiums, exclusive of sums collected to cover federal and state taxes and examination fees, on surplus line insurance subject to tax transacted by him with unauthorized insurers during the preceding calendar year as shown by his annual statement filed with the Commissioner, and at the same rate as is applicable to the premiums of authorized foreign insurers under chapter 4 of this code. Such tax shall be in lieu of all other taxes upon such insurers with respect to the business so reported. When collected the tax shall be credited to the general fund.

(2) If a surplus line policy covers risks or exposures only partially in this state the tax so payable shall be computed upon the proportion of the premium which is properly allocable to the risks or exposures located in this state.

SECTION 274. FAILURE TO FILE STATEMENT OR REMIT TAX—PENALTY.—If any broker fails to file his
annual statement, or fails to remit the tax provided by section 273 herein, prior to the first day of April after the tax is due, he shall be liable for a fine of twenty-five dollars ($25) for each day of delinquency commencing with the first day of April. The tax may be collected by distraint, or the tax and fine may be recovered by an action instituted by the Commissioner in any court of competent jurisdiction. Any fine collected by the Commissioner shall be paid to the State Treasurer and credited to the general fund.

SECTION 275. LEGAL PROCESS AGAINST SURPLUS LINE INSURER.—(1) An unauthorized insurer shall be sued, upon any cause of action arising in this state under any contract issued by it as a surplus line contract pursuant to this law, in the district court of the county in which the cause of action arose.

(2) Service of legal process against the insurer may be made in any such action by service upon the Commissioner as provided in section 97(1). The Commissioner shall forthwith mail a copy of the process served to the person designated by the insurer in the policy for the purpose, by prepaid registered mail with return receipt requested. The insurer shall have thirty (30) days from the date of service upon the Commissioner within which to plead, answer, or otherwise defend the action. Upon service of process upon the Commissioner in accordance with this provision, the court shall be deemed to have jurisdiction in personam of the insurer.

(3) An unauthorized insurer issuing such policy shall be deemed thereby to have authorized service of process against it in the manner and to the effect as provided in this section. Any such policy shall contain a provision stating the substance of this section, and designating the person to whom the Commissioner shall mail process as provided in subsection (2) of this section.

SECTION 276. RULES AND REGULATIONS. — (1) The Commissioner shall make or may approve and adopt reasonable rules and regulations, consistent with this surplus line law, for any or all of the following purposes:

(a) Effectuation of such law;

(b) Establishment of procedures through which determination is to be made as to the eligibility of particular proposed coverages for export; and
(c) Establishment, procedures, and operations of any voluntary organization of brokers or others designed to assist such brokers to comply with such law.

(2) Such rules and regulations shall be subject to the procedures and carry the penalty provided by section 28 (rules and regulations).

SECTION 277. REPORT AND TAX OF INDEPENDENTLY PROCURED COVERAGE.—(1) Every insured who in this state procures or causes to be procured or continues or renews insurance in an unauthorized foreign insurer, or any self-insurer who in this state so procures or continues excess loss, catastrophe or other insurance, upon a subject of insurance resident, located or to be performed within this state, other than insurance procured through a surplus line broker pursuant to the surplus line law of this state or exempted from tax pursuant to section 256, shall within thirty (30) days after the date such insurance was so procured, continued or renewed file a written report of the same with the Commissioner on forms designated by the Commissioner and furnished to the insured upon request. The report shall show the name and address of the insured or insureds, name and address of the insurer, the subject of the insurance, a general description of the coverage, the amount of premium currently charged therefor, and such additional pertinent information as the Commissioner reasonably requests. If the insurance covers also a subject of insurance resident, located or to be performed outside this state a proper pro rata portion of the entire premium payable for all such insurance shall be allocated to this state for the purposes of this section.

(2) Any insurance in an unauthorized insurer procured through negotiations or an application in whole or in part occurring or made within or from within this state, or for which premiums in whole or in part are remitted directly or indirectly from within this state, shall be deemed to be insurance procured or continued or renewed in this state within the intent of subsection (1) above.

(3) For the general support of the government of this state there is levied upon the insured with respect to the obligation, chose in action, or right represented by such insurance, a tax at the rate of three percent (3%) of the gross amount of the premium charged for the insurance. Within thirty (30) days after the insurance was so procured, continued or renewed, and coincidentally with the filing with the Commissioner of the report provided for
in subsection (1) above, the insured shall pay the amount of the tax to the Commissioner.

(4) The tax imposed hereunder if delinquent shall bear interest at the rate of six percent (6%) per annum, compounded annually.

(5) The tax shall be collectible from the insured by civil action brought by the Commissioner, or by distraint.

(6) The Commissioner shall promptly deposit all taxes and interest collected under this section with the State Treasurer to the credit of the state's general fund.

(7) This section does not abrogate or modify any provision of sections 245 (representing or aiding unauthorized insurer prohibited), 246 (representing or aiding unauthorized insurer prohibited—penalty), or 247 (suits by unauthorized insurer prohibited).

(8) This section does not apply as to life or disability insurances.

SECTION 278. RECORDS OF INSUREDS. — In order that the Commissioner may effectively administer the various provisions of this chapter, every person as to whom insurance has been placed with an unauthorized insurer shall, upon the Commissioner's order, produce for his examination all policies and other documents evidencing the insurance, and shall disclose to the Commissioner the amount of premiums paid or agreed to be paid for the insurance. For each refusal to obey such order such person shall, upon conviction thereof, be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars ($500).

SECTION 279. PURPOSES OF TRADE PRACTICES LAW. — The purpose of sections 279 through 300 is to regulate trade practices in the business of insurance in accordance with the intent of Congress as expressed in the Act of Congress of March 9, 1945 (Public Law 15, 79th Congress [ch. 20, 59 U.S. Stat. at Large 33]), by defining, or providing for the determination of, all such practices in this State which constitute unfair methods of competition or unfair or deceptive acts or practices and by prohibiting the trade practices so defined or determined.

SECTION 280. UNFAIR METHODS, DECEPTIVE ACT PROHIBITED. — No person shall engage in this state in any trade practice which is prohibited in this chapter, or defined in this chapter as, or determined pursuant to this
chapter to be, an unfair method of competition or an un­
fair or deceptive act or practice in the business of insurance.

SECTION 281. MISREPRESENTATION, FALSE AD­
VERTISING OF POLICIES.—(1) No person shall make,
issue, circulate, or cause to be made, issued, or circulated,
any estimate, circular, or statement misrepresenting the
terms of any policy issued or to be issued or the benefits
or advantages promised thereby or the dividends or share
of the surplus to be received thereon, or make any false
or misleading statement as to the dividends or share of
surplus previously paid on similar policies, or make any
misleading representation or any misrepresentation as to
the financial condition of any insurer, or as to the legal
reserve system upon which any life insurer operates, or
use any name or title of any policy or class of policies
misrepresenting the true nature thereof.

(2) For reasonable cause the Commissioner may in his
discretion require any insurer or agent using or proposing
to use in this state a prospectus, offering sheet, or other
sales literature or printed sales aids in the solicitation of
life or disability insurance to file the same with him for
review. The Commissioner shall forthwith by order dis­
approve any such prospectus, sheet, literature, or aid found
by him to be in violation of this section. The order shall
become effective on the effective date specified therein,
which date shall be not less than ten (10) days after
the date the order was issued and mailed to the insurer
or agent affected thereby; except, that if the insurer or
agent prior to such effective date makes written request
to the Commissioner for a hearing relative to the matter
the Commissioner's order shall thereby be stayed pending
the hearing and the Commissioner's further order on hear­
ing. No insurer, agent, or other representative shall use
in this state any prospectus, offering sheet, literature or
sales aid after the date on order of disapproval thereof
has become effective and has been communicated to the
insurer. This provision shall not relieve any person of
liability for penalties provided for violation of subsection
(1) above.

SECTION 282. FALSE INFORMATION, ADVERTISING.—No person shall make, publish, disseminate, circu-
late, or place before the public, or cause, directly or in­
directly, to be made, published, disseminated, circulated, or
placed before the public, in a newspaper, magazine or
other publication, or in the form of a notice, circular,
pamphlet, letter or poster, or over any radio or television
station, or in any other way, any advertisement, announce-
ment, or statement containing any assertion, representa-
tion or statement with respect to the business of insurance
or with respect to any person in the conduct of his insur-
ance business, which is untrue, deceptive or misleading.

SECTION 283. "TWISTING" PROHIBITED.—No per-
son shall make or issue, or cause to made or issued,
any written or oral statement misrepresenting or making
incomplete comparisons as to the terms, conditions, or bene-
fits contained in any policy for the purpose of inducing
or attempting or tending to induce the policyholder to lapse,
forfeit, surrender, retain, exchange or convert any insur-
policy.

SECTION 284. FALSE FINANCIAL STATEMENTS.—
(1) No person shall file with any supervisory or other
public official, or make, publish, disseminate, circulate or
deliver to any person, or place before the public, or cause
directly or indirectly to be made, published, disseminated,
circulated, delivered to any person, or placed before the
public, any false statement of financial condition of an
insurer with intent to deceive.

(2) No person shall make any false entry in any book,
report or statement of any insurer with intent to deceive
any agent or examiner lawfully appointed to examine into
its condition or into any of its affairs, or any public official
to whom such insurer is required by law to report, or who
has authority by law to examine into its condition or into
any of its affairs, or, with like intent, wilfully omit to
make a true entry of any material fact pertaining to the
business of such insurer in any book, report or statement
of such insurer.

SECTION 285. REPRESENTATIONS AS TO ASSETS,
FINANCIAL CONDITION; ASSESSMENT PLAN.—(1)
No insurer or representative thereof shall anywhere pub-
lish, represent or advertise assets except those actually
owned and possessed by it in its own exclusive right, avail-
able for the payment of losses and claims, and held for the
protection of its policyholders and creditors.

(2) Every advertisement or public announcement, and
every sign, circular or card issued by any insurer or rep-
resentative thereof purporting to show its financial con-
dition, shall correspond with or include the most recent
verified financial statement of the insurer as filed with
the Commissioner or with other appropriate governmental
authority.
(3) Every insurer transacting insurance in this state on the assessment plan under other express provisions of this code, shall have conspicuously printed in bold face type in every advertisement and advertising document published or used in this state the words "assessment plan"; and shall have the same information clearly conveyed in every advertisement disseminated by radio, television, or similar media.

SECTION 286. DEFAMATION.—No person shall make, publish, disseminate, or circulate, directly or indirectly, or aid, abet or encourage the making, publishing, disseminating or circulating of any oral or written statement or any pamphlet, circular, article or literature which is false, or maliciously critical of or derogatory to the financial condition of an insurer, or of an organization proposing to become an insurer, and which is circulated to injure any person engaged or proposing to engage in the business of insurance.

SECTION 287. BOYCOTT, COERCION AND INTIMIDATION.—No person or persons shall enter into any agreement to commit, or by any concerted action commit, any act of boycott, coercion or intimidation resulting in or tending to result in unreasonable restraint of, or monopoly in, the business of insurance.

SECTION 288. FAVORED INSURER OR AGENT, FINANCING DEALS.—No person engaged in the business of financing the purchase of real or personal property and no trustee, director, officer, agent or other employee of any such person shall require, as a condition to financing the purchase of such property or to loaning money upon the security of a mortgage thereon, or, as a condition for the renewal or extension of any such loan or mortgage or for the performance of any other act in connection therewith, that the person for whom such purchase is to be financed or to whom the money is to be loaned or for whom such extension, renewal or other act is to be granted or performed, purchase or place fire, property damage, theft, collision or personal injury insurance which is required to be maintained by him on the mortgaged property, from or through any particular insurance agent or agents, broker or brokers, or insurer or insurers.

SECTION 289. FAVORED INSURER OR AGENT, PURCHASE OF PROPERTY.—No seller of real or personal property, and no person engaged in the business of selling real or personal property, and no trustee, director,
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officer, agent or other employee of any such seller or such other person shall require, as a condition to the selling of such property, or for the performance of any other act in connection therewith, that the person to whom such property is to be sold, purchase or place any fire, property damage, theft, collision or personal injury insurance covering such property, from any particular insurance agent or agents, broker or brokers, or insurer or insurers.

SECTION 290. FAVORED INSURER OR AGENT, SPECIAL CONDITIONS.—Sections 288 or 289 shall not prevent:

(1) The reasonable exercise by any person engaged in any such business of his right to approve or disapprove the insurance or the insurer selected to write the insurance, on reasonable grounds related to the risk selection or underwriting practices of the insurer, the adequacy and terms of the coverage with respect to the interest of such person to be insured thereunder, the quality of service rendered by the insurer or its representative in connection with the insurance, and the financial standards to be met by the insurer; nor of his right to furnish such insurance or to renew any insurance required by the contract of sale or mortgage, trust deed or other loan agreement if the borrower or purchaser has failed to furnish the insurance or renewal thereof within such reasonable time or form as may be specified in the sale or loan agreement. The lender or vendor shall not refuse to accept insurance provided by an acceptable insurer on the ground that such insurance provides more coverage than is required in the sale or loan agreement, unless the additional coverage consists of life or disability insurance.

(2) The free choice of insurance agent or broker by any borrower or purchaser at any time, and he may revoke any designation of insurance agent or broker at any time irrespective of the provisions of any loan or purchase agreement, mortgage, or trust deed.

(3) The exercise by any person engaged in such business of his right to furnish such insurance or to renew such insurance, and to charge the account of the borrower or purchaser with the costs thereof, if the borrower or purchaser fails to deliver to the lender or vendor such insurance at least thirty (30) days prior to expiration of the existing policy. If an insurance policy procured by the borrower or purchaser is subsequently substituted for that then in force, the lender or vendor may impose a reason-
able service charge as determined by the Commissioner for
the transaction, and payment of such charge by the agent
or broker shall not be a violation of any other provision
of this code. No service charge shall be imposed for nor-
mal insurance changes made during the term of the policy.

(4) The Commissioner may adopt a uniform statewide
schedule of permissive maximum charges for the substi-
tution of policies authorized in subdivision (3) above.

SECTION 291. UNFAIR DISCRIMINATION — LIFE
INSURANCE, ANNUITIES, AND DISABILITY INSUR-
ANCE.—(1) No person shall make or permit any unfair
discrimination between individuals of the same class and
equal expectation of life in the rates charged for any con-
tract of life insurance or of life annuity or in the divi-
dends or other benefits payable thereon, or in any other
of the terms and conditions of such contract.

(2) No person shall make or permit any unfair discrimi-
nation between individuals of the same class and of essen-
tially the same hazard in the amount of premium, policy
fees, or rates charged for any policy or contract of dis-
ability insurance or in the benefits payable thereunder,
or in any of the terms or conditions of such contract, or
in any other manner whatever.

SECTION 292. REBATES, ILLEGAL INDUCEMENTS.
—(1) Except as otherwise expressly provided by law, no
person shall knowingly make, permit to be made, or offer
to make any contract of insurance, or of annuity, or agree-
ment as to such contract, other than as plainly expressed
in the contract issued thereon, or pay or allow, or give or
offer to pay, allow, or give, directly or indirectly, as in-
ducement to such insurance or annuity or in connection
therewith, any rebate of premiums payable on the contract,
or of any agent’s, solicitor’s, or broker’s commission re-
lated thereto, or any special favor or advantage in the divi-
dends or other benefits thereon, or any paid employment
or contract for services of any kind, or any valuable con-
sideration or inducement whatever not specified in the con-
tact; or directly or indirectly give, or sell, or purchase
or offer or agree to give, sell, purchase, or allow as in-
ducement to such insurance or annuity or in connection
therewith, and whether or not specified or to be specified
in the policy or contract, any agreement of any form or
nature promising returns and profits, or any stocks, bonds,
or other securities, or interest present or contingent there-
in or as measured thereby, of any insurer or other per-
son, or any dividends or profits accrued or to accrue thereon; or offer, promise or give anything of value whatsoever not specified in the contract. Nor shall any insured, annuitant, or policyholder or employee thereof, or prospective insured, annuitant or policyholder, or employee thereof, knowingly accept or receive, directly or indirectly, any such prohibited contract, agreement, rebate, advantage, employment, or other inducement.

(2) Nothing in this section shall be construed as prohibiting the payment of commissions or other compensation to duly licensed agents, solicitors, or brokers, or as prohibiting any insurer from allowing or returning to its participating policyholders, members or subscribers, the usual and ordinary dividends, savings, or unabsorbed premium deposits.

SECTION 293. EXCEPTIONS TO DISCRIMINATION, REBATES PROVISION—LIFE DISABILITY, AND ANNUITY CONTRACTS.—Nothing in sections 291 and 292 shall be construed as including within the definition of discrimination or rebates or illegal inducements any of the following practices:

(1) In the case of any contract of life insurance or life annuity, paying bonuses to policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from nonparticipating insurance, provided that any such bonuses or abatement of premiums shall be fair and equitable to policyholders.

(2) In the case of life insurance policies issued on the debit plan, making allowance to policyholders who have continuously for a specified period made premium payments directly to an office of the insurer in an amount which fairly represents the saving in collection expense.

(3) Readjustment of the rate of premium for a group insurance policy based on the loss or expense experience thereunder, at the end of the first or any subsequent policy year of insurance thereunder, which may be made retroactive only for such policy year.

(4) Issuing life or disability insurance policies on a salary savings, bank draft, preauthorized check or payroll deduction plan or other similar plan at a reduced rate reasonably related to the savings made by use of such plan.

(5) Issuance of life or disability insurance policies or annuity contracts at rates less than the usual rates of pre-
miums for such policies or contracts, or modification of premium or rate based on amount of insurance; but any such issuance or modification shall not result in reduction in premium or rate in excess of savings in administration and issuance expenses reasonably attributable to such poli­cies or contracts.

SECTION 294. STOCK OPERATIONS AND ADVISORY BOARD CONTRACTS.—No person shall issue or deliver or permit its agents, officers, or employees to issue or deliver, agency company stock or other capital stock, or benefit certificates or shares in any common-law corpo­ration, or any advisory board contract or other contract of any kind promising returns and profits as an induce­ment to insurance.

SECTION 295. FICTITIOUS GROUPS.—(1) No insur­er, whether an authorized insurer or an unauthorized in­surer, shall make available through any rating plan or form, property, casualty or surety insurance to any firm, corporation, or association of individuals, any preferred rate or premium based upon any fictitious grouping of such firm, corporation, or individuals.

(2) No form or plan of insurance covering any group or combination of persons or risks shall be written or del­ivered within or outside of Idaho to cover Idaho persons or risks at any preferred rate or form other than that offered to persons not in such group and the public gen­erally, unless such form, plan or policy and the rates or premiums to be charged therefor have been submitted to and approved by the Commissioner as not in conflict with subsection (1) above, and sections 310 (rate standard—property insurance) or 348(4) (making of rates—casualty and surety insurances).

(3) Nothing in this section shall apply to life or dis­ability insurance or to annuity contracts; nor to any in­surer which restricts its insurance coverages to members of a particular association or organization with which the insurer is directly affiliated.

SECTION 296. INTERLOCKING OWNERSHIP, MAN­AGEMENT.—(1) Any insurer may retain, invest in or acquire the whole or any part of the capital stock of any other insurer or insurers, or have a common management with any other insurer or insurers, unless such retention, investment, acquisition or common management is incon­sistent with any other provisions of this code, or unless by
reason thereof the business of such insurers with the public is conducted in a manner which substantially lessens competition generally in the insurance business or tends to create a monopoly therein.

(2) Any person otherwise qualified may be a director of two or more insurers which are competitors, unless the effect thereof is to lessen substantially competition between insurers generally or tends materially to create a monopoly.

SECTION 297. DESIST ORDERS FOR PROHIBITED PRACTICES.—(1) If the Commissioner believes that any person has been engaged or is engaging in this state in any unfair method of competition, or any unfair or deceptive act or practice expressly prohibited or defined in this chapter, and that a proceeding by him in respect thereof would be to the interest of the public, he shall issue and serve upon such person a statement of the charges in that respect and a notice of a hearing thereon to be held at a time and place fixed in the notice, which shall not be less than ten (10) days after the date of the service thereof.

(2) At the hearing, such person shall have an opportunity to be heard and to show cause why an order should not be made by the Commissioner requiring such person to cease and desist from the acts, methods or practices so complained of. Upon good cause shown, the Commissioner shall permit any person to intervene, appear and be heard at such hearing by counsel or in person.

(3) Provisions of chapter 2 of this code relative to the powers of the Commissioner, witnesses, evidence and hearings shall apply as to procedures under this chapter, except where in conflict with the express provisions of this chapter.

(4) If, after such hearing, the Commissioner finds that the method of competition or the act or practice in question is prohibited or defined in this chapter and that the person complained of has engaged in such method of competition, act or practice in violation of this chapter, he shall reduce his findings to writing and issue and cause to be served upon such person an order requiring such person to cease and desist from engaging in such method of competition, act or practice.

(5) Until the expiration of the time allowed under section 58 of this code for filing an appeal, if no such appeal has been duly filed within such time, or if an appeal has been filed within such time, then until the transcript of
the record in the proceeding has been filed in the court, the Commissioner may at any time, upon such notice and in such manner as he shall deem proper, modify or set aside in whole or in part any order issued by him under this section.

(6) After the expiration of the time allowed for filing such an appeal, if no such appeal has been duly filed within such time, the Commissioner may at any time, after notice and opportunity for hearing, reopen and alter, modify or set aside, in whole or in part, any order issued by him under this section whenever in his opinion conditions of fact or of law have so changed as to require such action or if the public interest so requires.

(7) A cease and desist order issued by the Commissioner under this section shall become final:

(a) Upon the expiration of the time allowed for filing an appeal, if no such appeal has been duly filed within such time; except that the Commissioner may thereafter modify or set aside his order to the extent provided in subsection (5) above; or

(b) Upon the final decision of the court if the court directs that the order of the Commissioner be affirmed or the appeal dismissed.

(8) No order of the Commissioner pursuant to this chapter or order of court to enforce it shall in any way relieve or absolve any person affected by such order from any other liability, penalty or forfeiture under law.

(9) Violation of any such desist order shall be deemed to be and shall be punishable as a violation of this code.

(10) This section shall not be deemed to affect or prevent the imposition of any penalty provided by this code or by other law for violation of any other provision of this chapter, whether or not any such hearing is called or held or such desist order issued.

SECTION 298. SERVICE OF NOTICES AND PROCESSES.—Statements of charges, notices, orders and other processes of the Commissioner under this chapter may be served by anyone duly authorized by the Commissioner, either in the manner provided by law for service of process in civil actions, or by registering and mailing a copy thereof to the person affected by such statement, notice, order or other process at his or its residence or principal office.
or place of business. The verified return by the person so serving such statement, notice, order or other process, setting forth the manner of such service, shall be proof of the same, and the return postcard receipt for such statement, notice, order or other process, registered and mailed as aforesaid, shall be proof of the service of the same.

SECTION 299. PROCEDURES AS TO UNDEFINED PRACTICES.—(1) Whenever the Commissioner has reason to believe that any person engaged in the business of insurance is engaging in this state in any method of competition or in any act or practice in the conduct of such business which is not expressly prohibited or defined in this chapter, that such method of competition is unfair or that such act or practice is unfair or deceptive and that a proceeding by him in respect thereto would be to the interest of the public, he may issue and serve upon such person a statement of the charges in that respect and a notice of a hearing thereon to be held at a time and place fixed in the notice, which shall not be less than twenty (20) days after the date of the service thereof. Each such hearing shall be conducted in the same manner as the hearings provided for in chapter 2 of this code. The Commissioner shall, after such hearing, make a report in writing in which he shall state his findings as to the facts, and he shall serve a copy thereof upon such person.

(2) If such report charges a violation of this chapter and if such method of competition, act or practice has not been discontinued, the Commissioner may, through counsel, at any time after thirty (30) days after the service of such report cause a petition to be filed in the District Court of Ada County, to enjoin and restrain such person from engaging in such method, act or practice. The Court shall have jurisdiction of the proceeding and shall have power to make and enter appropriate orders in connection therewith and to issue such writs as are ancillary to its jurisdiction or are necessary in its judgment to prevent injury to the public pendente lite.

(3) A transcript of the proceedings before the Commissioner, including all evidence taken and the report and findings, shall be filed with such petition. If either party applies to the court for leave to adduce additional evidence and shows, to the satisfaction of the court, that such additional evidence is material and there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Commissioner, the court may order such additional evidence to be taken before the Commissioner
and to be adduced upon the hearing in such manner and upon such terms and conditions as may seem proper to the court. The Commissioner may modify his findings of fact or make new findings by reason of the additional evidence so taken, and he shall file such modified or new findings with the return of such additional evidence.

(4) If the court finds that the method of competition complained of is unfair or that the act or practice complained of is unfair or deceptive, that the proceeding by the Commissioner with respect thereto is to the interest of the public and that the findings of the Commissioner are supported by the weight of the evidence, the court shall issue its order enjoining and restraining the continuance of such method of competition, act or practice.

SECTION 300. APPEAL BY INTERVENOR. — If the report of the Commissioner under section 299 does not charge a violation of this chapter, then any intervenor in the proceedings may within thirty (30) days after the service of such report, cause a notice of appeal from the order of the Commissioner to be filed in the District Court of Ada County. The provisions of sections 58 through 63 of this code shall apply to an appeal taken under this section.

SECTION 301. ILLEGAL DEALING IN PREMIUMS; EXCESS CHARGES FOR INSURANCE.—(1) No person shall wilfully collect any sum as premium or charge for insurance, which insurance is not then provided or is not in due course to be provided (subject to acceptance of the risk by the insurer) by an insurance policy issued by an insurer as authorized by this code.

(2) No person shall wilfully collect as premium or charge for insurance any sum in excess of the premium or charge applicable to such insurance, and as specified in the policy, in accordance with the applicable classifications and rates as filed with and approved by the Commissioner; or, in cases where classifications, premiums, or rates are not required by this code to be so filed and approved, such premiums and charges shall not be in excess of those specified in the policy and as fixed by the insurer. This provision shall not be deemed to prohibit the charging and collection, by surplus line brokers licensed under chapter 12 of this code, of the amount of applicable state and federal taxes in addition to the premium required by the insurer. Nor shall it be deemed to prohibit the charging and collection, by a life insurer, of amounts actually to be expended
for medical examination of an applicant for life insurance or for reinstatement of a life insurance policy.

(3) Each violation of this section shall be punishable under section 17 (general penalty).

SECTION 302. MUST REPORT EXACT CONSIDERATION.—Every agent, broker or other insurance representative shall report to the insurer the exact consideration charged for any insurance policy or contract. If any policy, contract or certificate of insurance is issued by the agent, broker or representative, such exact consideration shall also be shown therein. This provision shall not apply as to certificates or other evidence of insurance issued to individuals as to coverage under group life or group disability insurance or group annuity contracts; nor as to any form of insurance contract lawfully authorized by the insurer and under which the amount of the premium is to be determined subsequent to the issuance of the contract.

SECTION 303. FALSE APPLICATIONS, CLAIMS, PROOFS OF LOSS.—Any agent, solicitor, broker, examining physician, applicant, or other person, who knowingly or willfully makes any false or fraudulent statement or representation in or with respect to any application for insurance; or for the purpose of obtaining any money or benefit, knowingly or willfully presents or causes to be presented a false or fraudulent claim; or any proof in support of such a claim for the payment of a loss upon a contract of insurance or annuity; or prepares, makes, or subscribes a false or fraudulent account, certificate, affidavit or proof of loss, or other document or writing, with intent that the same may be presented or used in support of such a claim, shall be guilty of a misdemeanor and shall be subject to the penalties provided for in section 17 (general penalty).

SECTION 304. DAMAGE, DESTRUCTION OF INSURED PROPERTY.—Any person who willfully burns or in any other manner injures or destroys any property which is at the time insured against loss or damage, with intent to defraud or prejudice the insurer or for personal gain, whether the same be the property of, or in possession of, such person or any other, is punishable by imprisonment in the state prison not less than one (1) year nor more than ten (10) years.

SECTION 305. VIOLATIONS—PENALTY.—Any person who violates any provision of this chapter as to which a penalty is not expressly provided, or who violates a cease
and desist order issued by the Commissioner under section 297 after such order has become final, shall be subject to penalties as prescribed by or referred to in section 17 (general penalty).

SECTION 306. SCOPE OF CHAPTER.—(1) Except as provided in sections 359 and 361 (other provisions applicable, casualty and surety rates) or 380 (other provisions applicable, workmen's compensation rates), this chapter applies to property, marine and inland marine insurance on risks located in this state.

(2) “Inland marine” insurance shall be deemed to include insurance now or hereafter defined by statute, or by interpretation thereof, or if not so defined or interpreted, by ruling of the Commissioner, or as established by general custom of the business, as inland marine insurance.

(3) This chapter shall not apply:

(a) To reinsurance, other than joint reinsurance to the extent stated in section 331;

(b) To insurance of vessels or craft, their cargos, marine builders' risks, marine protection and indemnity; or other risks commonly insured under marine, as distinguished from inland marine, insurance policies;

(c) To insurance against loss of or damage to aircraft or against liability arising out of ownership, maintenance or use of aircraft, nor to insurance of hulls of aircraft, including their accessories and equipment;

(d) To any domestic self-insurer for fire.

SECTION 307. PURPOSE OF LAW — INTERPRETATION.—The purpose of this chapter is to promote the public welfare by regulating insurance rates to the end that they shall not be excessive, inadequate or unfairly discriminatory, and to authorize and regulate cooperative action among insurers in rate making and in other matters within the scope of this chapter. Nothing in this chapter is intended (1) to prohibit or discourage reasonable competition, or (2) to prohibit, or encourage except to the extent necessary to accomplish the aforementioned purposes, uniformity in insurance rates, rating systems, rating plans or practices. This chapter shall be liberally interpreted to carry into effect the provisions of this section.

SECTION 308. INSURER'S ELECTION WHERE TWO LAWS APPLY.—If any kind of insurance, subdivision or
combination thereof or type of coverage, is subject to the provisions of this chapter applicable to property, marine and inland marine insurance and to any law of the state of Idaho regulating casualty insurance, the insurer shall file with the Commissioner a designation as to whether the provisions of this chapter or the provisions of the law regulating casualty insurance shall be applicable to such kind of insurance, subdivision or combination thereof, or type of coverage.

SECTION 309. RATE-MAKING FACTORS. — All rates shall be made in accordance with the following provisions:

(1) Due consideration shall be given to past and prospective loss experience within and outside this state, to catastrophe hazards, if any, to a reasonable margin for underwriting profit and contingencies, to dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers, to past and prospective expenses both countrywide and those specially applicable to this state, and to all other relevant factors within and outside this state.

(2) Rates to which this chapter applies shall also be subject to the following provisions:

(a) Manual, minimum, class rates, rating schedules or rating plans, shall be made and adopted, except in the case of specific inland marine rates on risks specially rated.

(b) Due consideration shall be given to the conflagration hazards, and in the case of fire insurance rates consideration shall be given to the experience of the fire insurance business during a period of not less than the most recent five-year period for which such experience is available.

SECTION 310. RATE STANDARDS.—(1) Rates shall not be excessive, inadequate or unfairly discriminatory.

(2) No rate shall be held to be excessive if the Commissioner finds that free competition exists in the area and in the classification covered by such rate.

(3) No rate shall be held to be inadequate unless the Commissioner finds that (a) such rate is unreasonably low for the insurance provided and the continued use of such rate endangers the solvency of the insurer using the same, or (b) that such rate is unreasonably low for the insurance provided and the use of such rate by the insurer
using the same has, or if continued will have, the effect of destroying competition or creating a monopoly.

(4) Neither of such findings shall be made by the Commissioner except after a hearing on reasonable notice as provided by section 315(3).

SECTION 311. UNIFORMITY. — Except to the extent necessary to meet the requirements of section 310, uniformity among insurers in any matters within the scope of sections 309 and 310 is neither required nor prohibited.

SECTION 312. RATE FILINGS REQUIRED. — (1) Every insurer shall file with the Commissioner, except as to inland marine risks which by general custom of the business are not written according to manual rates or rating plans, every manual, minimum, class rate, rating schedule, rating or cancellation plan and every other rating or cancellation rule and every modification of any of the foregoing which it proposes to use for property, marine and inland marine insurance to which this chapter applies. Specific inland marine rates on risks specially rated, made by a rating organization shall be filed with the Commissioner.

(2) Every such filing shall state the proposed effective date thereof, and shall indicate the character and extent of the coverage contemplated. A filing shall be open to public inspection after the filing becomes effective but not prior thereto.

(3) An insurer may satisfy its obligation to make such filings by becoming a member of, or a subscriber to, a licensed rating organization which makes such filings, and by authorizing the Commissioner to accept such filings on its behalf; but nothing contained in this chapter shall be construed as requiring any insurer to become a member of or a subscriber to any rating organization.

SECTION 313. EXEMPTION FROM FILING. — Under such rules and regulations as may be promulgated by the Commissioner in carrying out the provisions of this chapter, he may, by written order, suspend or modify the requirement of filing as to any kind of insurance subject to this chapter, subdivision or combination thereof, or as to classes of risks, the rates for which can not practicably be filed before they are used. Such orders, rules and regulations shall be made known to insurers and rating organizations affected thereby. The Commissioner may make
such examination as he may deem advisable to ascertain whether any rates affected by such order meet the standards set forth in section 310.

SECTION 314. EFFECTIVE DATE OF FILING.—(1) The Commissioner shall review filings as soon as reasonably possible after they have been made in order to determine whether they meet the requirements of this chapter.

(2) Subject to the exception specified in subsection (3) below, each filing shall be on file for a waiting period of fifteen (15) days before it becomes effective, which period may be extended by the Commissioner for an additional period not to exceed fifteen (15) days if he gives written notice within such waiting period to the insurer or rating organization which made the filing that he needs such additional time for the consideration of such filing. Upon written application by such insurer or rating organization, the Commissioner may authorize a filing which he has reviewed to become effective before the expiration of the waiting period or any extension thereof. A filing shall be deemed to meet the requirements of this chapter unless disapproved by the Commissioner within the waiting period or any extension thereof.

(3) Specific inland marine rates on risks specially rated by a rating organization shall become effective when filed and shall be deemed to meet the requirements of this chapter until such time as the Commissioner reviews the filing and so long thereafter as the filing remains in effect.

SECTION 315. DISAPPROVAL OF FILING—SUBSEQUENT DISAPPROVAL.—(1) If, within the waiting period, or any extension thereof as provided in subsection (2) of section 314, the Commissioner finds that a filing does not meet the requirements of this chapter, he shall send to the insurer or rating organization which made such filing, written notice of disapproval of the filing specifying therein in what respect he finds the filing fails to meet the requirements of this chapter and stating that the filing shall not become effective.

(2) If, within thirty (30) days after a specific inland marine rate on a risk specially rated by a rating organization subject to section 314(3) has become effective, the Commissioner finds that such filing does not meet the requirements of this chapter, he shall send to the insurer or rating organization which made the filing written notice of disapproval of the filing specifying therein in what re-
spect he finds that the filing fails to meet the requirements of this chapter and stating when, within a reasonable period thereafter, the filing shall be deemed no longer effective. The disapproval shall not affect any contract made or issued prior to the expiration of the period set forth in the notice.

(3) If, at any time subsequent to the applicable review period referred to in subsections (1) and (2) of this section, the Commissioner finds that a filing does not meet the requirements of this chapter, he shall, after a hearing held upon not less than ten (10) days' written notice, specifying the matters to be considered at such hearing, to every insurer and rating organization which made such filing, issue an order specifying in what respects he finds that the filing fails to meet the requirements of this chapter, and stating when, within a reasonable period thereafter, the filing shall be deemed no longer effective. Copies of the order shall be sent to every such insurer and rating organization. The order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in the order.

(4) No manual, minimum, class rate, rating schedule, rating plan, rating rule, rating system, plan of operation or any modification of the foregoing shall be disapproved if the rates thereby produced meet the requirements of this chapter.

SECTION 316. ADHERENCE TO FILINGS.—No insurer shall make or issue a contract of insurance or policy except in accordance with the filings which are in effect for the insurer as provided in this chapter or in accordance with sections 313 (exemption from filing) or 317 (excess rates). This section shall not apply to contracts or policies for inland marine risks as to which filings are not required.

SECTION 317. EXCESS RATES.—Upon filing with the Commissioner a statement of the insured giving the reasons therefor and his agreement thereto, and subject to review by the Commissioner, a rate in excess of that provided by a filing otherwise applicable may be used on any specific risk.

SECTION 318. DEVIATIONS.—(1) Every member of or subscriber to a rating organization shall adhere to the filings made on its behalf by such organization except that any such insurer may make written application to the
Commissioner for permission to file a deviation from the class rates, schedules, rating plans or rules respecting any kinds of insurance. Such deviation must apply to a class of risks as a whole and the same treatment shall be afforded all risks within the class throughout the state. Such application shall specify the basis for the modification and a copy thereof shall also be sent simultaneously to the rating organization.

(2) The Commissioner shall set a time and place for a hearing at which the insurer and the rating organization may be heard and shall give them not less than ten (10) days’ written notice thereof. In event the Commissioner is advised by the rating organization that it does not desire a hearing he may, upon the consent of the applicant, waive such hearing. The Commissioner shall issue an order permitting the modification for such insurer to be filed if he finds it to be justified and it shall thereupon become effective. He shall issue an order denying such application if he finds that the modification is not justified or that the resulting premiums would be excessive, inadequate or unfairly discriminatory. Each deviation permitted to be filed shall be effective for a period of not less than one year from the date of such permission unless terminated sooner with the approval of the Commissioner.

SECTION 319. BUSINESS TO BE SUBMITTED TO EXAMINING BUREAU. — Every insurer making filings under this chapter shall submit all fire and allied lines business written thereunder to a duly licensed examining bureau within this state for examination and shall comply with the regulations and decisions of such examining bureau in all matters pertaining thereto. Each insurer shall designate, in compliance with this section, the examining bureau to which it is a subscriber, except that in the event such insurer is a subscriber to a rating organization it shall be deemed sufficient to indicate the same and it shall be assumed that all business written will be submitted for examination to the examining bureau of such rating organization.

SECTION 320. RATING ORGANIZATIONS—LICENSING.—(1) Any person, corporation, unincorporated association, partnership or individual, whether located within or outside this state, not an officer or employee of any insurer, may apply to the Commissioner for a license as a rate making organization for such kinds of insurance or subdivisions or classes of risk or part or combination there-
of as are specified in its application. A property insurance rating organization shall establish and maintain a rate making office in this state, and to the extent reasonably possible shall maintain in such office all the files and records relating to the rates currently filed by such rating organization and the making thereof; but this provision does not apply as to marine or inland marine or crop hail insurance rating organizations.

(2) As part of its application the rating organization shall file with the Commissioner:

(a) Copy of its constitution, its articles of agreement or association or its certificate of incorporation, and of its bylaws, rules and regulations governing the conduct of its business;

(b) A list of its members and subscribers;

(c) The name and address of a resident of this state upon whom notices or orders of the Commissioner or process affecting the rating organization may be served; and

(d) A statement of its qualifications as a rating organization.

(3) If the Commissioner finds that the applicant is competent, trustworthy and otherwise qualified to act as a rating organization, and that its constitution, articles of agreement or association or certificate of incorporation, and its bylaws, rules and regulations governing the conduct of its business conform to the requirements of law, he shall issue a license specifying the kinds of insurance or subdivision or class of risk or part or combination thereof for which the applicant is authorized to act as a rating organization. Every such application shall be granted or denied in whole or in part by the Commissioner within sixty (60) days of the date of its filing with him.

SECTION 321. LICENSE FEE, EXPIRATION, RENEWAL, SUSPENSION OR REVOCATION. — (1) Licenses issued to rating organizations under section 320 shall remain in effect for three (3) years, unless sooner suspended or revoked by the Commissioner, and may be renewed for successive periods of three (3) years each upon application of the rating organization and payment in advance of the license fee.

(2) The fee for the license shall be in the amount specified in section 104 (fee schedule) for each three-year period or part thereof the license is in force.
(3) The Commissioner may suspend or revoke the license if he finds, after a hearing thereon of which notice was duly given to the rating organization, that the rating organization no longer meets the requirements of section 320, or for failure to comply with the Commissioner's order as provided in section 337.

SECTION 322. ADMISSION OF SUBSCRIBERS - SERVICES NONDISCRIMINATORY. — (1) Subject to rules and regulations which have been approved by the Commissioner as reasonable, each rating organization shall permit any insurer, not a member, to be a subscriber to its rating services for any kind of insurance or subdivision thereof, or class of risk or a part or combination thereof for which it is authorized to act as a rating organization. Notice of proposed changes in such rules and regulations shall be given to subscribers.

(2) Each rating organization shall furnish its rating services without discrimination to its members and subscribers.

(3) The reasonableness of any rule or regulation in its application to subscribers, or the refusal of any rating organization to admit an insurer as a subscriber, shall, at the request of any subscriber or any such insurer, be reviewed by the Commissioner at a hearing held upon at least ten (10) days' written notice to the rating organization and to the subscriber or insurer. If the Commissioner finds that such rule or regulation is unreasonable in its application to subscribers, he shall order that the rule or regulation shall not be applicable to subscribers. If a rating organization fails to grant or reject an insurer's application for subscribership within thirty (30) days after it was made, the insurer may request a review by the Commissioner as if the application had been rejected. If the Commissioner finds that the insurer has been refused admittance to the rating organization as a subscriber without justification, he shall order the rating organization to admit the insurer as a subscriber. If he finds that the action of the rating organization was justified, he shall make an order affirming its action.

SECTION 323. EXPENSES OF PROPERTY INSURANCE RATING ORGANIZATION. — The expenses of a property insurance rating organization shall be shared by each member or subscriber in proportion to the gross premiums received by such member or subscriber during the last preceding calendar year for which a report is avail-
able on business rated by such organization for such mem-
ber or subscriber, deducting premiums returned to policy-
holders. The rating organization may make such reason-
able charge for special services rendered at the request of
a particular member or subscriber, as is in accordance
with its rules therefor filed with and approved by the
Commissioner.

SECTION 324. RULES NOT TO AFFECT DIVIDENDS.
—No rating organization shall adopt any rule the effect
of which would be to prohibit or regulate the payment of
dividends, savings or unabsorbed premium deposits allowed
or returned by insurers to their policyholders, members or
subscribers.

SECTION 325. NOTICE OF RATING ORGANIZATION
CHANGES.—Every rating organization shall notify the
Commissioner promptly of every change in (1) its consti-
tution, its articles of agreement or association, or its cer-
tificate of incorporation, and its bylaws, rules and regu-
lations governing the conduct of its business, (2) its list
of members and subscribers, and (3) the name and address
of the resident of this state designated by it upon whom
notices or orders of the Commissioner or process affecting
such rating organization may be served.

SECTION 326. TECHNICAL SERVICES.—Any rating
organization may subscribe for or purchase actuarial, tech-
nical or other services, and such services shall be available
to all members and subscribers without discrimination.

SECTION 327. APPEAL BY MINORITY.—(1) Any
member of or subscriber to a rating organization may
appeal to the Commissioner from the action or decision of
the rating organization in approving or rejecting any pro-
posed change in or addition to the filings of the rating or-
ganization and the Commissioner shall, after a hearing
held upon not less than ten (10) days’ written notice to
the appellant and to the rating organization, issue an order
approving the action or decision of the rating organiza-
tion or directing it to give further consideration to such
proposal, or, if such appeal is from the action or decision
of the rating organization in rejecting a proposed addition
to its filings, he may, in the event he finds that such action
or decision was unreasonable, issue an order directing the
rating organization to make an addition to its filings, on
behalf of its members and subscribers, in a manner con-
sistent with his findings, within a reasonable time after
the issuance of such order.
(2) If such appeal is based upon the failure of the rating organization to make a filing on behalf of such member or subscriber which is based on a system of expense provisions which differs, in accordance with the right granted in section 348(2), from the system of expense provisions included in a filing made by the rating organization, the Commissioner shall, if he grants the appeal, order the rating organization to make the requested filing for use by the appellant. In deciding such appeal the Commissioner shall apply the standards set forth in section 348. This subsection applies only as to casualty insurance rating organizations, surety insurance rating organizations, and workmen's compensation insurance rating organizations.

SECTION 328. INFORMATION TO INSURED — REVIEW OF INSURED'S COMPLAINT. — (1) Every rating organization and every insurer which makes its own rates shall, within a reasonable time after receiving written request therefor and upon payment of such reasonable charges as it may make, furnish to any insured affected by a rate made by it, or to the authorized representative of such insured, all pertinent information as to such rate.

(2) Every rating organization and every insurer which makes its own rates shall provide within this state reasonable means whereby any person aggrieved by the application of its rating system may be heard, in person or by his authorized representative, on his written request to review the manner in which such rating system has been applied in connection with the insurance afforded him. If the rating organization or insurer fails to grant or reject such request within thirty (30) days after it is made, the applicant may proceed in the same manner as if his application had been rejected. Any party affected by the action of such rating organization or such insurer on such request may, within thirty (30) days after written notice of such action, appeal to the Commissioner, who, after a hearing held upon not less than ten (10) days' written notice to the appellant and to such rating organization or insurer, may affirm or reverse such action.

SECTION 329. APPEAL FROM FILING. — (1) Any person or organization aggrieved with respect to any filing which is in effect may make written application to the Commissioner for a hearing thereon, provided, however, that the insurer or rating organization that made the filing shall not be authorized to proceed under this section. Such application shall specify the grounds to be relied upon by the applicant. If the Commissioner finds that the appli-
cation is made in good faith, that the applicant would be so aggrieved if his grounds are established, and that such grounds otherwise justify holding such a hearing, he shall, within thirty (30) days after receipt of such application, hold a hearing upon not less than ten (10) days' written notice to the applicant and to every insurer and rating organization which made the filing.

(2) If, after such hearing, the Commissioner finds that the filing does not meet the requirements of the law he shall issue an order specifying in what respects he finds that such filing fails to meet the requirements of law, and stating when, within a reasonable period thereafter, such filing shall be deemed no longer effective. Copies of the order shall be sent to the applicant and to every such insurer and rating organization. The order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in the order.

SECTION 330. ADVISORY ORGANIZATIONS. — (1) Every group, association or other organization of insurers, whether located within or outside this state, which assists insurers which make their own filings or rating organizations in rate making, by the collection and furnishing of loss or expense statistics, or by the submission of recommendations, but which does not make rate filings under this code, shall be known as an advisory organization.

(2) Every advisory organization shall file with the Commissioner:

(a) A copy of its constitution, its articles of agreement or association, or its certificate of incorporation and of its bylaws, rules and regulations governing its activities;

(b) A list of its members;

(c) The name and address of a resident of this state upon whom notices or orders of the Commissioner or process issued at his direction may be served; and

(d) An agreement that the Commissioner may examine such advisory organization in accordance with the provisions of section 332.

(3) If, after a hearing, the Commissioner finds that the furnishing of such information or assistance involves any act or practice which is unfair or unreasonable or otherwise inconsistent with the provisions of this code, he may issue a written order specifying in what respects such act
or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this code, and requiring the discontinuance of such act or practice.

(4) No casualty or surety or workmen's compensation insurer or rating organization shall use loss or expense statistics or adopt rate making recommendations furnished to it by an advisory organization which has not complied with this section or with an order of the Commissioner involving such statistics or recommendations issued under subsection (3) of this section. If the Commissioner finds such insurer or rating organization to be in violation of this subsection he may issue an order requiring the discontinuance of such violation.

(5) No property insurer which makes its own filings nor any property insurance rating organization shall support its filings by statistics or adopt rate making recommendations, furnished to it by an advisory organization which has not complied with this section or with an order of the Commissioner involving such statistics or recommendation issued under subsection (3) of this section. If the Commissioner finds such insurer or rating organization to be in violation of this subsection he may issue an order requiring the discontinuance of such violation.

SECTION 331. JOINT UNDERWRITING OR JOINT REINSURANCE.—(1) Every group, association or other organization of insurers which engages in joint underwriting or joint reinsurance, shall be subject to regulation with respect thereto as herein provided, subject, however, with respect to joint underwriting, to all other applicable provisions of this chapter, or chapters 15 (casualty and surety rates) or 16 (workmen's compensation rates), and, with respect to joint reinsurance to sections as follows:

(a) Section 332 (examination of rating, advisory, and joint reinsurance organizations);

(b) Section 337 (penalties);

(c) Section 339 (hearing procedure); and

(d) Section 340 (appeal from the Commissioner).

(2) If, after a hearing, the Commissioner finds that any activity or practice of any such group, association or other organization is unfair or unreasonable or otherwise inconsistent with the applicable provisions of this chapter, or chapters 15 or 16, he may issue a written order specifying
in what respects such activity or practice is unfair or unreasonable or otherwise inconsistent with such provisions, and requiring the discontinuance of such activity or practice.

SECTION 332. EXAMINATION OF RATING, ADVISORY, AND JOINT REINSURANCE ORGANIZATIONS. —(1) The Commissioner shall, at least once in five (5) years, make or cause to be made an examination of each rating organization licensed in this state and he may, as often as he may deem it expedient, make or cause to be made an examination of each advisory organization referred to in section 330 and of each group, association or other organization referred to in section 331. The reasonable costs of any such examination shall be paid by the rating organization, advisory organization, or group, association or other organization examined upon presentation to it of a detailed account of such costs. The officers, manager, agents and employees of such rating organization, advisory organization, or group, association or other organization may be examined at any time under oath and shall exhibit all books, records, accounts, documents, or agreements governing its method of operation. In lieu of any such examination the Commissioner may accept the report of an examination made by the insurance supervisory official of another state, pursuant to the laws of such state.

(2) The examination of a casualty or surety rating organization with respect to any class or classes of insurance to which sections 347 through 359 are not applicable pursuant to section 347, shall be made only in relation to the rules, regulations and general practices of the rating organization and shall not be made in relation to the making or use of its manuals of classifications, rates, rating plans or modifications thereof.

SECTION 333. RECORDING, REPORTING OF LOSS AND EXPENSE EXPERIENCE.—(1) The Commissioner shall promulgate reasonable rules and statistical plans, reasonably adapted to each of the rating systems on file with him, which may be modified from time to time and which shall be used thereafter by each insurer in the recording and reporting of its loss and countrywide expense experience, in order that the experience of all insurers may be made available at least annually in such form and detail as may be necessary to aid him in determining whether rating systems comply with the factors and standards set
forth in sections 309 and 310 (property insurance), or 348 (casualty and surety insurances) or 364 and 365 (workmen’s compensation), as applicable. Such rules and plans may also provide for the recording and reporting of expense experience items which are specially applicable to this state and are not susceptible of determination by a prorating of countrywide expense experience.

(2) In promulgating such rules and plans the Commissioner shall give due consideration to the rating systems on file with him and, in order that such rules and plans may be as uniform as is practicable among the several states, to the rules and to the form of the plans used for such rating systems in other states.

(3) No insurer shall be required to record or report its loss experience on a classification basis that is inconsistent with the rating system filed by it.

(4) The Commissioner may designate one or more rating organizations or other agencies to assist him in gathering such experience and making compilations thereof, and such compilations shall be made available, subject to reasonable rules promulgated by the Commissioner, to insurers and rating organizations.

SECTION 334. INTERCHANGE OF DATA, CONSULTATION.—(1) The Commissioner may promulgate reasonable rules and plans for the interchange of data necessary for the application of rating plans.

(2) In order to further uniform administration of rate regulatory laws, the Commissioner and every insurer and rating organization may exchange information and experience data with insurance supervisory officials, insurers and rating organizations in other states and may consult with them with respect to rate making and the application of rating systems.

SECTION 335. COOPERATION AMONG RATING ORGANIZATIONS AND INSURERS.—Cooperation among rating organizations or among rating organizations and insurers in rate making or in other matters within the scope of this chapter, or chapters 15 (casualty and surety rates) or 16 (workmen’s compensation rates) is hereby authorized, provided the filings resulting from such cooperation are subject to all the provisions of the respective such chapters which are applicable to filings generally. The Commissioner may review such cooperative activities and practices and if, after a hearing, he finds that any such activity
or practice is unfair or unreasonable or otherwise inconsistent with the provisions of law, he may issue a written order specifying in what respects such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of law, and requiring the discontinuance of such activity or practice.

SECTION 336. FALSE, MISLEADING INFORMATION. — No person or organization shall wilfully withhold information from, or knowingly give false or misleading information to, the Commissioner, any statistical agency designated by the Commissioner, any rating organization, or any insurer, which will affect the rates or premiums chargeable under this code. A violation of this section shall subject the one guilty of such violation to the penalties provided in section 337.

SECTION 337. PENALTIES FOR VIOLATIONS, NON-COMPLIANCE. — (1) Violations of this chapter, or of chapters 15 (casualty and surety rates) or 16 (workmen's compensation rates) shall be subject to the penalties provided by section 17 (general penalty).

(2) After a hearing thereon of which not less than ten (10) days' written notice specifying the alleged noncompliance has been given the rating organization or insurer, the Commissioner may suspend or revoke the license of any rating organization or the certificate of authority of any insurer which has failed to comply with an order of the Commissioner within the time limited by the order, or within any extension of time which the Commissioner may grant. The Commissioner shall not so suspend or revoke for failure to comply with his order until the time prescribed for an appeal from such order has expired or if an appeal has been taken, until such order has been affirmed. The Commissioner may determine when the suspension or revocation shall become effective, and, subject to section 92 as to an insurer's certificate of authority, any suspension order shall remain in effect for the period fixed by him unless he modifies or rescinds the suspension or until the order upon which the suspension is based is modified, rescinded or reversed.

SECTION 338. RULES AND REGULATIONS. — As provided in section 28 (rules and regulations) the Commissioner may make reasonable rules and regulations necessary to effectuate any provision of this chapter or of chapters 15 (casualty and surety rates) or 16 (workmen's compensation rates).
SECTION 339. HEARING PROCEDURE.—(1) An insurer, rating organization, or insurance examining bureau aggrieved by any order or decision of the Commissioner made without a hearing, may, within thirty (30) days after notice of the order to the insurer, organization or bureau, make written request to the Commissioner for a hearing thereon. The Commissioner shall hear such party or parties within twenty (20) days after receipt of such request and shall give not less than ten (10) days’ written notice of the time and place of the hearing. The hearing shall be concluded within fifteen (15) days from the commencement thereof, provided however, that the Commissioner upon application with notice to the interested parties and for good cause shown, may grant additional time, not exceeding fifteen (15) days. Within twenty (20) days after the conclusion of such hearing the Commissioner shall affirm, reverse or modify his previous action, specifying his reasons therefor, and shall give a copy of such order or decision to all interested parties.

(2) The order shall contain specific findings of fact by the Commissioner in relation to the matter before him, such findings to be supported by a preponderance of the evidence. Any party may file with the Commissioner proposed findings of fact, to be accepted or rejected by the Commissioner.

(3) Pending such hearing and decision thereon the Commissioner may suspend or postpone the effective date of his previous action.

(4) Nothing contained in this chapter, or in chapters 15 (casualty and surety rates) or 16 (workmen’s compensation rates), shall require the observance at any hearing before the Commissioner of formal rules of pleading or evidence, except that the right of any person to invoke such rules and the rule of exclusion of witnesses is preserved.

SECTION 340. APPEAL FROM THE COMMISSIONER. —Any person, insurer and rating and/or examining bureau aggrieved by any order made by the Commissioner under this chapter or chapters 15 (casualty and surety rates), 16 (workmen’s compensation rates), or 17 (insurance examining bureaus) may appeal therefrom to the district court of the third judicial district of the State of Idaho for Ada County within thirty (30) days after service of such order. Such appeal shall be taken by serving upon the Commissioner, and filing with the clerk of such court,
notice of appeal, together with a copy of the order appealed from, a copy of the notice of hearing, and an undertaking in the sum of five hundred dollars ($500), with one or more qualified sureties, conditioned to pay all the costs that may be awarded against the appellant upon the appeal. The appeal shall be heard de novo in the district court in the manner provided by law for the trial of suits in equity. The Court shall determine by its decree or order the extent the order of the Commissioner shall be modified, affirmed or reversed. Either the Commissioner or any person, insurer or rating and/or examining bureau aggrieved by the order or decree of the district court may appeal therefrom to the supreme court of the State of Idaho in the same manner as provided by law for an appeal from a final judgment.

SECTION 341. SCOPE OF CHAPTER.—(1) Except as provided in section 380 (other provisions applicable, workmen’s compensation rates) this chapter applies to casualty insurance (including all forms of automobile insurance), as defined in section 115 (other than workmen’s compensation coverages), and to surety insurance, as defined in section 116 (other than the insurance or guaranty of the obligations of employers under workmen’s compensation laws), on risks or operations in this state.

(2) This chapter does not apply as to:

(a) Workmen’s compensation coverages, except as stated in subsection (1) above;

(b) Reinsurance, other than joint reinsurance to the extent stated in section 331 (joint underwriting or joint reinsurance);

(c) Insurance against loss of or damage to aircraft or against liability arising out of the ownership, maintenance or use of aircraft; and

(d) Any reciprocal insurer writing hazards or perils for its members exclusively associated with a single industry.

SECTION 342. FINDINGS.—(1) There are at the present time more than one hundred (100) insurers doing business in this state in one or more of the various classes of casualty and surety insurance to which this chapter applies.

(2) Reasonable competition exists among such insurers with respect to such classes of insurance in this state.
(3) Insurers which write a large part of the total amount of insurance written in this state in such classes are not members of or subscribers to rating organizations with respect to operations in other states, and presumably would not become members of or subscribers to rating organizations if such organizations were licensed in this state.

(4) Some of the insurers writing such classes of insurance in this state are members of or subscribers to rating organizations with respect to operations in other states, and presumably would become members of or subscribers to rating organizations if such organizations were licensed in this state.

(5) It is reasonable to assume that reasonable competition will continue to exist among insurers with respect to such classes of insurance in this state, if rate making in concert were authorized and rating organizations were licensed in this state for such classes of insurance.

(6) So long as reasonable competition continues to exist in such classes of insurance, the public welfare is served both by the making of rates in concert and by the making of rates by individual insurers, and no review of rates by the state is necessary or desirable in the public interest with respect to such classes of insurance.

(7) So long as reasonable competition continues to exist, regulation adequate to protect the welfare of the citizens of this state with respect to rate making in concert and rating organizations for such classes of insurance may be secured by the licensing and periodical examination of rating organizations.

Section 343. Declaration of Policy.—It is the purpose of this chapter to promote the public welfare by:

(1) Regulating the classes of insurance within the scope of this chapter so as to make certain federal acts, specifically referred to in Public Law 15, 79th Congress, inapplicable to the business of insurance with respect to such classes in this state to the extent of the power of this state to make such acts inapplicable;

(2) Authorizing rate making in concert and the operation of rating organizations for such classes of insurance, subject to the regulation provided for in this chapter;

(3) Retaining and preserving the benefits which flow from reasonable competition, without review of rates by the state for such classes of insurance; and
(4) Providing for review of rates by the state for such classes of insurance within the scope of this chapter, if any, in which such reasonable competition may not hereafter exist.

SECTION 344. INSURER'S ELECTION WHERE TWO LAWS APPLY.—If any kind of insurance, subdivision or combination thereof, or type of coverage, subject to this chapter is also subject to the applicable provisions of sections 306 through 319 of chapter 14 (fire insurance rates), an insurer to which both such chapters are otherwise applicable shall file with the Commissioner a designation as to which regulatory law shall be applicable to it with respect to such kind of insurance, subdivision or combination thereof, or type of coverage.

SECTION 345. RATING ORGANIZATIONS. — (1) A corporation, an unincorporated association, a partnership or an individual, whether located within or outside this state, may make application to the Commissioner for license as a rating organization for such kinds of insurance or subdivisions thereof as are specified in its application, and shall file therewith (a) a copy of its constitution, its articles of agreement or association or its certificate or incorporation, and of its bylaws, rules and regulations governing the conduct of its business, (b) a list of its members and subscribers, (c) the name and address of a resident of this state upon whom notices or orders of the Commissioner or process affecting such rating organization may be served and (d) a statement of its qualifications as a rating organization. If the Commissioner finds that the applicant is competent, trustworthy and otherwise qualified to act as a rating organization and that its constitution, articles of agreement or association or certificate of incorporation, and its bylaws, rules and regulations governing the conduct of its business conform to the requirements of law, he shall issue a license specifying the kinds of insurance or subdivisions thereof for which the applicant is authorized to act as a rating organization. Every such application shall be granted or denied in whole or in part by the Commissioner within sixty (60) days of the date of its filing with him. Licenses issued pursuant to this section shall remain in effect for three (3) years unless sooner suspended or revoked by the Commissioner. The fee for the license shall be as provided in section 104 (fee schedule). Licenses issued pursuant to this section may be suspended or revoked by the Commissioner, after hearing upon notice, in the event the rating organization ceases to meet the re-
requirements of this subsection. Every rating organization shall notify the Commissioner promptly of every change in (a) its constitution, its articles of agreement or association or its certificate of incorporation, and its bylaws, rules and regulations governing the conduct of its business, (b) its list of members and subscribers and (c) the name and address of the resident of this state designated by it upon whom notices or orders of the Commissioner or process affecting such rating organization may be served.

(2) Subject to rules and regulations which have been approved by the Commissioner as reasonable, each rating organization shall permit any insurer, not a member, to be a subscriber to its rating services for any kind of insurance or subdivision thereof for which it is authorized to act as a rating organization. Notice of proposed changes in such rules and regulations shall be given to subscribers. Each rating organization shall furnish its rating services without discrimination to its members and subscribers. The reasonableness of any rule or regulation in its application to subscribers, or the refusal of any rating organization to admit an insurer as a subscriber, shall, at the request of any subscriber or any such insurer, be reviewed by the Commissioner at a hearing held upon at least ten (10) days' written notice to such rating organization and to such subscriber or insurer. If the Commissioner finds that such rule or regulation is unreasonable in its application to subscribers, he shall order that such rule or regulation shall not be applicable to subscribers. If the rating organization fails to grant or reject an insurer's application for subscribership within thirty (30) days after it was made, the insurer may request a review by the Commissioner as if the application had been rejected. If the Commissioner finds that the insurer has been refused admittance to the rating organization as a subscriber without justification, he shall order the rating organization to admit the insurer as a subscriber. If he finds that the action of the rating organization was justified, he shall make an order affirming its action.

(3) Every member of or subscriber to a rating organization shall adhere to the rating organization's manuals of classifications, rules, rates, rating plans and any modifications of any of the foregoing, except to the extent that the rules of such rating organization permit departures therefrom. This subsection shall not apply to any class or classes of insurance, if any, to which sections 347 through 359 shall become applicable.
(4) No rating organization shall adopt any rule the effect of which would be to prohibit or regulate the payment of dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers.

SECTION 346. DETERMINATION OF CONTINUANCE OF COMPETITION. — (1) Within one hundred twenty (120) days after the annual statements of insurers are due to be filed with the Commissioner in 1963, and within one hundred twenty (120) days after such due date in every second year thereafter, the Commissioner shall review such statements and shall make such further review as he deems necessary for the purpose of determining whether reasonable competition continues to exist in this state with respect to the classes of insurance to which this chapter applies.

(2) If he shall conclude from such review that such reasonable competition may not continue to exist, the Commissioner shall hold a hearing upon not less than thirty (30) days' written notice of the time and place thereof to all insurers authorized to do business in this state and writing the classes of insurance to which this chapter applies and to all rating organizations licensed in this state for any such classes, for the purpose of determining whether reasonable competition continues to exist in this state with respect to such classes.

(3) If after any such hearing the Commissioner determines that such reasonable competition no longer exists with respect to any of such classes of insurance, he shall, within thirty (30) days after such hearing make a written finding to that effect and give written notice thereof to all insurers writing such class or classes of insurance and to all rating organizations licensed in this state for such class or classes.

(4) If after any such review the Commissioner concludes that reasonable competition then exists with respect to any class of insurance as to which he had previously given written notice of finding that reasonable competition did not exist, he shall hold a hearing as hereinbefore provided and if he then determines that reasonable competition exists with respect to any such class, he shall issue an order that such previous finding shall no longer be in effect.

SECTION 347. CIRCUMSTANCES UNDER WHICH
FILINGS, ETC. REQUIRED.—On expiration of ninety (90) days after the notice prescribed in section 346(3), and for so long thereafter as any finding is in effect that reasonable competition no longer exists with respect to any class of insurance, sections 347 through 359 shall, in addition to all other provisions of this chapter, unless expressly otherwise provided, be applicable to the class or classes of insurance described in such finding, but shall not otherwise be applicable.

SECTION 348. MAKING OF RATES.—All rates shall be made in accordance with the following provisions:

(1) Due consideration shall be given to past and prospective loss experience within and outside this state, to catastrophe hazards, if any, to a reasonable margin for underwriting profit and contingencies, to dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers, to past and prospective expenses both countrywide and those specially applicable to this state, and to all other relevant factors within and outside this state;

(2) The systems of expense provisions included in the rates for use by any insurer or group of insurers may differ from those of other insurers or groups of insurers to reflect the requirements of the operating methods of any such insurer or group with respect to any kind of insurance, or with respect to any subdivision or combination thereof for which subdivision or combination separate expense provisions are applicable;

(3) Risks may be grouped by classifications for the establishment of rates and minimum premiums. Classification rates may be modified to produce rates on individual risks in accordance with rating plans which establish standards for measuring variations in hazards or expense provisions, or both. Such standards may measure any differences among risks that can be demonstrated to have a probable effect upon losses or expenses.

(4) Rates shall not be excessive, inadequate or unfairly discriminatory. No rate shall be held to be inadequate unless (1) such rate is unreasonably low for the insurance provided and (2) the continued use of such rate endangers the solvency of the insurer using the same, or unless (3) such rate is unreasonably low for the insurance provided and the use of such rate by the insurer using same has, or if continued will have, the effect of destroying competition or creating a monopoly.
SECTION 349. UNIFORMITY. — Except to the extent necessary to meet the provisions of section 348(4), uniformity among insurers in any matter within the scope of section 348 is neither required nor prohibited.

SECTION 350. RATE FILINGS. — (1) Subject to section 347 (circumstances under which filings, etc. required), every insurer shall file with the Commissioner every manual of classifications, rules and rates, every rating plan and every modification of any of the foregoing which it proposes to use. Every such filing shall state the proposed effective date thereof, and shall indicate the character and extent of the coverage contemplated. When a filing is not accompanied by the information upon which the insurer supports such filing, and the Commissioner does not have sufficient information to determine whether such filing meets the requirements of this chapter, he shall require such insurer to furnish the information upon which it supports such filing and in such event the waiting period shall commence as of the date such information is furnished. The information furnished in support of a filing may include:

(a) The experience or judgment of the insurer or rating organization making the filing;

(b) Its interpretation of any statistical data it relies upon;

(c) The experience of other insurers or rating organizations; or

(d) Any other relevant factors.

(2) A filing and any supporting information shall be open to public inspection after the filing becomes effective.

(3) An insurer may satisfy its obligation to make such filings by becoming a member of, or a subscriber to, a licensed rating organization which makes such filings, and by authorizing the Commissioner to accept such filings on its behalf; provided, that nothing contained in this chapter or in chapter 14 shall be construed as requiring any insurer to become a member of or a subscriber to any rating organization.

SECTION 351. EXEMPTION FROM FILING. — Under such rules and regulations as he shall adopt the Commissioner may, by written order, suspend or modify the requirements of filing as to any kind of insurance, subdivision
or combination thereof, or as to classes of risks, the rates for which cannot practicably be filed before they are used. Such orders, rules and regulations shall be made known to insurers and rating organizations affected thereby. The Commissioner may make such examination as he may deem advisable to ascertain whether any rates affected by such order meet the standards set forth in section 348(4).

SECTION 352. EFFECTIVE DATE OF FILING.—(1) The Commissioner shall review filings as soon as reasonably possible after they have been made in order to determine whether they meet the requirements of this chapter.

(2) Subject to the exception specified in subsection (3) below, each filing shall be on file for a waiting period of fifteen (15) days before it becomes effective, which period may be extended by the Commissioner for an additional period not to exceed fifteen (15) days if he gives written notice within such waiting period to the insurer or rating organization which made the filing that he needs such additional time for the consideration of such filing. Upon written application by such insurer or rating organization, the Commissioner may authorize a filing which he has reviewed to become effective before the expiration of the waiting period or of any extension thereof. A filing shall be deemed to meet the requirements of this chapter unless disapproved by the Commissioner within the waiting period or any extension thereof.

(3) Any special filing with respect to a surety or guaranty bond required by law or by court or executive order or by order, rule or regulation of a public body, not covered by a previous filing, shall become effective when filed and shall be deemed to meet the requirements of this chapter until such time as the Commissioner reviews the filing and so long thereafter as the filing remains in effect.

SECTION 353. DISAPPROVAL OF FILING WITHIN WAITING PERIOD.—(1) If within the waiting period or any extension thereof as provided in section 352(2), the Commissioner finds that a filing does not meet the requirements of this chapter, he shall send to the insurer or rating organization which made the filing written notice of disapproval of the filing specifying therein in what respects he finds the filing fails to meet the requirements of this chapter and stating that the filing shall not become effective.

(2) If within thirty (30) days after a special surety or guaranty filing subject to section 352(3) has become
effective, the Commissioner finds that such filing does not meet the requirements of this chapter, he shall send to the insurer or rating organization which made such filing written notice of disapproval of such filing specifying therein in what respects he finds that such filing fails to meet the requirements of this chapter and stating when, within a reasonable period thereafter, such filing shall be deemed no longer effective. The disapproval shall not affect any contract made or issued prior to the expiration of the period set forth in the notice.

SECTION 354. SUBSEQUENT DISAPPROVAL OF FILING.—If at any time subsequent to the applicable review period provided for in section 352, the Commissioner finds that a filing does not meet the requirements of this chapter, he shall after a hearing held upon not less than ten (10) days' written notice, specifying the matters to be considered at such hearing, to every insurer and rating organization which made the filing, issue an order specifying in what respects he finds that the filing fails to meet the requirements of this chapter, and stating when, within a reasonable period thereafter, the filing shall be deemed no longer effective. Copies of the order shall be sent to every such insurer and rating organization. The order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in the order.

SECTION 355. SCOPE OF DISAPPROVAL POWER.—No manual of classifications, rules, rating plan, or any modification of any of the foregoing which establishes standards for measuring variations in hazards or expense provisions, or both, and which has been filed pursuant to the requirements of section 350 shall be disapproved if the rates thereby produced meet the requirements of this chapter.

SECTION 356. ADHERENCE TO FILINGS.—Beginning ninety (90) days after the giving of any notice prescribed in section 346(3) and so long thereafter as any finding is in effect that reasonable competition no longer exists with respect to any class of insurance, no insurer shall make or issue a contract or policy with respect to such class, except in accordance with filings which are in effect for such insurer as provided in this chapter or in accordance with sections 351 (exemption from filing) or 357 (excess rates).

SECTION 357. EXCESS RATES.—Upon filing with the Commissioner a statement of the insured giving the reasons
therefor and his agreement thereto, and subject to review by the Commissioner, a rate in excess of that provided by a filing otherwise applicable may be used on any specific risk.

SECTION 358. DEVIATIONS. — (1) Every member of or subscriber to a rating organization shall adhere to the filings made on its behalf by such organization except that any such insurer may make written application to the Commissioner for permission to file a uniform percentage decrease or increase to be applied to the premiums produced by the rating system so filed for a kind of insurance or for a class of insurance which is found by the Commissioner to be a proper rating unit for the application of such uniform percentage decrease or increase, or for a subdivision of a kind of insurance (a) comprised of a group of manual classifications which is treated as a separate unit for rate making purposes, or (b) for which separate expense provisions are included in the filings of the rating organization. Such application shall specify the basis for the modification and shall be accompanied by the data upon which the applicant relies. A copy of the application and data shall be sent simultaneously to such rating organization.

(2) The Commissioner shall set a time and place for a hearing at which the insurer and such rating organization may be heard and shall give them not less than ten (10) days' written notice thereof. In the event the Commissioner is advised by the rating organization that it does not desire a hearing he may, upon the consent of the applicant, waive such hearing.

(3) The Commissioner shall issue an order permitting the modification for such insurer to be filed if he finds it to be justified and it shall thereupon become effective. He shall issue an order denying such application if he finds that the modification is not justified or that the resulting premiums would be excessive, inadequate or unfairly discriminatory.

(4) Each deviation permitted to be filed shall be effective for a period of one (1) year from the date of such permission unless terminated sooner with the approval of the Commissioner.

SECTION 359. CERTAIN RATE ADMINISTRATION, COOPERATION PROVISIONS APPLICABLE. — Subject to section 347, the following sections of chapter 14 shall also apply as to this chapter:
(1) Section 327 (appeal by minority).

(2) Section 328 (information to insureds—review of insured's complaint).

(3) Section 329 (appeal from filing).

(4) Section 333 (recording, reporting of loss and expense experience).

(5) Section 334 (interchange of data, consultation).

(6) Section 335 (cooperation among rating organizations and insurers).

(7) Section 336 (false, misleading information).

(8) Section 338 (rules and regulations).

SECTION 360. ASSIGNED RISKS. — Agreements may be made among insurers with respect to the equitable apportionment among them of insurance which may be afforded applicants who are in good faith entitled to but who are unable to procure such insurance through ordinary methods, and such insurers may agree among themselves on the use of reasonable rate modifications for such insurance, such agreements and rate modifications to be subject to the approval of the Commissioner.

SECTION 361. OTHER PROVISIONS APPLICABLE.—The following sections of chapter 14 shall, to the extent so applicable, also apply as to this chapter:

(1) Section 330 (advisory organizations).

(2) Section 331 (joint underwriting or joint reinsurance).

(3) Section 332 (examination of rating, advisory, and joint reinsurance organizations).

(4) Section 337 (penalties for violations, noncompliance).

(5) Section 339 (hearing procedure).

(6) Section 340 : (appeal from the Commissioner).

SECTION 362. SCOPE OF CHAPTER.—(1) This chapter applies as to workmen's compensation insurance as defined in section 115(1)(d), and to insurance or guaranty by surety insurers of the obligations of employers under workmen's compensation laws.
(2) This chapter shall not apply as to any domestic reciprocal insurer transacting workmen's compensation insurance only and insuring solely the hazards or perils of its subscribers exclusively associated with a single industry.

SECTION 363. DECLARATION OF POLICY, PURPOSE.—(1) It is declared that the public welfare is served by the making of premium rates for workmen's compensation insurance coverages in concert, and that the review by the state of the rates so made is necessary and desirable in the public interest.

(2) It is the purpose of this chapter:

(a) To authorize such rate-making in concert, and the operation of rating organizations relative thereto;

(b) To establish the general bases and standards for the making of such rates;

(c) To provide for review by the state of such rate-making and the results thereof.

SECTION 364. RATE-MAKING FACTORS.—All rates shall be made in accordance with the following provisions:

(1) Due consideration shall be given to past and prospective loss experience within and outside this state, to catastrophe hazards, if any, to a reasonable margin for underwriting profit and contingencies, to dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers, to past and prospective expenses both countrywide and those specially applicable to this state, and to all other relevant factors within and outside this state;

(2) The systems of expense provisions included in the rates for use by any insurer or group of insurers may differ from those of other insurers or groups of insurers to reflect the requirements of the operating methods of any such insurer or group with respect to any kind of insurance, or with respect to any subdivision or combination thereof for which subdivision or combination separate expense provisions are applicable;

(3) Risks may be grouped by classifications for the establishment of rates and minimum premiums. Classification rates may be modified to produce rates on individual risks in accordance with rating plans which establish standards for measuring variations in hazards or expense provisions, or both. Such standards may measure any differences among
risks that can be demonstrated to have a probable effect upon losses or expenses.

**SECTION 365. RATE STANDARD.**—Rates shall not be excessive, inadequate or unfairly discriminatory.

**SECTION 366. UNIFORMITY.**—Except to the extent necessary to meet the provisions of section 365, uniformity among insurers in any matter within the scope of sections 364 and 365 is neither required nor prohibited.

**SECTION 367. RATE FILINGs REQUIRED.**—(1) There shall be filed with the Commissioner on behalf of every insurer writing workmen's compensation coverages in this state, every manual of classifications, rules and rates, every rating plan and every modification of any of the foregoing which it proposes to use. Every such filing shall state the proposed effective date thereof, and shall indicate the character and extent of the coverage contemplated. When a filing is not accompanied by the information upon which the filing is supported, and the Commissioner does not have sufficient information to determine whether such filing meets the requirements of this chapter, he shall require the insurer's rating organization or the insurer to furnish the information upon which it supports the filing and in such event the waiting period shall commence as of the date such information is furnished. The information furnished in support of a filing may include (a) the experience or judgment of the insurer, (b) the insurer's or rating organization's interpretation of any statistical data relied upon, (c) the experience of other insurers or rating organizations, or (d) any other relevant factors.

(2) A filing and any supporting information shall be open to public inspection after the filing becomes effective.

**SECTION 368. EXEMPTION FROM FILING.**—Under such rules and regulations as he shall adopt the Commissioner may, by written order, suspend or modify the requirements of filing as to any kind of insurance, subdivision or combination thereof, or as to classes or risks, the rates for which cannot practically be filed before they are used. Such orders, rules and regulations shall be made known to insurers and rating organizations affected thereby. The Commissioner may make such examination as he may deem advisable to ascertain whether any rates affected by such order meet the standards set forth in section 365.

**SECTION 369. EFFECTIVE DATE OF FILING.**—(1)
The Commissioner shall review filings as soon as reasonably possible after they have been made in order to determine whether they meet the requirements of this chapter.

(2) Subject to the exception specified in subsection (3) below, each filing shall be on file for a waiting period of fifteen (15) days before it becomes effective, which period may be extended by the Commissioner for an additional period not to exceed fifteen (15) days if he gives written notice within such waiting period to the rating organization which made the filing that he needs such additional time for the consideration of the filing. Upon the written application by the insurer or rating organization, the Commissioner may authorize a filing which he has reviewed to become effective before expiration of the waiting period or any extension thereof. A filing shall be deemed to meet the requirements of this chapter unless disapproved by the Commissioner within the waiting period or any extension thereof.

(3) Any special filing with respect to a surety or guaranty bond required by law or by court or executive order or by order, rule or regulation of a public body, not covered by a previous filing, shall become effective when filed and shall be deemed to meet the requirements of this chapter until such time as the Commissioner reviews the filing and so long thereafter as the filing remains in effect.

SECTION 370. DISAPPROVAL OF FILING WITHIN THE WAITING PERIOD.—If within the waiting period or any extension thereof as provided in section 369 (2), the Commissioner finds that a filing does not meet the requirements of this chapter, he shall send to the rating organization which made the filing written notice of disapproval of the filing specifying therein in what respects he finds the filing fails to meet the requirements of this chapter and stating that the filing shall not become effective.

SECTION 371. SUBSEQUENT DISAPPROVAL OF FILING.—If at any time subsequent to the applicable review period provided for in section 369 (2), the Commissioner finds that a filing does not meet the requirements of this chapter, he shall after a hearing held upon not less than ten (10) days' written notice, specifying the matters to be considered at such hearing, to every rating organization which made the filing, issue an order specifying in what respects he finds that the filing fails to meet the requirements of this chapter, and stating when, within a reasonable period thereafter, the filing shall be deemed no
longer effective. Copies of the order shall be sent to every such rating organization. The order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in the order.

SECTION 372. SCOPE OF DISAPPROVAL POWER.—No manual of classifications, rules, rating plan, or any modification of any of the foregoing which establishes standards for measuring variations in hazards or expense provisions, or both, and which has been filed pursuant to the requirements of section 367 shall be disapproved if the rates thereby produced meet the requirements of this chapter.

SECTION 373. ADHERENCE TO FILINGS.—No insurer shall issue, renew, or continue in force in this state any workmen’s compensation insurance at premium rates which are less than the rates applicable under the filings in effect for the insurer, or in effect in accordance with sections 368 (exemption from filing) or 374 (excess rates).

SECTION 374. EXCESS RATES.—Upon the written application of the insured, stating his reasons therefor, filed with and approved by the Commissioner, a rate in excess of that provided by a filing otherwise applicable may be used on any specific risk.

SECTION 375. DEVIATIONS.—Every member of a rating organization shall adhere to the filings made on its behalf by such organization except that any such insurer may make written application to the Commissioner for permission to file a uniform percentage decrease or increase to be applied to the premiums produced by the rating system so filed for a kind of insurance or for a class of insurance which is found by the Commissioner to be a proper rating unit for the application of such uniform percentage decrease or increase, or for a subdivision of a kind of insurance (a) comprised of a group of manual classifications which is treated as a separate unit for rate-making purposes, or (b) for which separate expense provisions are included in the filings of the rating organization. Such application shall specify the basis for the modification and shall be accompanied by the data upon which the applicant relies. A copy of the application and data shall be sent simultaneously to such rating organization.

(2) The Commissioner shall set a time and place for a hearing at which the insurer and such rating organization may be heard and shall give them not less than ten (10) days’ written notice thereof. In the event the Commission-
er is advised by the rating organization that it does not desire a hearing he may, upon the consent of the applicant, waive such hearing. In permitting or denying such modification with respect to workmen's compensation insurance the Commissioner shall give consideration to the operating methods and expense provisions of the insurer as compared with the expense provisions included in the rating system filed by such rating organization.

(3) The Commissioner shall issue an order permitting the modification for such insurer to be filed if he finds it to be justified and it shall thereupon become effective. He shall issue an order denying such application if he finds that the modification is not justified or that the resulting premiums would be excessive, inadequate or unfairly discriminatory.

(4) Each deviation permitted to be filed shall be effective for a period of one (1) year from the date of such permission unless terminated sooner with the approval of the Commissioner.

SECTION 376. RATING ORGANIZATION MEMBERSHIP REQUIRED.—Every insurer, including the Idaho state insurance fund, writing workmen's compensation insurance in this state shall be a member of a workmen's compensation rating organization. No insurer may at the same time belong to more than one rating organization with respect to such insurance.

SECTION 377. RATING ORGANIZATION MINIMUM MEMBERSHIP.—Such a rating organization shall have as members not less than five (5) insurers authorized to write and writing workmen's compensation insurance in this state, and whose combined experience is determined by the Commissioner to be reasonably adequate for rate-making purposes.

SECTION 378. RATING ORGANIZATION COMMITTEES.—In a rating organization of which the Idaho state insurance fund is a member, the Idaho state insurance fund shall be entitled, without election, to membership on any committee thereof established in connection with the operation of the rating organization in this state. One-half of the members of each such committee shall be chosen by the stock insurers and one-half by the non-stock insurers.

SECTION 379. APPLICABILITY OF CHAPTER AS TO CERTAIN POWERS OF STATE INSURANCE MANAGER, AND TO CERTAIN PUBLIC EMPLOYMENT.—(1)
The powers granted to the state insurance manager, under sections 72-903 and 72-913, Idaho Code, to determine the classes of and the rates to be charged for workmen's compensation insurance in the state insurance fund shall be subject to the provisions of this chapter.

(2) This chapter shall not apply as to workmen's compensation insurance written by the state insurance fund covering public employment under the provisions of section 72-928, Idaho Code.

SECTION 380. OTHER PROVISIONS APPLICABLE.—Subject to the express provisions of this chapter, the following sections of chapters 14 and 15 shall, to the extent so applicable, also apply as to this chapter:

(1) Section 326 (technical services).
(2) Section 327 (appeal by minority).
(3) Section 328 (information to insureds—review of insured's complaint).
(4) Section 329 (appeal from filing).
(5) Section 330 (advisory organizations).
(6) Section 331 (joint underwriting or joint reinsurance).
(7) Section 332 (examination of rating, advisory, and joint reinsurance organizations).
(8) Section 333 (recording, reporting of loss and expense experience).
(9) Section 334 (interchange of data, consultation).
(10) Section 335 (cooperation among rating organizations and insurers).
(11) Section 336 (false, misleading information).
(12) Section 337 (penalties for violations, noncompliance).
(13) Section 338 (rules and regulations).
(14) Section 339 (hearing procedure).
(15) Section 340 (appeal from the Commissioner).
(16) Section 345 (rating organizations).

SECTION 381. SCOPE OF CHAPTER—DEFINITIONS.
(1) This chapter applies to insurance examining bureaus as herein provided for.

(2) "Bureau" means an insurance examining bureau.

SECTION 382. ORGANIZATION OF BUREAU—OFFICES.—(1) Any person other than an officer or employee of an insurer or a person owning an interest in or stock of an insurer, may organize a bureau and make application to the Commissioner for a license therefor for such kind of insurance or class of risks as are specified in the application.

(2) Each bureau shall establish and maintain an office or offices in this state, and any business performed under any license granted by the Commissioner shall be performed at such office or offices.

SECTION 383. LICENSING.—(1) Except as provided in section 384, no person shall be, act as, or hold himself out to be a bureau except as then authorized by a subsisting license therefor issued hereunder by the Commissioner.

(2) Application for license, specifying the kind of insurance or class of risks with respect to which the bureau proposes to act, shall be filed with the Commissioner accompanied by:

(a) A copy of its constitution, its articles of incorporation or its certificate of incorporation in duplicate and one copy each of its bylaws, rules and regulations covering the conduct of its business;

(b) A list of its subscribers;

(c) The name and address of a resident of Idaho upon whom notices or orders of the Commissioner or processes affecting such organization may be served; and

(d) A statement of its qualifications as an examining bureau.

(3) If the Commissioner finds that the application is in proper order and that the applicant is financially and morally responsible, a license shall be issued specifying the types of insurance which can be examined by it.

(4) The license shall be for a period of four (4) years unless sooner suspended or revoked. At the time of issuance of the license the applicant shall pay the Commissioner the license fee specified therefor in section 104 (fee schedule).
SECTION 384. BUREAU IN RATING ORGANIZATION.—Any insurance rating organization holding a license from the Commissioner as a rating organization may establish and maintain an insurance examining department in the rating organization and may perform all of the duties and functions as an insurance examining bureau as provided in this chapter without the necessity of complying with the licensing provisions hereof. Any insurer may subscribe to the insurance examining department only, and the rating organization shall have no authority to file rates on behalf of any insurer subscribing only to the examining department. The conduct of the business of the examining department of any insurance rating organization shall conform in all respects to the provisions of this chapter, except as otherwise specifically provided herein.

SECTION 385. SUBSCRIBERSHIP — EXPENSES. —
(1) A bureau shall admit to subscribership equally and ratably any authorized insurer applying therefor.

(2) Any bureau licensed under the provisions of this chapter shall be conducted without profit to any party, except that fair and reasonable compensation shall be paid by the subscribers to the bureau for all necessary services rendered by it. The expenses of the bureau shall be shared equitably by each subscriber thereto on the basis of the services rendered to the subscriber on business examined by the bureau.

SECTION 386. EXAMINATION OF INSURANCE DOCUMENTS—CHIEF EXAMINER.—Each bureau shall examine policies, daily reports of policies, binders or cover notes, renewal certificates, endorsements or other evidence of insurance for its subscribers. For that purpose every bureau, whether operated as a department in connection with a rating organization or as an independent bureau shall appoint a person with the title of "Chief Examiner", who shall be experienced in insurance matters, but such person shall not in any way be engaged in making rates for a rating organization or be an employee of an insurer, and shall be held responsible for the examination of all applications, daily reports of insurance policies, binders or cover notes, renewal certificates, endorsements, cancellations or other evidences of insurance submitted to the bureau for examination.

SECTION 387. RULES OF THE BUREAU.—Rules of common interest to insurers, their representatives and examining bureaus shall be published and distributed to in-
surers and their representatives by examining bureaus. A bureau which is operated as a department of a rating organization may include such rules in the publications of the rating organization. Rules shall contain all information necessary to insurers, their representatives and examining bureaus in writing and examining the various types of coverages in order that there shall be a minimum of dispute and interpretation.

**SECTION 388. REPORT OF ERRORS, VIOLATIONS—CRITICISM TAGS.—** (1) Examining bureaus shall report to the Commissioner any and all cases in which insurers or their representatives discriminate on risks of essentially the same insurance hazard or deviate from the rates or premium charges developed by the schedules or manuals filed with the Commissioner for the computation of such charges, and any and all violations of the laws of Idaho pertaining to the business of such insurers, but shall not make or keep any copy or copies of insurance applications, daily reports, or other evidence of insurance examined except to endorse approval thereon if correct or attach such memoranda or entries as may be necessary to show that errors exist; keeping copies thereof, for the purpose of checking such errors and releasing memoranda thereof when corrected.

(2) Criticism tags issued to record errors and/or violations shall be made in triplicate. The original shall be held in a suspense file for reference at the time of correction thereof, one copy shall be attached to the insurance instrument and shall be forwarded to the insurer, and one copy shall be forwarded to the insurer representative or agent to whom the error is charged. If within sixty (60) days of the date of examination and criticism the error and/or violation has not been corrected the bureau shall report the same to the Commissioner, together with the name of the insurer and the representative or agent of the insurer. The bureau shall also notify the Commissioner when a reported criticism tag has been satisfied.

**SECTION 389. FAILURE TO MAKE CORRECTION—PENALTY — APPEAL. —** (1) Upon receipt of a report from a bureau that an error and/or violation has not been corrected by the insurer, its representative or agent, the Commissioner shall notify such insurer and its representative or agent that the report has been filed with him. The insurer, its representative or agent may, within thirty (30) days after receipt of notice from the Commissioner, request
a hearing to be held on such error and/or violation. If, after such hearing, or if no hearing be requested, on the expiration of such thirty (30) day period, the Commissioner finds that the error and/or violation should be corrected, he shall make a written order stating his findings and fixing a time in which the insured, its representative or agent shall make such correction.

(2) Any insurer, its representative or agent wilfully failing or refusing to correct such error and/or violation within the time fixed by the Commissioner in such order shall be guilty of a misdemeanor and upon conviction be fined not to exceed one hundred dollars ($100) for each offense; and the Commissioner may suspend or revoke any license or certificate of authority issued to the offender.

(3) Any insurer, its representative or agent may appeal from an order of the Commissioner in the manner provided in section 340 for appeals from orders of the Commissioner.

SECTION 390. EXAMINATION OF BUREAU BY COMMISSIONER.—The Commissioner shall, at least once every five (5) years, make or cause to be made an examination of each bureau licensed in this state. The necessary costs of any such examination, including the reasonable compensation of the person making such examination, shall be paid by the bureau being examined upon presentation to it of a detailed account of such costs. The officers, managers, agents and employees of the bureau may be examined at any time under oath by the Commissioner and shall exhibit to him or his representative all books, records, accounts, documents or agreements covering its method of operations.

SECTION 391. SUSPENSION, REVOCA T I ON OF BUREAU LICENSE.—If the Commissioner finds that any bureau no longer meets the requirements therefor under this chapter, or has violated or is violating any provision of this chapter, he may suspend or revoke its license. No license shall be suspended or revoked except upon the Commissioner's written order stating his findings made after a hearing upon not less than ten (10) days' written notice to the bureau specifying the alleged violation.

SECTION 392. HEARINGS, APPEALS FROM THE COMMISSIONER.—(1) Hearings before the Commissioner as to matters under this chapter shall be conducted as provided in section 339 (hearing procedure).
(2) Appeals from the Commissioner as to matters arising under this chapter shall be taken and prosecuted as provided by section 340 (appeal from the Commissioner), in lieu of under the provisions of chapter 2 (the Commissioner of Insurance) of this code.

SECTION 393. SCOPE OF CHAPTER. — This chapter applies as to all insurance contracts and annuity contracts, other than:

(1) Reinsurance.

(2) Policies or contracts not issued for delivery in this state nor delivered in this state.

(3) Wet marine and transportation insurance.

SECTION 394. "POLICY" DEFINED.—“Policy” means the written contract of or written agreement for or effecting insurance, by whatever name called, and includes all clauses, riders, endorsements and papers which are a part thereof.

SECTION 395. "PREMIUM" DEFINED. — “Premium” is the consideration for insurance, by whatever name called. Any “assessment”, or any “membership”, “policy”, “survey”, “inspection”, “service” or similar fee or other charge in consideration for an insurance contract is deemed part of the premium.

SECTION 396. INSURABLE INTEREST, PERSONAL INSURANCE. — (1) Any individual of competent legal capacity may procure or effect an insurance contract upon his own life or body for the benefit of any person. But, except as provided in section 397, no person shall procure or cause to be procured any insurance contract upon the life or body of another individual unless the benefits under such contract are payable to the individual insured or his personal representatives, or to a person having, at the time when such contract was made, an insurable interest in the individual insured.

(2) If the beneficiary, assignee, or other payee under any contract made in violation of this section receives from the insurer any benefits thereunder accruing upon the death, disablement, or injury of the individual insured, the individual insured or his executor or administrator, as the case may be, may maintain an action to recover such benefits from the person so receiving them.

(3) “Insurable interest” as to personal insurance means
that every individual has an insurable interest in the life, body, and health of himself, and of other persons as follows:

(a) In the case of individuals related closely by blood or by law, a substantial interest engendered by love and affection;

(b) In the case of other persons, a lawful and substantial economic interest in having the life, health, or bodily safety of the individual insured continue, as distinguished from an interest which would arise only by, or would be enhanced in value by, the death, disablement or injury of the individual insured; and

(c) An individual heretofore or hereafter party to a contract or option for the purchase or sale of an interest in a business partnership or firm, or of shares of stock of a closed corporation or of an interest in such shares, has an insurable interest in the life of each individual party to such contract and for the purposes of such contract only, in addition to any insurable interest which may otherwise exist as to the life of such individual.

(4) An insurer shall be entitled to rely upon all statements, declarations and representations made by an applicant for insurance relative to the insurable interest of the applicant in the insured; and no insurer shall incur legal liability except as set forth in the policy, by virtue of any untrue statements, declarations or representations so relied upon in good faith by the insurer.

SECTION 397. LIFE INSURANCE FOR BENEFIT OF CERTAIN INSTITUTIONS.—(1) Contracts of life insurance may be made and entered into in which the person paying the consideration for such insurance has no insurable interest in the life of the person insured, where charitable, benevolent, educational, or religious institutions are designated irrevocably as the beneficiaries thereof.

(2) In making such contracts the person paying the premium shall make and sign the application therefor as owner and shall designate a charitable, benevolent, educational, or religious institution irrevocably as the beneficiary or beneficiaries of such policy. The application also shall be signed by the person whose life is to be insured.

(3) Such a contract shall be valid and binding between and among all of the parties thereto, and the person paying the consideration for such insurance shall have all rights conferred by the contract to loan value at any time
during the premium paying period, but not at maturity, notwithstanding such person has no insurable interest in the life of the person insured.

Section 398. Insurable Interest, Property.
(1) No contract of insurance of property or of any interest in property or arising from property shall be enforceable as to the insurance except for the benefit of persons having an insurable interest in the things insured as at the time of the loss.

(2) "Insurable interest" as used in this section means any actual, lawful, and substantial economic interest in the safety or preservation of the subject of the insurance free from loss, destruction, or pecuniary damage or impairment.

(3) The measure of an insurable interest in property is the extent to which the insured might be directly damaged by loss, injury, or impairment thereof.

Section 399. Power to Contract—Purchase of Insurance by Minors.
(1) Any person of competent legal capacity may contract for insurance.

(2) Any minor not less than fifteen (15) years of age may, notwithstanding his minority, contract for annuities or for insurance upon his own life, body, health, property, liabilities or other interests, or on the person of another in whom the minor has an insurable interest. Such a minor shall, notwithstanding such minority, be deemed competent to exercise all rights and powers with respect to or under (a) any contract for annuity or for insurance upon his own life, body or health, or (b) any contract such minor effected upon his own property, liabilities or other interests, or on the person of another, as might be exercised by a person of full legal age, and may at any time surrender his interest in any such contracts and give valid discharge for any benefit accruing or money payable thereunder. Such a minor shall not, by reason of his minority, be entitled to rescind, avoid or repudiate the contract, nor to rescind, avoid or repudiate any exercise of a right or privilege thereunder, except that such a minor not otherwise emancipated, shall not be bound by any unperformed agreement to pay by promissory note or otherwise, any premium on any such annuity or insurance contract.

(3) Any annuity contract or policy of life or disability insurance procured by or for a minor under subsection (2) above, shall be made payable either to the minor or
his estate or to a person having an insurable interest in
the life of the minor.

SECTION 400. APPLICATION REQUIRED — LIFE
AND DISABILITY INSURANCE — No life or disability
insurance contract upon an individual, except a contract
of group life insurance or of group or blanket disability
insurance, shall be made or effectuated unless at the time
of the making of the contract the individual insured, be­
ing of competent legal capacity to contract, applies there­
for or has consented thereto in writing, except in the fol­
lowing cases:

(1) A spouse may effectuate such insurance upon the
other spouse.

(2) Any person having an insurable interest in the
life of a minor, or any person upon whom a minor is de­
pendent for support and maintenance, may effectuate in­
surance upon the life of or pertaining to such minor.

(3) Family policies may be issued insuring any two (2)
or more members of a family on an application signed by
either parent, a step-parent, or by a husband or wife.

SECTION 401. ALTERATION OF APPLICATION,
LIFE AND DISABILITY INSURANCE.—No alteration
of any written application for any life or disability insur­
ance policy shall be made by any person other than the
applicant without his written consent, except that inser­
tions may be made by the insurer, for administrative pur­
poses only, in such manner as to indicate clearly that such
insertions are not to be ascribed to the applicant.

SECTION 402. APPLICATION AS EVIDENCE. — (1)
No application for the issuance of any life or disability in­
surance policy or annuity contract shall be admissible in
evidence in any action relative to such policy or contract,
unless a true copy of the application was attached to or
otherwise made a part of the policy or contract when issued.
This provision shall not apply to industrial life insurance
policies.

(2) If any policy of life or disability insurance delivered
in this state is reinstated or renewed, and the insured or
the beneficiary or assignee of the policy makes written
request to the insurer for a copy of the application, if any,
for such reinstatement or renewal, the insurer shall, with­
in thirty (30) days after receipt of such request at its
home office, deliver or mail to the person making such re-
quest a copy of such application reproduced by any legible means. If such copy is not so delivered or mailed after having been so requested, the insurer shall be precluded from introducing the application in evidence in any action or proceeding based upon or involving the policy or its reinstatement or renewal. In the case of such a request from a beneficiary, the time within which the insurer is required to furnish a copy of such application shall not begin to run until after receipt of evidence satisfactory to the insurer of the beneficiary's vested interest in the policy or contract.

(3) As to kinds of insurance other than life or disability insurance, no application for insurance signed by or on behalf of the insured shall be admissible in evidence in any action between the insured and the insurer arising out of the policy so applied for, if the insurer has failed, at expiration of thirty (30) days after receipt by the insurer of written demand therefor by or on behalf of the insured, to furnish to the insured a copy of such application reproduced by any legible means.

SECTION 403. REPRESENTATIONS IN APPLICATIONS.—All statements and descriptions in any application for an insurance policy or annuity contract, or in negotiations therefor, by or in behalf of the insured or annuitant, shall be deemed to be representations and not warranties. Misrepresentations, omissions, concealment of facts, and incorrect statements shall not prevent a recovery under the policy or contract unless either:

(a) Fraudulent; or

(b) Material either to the acceptance of the risk, or to the hazard assumed by the insurer; or

(c) The insurer in good faith would either not have issued the policy or contract, or would not have issued it at the same premium rate, or would not have issued a policy or contract in as large an amount, or would not have provided coverage with respect to the hazard resulting in the loss, if the true facts had been made known to the insurer as required either by the application for the policy or contract or otherwise.

SECTION 404. FILING, APPROVAL OF FORMS.—(1) No basic insurance policy or annuity contract form, or application form where written application is required and is to be made a part of the policy or contract, or printed rider or endorsement form or form of renewal certificate,
shall be delivered, or issued for delivery in this state, unless the form has been filed with and approved by the Commissioner. This provision shall not apply to surety bonds, or to specially rated inland marine risks, nor to policies, riders, endorsements, or forms of unique character designed for and used with relation to insurance upon a particular subject, or which relate to the manner of distribution of benefits or to the reservation of rights and benefits under life or disability insurance policies and are used at the request of the individual policyholder, contract holder, or certificate holder. As to group insurance policies effectuated and delivered outside this state but covering persons resident in this state, the group certificates to be delivered or issued for delivery in this state shall be filed, for the Commissioner’s information only, with the Commissioner at his request. As to forms for use in property, marine (other than wet marine and transportation insurance), casualty and surety insurance coverages the filing required by this subsection may be made by rating organizations on behalf of its members and subscribers; but this provision shall not be deemed to prohibit any such member or subscriber from filing any such forms on its own behalf.

(2) Every such filing shall be made not less than thirty (30) days in advance of any such delivery. At the expiration of such thirty (30) days the form so filed shall be deemed approved unless prior thereto it has been affirmatively approved or disapproved by order of the Commissioner. Approval of any such form by the Commissioner shall constitute a waiver of any unexpired portion of such waiting period. The Commissioner may extend by not more than an additional thirty (30) days the period within which he may so affirmatively approve or disapprove any such form, by giving notice to the insurer of such extension before expiration of the initial thirty (30) day period. At the expiration of any such period as so extended, and in the absence of such prior affirmative approval or disapproval, any such form shall be deemed approved. The Commissioner may at any time, after notice and for cause shown, withdraw any such approval.

(3) Any order of the Commissioner disapproving any such form or withdrawing a previous approval shall state the grounds therefor and the particulars thereof in such detail as reasonably to inform the insurer thereof.

(4) The Commissioner may, by order, exempt from the requirements of this section for so long as he deems proper
any insurance document or form or type thereof as specified in such order, to which, in his opinion, this section may not practicably be applied, or the filing and approval of which are, in his opinion, not desirable or necessary for the protection of the public.

(5) Appeals from orders of the Commissioner disapproving any such form or withdrawing a previous approval may be taken as provided in sections 49 through 63 of this code.

SECTION 405. GROUNDS FOR DISAPPROVAL.—The Commissioner shall disapprove any form filed under section 404, or withdraw any previous approval thereof, only on one or more of the following grounds:

(1) Is in any respect in violation of or does not comply with this code.

(2) Contains or incorporates by reference, where such incorporation is otherwise permissible, any inconsistent, ambiguous, or misleading clauses, or exceptions and conditions which deceptively affect the risk purported to be assumed in the general coverage of the contract.

(3) Has any title, heading, or other indication of its provisions which is misleading.

(4) Is printed or otherwise reproduced in such manner as to render any provision of the form substantially illegible.

SECTION 406. STANDARD PROVISIONS, IN GENERAL.—(1) Insurance contracts shall contain such standard or uniform provisions as are required by the applicable provisions of this code pertaining to contracts of particular kinds of insurance. The Commissioner may waive the required use of a particular provision in a particular insurance policy form if:

(a) He finds such provision unnecessary for the protection of the insured and inconsistent with the purposes of the policy, and

(b) The policy is otherwise approved by him.

(2) No policy shall contain any provision inconsistent with or contradictory to any standard or uniform provision used or required to be used, but the Commissioner may approve any substitute provision which is, in his opinion, not less favorable in any particular to the insured or beneficiary than the provisions otherwise required.
(3) In lieu of the provisions required by this code for contracts for particular kinds of insurance, substantially similar provisions required by the law of the domicile of a foreign or alien insurer may be used when approved by the Commissioner.

SECTION 407. CONTENTS OF POLICIES IN GENERAL.—(1) Every policy shall specify:

(a) The names of the parties to the contract.
(b) The subject of the insurance.
(c) The risks insured against.
(d) The time when the insurance thereunder takes effect and the period during which the insurance is to continue.
(e) The premium.
(f) The conditions pertaining to the insurance.

(2) If under the policy the exact amount of premium is determinable only at stated intervals or termination of the contract, a statement of the basis and rates upon which the premium is to be determined and paid shall be included.

(3) Subsections (1) and (2) above shall not apply as to surety contracts, or to group insurance policies.

SECTION 408. ASSESSMENT POLICIES, SPECIAL CONTENTS.—Every policy delivered or issued for delivery in this state by an insurer otherwise then authorized under other express provisions of this code to transact such insurance in this state on the assessment plan, together with the form of any application for such a policy to be signed by the applicant, shall have conspicuously printed near the top on the face thereof in bold-face type of a size not less than the largest type used for any heading or caption in the policy or application, as applicable, the words “issued on the assessment plan” or “assessment plan”.

SECTION 409. ADDITIONAL POLICY CONTENTS.—A policy may contain additional provisions not inconsistent with this code and which are:

(1) Required to be inserted by the laws of the insurer’s domicile;

(2) Necessary, on account of the manner in which the insurer is constituted or operated, in order to state the rights and obligations of the parties to the contract; or
(3) Desired by the insurer and neither prohibited by law nor in conflict with any provisions required to be included therein.

SECTION 410. CHARTER, BYLAW PROVISIONS. — No policy shall contain any provision purporting to make any portion of the charter, bylaws or other constituent document of the insurer (other than the subscriber's agreement or power of attorney of a reciprocal insurer) a part of the contract unless such portion is set forth in full in the policy. Any policy provision in violation of this section shall be invalid.

SECTION 411. EXECUTION OF POLICIES. — (1) Every insurance policy shall be executed in the name of and on behalf of the insurer by its officer, attorney in fact, employee, or representative duly authorized by the insurer.

(2) A facsimile signature of any such executing individual may be used in lieu of an original signature.

(3) No insurance contract heretofore or hereafter issued and which is otherwise valid shall be rendered invalid by reason of the apparent execution thereof on behalf of the insurer by the imprinted facsimile signature of an individual not authorized so to execute as of the date of the policy.

SECTION 412. UNDERWRITERS' AND COMBINATION POLICIES.—(1) Two or more authorized insurers may jointly issue, and shall be jointly and severally liable on, an underwriters' policy bearing their names. Any one insurer may issue policies in the name of an underwriter's department and such policy shall plainly show the true name of the insurer.

(2) Two or more insurers may, with the approval of the Commissioner, issue a combination policy which shall contain provisions substantially as follows:

(a) That the insurers executing the policy shall be severally liable for the full amount of any loss or damage, according to the terms of the policy, or for specified percentages or amounts thereof, aggregating the full amount of insurance under the policy, and

(b) That service of process, or of any notice or proof of loss required by such policy, upon any of the insurers executing the policy, shall constitute service upon all such insurers.
(3) This section shall not apply to co-surety obligations.

SECTION 413. VALIDITY AND CONSTRUCTION OF NONCOMPLYING FORMS.—(1) A policy hereafter delivered or issued for delivery to any person in this state in violation of this code, but otherwise binding on the insurer, shall be held valid, but shall be construed as provided in this code.

(2) Any insurance policy, rider, or endorsement hereafter issued and otherwise valid which contains any condition, omission or provision not in compliance with the requirements of this code, shall not be thereby rendered invalid but shall be construed and applied in accordance with such conditions and provisions as would have applied had such policy, rider, or endorsement been in full compliance with this code.

SECTION 414. CONSTRUCTION OF POLICIES. — Every insurance contract shall be construed according to the entirety of its terms and conditions as set forth in the policy and as amplified, extended, or modified by any rider, endorsement, or application lawfully made a part of the policy.

SECTION 415. BINDERS.—(1) Binders or other contracts for temporary insurance may be made orally or in writing, and shall be deemed to include all the usual terms of the policy as to which the binder was given together with such applicable endorsements as are designated in the binder, except as superseded by the clear and express terms of the binder.

(2) No binder shall be valid beyond the issuance of the policy with respect to which it was given, or beyond ninety (90) days from its effective date, whichever period is the shorter.

(3) If the policy has not been issued a binder may be extended or renewed beyond such ninety (90) days with the written approval of the Commissioner, or in accordance with such rules and regulations relative thereto as the Commissioner may promulgate.

(4) This section shall not apply to life or disability insurances.

SECTION 416. DELIVERY OF POLICY.—(1) Subject to the insurer's requirements as to payment of premium, every policy shall be mailed or delivered to the insured or to the person entitled thereto within a reasonable period
of time after its issuance except where a condition required by the insurer has not been met by the insured.

(2) In event the original policy is delivered or is so required to be delivered to or for deposit with any vendor, mortgagee, or pledgee of any motor vehicle, and in which policy any interest of the vendee, mortgagor, or pledgor in or with reference to such vehicle is insured, a duplicate of such policy setting forth the name and address of the insurer, insurance classification of vehicle, type of coverage, limits of liability, premiums for the respective coverages, and duration of the policy, or memorandum thereof containing the same such information, shall be delivered by the vendor, mortgagee, or pledgee to each such vendee, mortgagor, or pledgor named in the policy or coming within the group of persons designated in the policy to be so included. If the policy does not provide coverage of legal liability for injury to persons or damage to the property of third parties, a statement of such fact shall be printed, written, or stamped conspicuously on the face of such duplicate policy or memorandum. This subsection does not apply to inland marine floater policies.

SECTION 417. RENEWAL BY CERTIFICATE. — Any insurance policy terminating by its terms at a specified expiration date and not otherwise renewable, may be renewed or extended at the option of the insurer and upon a currently authorized policy form and at the premium rate then required therefor, for a specific additional period or periods by certificate or by endorsement of the policy, and without requiring the issuance of a new policy.

SECTION 418. ASSIGNMENT OF POLICIES.—A policy may be assignable or not assignable, as provided by its terms. Subject to its terms relating to assignability, any life or disability policy, whether heretofore or hereafter issued, under the terms of which the beneficiary may be changed upon the sole request of the insured or owner, may be assigned either by pledge or transfer of title, by an assignment executed by the insured or owner alone and delivered to the insurer, whether or not the pledgee or assignee is the insurer. Any such assignment shall entitle the insurer to deal with the assignee as the owner or pledgee of the policy in accordance with the terms of the assignment, until the insurer has received at its home office written notice of termination of the assignment or pledge, or written notice by or on behalf of some other person claiming some interest in the policy in conflict with the assignment.
SECTION 419. RIGHT TO INSPECT POLICIES IN FORCE.—The Commissioner shall have the right to inspect any policy covering any risk in this state, and every policyholder shall produce and exhibit any policy in his possession or control when required for such inspection. Any person who violates this section shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not exceeding five hundred dollars ($500).

SECTION 420. PAYMENT DISCHARGES INSURER—PAYMENT TO MARITAL COMMUNITY.—(1) Whenever the proceeds of or payments under a life or disability insurance policy or annuity contract heretofore or hereafter issued become payable in accordance with the terms of such policy or contract, or the exercise of any right or privilege thereunder, and the insurer makes payment thereof in accordance with the terms of the policy or contract or in accordance with any written assignment thereof, the person then designated in the policy or contract or by such assignment as being entitled thereto shall be entitled to receive such proceeds or payments and to give full acquittance therefor, and such payments shall fully discharge the insurer from all claims under the policy or contract unless, before payment is made, the insurer has received at its home office written notice by or on behalf of some other person that such other person claims to be entitled to such payment or some interest in the policy or contract.

(2) Where the person designated in the policy or contract or by assignment as being entitled thereto is a member of a marital community, whether husband or wife, and the policy or contract is upon the life or disability of either, he or she may receive payment, and shall be and is constituted agent of the marital community with authority to give full acquittance therefor; and such payment to the marital community agent so designated shall fully discharge the insurer from all claims under the policy or contract, but no rights of either member of the marital community, as between themselves, to accounting or division shall be impaired or affected by such payment.

SECTION 421. MINOR MAY GIVE ACQUITTANCE.—(1) Any minor domiciled in this state who has attained the age of eighteen (18) years shall be deemed competent to receive and to give full acquittance and discharge for a payment or payments in aggregate amount not exceeding three thousand dollars ($3,000) in any one year made by a life insurer under the maturity, death or settlement agreement provisions in effect or elected by such minor under
a life insurance policy or annuity contract, if such policy, contract or agreement provides for payment to such minor. No such minor shall be deemed competent to alienate the right to or to anticipate or commute such payments. This section shall not be deemed to restrict the rights of minors set forth in section 399 of this chapter.

(2) If a guardian of the property of any such minor is duly appointed and written notice thereof is given to the insurer at its home office, any such payment thereafter falling due shall be paid to the guardian for the account of the minor, unless the policy or contract under which the payment is made expressly provides otherwise.

(3) This section shall not be deemed to require any insurer making any such payment to determine whether any other insurer may be effecting a similar payment to the same minor.

Section 422. Life Policy as Separate Property of Married Woman.—Every policy of life insurance heretofore or hereafter made payable to or for the benefit of a married woman, or after its issue heretofore or hereafter assigned, transferred or in any way made payable to a married woman, or to any person in trust for her or for her benefit, whether procured by herself, her husband or any other person, and whether the assignment or transfer is made by her husband or by any other person, shall, unless contrary to the terms of the policy, inure to her separate use and benefit.

Section 423. Forms for Proof of Loss to Be Furnished.—An insurer shall furnish, upon written request of any person claiming to have a loss under an insurance contract issued by such insurer, forms of proof of loss for completion by such person, but such insurer shall not, by reason of the requirement so to furnish forms, have any responsibility for or with reference to the completion of such proof or the manner of any such completion or attempted completion.

Section 424. Claims Administration Not Waiver.—Without limitation of any right or defense of an insurer otherwise, none of the following acts by or on behalf of an insurer shall be deemed to constitute a waiver of any provision of a policy or of any defense of the insurer thereunder:

(1) Acknowledgment of the receipt of notice of loss or claim under the policy.
(2) Furnishing forms for reporting a loss or claim, for giving information relative thereto, or for making proof of loss, or receiving or acknowledging receipt of any such forms or proofs completed or uncompleted.

(3) Investigating any loss or claim under any policy or engaging in negotiations looking toward a possible settlement of any such loss or claim.

Section 425. Exemption of Proceeds, Life Insurance.—(1) If a policy of insurance, whether heretofore or hereafter issued, is effected by any person on his own life, or on another life, in favor of a person other than himself, or, except in cases of transfer with intent to defraud creditors, if a policy of life insurance is assigned or in any way made payable to any such person, the lawful beneficiary or assignee thereof, other than the insured or the person so effecting such insurance or executors or administrators of such insured or the person so effecting such insurance, shall be entitled to its proceeds and avails against the creditors and representatives of the insured and of the person effecting the same, whether or not the right to change the beneficiary is reserved or permitted, and whether or not the policy is made payable to the person whose life is insured if the beneficiary or assignee shall predecease such person, and such proceeds and avails shall be exempt from all liability for any debt of the beneficiary existing at the time the policy is made available for his use: Provided, that subject to the statute of limitations, the amount of any premiums for such insurance paid with intent to defraud creditors, with interest thereon, shall inure to their benefit from the proceeds of the policy; but the insurer issuing the policy shall be discharged of all liability thereon by payment of its proceeds in accordance with its terms, unless, before such payment, the insurer shall have received written notice at its home office, by or in behalf of a creditor, of a claim to recover for transfer made or premiums paid with intent to defraud creditors, with specification of the amount claimed.

(2) For the purposes of subsection (1) above, a policy shall also be deemed to be payable to a person other than the insured if and to the extent that a facility-of-payment clause or similar clause in the policy permits the insurer to discharge its obligation after the death of the individual insured by paying the death benefits to a person as permitted by such clause.

Section 426. Exemption of Proceeds, Dis-
ABILITY INSURANCE.—Except as may otherwise be expressly provided by the policy or contract, the proceeds or avails of all contracts of disability insurance and of provisions providing benefits on account of the insured’s disability which are supplemental to life insurance or annuity contracts heretofore or hereafter effected shall be exempt from all liability for any debt of the insured, and from any debt of the beneficiary existing at the time the proceeds are made available for his use.

SECTION 427. EXEMPTION OF PROCEEDS, GROUP INSURANCE.—(1) A policy of group life insurance or group disability insurance or the proceeds thereof pay-able to the individual insured or to the beneficiary there-under, shall not be liable, either before or after pay-ment, to be applied by any legal or equitable process to pay any debt or liability of such insured individual or his bene-ficiary or of any other person having a right under the policy. The proceeds thereof, when not made payable to a named beneficiary or to a third person pursuant to a facility-of-payment clause, shall not constitute a part of the estate of the individual insured for the payment of his debts.

(2) This section shall not apply to group insurance is-sued pursuant to this code to a creditor covering his debtors, to the extent that such proceeds are applied to payment of the obligation for the purpose of which the insurance was so issued.

SECTION 428. EXEMPTION OF PROCEEDS, ANNUITY CONTRACTS; ASSIGNABILITY OF RIGHTS.—(1) The benefits, rights, privileges and options which under any annuity contract heretofore or hereafter issued are due or prospectively due the annuitant, shall not be subject to execution nor shall the annuitant be compelled to exercise any such rights, powers, or options, nor shall creditors be allowed to interfere with or terminate the contract, except:

(a) As to amounts paid for as premium on any such annuity with intent to defraud creditors, with interest thereon, and of which the creditor has given the insurer written notice at its home office prior to the making of the payments to the annuitant out of which the creditor seeks to recover. Any such notice shall specify the amount claimed or such facts as will enable the insurer to ascer-tain such amount, and shall set forth such facts as will enable the insurer to ascertain the annuity contract, the
annuitant and the payments sought to be avoided on the ground of fraud.

(b) The total exemption of benefits presently due and payable to any annuitant periodically or at stated times under all annuity contracts under which he is an annuitant, shall not at any time exceed three hundred and fifty dollars ($350) per month for the length of time represented by such installments, and that such periodic payments in excess of three hundred and fifty dollars ($350) per month shall be subject to garnishee execution to the same extent as are wages and salaries.

(c) If the total benefits presently due and payable to any annuitant under all annuity contracts under which he is an annuitant, shall at any time exceed payment at the rate of three hundred and fifty dollars ($350) per month, then the court may order such annuitant to pay to a judgment creditor or apply on the judgment, in installments, such portion of such excess benefits as to the court may appear just and proper, after due regard for the reasonable requirements of the judgment debtor and his family, if dependent upon him, as well as any payments required to be made by the annuitant to other creditors under prior court orders.

(2) If the contract so provides, the benefits, rights, privileges or options accruing under such contract to a beneficiary or assignee shall not be transferable nor subject to commutation, and if the benefits are payable periodically or at stated times, the same exemptions and exceptions contained herein for the annuitant, shall apply with respect to such beneficiary or assignee.

(3) An annuity contract within the meaning of this section shall be any obligation to pay certain sums at stated times, during life or lives, or for a specified term or terms, issued for a valuable consideration, regardless of whether or not such sums are payable to one or more persons, jointly or otherwise, but does not include payments under life insurance contracts at stated time during life or lives, or for a specified term or terms.

SECTI0N 429. RETURN OF UNEARNED PREMIUMS ON DESTRUCTION OF PROPERTY.—In the event of the total destruction of any insured property, on which the total amount of loss or agreed loss shall be less than the total amount insured thereon, the insurer or insurers shall return to the insured the unearned insurance premium for
the excess of the insurance over the appraised or agreed loss, to be paid at the same time and in the same manner as the loss shall be paid.

SECTION 430. VENUE OF SUITS AGAINST INSURERS.—Suit upon causes of action arising within this state against an insurer upon an insurance contract shall be brought in the county where the cause of action arose or in the county where the policyholder instituting such action resides.

SECTION 431. ALLOWANCE OF ATTORNEY FEES IN SUITS AGAINST INSURERS.—(1) Any insurer issuing any policy, certificate or contract of insurance, surety, guaranty or indemnity of any kind or nature whatsoever, which shall fail for a period of thirty (30) days after proof of loss has been furnished as provided in such policy, certificate or contract, to pay to the person entitled thereto the amount justly due under such policy, certificate or contract, shall in any action thereafter brought against the insurer in any court in this state for recovery under the terms of the policy, certificate or contract, pay such further amount as the court shall adjudge reasonable as attorney’s fees in such action.

(2) In any such action, if it is alleged that before the commencement thereof, a tender of the full amount justly due was made to the person entitled thereto, and such amount is thereupon deposited in the Court, and if the allegation is found to be true, or if it is determined in such action that no amount is justly due, then no such attorney’s fees may be recovered.

(3) This section shall not apply as to actions under the workmen’s compensation law which are subject to section 72-611, Idaho Code. This section shall not apply to actions against surety insurers by creditors of or claimants against a principal and arising out of a surety or guaranty contract issued by the insurer as to such principal, unless the liability of the principal has been acknowledged by him in writing or otherwise established by judgment of a court of competent jurisdiction.

SECTION 432. SCOPE OF CHAPTER.—This chapter applies only to contracts of life insurance and annuities, other than reinsurance, group life insurance and group annuities.

SECTION 433. “INDUSTRIAL LIFE INSURANCE” DEFINED.—For the purposes of this code “industrial life
insurance" is that form of life insurance written under policies of face amount of one thousand dollars ($1,000) or less bearing the words "industrial policy" imprinted on the face thereof as part of the descriptive matter, and under which premiums are payable monthly or more often.

SECTION 434. STANDARD PROVISIONS REQUIRED. —(1) No policy of life insurance other than group, and pure endowments with or without return of premiums or of premiums and interest, shall be delivered or issued for delivery in this state unless it contains in substance all of the applicable provisions required by sections 435 to 446, inclusive, of this chapter. This section shall not apply to annuity contracts nor to any provision of a life insurance policy, or contract supplemental thereto, relating to disability benefits or to additional benefits in the event of death by accident or accidental means.

(2) Any of such provisions or portions thereof not applicable to single premium or term policies shall to that extent not be incorporated therein.

SECTION 435. GRACE PERIOD.—There shall be a provision that a grace period of thirty (30) days, or, at the option of the insurer, of one month of not less than thirty (30) days, or of four (4) weeks in the case of industrial life insurance policies the premiums for which are payable more frequently than monthly, shall be allowed within which the payment of any premium after the first policy year may be made, during which period of grace the policy shall continue in full force; the insurer may impose an interest charge not in excess of six percent (6%) per annum for the number of days of grace elapsing before the payment of the premium, and, whether or not such interest charge is imposed, if a claim arises under the policy during such period of grace the amount of any premium due or overdue, together with interest and any deferred installment of the annual premium, may be deducted from the policy proceeds.

SECTION 436. INCONTESTABILITY.—There shall be a provision that the policy (exclusive of provisions relating to disability benefits or to additional benefits in the event of death by accident or accidental means) shall be incontestable, except for nonpayment of premiums, after it has been in force during the lifetime of the insured for a period of two (2) years from its date of issue.

SECTION 437. ENTIRE CONTRACT.—There shall be
a provision that the policy, or the policy and the application therefor if a copy of such application is endorsed upon or attached to the policy when issued, shall constitute the entire contract between the parties, and that all statements contained in such an application shall, in the absence of fraud, be deemed representations and not warranties.

SECTION 438. MISSTATEMENT OF AGE. — There shall be a provision that if the age of the insured or of any other person whose age is considered in determining the premium or benefit has been misstated, any amount payable or benefit accruing under the policy shall be such as the premium would have purchased at the correct age or ages.

SECTION 439. DIVIDENDS.—(1) There shall be a provision in participating policies that, beginning not later than the end of the third policy year, the insurer shall annually ascertain and apportion the divisible surplus, if any, that will accrue on the policy anniversary or other dividend date specified in the policy provided the policy is in force and all premiums to that date are paid. Except as hereinafter provided, any dividend becoming payable shall at the option of the party entitled to elect such option be either:

(a) Payable in cash, or

(b) Applied to any one of such other dividend options as may be provided by the policy. If any such other dividend options are provided, the policy shall further state which option shall be automatically effective if such party shall not have elected some other option. If the policy specifies a period within which such other dividend option may be elected, such period shall be not less than thirty (30) days following the date on which such dividend is due and payable. The annually apportioned dividend shall be deemed to be payable in cash within the meaning of (a) above even though the policy provides that payment of such dividend is to be deferred for a specified period, provided such period does not exceed six (6) years from the date of apportionment and that interest will be added to such dividend at a specified rate. If a participating policy provides that the benefit under any paid-up nonforfeiture provision is to be participating, it may provide that any divisible surplus becoming payable or apportioned while the insurance is in force under such nonforfeiture provision shall be applied in the manner set forth in the policy.
(2) In participating industrial life insurance policies, in lieu of the provision required in subsection (1) above, there shall be a provision that, beginning not later than the end of the fifth policy year, the policy shall participate annually in the divisible surplus, if any, in the manner set forth in the policy.

SECTION 440. POLICY LOAN.—There shall be a provision that after three (3) full years’ premiums have been paid and after the policy has a cash surrender value and while no premium is in default beyond the grace period for payment, the insurer will advance, on proper assignment or pledge of the policy and on the sole security thereof, at a specified rate of interest not exceeding six percent (6%) per annum, an amount equal to or, at the option of the party entitled thereto, less than the loan value of the policy. The loan value of the policy shall be at least equal to the cash surrender value at the end of the then current policy year, provided that the insurer may deduct, either from such loan value or from the proceeds of the loan, any existing indebtedness not already deducted in determining such cash surrender value including any interest then accrued but not due, any unpaid balance of the premium for the current policy year, and interest on the loan to the end of the current policy year. The policy may also provide that if interest on any indebtedness is not paid when due it shall then be added to the existing indebtedness and shall bear interest at the same rate, and that if and when the total indebtedness on the policy, including interest due or accrued, equals or exceeds the amount of the loan value thereof, then the policy shall terminate and become void. The policy shall reserve to the insurer the right to defer the granting of a loan, other than for the payment of any premium to the insurer, for six (6) months after application therefor. The policy, at the insurer’s option, may provide for automatic premium loan, subject to an election of the party entitled to elect.

This section shall not apply to term policies nor to term insurance benefits provided by rider or supplemental policy provisions, or to industrial life insurance policies.

SECTION 441. TABLE OF INSTALLMENTS.—In case the policy provides that the proceeds may be payable in installments which are determinable at issue of the policy, there shall be a table showing the amounts of the guaranteed installments.
SECTION 442. REINSTATEMENT.—There shall be a provision that unless:

(1) The policy has been surrendered for its cash surrender value, or

(2) Its cash surrender value has been exhausted, or

(3) The paid-up term insurance, if any, has expired.

The policy will be reinstated at any time within three (3) years (or two (2) years in the case of industrial life insurance policies) from the date of premium default upon written application therefor, the production of evidence of insurability satisfactory to the insurer, the payment of all premiums in arrears and the payment or reinstatement of any other indebtedness to the insurer upon the policy, all with interest at a rate not exceeding six percent (6%) per annum compounded annually.

SECTION 443. PAYMENT OF PREMIUMS. — There shall be a provision relative to the payment of premiums.

SECTION 444. PAYMENT OF CLAIMS. — There shall be a provision that when a policy shall become a claim by the death of the insured, settlement shall be made upon receipt of due proof of death and, at the insurer’s option, surrender of the policy and/or proof of the interest of the claimant. If an insurer shall specify a particular period prior to the expiration of which settlement shall be made, such period shall not exceed two (2) months from the receipt of such proofs.

SECTION 445. BENEFICIARY, INDUSTRIAL POLICIES.—An industrial life insurance policy shall have the name of the beneficiary designated thereon with a reservation of the right to designate or change the beneficiary after the issuance of the policy. The policy may also provide that no designation or change of beneficiary shall be binding on the insurer until endorsed on the policy by the insurer, and that the insurer may refuse to endorse the name of any proposed beneficiary who does not appear to the insurer to have an insurable interest in the life of the insured. The policy may also provide that if the beneficiary designated in the policy does not make a claim under the policy or does not surrender the policy with due proof of death within the period stated in the policy, which shall not be less than thirty (30) days after the death of the insured, or if the beneficiary is the estate of the insured, or is a minor, or dies before the insured, or is not legally
competent to give a valid release, then the insurer may make any payment thereunder to the executor or administrator of the insured, or to any relative of the insured by blood or legal adoption or connection by marriage, or to any person appearing to the insurer to be equitably entitled thereto by reason of having been named beneficiary, or by reason of having incurred expense for the maintenance, medical attention or burial of the insured. The policy may also include a similar provision applicable to any other payment due under the policy.

SECTION 446. TITLE.—There shall be a title on the policy, briefly describing the same.

SECTION 447. EXCLUDED OR RESTRICTED COVERAGE.—A clause in any policy of life insurance providing that such policy shall be incontestable after a specified period shall preclude only a contest of the validity of the policy, and shall not preclude the assertion at any time of defenses based upon provisions in the policy which exclude or restrict coverage, whether or not such restrictions or exclusions are excepted in such clause.

SECTION 448. STANDARD PROVISIONS—ANNUITY AND PURE ENDOWMENT CONTRACTS.—(1) No annuity or pure endowment contract, other than reversionary annuities (also called survivorship annuities) or group annuities and except as stated herein, shall be delivered or issued for delivery in this state unless it contains in substance each of the provisions specified in sections 449 to 454, inclusive, of this chapter. Any of such provisions not applicable to single premium annuities or single premium pure endowment contracts shall not, to that extent, be incorporated therein.

(2) This section shall not apply to contracts for deferred annuities included in, or upon the lives of beneficiaries under, life insurance policies.

SECTION 449. GRACE PERIOD—ANNUITIES.—In an annuity or pure endowment contract, other than a reversionary, survivorship or group annuity, there shall be a provision that there shall be a period of grace of one month, but not less than thirty (30) days, within which any stipulated payment to the insurer falling due after the first may be made, subject at the option of the insurer to an interest charge thereon at a rate to be specified in the contract but not exceeding six percent (6%) per annum for the number of days of grace elapsing before such payment, dur-
ing which period of grace the contract shall continue in full force; but in case a claim arises under the contract on account of death prior to expiration of the period of grace before the overdue payment to the insurer or the deferred payments of the current contract year, if any, are made, the amount of such payments, with interest on any overdue payments, may be deducted from any amount payable under the contract in settlement.

SECTION 450. INCONTESTABILITY — ANNUITIES.
—If any statements, other than those relating to age, sex and identity are required as a condition to issuing an annuity or pure endowment contract, other than a reversionary, survivorship, or group annuity, and subject to section 452 of this chapter, there shall be a provision that the contract shall be incontestable after it has been in force during the lifetime of the person or of each of the persons as to whom such statements are required, for a period of two (2) years from its date of issue, except for nonpayment of stipulated payments to the insurer; and at the option of the insurer such contract may also except any provisions relative to benefits in the event of disability and any provisions which grant insurance specifically against death by accident or accidental means.

SECTION 451. ENTIRE CONTRACT—ANNUITIES.—In an annuity or pure endowment contract, other than a reversionary, survivorship, or group annuity, there shall be a provision that the contract shall constitute the entire contract between the parties or, if a copy of the application is endorsed upon or attached to the contract when issued, a provision that the contract and the application therefor shall constitute the entire contract between the parties.

SECTION 452. MISSTATEMENT OF AGE OR SEX — ANNUITIES. — In an annuity or pure endowment contract, other than a reversionary, survivorship, or group annuity, there shall be a provision that if the age or sex of the person or persons upon whose life or lives the contract is made, or of any of them, has been misstated, the amount payable or benefits accruing under the contract shall be such as the stipulated payment or payments to the insurer would have purchased according to the correct age or sex and that if the insurer shall make or has made any overpayment or overpayments on account of any such misstatement, the amount thereof with interest at the rate to be specified in the contract but not exceeding six percent (6%) per annum, may be charged against the current or next
succeeding payment or payments to be made by the insurer under the contract.

SECTION 453. DIVIDENDS—ANNUITIES.—If an annuity or pure endowment contract, other than a reversionary, survivorship, or group annuity, is participating, there shall be a provision that the insurer shall annually ascertain and apportion any divisible surplus accruing on the contract.

SECTION 454. REINSTATEMENT—ANNUITIES.—In an annuity or pure endowment contract, other than a reversionary or group annuity, there shall be a provision that the contract may be reinstated at any time within one year from the default in making stipulated payments to the insurer, unless the cash surrender value has been paid, but all overdue stipulated payments and any indebtedness to the insurer on the contract shall be paid or reinstated with interest thereon at a rate to be specified in the contract but not exceeding six percent (6%) per annum payable annually, and in cases where applicable the insurer may also include a requirement of evidence of insurability satisfactory to the insurer.

SECTION 455. STANDARD PROVISIONS—REVERSIONARY ANNUITIES.—(1) Except as stated herein, no contract for a reversionary annuity shall be delivered or issued for delivery in this state unless it contains in substance each of the following provisions:

(a) Any such reversionary annuity contract shall contain the provisions specified in sections 449 through 453 except that under section 449 the insurer may at its option provide for an equitable reduction of the amount of the annuity payments in settlement of an overdue payment in lieu of providing for deduction of such payments from an amount payable upon settlement under the contract.

(b) In such reversionary annuity contracts there shall be a provision that the contract may be reinstated at any time within three years from the date of default in making stipulated payments to the insurer, upon production of evidence of insurability satisfactory to the insurer, and upon condition that all overdue payments and any indebtedness to the insurer on account of the contract be paid, or, within the limits permitted by the then cash values of the contract, reinstated, with interest as to both payments and indebtedness at a rate to be specified in the contract but not exceeding six percent (6%) per annum compounded annually.
(2) This section shall not apply to group annuities or to annuities included in life insurance policies, and any of such provisions not applicable to single premium annuities shall not to that extent be incorporated therein.

SECTION 456. LIMITATION OF LIABILITY.—(1) No policy of life insurance shall be delivered or issued for delivery in this state if it contains any of the following provisions:

(a) A provision for a period shorter than that provided by statute within which an action at law or in equity may be commenced on such a policy.

(b) A provision which excludes or restricts liability for death caused in a certain specified manner or occurring while the insured has a specified status, except that a policy may contain provisions excluding or restricting coverage as specified therein in the event of death under any one or more of the following circumstances:

(i) Death as a result, directly or indirectly, of war, declared or undeclared, or of action by military forces, or of any act or hazard of such war or action, or of service in the military, naval, or air forces or in civilian forces auxiliary thereto, or from any cause while a member of such military, naval, or air forces of any country at war, declared or undeclared, or of any country engaged in such military action;

(ii) Death as a result of aviation or any air travel or flight;

(iii) Death as a result of a specified hazardous occupation or occupations;

(iv) Death while the insured is a resident outside continental United States and Canada; or

(v) Death within two (2) years from the date of issue of the policy as a result of suicide, while sane or insane.

(2) A policy which contains any exclusion or restriction pursuant to subsection (1) of this section shall also provide that in the event of death under the circumstances to which any such exclusion or restriction is applicable, the insurer will pay an amount not less than a reserve determined according to the Commissioners' reserve valuation method upon the basis of the mortality table and interest rate specified in the policy for the calculation of nonforfeiture benefits (or if the policy provides for no such benefits, com-
computed according to a mortality table and interest rate determined by the insurer and specified in the policy) with adjustment for indebtedness or dividend credit.

(3) This section shall not apply to group life insurance, disability insurance, reinsurance, or annuities, or to any provision in a life insurance policy or contract supplemental thereto relating to disability benefits or to additional benefits in the event of death by accident or accidental means.

(4) Nothing contained in this section shall prohibit any provision which in the opinion of the Commissioner is more favorable to the policyholder than a provision permitted by this section.

SECTION 457. PROHIBITED PROVISIONS, INDUSTRIAL LIFE INSURANCE.—No policy of industrial life insurance shall contain any of the following provisions:

(1) A provision by which the insurer may deny liability under the policy for the reason that the insured has previously obtained other insurance from the same insurer.

(2) A provision giving the insurer the right to declare the policy void because the insured has had any disease or ailment, whether specified or not, or because the insured has received institutional, hospital, medical or surgical treatment or attention, except a provision which gives the insurer the right to declare the policy void if the insured has, within two years prior to the issuance of the policy, received institutional, hospital, medical or surgical treatment or attention and if the insured or claimant under the policy fails to show that the condition occasioning such treatment or attention was not of a serious nature or was not material to the risk.

(3) A provision giving the insurer the right to declare the policy void because the insured has been rejected for insurance, unless such right be conditioned upon a showing by the insurer that knowledge of such rejection would have led to a refusal by the insurer to make such contract.

SECTION 458. STANDARD NONFORFEITURE LAW—LIFE INSURANCE.—(1) This section shall be known as the standard nonforfeiture law.

(2) Nonforfeiture provisions: In the case of policies issued on or after the operative date of this section as defined in subsection (12) of this section, no policy of life insurance, except as set forth in subsection (11) of this
section, shall be delivered or issued for delivery in this state unless it shall contain in substance the following provisions, or corresponding provisions which in the opinion of the Commissioner are at least as favorable to the defaulting or surrendering policyholder:

(a) That in the event of default in any premium payment, the insurer will grant, upon proper request not later than sixty (60) days after the due date of the premium in default, a paid-up nonforfeiture benefit on a plan stipulated in the policy, effective as of such due date, of such value as may be hereinafter specified.

(b) That upon surrender of the policy within sixty (60) days after the due date of any premium payment in default after premiums have been paid for at least three (3) full years in the case of ordinary insurance, and five (5) full years in the case of industrial insurance, the insurer will pay, in lieu of any paid-up nonforfeiture benefit, a cash surrender value of such amount as may be hereinafter specified.

(c) That a specified paid-up nonforfeiture benefit shall become effective as specified in the policy unless the person entitled to make such election elects another available option not later than sixty (60) days after the due date of the premium in default.

(d) That if the policy shall have become paid up by completion of all premium payments, or if it is continued under any paid-up nonforfeiture benefit which became effective on or after the third policy anniversary in the case of ordinary insurance, or the fifth policy anniversary in the case of industrial insurance, the insurer will pay, upon surrender of the policy within thirty (30) days after any policy anniversary, a cash surrender value of such amount as may be hereinafter specified.

(e) A statement of the mortality table and interest rate used in calculating the cash surrender values and the paid-up nonforfeiture benefits available under the policy, together with a table showing the cash surrender value, if any, and paid-up nonforfeiture benefit, if any, available under the policy on each policy anniversary, either during the first twenty (20) policy years or during the term of the policy, whichever is shorter, such values and benefits to be calculated upon the assumption that there are no dividends or paid-up additions credited to the policy and that there is no indebtedness to the insurer on the policy.
(f) A statement that the cash surrender values and the paid-up nonforfeiture benefits available under the policy are not less than the minimum values and benefits required by or pursuant to the insurance law of this state; an explanation of the manner in which the cash surrender values and the paid-up nonforfeiture benefits are altered by the existence of any paid-up additions credited to the policy or any indebtedness to the insurer on the policy; if a detailed statement of the method of computation of the values and benefits shown in the policy is not stated therein, a statement that such method of computation has been filed with the insurance supervisory official of the state in which the policy is delivered; and a statement of the method to be used in calculating the cash surrender value and paid-up nonforfeiture benefit available under the policy on any policy anniversary beyond the last anniversary for which such values and benefits are consecutively shown in the policy.

(3) Any of the provisions or portions thereof set forth in subdivisions (a) through (f) of the foregoing subsection (2) which are not applicable by reason of the plan of insurance may, to the extent inapplicable, be omitted from the policy. The insurer shall reserve the right to defer the payment of any cash surrender value for a period of six (6) months after demand therefor with surrender of the policy.

(4) Cash surrender value: Any cash surrender value available under the policy in the event of default in the premium payment due on any policy anniversary, whether or not required by subsection (2) of this section, shall be an amount not less than the excess, if any, of the present value on such anniversary of the future guaranteed benefits which would have been provided for by the policy, including any existing paid-up additions if there had been no default, over the sum of:

(a) The then present value of the adjusted premiums as defined in subsections (6) through (9) of this section, corresponding to premiums which would have fallen due on and after such anniversary, and

(b) The amount of any indebtedness to the insurer on account of or secured by the policy.

Any cash surrender value available within thirty (30) days after any policy anniversary under any policy paid up by completion of all premium payments, or any policy continued under any paid-up nonforfeiture benefits, whether
or not required by such subsection (2), shall be an amount not less than the present value, on such anniversary, of the future guaranteed benefits provided for by the policy, including any existing paid-up additions, decreased by any indebtedness to the insurer on account of or secured by the policy.

(5) Paid-up nonforfeiture benefits: Any paid-up nonforfeiture benefit available under the policy in the event of default in the premium payment due on any policy anniversary shall be such that its present value as of such anniversary shall be at least equal to the cash surrender value then provided for by the policy, or, if none is provided for, that cash surrender value which would have been required by this section in the absence of the conditions that premiums shall have been paid for at least a specified period.

(6) The adjusted premium: Except as provided in subsection (8), the adjusted premiums for any policy shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for each policy year, excluding extra premiums on a substandard policy that the present value, at the date of issue of the policy, of all such adjusted premiums shall be equal to the sum of:

(a) The then present value of the future guaranteed benefits provided for by the policy;

(b) Two percent (2%) of the amount of the insurance if the insurance be uniform in amount, or of the equivalent uniform amount, as hereinafter defined, if the amount of insurance varies with the duration of the policy;

(c) Forty percent (40%) of the adjusted premium for the first policy year;

(d) Twenty-five percent (25%) of either the adjusted premium for the first policy year or the adjusted premium for a whole life policy of the same uniform or equivalent uniform amount with uniform premiums for the whole of life issued at the same age for the same amount of insurance, whichever is less, provided, however, that in applying the percentages specified in subdivisions (c) and (d) above, no adjusted premiums shall be deemed to exceed four percent (4%) of the amount of insurance or uniform amount equivalent thereto. Whenever the plan or term of a policy has been changed, either by request of the in-
sured or automatically in accordance with the provisions of the policy, the date of issue of the changed policy for the purposes of determining a nonforfeiture benefit or cash surrender value shall be the date as of which the age of the insured is determined for the purposes of the changed policy. The date of issue of a policy for the purposes of this subsection shall be the date as of which the rated age of the insured is determined.

(7) In the case of a policy providing an amount of insurance varying with the duration of the policy, the equivalent uniform amount thereof for the purpose of the preceding subsection (6) shall be deemed to be the uniform amount of insurance provided by an otherwise similar policy, containing the same endowment benefit or benefits, if any, issued at the same age and for the same term, the amount of which does not vary with duration and the benefits under which have the same present value at the date of issue as the benefits under the policy, provided, however, that in the case of a policy for a varying amount of insurance issued on the life of a child under age ten (10), the equivalent uniform amount may be computed as though the amount of insurance provided by the policy prior to the attainment of age ten (10) were the amount provided by such policy at age ten (10).

(8) The adjusted premiums for any policy providing term insurance benefits by any rider or supplemental policy provision shall be equal to (a) the adjusted premiums for an otherwise similar policy issued at the same age without such term insurance benefits, increased, during the period for which premiums for such term insurance benefits are payable, by (b) the adjusted premiums for such term insurance, the foregoing items (a) and (b) being calculated separately and as specified in subsections (6) and (7) except that, for the purposes of subdivisions (b), (c) and (d) of subsection (6), the amount of insurance or equivalent uniform amount of insurance used in the calculation of the adjusted premiums referred to in (b) shall be equal to the excess of the corresponding amount determined for the entire policy over the amount used in the calculation of the adjusted premiums in (a).

(9) (a) Except as provided in subdivision (b) of this subsection, all adjusted premiums and present values referred to in this section shall for all policies of ordinary insurance be calculated on the basis of the Commissioners 1941 standard ordinary mortality table, provided that for
any category of ordinary insurance issued on female risks, adjusted premiums and present values may be calculated, at the option of the insurer, according to an age not more than three (3) years younger than the actual age of the insured. Such calculations for all policies of industrial insurance shall be made on the basis of the 1941 standard industrial mortality table. All calculations shall be made on the basis of the rate of interest, not exceeding three and one-half percent (3 1/2 %) per annum, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits, provided, however, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than one hundred thirty percent (130%) of the rates of mortality according to such applicable table, provided further that for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the insurer and approved by the Commissioner.

(b) In the case of ordinary policies issued on or after the operative date of this subdivision as defined herein, all adjusted premiums and present values referred to in this section shall be calculated on the basis of the Commissioners 1958 standard ordinary mortality table and the rate of interest, not exceeding three and one-half percent (3 1/2 %) per annum, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits, provided that for any category of ordinary insurance issued on female risks, adjusted premiums and present values may be calculated according to an age not more than three (3) years younger than the actual age of the insured. Provided, however, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the Commissioners 1958 extended term insurance table. Provided, further, that for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the insurer and approved by the Commissioner.

On or after the operative date of this section as defined in subsection (12) of this section, any insurer may file with the Commissioner a written notice of its election to
comply with the provisions of this subdivision after a specified date before January 1, 1966. After the filing of such notice, then upon such specified date (which shall be the operative date of this subdivision for such insurer), this subdivision shall become operative with respect to the ordinary policies thereafter issued by such insurer. If an insurer makes no such election, the operative date of this subdivision for such insurer shall be January 1, 1966.

(10) Calculation of Values: Any cash surrender value and any paid-up nonforfeiture benefit available under the policy in the event of default in a premium payment due at any time other than on the policy anniversary shall be calculated with allowance for the lapse of time and the payment of fractional premiums beyond the last preceding policy anniversary. All values referred to in subsections (4) through (9) of this section may be calculated upon the assumption that any death benefit is payable at the end of the policy year of death. The net value of any paid-up additions, other than paid-up term additions, shall be not less than the dividends used to provide such additions. Notwithstanding the provisions of subsection (4) of this section, additional benefits payable:

(a) In the event of death or dismemberment by accident or accidental means,

(b) In the event of total and permanent disability,

(c) As reversionary annuity or deferred reversionary annuity benefits,

(d) As term insurance benefits provided by a rider or supplemental policy provision to which, if issued as a separate policy, this section would not apply,

(e) As term insurance on the life of a child or on the lives of children provided in a policy on the life of a parent of the child, if such term insurance expires before the child’s age is twenty-six (26), is uniform in amount after the child’s age is one (1), and has not become paid-up by reason of the death of a parent of the child, and

(f) As other policy benefits additional to life insurance and endowment benefits,

and premiums for all such additional benefits, shall be disregarded in ascertaining cash surrender values and nonforfeiture benefits required by this section, and no such additional benefits shall be required to be included in any paid-up nonforfeiture benefits.
(11) Exceptions. This section shall not apply to any reinsurance, group insurance, pure endowment, annuity or reversionary annuity contract, nor to any term policy of uniform amount, or renewal thereof, of fifteen (15) years or less expiring before age sixty-six (66), for which uniform premiums are payable during the entire term of the policy, nor to any term policy of decreasing amount on which each adjusted premium, calculated as specified in subsections (6) through (9) of this section, is less than the adjusted premiums so calculated on a policy of uniform amount issued at the same age and for the same initial amount of insurance for a term defined as follows: For ages at issue fifty (50) and under, the term shall be fifteen (15) years; thereafter, the term shall decrease one (1) year for each year of age beyond fifty (50).

(12) Operative date. After the effective date of this code, any insurer may file with the Commissioner a written notice of its election to comply with the provisions of this section after a specified date before January 1, 1963. After the filing of such notice, then upon such specified date (which shall be the operative date for such insurer) this section shall become operative with respect to the policies thereafter issued by such insurer. If an insurer makes no such election, the operative date of this section for such insurer shall be January 1, 1963.

SECTION 459. NONFORFEITURE BENEFITS, CERTAIN INTERIM POLICIES.—(1) Each life insurance policy issued between the effective date of this code and the operative date of section 458 (standard nonforfeiture law) shall contain:

(a) An automatic nonforfeiture provision, which must be either a loan, a paid-up policy, or an extended term, to which the policyholder is entitled in the event of default in a premium payment after three (3) full annual premiums shall have been paid.

(b) Tables showing in figures the cash, paid-up and extended insurance options available under the policy each year upon default in premium payments, during the first twenty (20) years of the policy, or for its life if maturity is less than twenty (20) years.

(c) At the insurer’s option, a provision that the insurer shall have the right to defer payment of the cash value for a period not exceeding six (6) months.

(2) The value of the options referred to in subdivision
(b) above, shall be equivalents based on the reserves which shall be computed according to the tables of mortality and rate of interest named in the policy, and according to a basis and method of valuation acceptable under section 133(3) (standard valuation law), less a specified surrender charge, not exceeding two and one-half percent (2½%) of the amount of insurance. Provided, however, that if the benefits under the policy are calculated according to a more modern table than the American experience table of mortality, the value of any extended term insurance, with accompanying pure endowment, if any, may be calculated according to rates of mortality not exceeding one hundred thirty percent (130%) of the rates according to such more modern table.

(3) Any of the foregoing provisions or portions thereof not applicable to single premium or term policies need not to that extent be incorporated therein. This section shall not apply to industrial insurance, annuities, pure endowments with or without return premium, and policies of reinsurance.

SECTION 460. INCONTESTABILITY, LIMITATION OF LIABILITY AFTER REINSTATEMENT.—(1) A reinstated policy of life insurance or annuity contract may be contested on account of fraud or misrepresentation of facts material to the reinstatement only for the same period following reinstatement and with the same conditions and exceptions as the policy provides with respect to contestability after original issuance.

(2) When any life insurance policy or annuity contract is reinstated, such reinstated policy or contract may exclude or restrict liability to the same extent that such liability could have been or was excluded or restricted when the policy or contract was originally issued, and such exclusion or restriction shall be effective from the date of reinstatement.

SECTION 461. POLICY SETTLEMENTS.—Any life insurer shall have the power to hold under agreement the proceeds of any policy issued by it, upon such terms and restrictions as to revocation by the policyholder and control by beneficiaries, and with such exemptions from the claims of creditors of beneficiaries other than the policyholder as set forth in the policy or as agreed to in writing by the insurer and the policyholder. Upon maturity of a policy, in the event the policyholder has made no such agreement, the insurer shall have the power to hold the proceeds of
the policy under an agreement with the beneficiaries. The insurer shall not be required to segregate the funds so held but may hold them as part of its general assets.

SECTION 462. INDEBTEDNESS DEDUCTED FROM PROCEEDS.—In determining the amount due under any life insurance policy heretofore or hereafter issued, deduction may be made of:

(1) Any unpaid premiums or installments thereof for the current policy year due under the terms of the policy, and of

(2) The amount of principal and accrued interest of any policy loan or other indebtedness against the policy then remaining unpaid.

SECTION 463. PARTICIPATING, NONPARTICIPATING POLICIES—RIGHT TO ISSUE.—A life insurer may issue policies on either the participating basis or the nonparticipating basis, or on both bases, if the right or absence of right of participation is reasonably related to the premium charged and the insurer is otherwise not in violation of sections 291 (unfair discrimination—life insurance, annuities, and disability insurance) or 292 (rebates, illegal inducements).

SECTION 464. PARTICIPATING, NONPARTICIPATING POLICIES—ACCOUNTING.—(1) A life insurer issuing both participating and nonparticipating policies shall maintain a system of accounting which segregates the participating from the nonparticipating business and clearly shows the profits and losses upon each such category of business. The insurer's annual statement as filed with the Commissioner under section 98 shall provide such information with respect to such categories as is called for in connection therewith.

(2) For the purposes of such accounting the insurer shall make a reasonable allocation as between the respective such categories of the expenses of such general operations or functions as are jointly shared. Any allocation of expense as between the respective categories shall be made upon a reasonable basis, to the end that each category shall bear a just portion of joint expense involved in the administration of the business of such category.

(3) No policy hereafter shall provide for, and no life insurer or representative shall hereafter knowingly offer or promise payment, credit, or distribution of participating
"dividends", "earnings", "profits" or "savings", by what­ever name called, to participating policies out of such profits, earnings or savings on nonparticipating policies. This pro­vision shall not be deemed to restrict the generality of section 292 (rebates, illegal inducements).

SECTION 465. PROHIBITED POLICY PLANS.—(1) No life insurer shall hereafter deliver or issue for de­livery in this state:

(a) As part of or in combination with any life in­surance, endowment or annuity contract, any agreement or plan, additional to the rights, dividends, and benefits arising out of any such contract, which provides for the accumulation of profits over a period of years and for payment of all or any part of such accumulated profits only to members or policyholders of a designated group or class who continue as members or policyholders until the end of a specified or ascertainable period of years.

(b) Any individual life insurance policy which provides that on the death of anyone other than a beneficiary or a person insured thereunder, the owner or beneficiary of the policy shall receive the payment or granting of anything of value.

(c) Any "registered" policy; that is, any policy purport­ing to be "registered" or otherwise specially recorded, with any agency of the State of Idaho, or of any other state, or with any bank, trust company, escrow company, or other institution other than the insurer; or purporting that any reserves, assets or deposits are held, or will be so held, for the special benefit or protection of the holder of such policy, by or through any such agency or institution.

(d) Any policy or contract under which any part of the premium or of funds or values arising from the policy or contract or from investment of reserves, or from mor­tality savings, lapses or surrenders, in excess of the nor­mal reserves or amounts required to pay death, endowment, and nonforfeiture benefits in respective amounts as speci­fied in or pursuant to the policy or contract, are on a basis not involving insurance or life contingency features, (1) to be placed in special funds or segregated accounts or specially designated places or (2) to be invested in specially designated investments or types thereof, and the funds or earnings thereon to be divided among the holders of such policies or contracts, or their beneficiaries or as­signees.
(2) This section shall not be deemed to prohibit the provision, payment, allowance or apportionment of regular annual dividends or "savings" under regular participating forms of policies or contracts.

SECTION 466. SCOPE OF CHAPTER—SHORT TITLE.
—(1) This chapter applies only to group life insurance.

(2) This chapter may be known and cited as the "group life insurance law".

SECTION 467. GROUP CONTRACTS MUST MEET GROUP REQUIREMENTS.—(1) No life insurance policy shall be delivered or issued for delivery in this state insuring the lives of more than one individual unless to one of the groups as provided for in sections 468 through 472 of this chapter, and unless in compliance with the other applicable provisions of this chapter.

(2) Subsection (1) above, shall not apply to life insurance policies:

(a) Insuring only individuals related by blood, marriage or legal adoption; or

(b) Insuring only individuals having a common interest through ownership of a business enterprise, or a substantial legal interest or equity therein, and who are actively engaged in the management thereof; or

(c) Insuring only individuals otherwise having an insurable interest in each other's lives.

SECTION 468. EMPLOYEE GROUPS.—The lives of a group of individuals may be insured under a policy issued to an employer, or to the trustees of a fund established by an employer, which employer or trustees shall be deemed the policyholder, to insure employees of the employer for the benefit of persons other than the employer, subject to the following requirements:

(1) The employees eligible for insurance under the policy shall be all of the employees of the employer, or all of any class or classes thereof determined by conditions pertaining to their employment. The policy may provide that the term "employees" shall include the employees of one or more subsidiary corporations, and the employees, individual proprietors, and partners of one or more affiliated corporations, proprietors or partnerships if the business of the employer and of such affiliated corporations, proprietors or partnerships is under common control through
stock ownership, contract or otherwise. The policy may provide that the term “employees” shall include the individual proprietor or partners if the employer is an individual proprietor or a partnership. The policy may provide that the term “employees” shall include retired employees. No director of a corporate employer shall be eligible for insurance under the policy unless such person is otherwise eligible as a bona fide employee of the corporation, by performing services other than the usual duties of a director. No individual proprietor or partner shall be eligible for insurance under the policy unless he is actively engaged in and devotes a substantial part of his time to the conduct of the business of the proprietor or partnership. A policy issued to insure the employees of a public body may provide that the term “employees” shall include elected or appointed officials.

(2) The premium for the policy shall be paid by the policyholder, either wholly from the employer’s funds or funds contributed by him, or partly from such funds and partly from funds contributed by the insured employees. No policy may be issued on which the entire premium is to be derived from funds contributed by the insured employees. A policy on which part of the premium is to be derived from funds contributed by the insured employees may be placed in force only if at least seventy-five per cent (75%) of the then eligible employees, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contribution. A policy on which no part of the premium is to be derived from funds contributed by the insured employees must insure all eligible employees, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(3) The policy must cover at least ten (10) employees at date of issue.

(4) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the employees or by the employer or trustees.

Section 469. Labor Union Groups.—The lives of a group of individuals may be insured under a policy issued to a labor union, which shall be deemed the policyholder, to insure members of such union for the benefit of persons other than the union or any of its officials, representatives or agents, subject to the following requirements:
(1) The members eligible for insurance under the policy shall be all of the members of the union, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the union, or both.

(2) The premium for the policy shall be paid by the policyholder, either wholly from the union's funds, or partly from such funds and partly from funds contributed by the insured members specifically for their insurance. No policy may be issued on which the entire premium is to be derived from funds contributed by the insured members specifically for their insurance. A policy on which part of the premium is to be derived from funds contributed by the insured members specifically for their insurance may be placed in force only if at least seventy-five percent (75%) of the then eligible members excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured members specifically for their insurance must insure all eligible members, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(3) The policy must cover at least ten (10) members at date of issue.

(4) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the members or by the union.

SECTION 470. DEBTOR GROUPS.—The lives of a group of individuals may be insured under a policy issued to a creditor, who shall be deemed the policyholder, to insure debtors of the creditor, subject to the following requirements:

(1) The debtors eligible for insurance under the policy shall be all of the debtors of the creditor, or all of any class or classes thereof determined by conditions pertaining to the indebtedness or to the purchase giving rise to the indebtedness. The policy may provide that the term "debtors" shall include the debtors of one or more subsidiary corporations, and the debtors of one or more affiliated corporations, proprietors or partnerships if the business of the policyholder and of such affiliated corporations, proprietors or partnerships is under common control through stock ownership, contract, or otherwise.
(2) The premium for the policy shall be paid by the policyholder, either from the creditor's funds, or from charges collected from the insured debtors, or from both. A policy on which part or all of the premium is to be derived from the collection from the insured debtors of identifiable charges not required of uninsured debtors shall not include, in the class or classes of debtors eligible for insurance, debtors under obligations outstanding at its date of issue without evidence of individual insurability unless at least seventy-five percent (75%) of the then eligible debtors elect to pay the required charges. A policy on which no part of the premium is to be derived from the collection of such identifiable charges must insure all eligible debtors, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(3) The policy may be issued only if the group of eligible debtors is then receiving new entrants at the rate of at least one hundred (100) persons yearly, or may reasonably be expected to receive at least one hundred (100) new entrants during the first policy year, and only if the policy reserves to the insurer the right to require evidence of individual insurability if less than seventy-five percent (75%) of the new entrants become insured. The policy may exclude from the classes eligible for insurance classes of debtors determined by age.

(4) The amount of insurance on the life of any debtor shall at no time exceed the amount owed by him to the creditor, or ten thousand dollars ($10,000), whichever is less.

(5) The insurance shall be payable to the policyholder. Such payment shall reduce or extinguish the unpaid indebtedness of the debtor to the extent of such payment.

SECTION 471. PUBLIC EMPLOYEE GROUPS.—The lives of a group of individuals may be insured under a policy issued to the departmental head or to an association of public employees formed for purposes other than obtaining insurance and having, when the policy is placed in force, a membership in the classes eligible for insurance of not less than seventy-five percent (75%) of the number of employees eligible for membership in such classes, which association or departmental head shall be deemed the policyholder, to insure members of such association or public employees for the benefit of persons other than the departmental head, the association or any of its officials, subject to the following requirements:
(1) The persons eligible for insurance under the policy shall be all of the members of the association or employees of the department, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the association, or both.

(2) The premium for the policy shall be paid by the policyholder, either from the association's own funds, or from charges collected from the insured members or employees specifically for the insurance, or from both. Any charges collected from the insured members or employees specifically for the insurance, and the dues of the association if they include the cost of insurance, shall be collected through deductions by the employer from salaries of the members or employees. Such deductions from salary may be paid by the employer to the association or directly to the insurer. No policy may be placed in force unless and until at least seventy-five percent (75%) of the then eligible members of the association or employees of the department, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, have elected to be covered and have authorized their employer to make the required deductions from salary.

(3) Charges collected from the insured members or employees specifically for the insurance, and the dues of the association if they include the cost of insurance, shall be determined according to each attained age or in not less than four (4) reasonably spaced attained age groups. In no event shall the rate of such dues or charges be level for all members or employees regardless of attained age.

(4) The policy must cover at least ten (10) persons at the date of issue.

(5) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the members, employees, or by the association. Such amounts shall in no event exceed three thousand dollars ($3,000) in the case of any member or employee, and shall not exceed five hundred dollars ($500) in the case of retired members or employees and members or employees over age sixty-five (65).

(6) As used herein "employees" means employees of the United States government, or of any state, or of any political subdivision or instrumentality of any of them.

SECTION 472. TRUSTEE GROUPS.—The lives of a group of individuals may be insured under a policy issued
to the trustees of a fund established in this state by two or more employers in the same industry, provided a majority of the employees to be insured of each employer are located within this state, or to the trustees of a fund established by one or more labor unions, or by one or more employers and one or more labor unions, which trustees shall be deemed the policyholder, to insure employees of the employers or members of the unions for the benefit of persons other than the employers or the unions, subject to the following requirements:

(1) The persons eligible for insurance shall be all of the employees of the employers or all of the members of the unions, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the unions, or to both. The policy may provide that the term "employees" shall include retired employees, and the individual proprietor or partners if an employer is an individual proprietor or a partnership. No director of a corporate employer shall be eligible for insurance under the policy unless such person is otherwise eligible as a bona fide employee of the corporation by performing services other than the usual duties of a director. No individual proprietor or partner shall be eligible for insurance under the policy unless he is actively engaged in and devotes a substantial part of his time to the conduct of the business of the proprietor or partnership. The policy may provide that the term "employees" shall include the trustees, or their employees, or both, if their duties are principally connected with such trusteeship.

(2) The premium for the policy shall be paid by the trustees wholly from funds contributed by the employer or employers of the insured persons, or by the union or unions, or by both, or partly from such funds and partly from funds contributed by the insured persons. No policy may be issued on which the entire premium is to be derived from funds contributed by the insured persons specifically for their insurance. A policy on which part of the premium is to be derived from funds contributed by the insured persons specifically for their insurance must insure all eligible persons, or all except any as
to whom evidence of individual insurability is not satisfactory to the insurer.

(3) The policy must cover at date of issue at least one hundred (100) persons and not less than an average of five (5) persons, other than individual proprietors or partners, per employer unit; and if the fund is established by the members of an association of employers the policy may be issued only if

(a) Either (i) the participating employers constitute at date of issue at least sixty percent (60%) of those employer members whose employees are not already covered for group life insurance or (ii) the total number of persons covered at date of issue exceed six hundred (600); and

(b) The policy shall not require that, if a participating employer discontinues membership in the association, the insurance of his employees shall cease solely by reason of such discontinuance.

(4) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the insured persons or by the policyholder, employers, or unions.

SECTION 473. LIMIT AS TO AMOUNT.—No such policy of group life insurance may be issued to an employer, or to a labor union, or to the trustees of a fund established in whole or in part by an employer or a labor union, which provides term insurance on any person which together with any other term insurance under any group life insurance policy or policies issued to the employers of such person or to a labor union or labor unions of which such person is a member or to the trustees of a fund or funds established in whole or in part by such employer or employers or such labor union or labor unions, exceeds twenty thousand dollars ($20,000), unless one hundred and fifty percent (150%) of the annual compensation of such person from his employer or employers exceeds twenty thousand dollars ($20,000), in which event all such term insurance shall not exceed forty thousand dollars ($40,000) or one hundred and fifty percent (150%) of such annual compensation, whichever is the lesser.

SECTION 474. DEPENDENTS' COVERAGE. — Any group life policy issued under sections 468 (employee groups), or 469 (labor union groups), or 471 (public employee groups), or 472 (trustee groups) may be extended
to insure the employees or members against loss due to the death of their spouses and minor children, or any class or classes thereof, subject to the following requirements:

(1) The premium for the insurance shall be paid by the policyholder, either from the employer's or union's funds or funds contributed by the employer or union, or from funds contributed by the insured employees or members, or from both. If any part of the premium is to be derived from funds contributed by the insured employees or members, the insurance with respect to spouses and children may be placed in force only if at least seventy-five percent (75%) of the then eligible employees or members, excluding any as to whose family members evidence of insurability is not satisfactory to the insurer, elected to make the required contribution. If no part of the premium is to be derived from funds contributed by the employees or members, all eligible employees or members, excluding any as to whose family members evidence of insurability is not satisfactory to the insurer, must be insured with respect to their spouses and children.

(2) The amounts of insurance must be based upon some plan precluding individual selection either by the employees or members or by the policyholder, employer or union, and shall not exceed one thousand dollars ($1,000) with respect to any spouse or child.

(3) Upon termination of the insurance with respect to the members of the family of any employee or member by reason of the employee's or member's termination of employment, termination of membership in the class or classes eligible for coverage under the policy, or death, the spouse shall be entitled to have issued by the insurer, without evidence of insurability, an individual policy of life insurance, without disability or other supplementary benefits, providing application for the individual policy shall be made, and the first premium paid to the insurer, within thirty-one (31) days after such termination, subject to the requirements of subdivisions (1), (2) and (3) of section 483 of this chapter. If any group policy terminates or is amended so as to terminate the insurance of any class of employees or members and the employee or member is entitled to have issued an individual policy, under section 484 of this chapter, the spouse shall also be entitled to have issued by the insurer an individual policy, subject to the conditions and limitations provided above. If the spouse
dies within the period during which he would have been entitled to have an individual policy issued in accordance with this provision, the amount of life insurance which he would have been entitled to have issued under such individual policy shall be payable as a claim under the group policy, whether or not application for the individual policy or the payment of the first premium therefor has been made.

(4) Notwithstanding section 482 of this chapter, only one certificate need be issued for delivery to an insured person if a statement concerning any dependent’s coverage is included in such certificate.

Section 475. Provisions Required in Group Contracts.—No policy of group life insurance shall be delivered in this state unless it contains in substance the provisions set forth in sections 476 through 485 of this chapter or provisions which in the opinion of the Commissioner are more favorable to the persons insured, or at least as favorable to the persons insured and more favorable to the policyholder; except, however, that:

(1) Sections 481 to 485 inclusive shall not apply to policies issued to a creditor to insure debtors of such creditor;

(2) The standard provisions required for individual life insurance policies shall not apply to group life insurance policies; and

(3) If the group life insurance policy is on a plan of insurance other than the term plan, it shall contain a nonforfeiture provision or provisions which in the opinion of the Commissioner is or are equitable to the insured persons and to the policyholder, but nothing herein shall be construed to require that group life insurance policies contain the same nonforfeiture provisions as are required for individual life insurance policies.

Section 476. Grace Period.—The group life insurance policy shall contain a provision that the policyholder is entitled to a grace period of thirty-one (31) days for the payment of any premium due except the first, during which grace period the death benefit coverage shall continue in force, unless the policyholder shall have given the insurer written notice of discontinuance in advance of the date of discontinuance and in accordance with the terms of the policy. The policy may provide that the policyholder shall be liable to the insurer for the payment of a pro
rata premium for the time the policy was in force during such grace period.

SECTION 477. INCONTESTABILITY.—The group life insurance policy shall contain a provision that the validity of the policy shall not be contested, except for nonpayment of premium, after it has been in force for two years from its date of issue; and that no statement made by any person insured under the policy relating to his insurability shall be used in contesting the validity of the insurance with respect to which such statement was made after such insurance has been in force prior to the contest for a period of two years during such person’s lifetime nor unless it is contained in a written instrument signed by him.

SECTION 478. APPLICATION; STATEMENTS DEEMED REPRESENTATIONS.—The group life insurance policy shall contain a provision that a copy of the application, if any, of the policyholder shall be attached to the policy when issued and become a part of the contract; that all statements made by the policyholder or by the persons insured shall be deemed representations and not warranties, and that no statement made by any person insured shall be used in any contest unless a copy of the instrument containing the statement is or has been furnished to such person or to his beneficiary.

SECTION 479. INSURABILITY.—The group life insurance policy shall contain a provision setting forth the conditions, if any, under which the insurer reserves the right to require a person eligible for insurance to furnish evidence of individual insurability satisfactory to the insurer as a condition to part or all of his coverage.

SECTION 480. MISSTATEMENT OF AGE.—The group life insurance policy shall contain a provision specifying an equitable adjustment of premiums or of benefits or of both to be made in the event the age of a person insured has been misstated, such provision to contain a clear statement of the method of adjustment to be used.

SECTION 481. PAYMENT OF BENEFITS.—The group life insurance policy shall contain a provision that any sum becoming due by reason of the death of the person insured shall be payable to the beneficiary designated by the person insured, subject to the provisions of the policy in the event there is no designated beneficiary as to all or any part of such sum living at the death of the person insured, and subject to any right reserved by the insurer in the
policy and set forth in the certificate to pay at its option a part of such sum not exceeding five hundred dollars ($500) to any person appearing to the insurer to be equitably entitled thereto by reason of having incurred funeral or other expenses incident to the last illness or death of the person insured.

Section 482. Certificate.—The group life insurance policy shall contain a provision that the insurer will issue to the policyholder for delivery to each person insured an individual certificate setting forth a statement as to the insurance protection to which he is entitled, to whom the insurance benefits are payable, and the rights and conditions set forth in sections 483, 484, and 485 following.

Section 483. Conversion on Termination of Eligibility.—There shall be a provision that if the insurance, or any portion of it, on a person covered under the policy ceases because of termination of employment or of membership in the class or classes eligible for coverage under the policy, such person shall be entitled to have issued to him by the insurer, without evidence of insurability, an individual policy of life insurance without disability or other supplementary benefits, provided application for the individual policy shall be made, and the first premium paid to the insurer, within thirty-one (31) days after such termination, and provided further that:

(1) The individual policy shall, at the option of such person, be on any one of the forms, except term insurance, then customarily issued by the insurer at the age and for the amount applied for;

(2) The individual policy shall be in an amount not in excess of the amount of life insurance which ceases because of such termination less the amount of any life insurance for which such person is or becomes eligible under the same or any other group policy within thirty-one (31) days after such termination, provided that any amount of insurance which shall have matured on or before the date of such termination as an endowment payable to the person insured, whether in one sum or in installments or in the form of an annuity, shall not, for the purposes of this provision, be included in the amount which is considered to cease because of such termination; and

(3) The premium on the individual policy shall be at the insurer's then customary rate applicable to the form and amount of the individual policy, to the class of risk
to which such person then belongs, and to his age attained on the effective date of the individual policy.

**SECTION 484. CONVERSION ON TERMINATION OF POLICY.**—The group life insurance policy shall contain a provision that if the group policy terminates or is amended so as to terminate the insurance of any class of insured persons, every person insured thereunder at the date of such termination whose insurance terminates and who has been so insured for at least five (5) years prior to such termination date shall be entitled to have issued to him by the insurer an individual policy of life insurance, subject to the same conditions and limitations as are provided by section 483, except that the group policy may provide that the amount of such individual policy shall not exceed the smaller of:

1. The amount of the person's life insurance protection ceasing because of the termination or amendment of the group policy, less the amount of any life insurance for which he is or becomes eligible under any group policy issued or reinstated by the same or another insurer within thirty-one (31) days after such termination, and

2. Two thousand dollars ($2,000).

**SECTION 485. DEATH PENDING CONVERSION.**—The group life insurance policy shall contain a provision that if a person insured under the policy dies during the period within which he would have been entitled to have an individual policy issued to him in accordance with sections 483 and 484 and before such an individual policy shall have become effective, the amount of life insurance which he would have been entitled to have issued to him under such individual policy shall be payable as a claim under the group policy, whether or not application for the individual policy or the payment of the first premium therefor has been made.

**SECTION 486. NOTICE AS TO CONVERSION RIGHT.**—If any individual insured under a group life insurance policy hereafter delivered in this state becomes entitled under the terms of such policy to have an individual policy of life insurance issued to him without evidence of insurability, subject to making of application and payment of the first premium within the period specified in such policy, and if such individual is not given notice of the existence of such right at least fifteen (15) days prior to the expiration date of such period, then, in such event the individual
shall have an additional period within which to exercise such right, but nothing herein contained shall be construed to continue any insurance beyond the period provided in such policy. This additional period shall expire fifteen (15) days next after the individual is given such notice but in no event shall such additional period extend beyond sixty (60) days next after the expiration date of the period provided in such policy. Written notice presented to the individual or mailed by the policyholder to the last known address of the individual or mailed by the insurer to the last known address of the individual as furnished by the policyholder shall constitute notice for the purpose of this section.

SECTION 487. READJUSTMENT OF PREMIUM. —
Any group life insurance contract may provide for a readjustment of the premium rate based upon the experience thereunder.

SECTION 488. APPLICATION OF DIVIDENDS, RATE REDUCTIONS.—If a policy dividend is hereafter declared or a reduction in rate is hereafter made or continued for the first or any subsequent year of insurance under any policy of group life insurance heretofore or hereafter issued to any policyholder, the excess, if any, of the aggregate dividends or rate reductions under such policy and all other group insurance policies of the policyholder over the aggregate expenditure for insurance under such policies made from funds contributed by the policyholder, or by an employer of insured persons, or by a union or association to which the insured persons belong, including expenditures made in connection with administration of such policies, shall be applied by the policyholder for the sole benefit of insured employees or members.

SECTION 489. "EMPLOYEE LIFE INSURANCE" DEFINED.—"Employee life insurance" is that plan of life insurance, other than salary savings life insurance or pension trust insurance and annuities, under which individual policies are issued to the employees of any employer and where such policies are issued on the lives of not less than four (4) employees at date of issue. Premiums for such policies shall be paid either wholly from the employer's funds, or funds contributed by him, or partly from such funds and partly from funds contributed by the insured employees.

SECTION 490. SCOPE OF CHAPTER.—Nothing in this chapter shall apply to or affect:
(1) Any policy of liability or workmen's compensation insurance with or without supplementary expense coverage therein.

(2) Any group or blanket policy.

(3) Life insurance, endowment or annuity contracts, or contracts supplemental thereto which contain only such provisions relating to disability insurance as:

(a) Provide additional benefits in case of death or dismemberment or loss of sight by accident or accidental means, or as

(b) Operate to safeguard such contracts against lapse, or to give a special surrender value or special benefit or an annuity in the event that the insured or annuitant becomes totally and permanently disabled, as defined by the contract or supplemental contract.

(4) Reinsurance.

SECTION 491. SHORT TITLE.—This chapter may be cited as the “uniform disability policy provision law”.

SECTION 492. SCOPE, FORMAT OF POLICY.—No policy of disability insurance shall be delivered or issued for delivery to any person in this state unless it otherwise complies with this code, and complies with the following:

(1) The entire money and other considerations therefor shall be expressed therein;

(2) The time when the insurance takes effect and terminates shall be expressed therein;

(3) It shall purport to insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family, who shall be deemed the policyholder, any two (2) or more eligible members of that family, including husband, wife, dependent children or any children under a specified age which shall not exceed nineteen (19) years and any other person dependent upon the policyholder;

(4) The style, arrangement and overall appearance of the policy shall give no undue prominence to any portion of the text, and every printed portion of the text of the policy and of any endorsements or attached papers shall be plainly printed in light-faced type of a style in general use, the size of which shall be uniform and not less than ten point with a lower case unspaced alphabet length not
less than one hundred and twenty point (the “text” shall include all printed matter except the name and address of the insurer, name or title of the policy, the brief description, if any, and captions and subcaptions);

(5) The exceptions and reductions of indemnity shall be set forth in the policy and, other than those contained in sections 494 to 516, inclusive, of this chapter, shall be printed, at the insurer’s option, either included with the benefit provision to which they apply, or under an appropriate caption such as “Exceptions”, or “Exceptions and Reductions”, except that if an exception or reduction specifically applies only to a particular benefit of the policy, a statement of such exception or reduction shall be included with the benefit provision to which it applies;

(6) Each such form, including riders and endorsements, shall be identified by a form number in the lower left-hand corner of the first page thereof;

(7) The policy shall contain no provision purporting to make any portion of the charter, rules, constitution or by-laws of the insurer a part of the policy unless such portion is set forth in full in the policy, except in the case of the incorporation of, or reference to, a statement of rates or classification of risks, or short-rate table filed with the Commissioner.

SECTION 493. REQUIRED PROVISIONS; CAPTIONS—OMISSIONS—SUBSTITUTIONS.—(1) Except as provided in subsection (2) below, each such policy delivered or issued for delivery to any person in this state shall contain the provisions specified in sections 494 to 505, inclusive, of this chapter, in the words in which the same appear; except, that the insurer may, at its option, substitute for one or more of such provisions corresponding provisions of different wording approved by the Commissioner which are in each instance not less favorable in any respect to the insured or the beneficiary. Each such provision shall be preceded individually by the applicable caption shown, or, at the option of the insurer, by such appropriate individual or group captions or sub-captions as the Commissioner may approve.

(2) If any such provision is in whole or in part inapplicable to or inconsistent with the coverage provided by a particular form of policy, the insurer, with the approval of the Commissioner, shall omit from such policy any inapplicable provision or part of a provision, and shall modify
any inconsistent provision or part of a provision in such manner as to make the provision as contained in the policy consistent with the coverage provided by the policy.

SECTION 494. ENTIRE CONTRACT — CHANGES. — There shall be a provision as follows:

"Entire Contract; Changes: This policy, including the endorsements and the attached papers, if any, constitutes the entire contract of insurance. No change in this policy shall be valid until approved by an executive officer of the insurer and unless such approval be endorsed hereon or attached hereto. No agent has authority to change this policy or to waive any of its provisions."

SECTION 495. TIME LIMIT ON CERTAIN DEFENSES.—There shall be a provision as follows:

"Time Limit on Certain Defenses: (1) After three years from the date of issue of this policy no misstatements, except fraudulent misstatements, made by the applicant in the application for such policy shall be used to void the policy or to deny a claim for loss incurred or disability (as defined in the policy) commencing after the expiration of such three-year period."

(a) (The foregoing policy provision shall not be so construed as to affect any legal requirement for avoidance of a policy or denial of a claim during such initial three-year period, nor to limit the application of sections 507 through 511 of this chapter in the event of misstatement with respect to age or occupation or other insurance.)

(b) (A policy which the insured has the right to continue in force subject to its terms by the timely payment of premium (1) until at least age fifty (50) or, (2) in the case of a policy issued after age forty-four (44), for at least five (5) years from its date of issue, may contain in lieu of the foregoing the following provision (from which the clause in parentheses may be omitted at the insurer's option) under the caption "Incontestable":

"After this policy has been in force for a period of three years during the lifetime of the insured (excluding any period during which the insured is disabled), it shall become incontestable as to the statements contained in the application."

"(2) No claim for loss incurred or disability (as defined in the policy) commencing after three (3) years from the
date of issue of this policy shall be reduced or denied on the ground that a disease or physical condition not excluded from coverage by name or specific description effective on the date of loss had existed prior to the effective date of coverage of this policy."

**SECTION 496. GRACE PERIOD.**—There shall be a provision as follows:

"Grace Period: A grace period of (insert a number not less than '7' for weekly premium policies, '10' for monthly premium policies and '31' for all other policies) days will be granted for the payment of each premium falling due after the first premium, during which grace period the policy shall continue in force."

A policy in which the insurer reserves the right to refuse renewal shall have, at the beginning of the above provision:

"Unless not less than thirty (30) days prior to the premium due date the insurer has delivered to the insured or has mailed to his last address as shown by the records of the insurer written notice of its intention not to renew this policy beyond the period for which the premium has been accepted."

**SECTION 497. REINSTATEMENT.**—(1) There shall be a provision as follows:

"Reinstatement: If any renewal premium be not paid within the time granted the insured for payment, a subsequent acceptance of premium by the insurer or by any agent duly authorized by the insurer to accept such premium, without requiring in connection therewith an application for reinstatement, shall reinstate the policy; provided, however, that if the insurer or such agent requires an application for reinstatement and issues a conditional receipt for the premium tendered, the policy will be reinstated upon approval of such application by the insurer or, lacking such approval, upon the forty-fifth day following the date of such conditional receipt unless the insurer has previously notified the insured in writing of its disapproval of such application. The reinstated policy shall cover only loss resulting from such accidental injury as may be sustained after the date of reinstatement and loss due to such sickness as may begin more than ten (10) days after such date. In all other respects the insured and insurer shall have the same rights thereunder as they had under the policy immediately before the due date of the
defaulted premium, subject to any provisions endorsed hereon or attached hereto in connection with the reinstatement. Any premium accepted in connection with a reinstatement shall be applied to a period for which premium has not been previously paid, but not to any period more than sixty (60) days prior to the date of reinstatement.”

(2) The last sentence of the above provision may be omitted from any policy which the insured has the right to continue in force subject to its terms by the timely payment of premiums

(a) Until at least age fifty (50), or

(b) In the case of a policy issued after age forty-four (44), for at least five (5) years from its date of issue.

SECTION 498. NOTICE OF CLAIM.—(1) There shall be a provision as follows:

“Notice of Claim: Written notice of claim must be given to the insurer within twenty days after the occurrence or commencement of any loss covered by the policy, or as soon thereafter as is reasonably possible. Notice given by or on behalf of the insured or the beneficiary to the insurer at . . . . (insert the location of such office as the insurer may designate for the purpose), or to any authorized agent of the insurer, with information sufficient to identify the insured, shall be deemed notice to the insurer.”

(2) In a policy providing a loss-of-time benefit which may be payable for at least two (2) years, an insurer may at its option insert the following between the first and second sentences of the above provision:

“Subject to the qualifications set forth below, if the insured suffers loss of time on account of disability for which indemnity may be payable for at least two years, he shall, at least once in every six months after having given notice of the claim, give to the insurer notice of continuance of the disability, except in the event of legal incapacity. The period of six months following any filing of proof by the insured or any payment by the insurer on account of such claim or any denial of liability in whole or in part by the insurer shall be excluded in applying this provision. Delay in the giving of such notice shall not impair the insured’s right to any indemnity which would otherwise have accrued during the period of six months preceding the date on which such notice is actually given.”
SECTION 499. CLAIM FORMS.—There shall be a provision as follows:

“Claim Forms: The insurer, upon receipt of a notice of claim, will furnish to the claimant such forms as are usually furnished by it for filing proofs of loss. If such forms are not furnished within fifteen days after the giving of such notice the claimant shall be deemed to have complied with the requirements of this policy as to proof of loss upon submitting, within the time fixed in the policy for filing proofs of loss, written proof covering the occurrence, the character and the extent of the loss for which claim is made.”

SECTION 500. PROOFS OF LOSS.—There shall be a provision as follows:

“Proofs of Loss: Written proof of loss must be furnished to the insurer at its said office in case of claim for loss for which this policy provides any periodic payment contingent upon continuing loss within ninety days after the termination of the period for which the insurer is liable and in case of claim for any other loss within ninety days after the date of such loss. Failure to furnish such proof within the time required shall not invalidate nor reduce any claim if it was not reasonably possible to give proof within such time, provided such proof is furnished as soon as reasonably possible and in no event, except in the absence of legal capacity, later than one year from the time proof is otherwise required.”

SECTION 501. TIME OF PAYMENT OF CLAIMS.—There shall be a provision as follows:

“Time of Payment of Claims: Indemnities payable under this policy for any loss other than loss for which this policy provides any periodic payment, will be paid immediately upon receipt of due written proof of such loss. Subject to due written proof of loss, all accrued indemnities for loss for which this policy provides periodic payment will be paid . . . . . (insert period for payment which must not be less frequently than monthly) and any balance remaining unpaid upon the termination of liability will be paid immediately upon receipt of due written proof.”

SECTION 502. PAYMENT OF CLAIMS.—(1) There shall be a provision as follows:

“Payment of Claims: Indemnity for loss of life will be payable in accordance with the beneficiary designation and
the provisions respecting such payment which may be prescribed herein and effective at the time of payment. If no such designation or provision is then effective, such indemnity shall be payable to the estate of the insured. Any other accrued indemnities unpaid at the insured's death may, at the option of the insurer, be paid either to such beneficiary or to such estate. All other indemnities will be payable to the insured."

(2) The following provisions, or either of them, may be included with the foregoing provision at the option of the insurer:

(a) "If any indemnity of this policy shall be payable to the estate of the insured, or to an insured or beneficiary who is a minor or otherwise not competent to give a valid release, the insurer may pay such indemnity, up to an amount not exceeding $... (insert an amount which shall not exceed $1,000), to any relative by blood or connection by marriage of the insured or beneficiary who is deemed by the insurer to be equitably entitled thereto. Any payment made by the insurer in good faith pursuant to this provision shall fully discharge the insurer to the extent of such payment."

(b) "Subject to any written direction of the insured in the application or otherwise all or a portion of any indemnities provided by this policy on account of hospital, nursing, medical or surgical services may, at the insurer's option and unless the insured requests otherwise in writing not later than the time of filing proofs of such loss, be paid directly to the hospital or person rendering such services; but it is not required that the service be rendered by a particular hospital or person."

SECTION 503. PHYSICAL EXAMINATION, AUTOPSY.—There shall be a provision as follows:

"Physical Examinations and Autopsy: The insurer at its own expense shall have the right and opportunity to examine the person of the insured when and as often as it may reasonably require during the pendency of a claim hereunder and to make an autopsy in case of death where it is not forbidden by law."

SECTION 504. LEGAL ACTIONS.—There shall be a provision as follows:

"Legal Actions: No action at law or in equity shall be brought to recover on this policy prior to the expiration of
sixty days after written proof of loss has been furnished in accordance with the requirements of this policy. No such action shall be brought after the expiration of three years after the time written proof of loss is required to be furnished."

SECTION 505. CHANGE OF BENEFICIARY. — (1) There shall be a provision as follows:

"Change of Beneficiary: Unless the insured makes an irrevocable designation of beneficiary, the right to change the beneficiary is reserved to the insured and the consent of the beneficiary or beneficiaries shall not be requisite to surrender or assignment of this policy or to any change of beneficiary or beneficiaries, or to any other changes in this policy."

(2) The first clause of this provision, relating to the irrevocable designation of beneficiary, may be omitted at the insurer's option.

SECTION 506. OPTIONAL POLICY PROVISIONS. — Except as provided in section 493(2), no such policy delivered or issued for delivery to any person in this state shall contain provisions respecting the matters set forth in sections 507 to 516, inclusive, of this chapter unless such provisions are in the words in which the same appear in the applicable section, except that the insurer may, at its option, use in lieu of any such provision a corresponding provision of different wording approved by the Commissioner which is not less favorable in any respect to the insured or the beneficiary. Any such provision contained in the policy shall be preceded individually by the appropriate caption or, at the option of the insurer, by such appropriate individual or group captions or subcaptions as the Commissioner may approve.

SECTION 507. CHANGE OF OCCUPATION. — There may be a provision as follows:

"Change of Occupation: If the insured be injured or contract sickness after having changed his occupation to one classified by the insurer as more hazardous than that stated in this policy or while doing for compensation anything pertaining to an occupation so classified, the insurer will pay only such portion of the indemnities provided in this policy as the premium paid would have purchased at the rates and within the limits fixed by the insurer for such more hazardous occupation. If the insured changes his occupation to one classified by the insurer as less hazard-
ous than that stated in this policy, the insurer, upon receipt of proof of such change of occupation, will reduce the premium rate accordingly, and will return the excess pro rata unearned premium from the date of change of occupation or from the policy anniversary date immediately preceding receipt of such proof, whichever is the more recent. In applying this provision, the classification of occupational risk and the premium rates shall be such as have been last filed by the insurer prior to the occurrence of the loss for which the insurer is liable or prior to date of proof of change in occupation with the state official having supervision of insurance in the state where the insured resided at the time this policy was issued; but if such filing was not required, then the classification of occupational risk and the premium rates shall be those last made effective by the insurer in such state prior to the occurrence of the loss or prior to the date of proof of change in occupation.”

SECTION 508. MISSTATEMENT OF AGE.—There may be a provision as follows:

“Misstatement of Age: If the age of the insured has been misstated, all amounts payable under this policy shall be such as the premium paid would have purchased at the correct age.”

SECTION 509. OTHER INSURANCE IN THIS INSURER.—There may be a provision as follows:

“Other Insurance in This Insurer: If an accident or sickness or accident and sickness policy or policies previously issued by the insurer to the insured be in force concurrently herewith, making the aggregate indemnity for . . . .
(insert type of coverage or coverages) in excess of $. . . .
(insert maximum limit of indemnity or indemnities) the excess insurance shall be void and all premiums paid for such excess shall be returned to the insured or to his estate.” Or, in lieu thereof:

“Insurance effective at any one time on the insured under a like policy or policies in this insurer is limited to the one such policy elected by the insured, his beneficiary or his estate, as the case may be, and the insurer will return all premiums paid for all other such policies.”

SECTION 510. INSURANCE WITH OTHER INSURERS (Provision of service or expense incurred basis).—(1) There may be a provision as follows:
“Insurance with Other Insurers: If there be other valid coverage, not with this insurer, providing benefits for the same loss on a provision of service basis or on an expense incurred basis and of which this insurer has not been given written notice prior to the occurrence or commencement of loss, the only liability under any expense incurred coverage of this policy shall be for such proportion of the loss as the amount which would otherwise have been payable hereunder plus the total of the like amounts under all such other valid coverages for the same loss of which this insurer had notice bears to the total like amounts under all valid coverages for such loss, and for the return of such portion of the premiums paid as shall exceed the pro rata portion for the amount so determined. For the purpose of applying this provision when other coverage is on a provision of service basis, the ‘like amount’ of such other coverage shall be taken as the amount which the services rendered would have cost in the absence of such coverage.”

(2) If the foregoing policy provision is included in a policy which also contains the policy provision set out in section 511 there shall be added to the caption of the foregoing provision the phrase “—Expense Incurred Benefits.” The insurer may, at its option, include in this provision a definition of “other valid coverage”, approved as to form by the Commissioner, which definition shall be limited in subject matter to coverage provided by organizations subject to regulation by insurance law or by insurance authorities of this or any other state of the United States or any province of Canada, and by hospital or medical service organizations, and to any other coverage the inclusion of which may be approved by the Commissioner. In the absence of such definition such term shall not include group insurance, automobile medical payments insurance, or coverage provided by hospital or medical service organizations or by union welfare plans or employer or employee benefit organizations. For the purpose of applying the foregoing policy provision with respect to any insured, any amount of benefit provided for such insured pursuant to any compulsory benefit statute (including any workmen’s compensation or employer’s liability statute) whether provided by a governmental agency or otherwise shall in all cases be deemed to be “other valid coverage” of which the insurer has had notice. In applying the foregoing policy provision no third party liability coverage shall be included as “other valid coverage”.

Section 511. INSURANCE WITH OTHER INSUR-
ERS—OTHER BENEFITS.—(1) There may be a provision as follows:

"Insurance With Other Insurers: If there be other valid coverage, not with this insurer, providing benefits for the same loss on other than an expense incurred basis and of which this insurer has not been given written notice prior to the occurrence or commencement of loss, the only liability for such benefits under this policy shall be for such proportion of the indemnities otherwise provided hereunder for such loss as the like indemnities of which the insurer had notice (including the indemnities under this policy) bear to the total amount of all like indemnities for such loss, and for the return of such portion of the premium paid as shall exceed the pro rata portion for the indemnities thus determined."

(2) If the foregoing policy provision is included in a policy which also contains the policy provision set out in section 510, there shall be added to the caption of the foregoing provision the phrase "—Other Benefits." The insurer may, at its option, include in this provision a definition of "other valid coverage", approved as to form by the Commissioner, which definition shall be limited in subject matter to coverage provided by organizations subject to regulation by insurance law or by insurance authorities of this or any other state of the United States or any province of Canada, and to any other coverage the inclusion of which may be approved by the Commissioner. In the absence of such definition such term shall not include group insurance, or benefits provided by union welfare plans or by employer or employee benefit organizations. For the purpose of applying the foregoing policy provision with respect to any insured, any amount of benefit provided for such insured pursuant to any compulsory benefit statute (including any workmen’s compensation or employer’s liability statute) whether provided by a governmental agency or otherwise shall in all cases be deemed to be "other valid coverage" of which the insurer has had notice. In applying the foregoing policy provision no third party liability coverage shall be included as "other valid coverage".

SECTION 512. RELATION OF EARNINGS TO INSURANCE.—(1) There may be a provision as follows:

"Relation of Earnings to Insurance: If the total monthly amount of loss of time benefits promised for the same loss under all valid loss of time coverage upon the insured,
whether payable on a weekly or monthly basis, shall exceed the monthly earnings of the insured at the time disability commenced or his average monthly earnings for the period of two years immediately preceding a disability for which claim is made, whichever is the greater, the insurer will be liable only for such proportionate amount of such benefits under this policy as the amount of such monthly earnings or such average monthly earnings of the insured bears to the total amount of monthly benefits for the same loss under all such coverage upon the insured at the time such disability commences and for the return of such part of the premiums paid during such two years as shall exceed the pro rata amount of the premiums for the benefits actually paid hereunder; but this shall not operate to reduce the total monthly amount of benefits payable under all such coverage upon the insured below the sum of $200 or the sum of the monthly benefits specified in such coverages, whichever is the lesser, nor shall it operate to reduce benefits other than those payable for loss of time."

(2) The foregoing policy provision may be inserted only in a policy which the insured has the right to continue in force subject to its terms by the timely payment of premiums (a) until at least age fifty (50), or (b) in the case of a policy issued after age forty-four (44), for at least five (5) years from its date of issue. The insurer may, at its option, include in this provision a definition of "valid loss of time coverage", approved as to form by the Commissioner, which definition shall be limited in subject matter to coverage provided by governmental agencies or by organizations subject to regulation by insurance law or by insurance authorities of this or any other state of the United States or any province of Canada, or to any other coverage the inclusion of which may be approved by the Commissioner or any combination of such coverages. In the absence of such definition such term shall not include any coverage provided for such insured pursuant to any compulsory benefit statute (including any workmen's compensation or employer's liability statute), or benefits provided by union welfare plans or by employer or employee benefit organizations.

SECTION 513. UNPAID PREMIUMS. — There may be a provision as follows:

"Unpaid Premiums: Upon the payment of a claim under this policy, any premium then due and unpaid or covered by any note or written order may be deducted therefrom."
SECTION 514. CONFORMITY WITH STATE STATUTES.—There may be a provision as follows:

"Conformity with State Statutes: Any provision of this policy which, on its effective date is in conflict with the statutes of the state in which the insured resides on such date is hereby amended to conform to the minimum requirements of such statutes."

SECTION 515. ILLEGAL OCCUPATION. — There may be a provision as follows:

"Illegal Occupation: The insurer shall not be liable for any loss to which a contributing cause was the insured’s commission of or attempt to commit a felony or to which a contributing cause was the insured’s being engaged in an illegal occupation."

SECTION 516. INTOXICANTS AND NARCOTICS. — There may be a provision as follows:

"Intoxicants and Narcotics: The insurer shall not be liable for any loss sustained or contracted in consequence of the insured’s being intoxicated or under the influence of any narcotic unless administered on the advice of a physician."

SECTION 517. RENEWABILITY. — Disability insurance policies, other than accident insurance only policies, in which the insurer reserves the right to refuse renewal on an individual basis, shall provide in substance in a provision thereof or in an endorsement thereon or rider attached thereto that subject to the right to terminate the policy upon nonpayment of premium when due, such right to refuse renewal may not be exercised so as to take effect before the renewal date occurring on, or after and nearest, each policy anniversary (or in the case of lapse and reinstatement, at the renewal date occurring on, or after and nearest, each anniversary of the last reinstatement), and that any refusal of renewal shall be without prejudice to any claim originating while the policy is in force. (The parenthetical reference to lapse and reinstatement may be omitted at the insurer’s option.)

SECTION 518. ORDER OF CERTAIN PROVISIONS.—The provisions which are the subject of sections 494 to 516, inclusive, of this chapter, or any corresponding provisions which are used in lieu thereof in accordance with such sections, shall be printed in the consecutive order of the provisions in such sections or, at the option of the insurer, any such provision may appear as a unit in any part
of the policy, with other provisions to which it may be logically related, provided that the resulting policy shall not be in whole or in part unintelligible, uncertain, ambiguous, abstruse, or likely to mislead a person to whom the policy is offered, delivered or issued.

SECTION 519. THIRD PARTY OWNERSHIP. — The word "insured", as used in this chapter, shall not be construed as preventing a person other than the insured with a proper insurable interest from making application for and owning a policy covering the insured or from being entitled under such a policy to any indemnities, benefits, and rights provided therein.

SECTION 520. REQUIREMENTS OF OTHER JURISDICTIONS.—(1) Any policy of a foreign or alien insurer, when delivered or issued for delivery to any person in this state, may contain any provision which is not less favorable to the insured or the beneficiary than the provisions of this chapter and which is prescribed or required by the law of the state or country under which the insurer is organized.

(2) Any policy of a domestic insurer may, when issued for delivery in any other state or country, contain any provision permitted or required by the laws of such other state or country.

SECTION 521. POLICIES ISSUED FOR DELIVERY IN ANOTHER STATE.—If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public official of such other state has informed the Commissioner that any such policy is not subject to approval or disapproval by such official, the Commissioner may by ruling require that the policy meet the standards set forth in section 492 and in sections 493 to 520, inclusive.

SECTION 522. CONFORMING TO STATUTE.—(1) No policy provision which is not subject to this chapter shall make a policy, or any portion thereof, less favorable in any respect to the insured or the beneficiary than the provisions thereof which are subject to this chapter.

(2) A policy delivered or issued for delivery to any person in this state in violation of this chapter shall be held valid but shall be construed as provided in this chapter. When any provision in a policy subject to this chapter is in conflict with any provision of this chapter, the rights,
duties, and obligations of the insurer, the insured and the beneficiary shall be governed by the provisions of this chapter.

Section 523. Age Limit.—If any such policy contains a provision establishing, as an age limit or otherwise, a date after which the coverage provided by the policy will not be effective, and if such date falls within a period for which premium is accepted by the insurer or if the insurer accepts a premium after such date, the coverage provided by the policy will continue in force subject to any right of cancellation until the end of the period for which premium has been accepted. In the event the age of the insured has been misstated and if, according to the correct age of the insured, the coverage provided by the policy would not have become effective, or would have ceased prior to the acceptance of such premium or premiums, then the liability of the insurer shall be limited to the refund, upon request, of all premiums paid for the period not covered by the policy.

Section 524. Prohibited Policy Plans, Provisions.—No insurer shall hereafter deliver or issue for delivery in this state any disability insurance policy:

1. Providing benefits or values for surviving or continuing policyholders contingent upon the lapse or termination of the policies of other policyholders, whether by death or otherwise.

2. Containing any clause, provision or agreement providing a premium, deposit or other payment for, or promising the distribution of, any bonus, special fund, or guaranteed payment other than the insurance benefits specified in the policy. This restriction shall not be construed to apply to the payment of dividends to the holders of participating policies.

Section 525. Filing of Rates.—Each insurer issuing disability insurance policies for delivery in this state shall, before use thereof, file with the Commissioner its premium rates and classification of risks pertaining to such policies. The insurer shall adhere to its rates and classifications as filed with the Commissioner. The insurer may change such filings from time to time as it deems proper.

Section 526. Franchise Disability Insurance Law.—Disability insurance on a franchise plan is hereby declared to be that form of disability insurance issued to:
(1) Four (4) or more employees of any corporation, co-partnership, or individual employer or any governmental corporation, agency or department thereof; or

(2) Ten (10) or more members, employees or employees of members of any trade or professional association or of a labor union or of any other association having had an active existence for at least two years where such association or union has a constitution or bylaws and is formed in good faith for purposes other than that of obtaining insurance;

where such persons with or without their dependents, are issued the same form of an individual policy varying only as to amounts and kinds of coverage applied for by such persons under an arrangement whereby the premiums on such policies may be paid to the insurer periodically by the employer, with or without payroll deductions, or by the association or union for its members, or by some designated person acting on behalf of such employer or association or union. The term “employees” as used herein may be deemed to include the officers, managers and employees and retired employees of the employer and the individual proprietor or partners if the employer is an individual proprietor or partnership.

Section 527. Scope of Chapter — Short Title.

(1) This chapter applies only to group disability insurance contracts and to blanket disability insurance contracts as herein provided for.

(2) This chapter may be cited as the “group or blanket disability insurance law”.

Section 528. “Group Disability Insurance” Defined—Eligible Groups.—“Group disability insurance” is hereby declared to be that form of disability insurance covering groups of persons as defined below, with or without one or more members of their families or one or more of their dependents, or covering one or more members of the families or one or more dependents of such groups of persons, and issued upon the following basis:

(1) Under a policy issued to an employer or trustees of a fund established by an employer, who shall be deemed the policyholder, insuring employees of such employer for the benefit of persons other than the employer. The term “employees” as used herein shall be deemed to include the
officers, managers, and employees of the employer, the in-
dividual proprietor or partner if the employer is an indi-
vidual proprietor or partnership, the officers, managers,
and employees of subsidiary or affiliated corporations, the
individual proprietors, partners and employees of indi-
viduals and firms, if the business of the employer and such
individual or firm is under common control through stock
ownership, contract, or otherwise. The term "employees"
as used herein may include retired employees. A policy
issued to insure employees of a public body may provide
that the term "employees" shall include elected or appointed
officials. The policy may provide that the term "employees"
shall include the trustees or their employees, or both, if
their duties are principally connected with such trusteeship.

(2) Under a policy issued to an association, including a
labor union, which shall have a constitution and bylaws
and which has been organized and is maintained in good
faith for purposes other than that of obtaining insurance,
insuring members, employees, or employees of members of
the association for the benefit of persons other than the
association or its officers or trustees. The term "employees"
as used herein may include retired employees.

(3) Under a policy issued to the trustees of a fund es-

tablished by two (2) or more employers in the same or
related industry or by one or more labor unions or by one
or more employers and one or more labor unions or by
an association as defined in subdivision (2) above, which
trustees shall be deemed the policyholder, to insure em-
ployees of the employers or members of the unions or of
such association, or employees of members of such asso-
ciation, for the benefit of persons other than the employers
or the unions or such association. The term "employees"
as used herein may include the officers, managers and em-
ployees of the employer, and the individual proprietor or
partners if the employer is an individual proprietor or
partnership. The term "employees" as used herein may
include retired employees. The policy may provide that
the term "employees" shall include the trustees or their
employees, or both, if their duties are principally con-

(4) Under a policy issued to any person or organiza-
tion to which a policy of group life insurance may be issued
or delivered in this state to insure any class or classes of
individuals that could be insured under such group life
policy.
(5) Under a policy issued to cover any other substantially similar group which, in the discretion of the Commissioner, may be subject to the issuance of a group disability policy or contract.

(6) Any group disability policy which contains provisions for the payment by the insurer of benefits for expenses incurred on account of hospital, nursing, medical, or surgical services for members of the family or dependents of a person in the insured group may provide for the continuation of such benefit provisions, or any part or parts thereof, after the death of the person in the insured group.

SECTION 529. REQUIRED PROVISIONS IN GROUP POLICIES.—Each such group disability insurance policy shall contain in substance the following provisions:

(1) A provision that, in the absence of fraud, all statements made by applicants or the policyholders or by an insured person shall be deemed representations and not warranties, and that no statement made for the purpose of effecting insurance shall void such insurance or reduce benefits unless contained in a written instrument signed by the policyholder or the insured person, a copy of which has been furnished to such policyholder or to such person or his beneficiary.

(2) A provision that the insurer will furnish to the policyholder for delivery to each employee or member of the insured group, a statement in summary form of the essential features of the insurance coverage of such employee or member and to whom benefits thereunder are payable. If dependents are included in the coverage, only one certificate need be issued for each family unit.

(3) A provision that to the group originally insured may be added from time to time eligible new employees or members or dependents, as the case may be, in accordance with the terms of the policy.

SECTION 530. DIRECT PAYMENT OF HOSPITAL, MEDICAL SERVICES.—Any group disability policy may provide that all or any portion of any indemnities provided by any such policy on account of hospital, nursing, medical or surgical services may, at the insurer's option, be paid directly to the hospital or person rendering such services; but the policy may not require that the service be rendered by a particular hospital or person. Payments so
made shall discharge the insurer's obligation with respect to the amount of insurance so paid.

**SECTION 531. READJUSTMENT OF PREMIUMS — DIVIDENDS.** — Any contract of group disability insurance may provide for the readjustment of the rate of premium based upon the experience thereunder. If a policy dividend is hereafter declared or a reduction in rate is hereafter made or continued for the first or any subsequent year of insurance under any policy of group disability insurance heretofore or hereafter issued to any policyholder, the excess, if any, of the aggregate dividends or rate reductions under such policy and all other group insurance policies of the policyholder over the aggregate expenditure for insurance under such policies made from funds contributed by the policyholder, or by an employer or insured persons, or by a union or association to which the insured persons belong, including expenditures made in connection with administration of such policies, shall be applied by the policyholder for the sole benefit of insured employees or members.

**SECTION 532. “BLANKET DISABILITY INSURANCE” DEFINED.** — “Blanket disability insurance” is hereby declared to be that form of disability insurance covering groups of persons as enumerated in one of the following subdivisions.

(1) Under a policy or contract issued to any common carrier or to any operator, owner or lessee of a means of transportation, who or which shall be deemed the policyholder, covering a group defined as all persons or all persons of a class who may become passengers on such common carrier or such means of transportation.

(2) Under a policy or contract issued to an employer, who shall be deemed the policyholder, covering the employer and all employees, dependents or guests, defined by reference to specified hazards incident to the activities or operations of the employer or any class of employees, dependents or guests similarly defined.

(3) Under a policy or contract issued to a school, or other institution of learning, camp or sponsor thereof; or to the head or principal thereof, who or which shall be deemed the policyholder, covering students or campers. Supervisors and employees may be included.

(4) Under a policy or contract issued in the name of any religious, charitable, recreational, educational, or civic
organization, which shall be deemed the policyholder, covering participants in activities sponsored by the organization.

(5) Under a policy or contract issued to a sports team or sponsors thereof which shall be deemed the policyholder, covering members, officials and supervisors.

(6) Under a policy or contract issued in the name of any volunteer fire department, first aid, or other such volunteer group, or agency having jurisdiction thereof, which shall be deemed the policyholder, covering all of the members of such fire department or group.

(7) Under a policy or contract issued to cover any other risk or class of risks which, in the discretion of the Commissioner may be properly eligible for blanket disability insurance. The discretion of the Commissioner may be exercised on an individual risk basis or class of risks, or both.

SECTION 533. REQUIRED PROVISIONS IN BLANKET POLICIES.—Any insurer authorized to write disability insurance in this state shall have the power to issue blanket disability insurance. No such blanket policy may be issued or delivered in this state unless a copy of the form thereof shall have been filed in accordance with section 404. Every such blanket policy shall contain provisions which in the opinion of the Commissioner are at least as favorable to the policyholder and the individual insured as the following:

(1) A provision that the policy and the application shall constitute the entire contract between the parties, and that all statements made by the policyholder shall, in absence of fraud, be deemed representations and not warranties, and that no such statements shall be used in defense to a claim under the policy, unless it is contained in a written application.

(2) A provision that written notice of sickness or of injury must be given to the insurer within twenty (20) days after the date when such sickness or injury occurred. Failure to give notice within such time shall not invalidate nor reduce any claim if it shall be shown not to have been reasonably possible to give such notice and that notice was given as soon as was reasonably possible.

(3) A provision that the insurer will furnish to the policyholder such forms as are usually furnished by it for filing proof of loss. If such forms are not furnished be-
fore the expiration of fifteen (15) days after the giving of such notice, the claimant shall be deemed to have complied with the requirements of the policy as to proof of loss upon submitting within the time fixed in the policy for filing proof of loss, written proof covering the occurrence, character and extent of the loss for which claim is made.

(4) A provision that in the case of claim for loss of time for disability, written proof of such loss must be furnished to the insurer within thirty (30) days after the commencement of the period for which the insurer is liable, and that subsequent written proofs of the continuance of such disability must be furnished to the insurer at such intervals as the insurer may reasonably require, and that in the case of claim for any other loss, written proof of such loss must be furnished to the insurer within ninety (90) days after the date of such loss. Failure to furnish such proof within such time shall not invalidate nor reduce any claim if it shall be shown not to have been reasonably possible to furnish such proof and that such proof was furnished as soon as was reasonably possible.

(5) A provision that all benefits payable under the policy other than benefits for loss of time will be payable immediately upon receipt of due written proof of such loss, and that, subject to due proof of loss, all accrued benefits payable under the policy for loss of time will be paid not later than at the expiration of each period of thirty (30) days during the continuance of the period for which the insurer is liable, and that any balance remaining unpaid at the termination of such period will be paid immediately upon receipt of such proof.

(6) A provision that the insurer at its own expense, shall have the right and opportunity to examine the person of the insured when and so often as it may reasonably require during the pendency of claim under the policy and also the right and opportunity to make any autopsy in case of death where it is not prohibited by law.

(7) A provision that no action at law or in equity shall be brought to recover under the policy prior to the expiration of sixty (60) days after written proof of loss has been furnished in accordance with the requirements of the policy and that no such action shall be brought after the expiration of three (3) years after the time written proof of loss is required to be furnished.
SECTION 534. APPLICATION AND CERTIFICATES NOT REQUIRED.—An individual application shall not be required from a person covered under a blanket disability policy or contract, nor shall it be necessary for the insurer to furnish each such person a certificate of the insurance.

SECTION 535. PAYMENT OF BENEFITS UNDER BLANKET POLICY.—All benefits under any blanket disability policy shall be payable to the person insured, or to his designated beneficiary or beneficiaries, or to his estate; except, that if the person insured be a minor or mental incompetent, such benefits may be made payable to his parent, guardian, or other person actually supporting him; or if the entire cost of the insurance has been borne by the employer such benefits may be made payable to the employer. Provided, however, that the policy may provide that all or any portion of any indemnities provided by such policy on account of hospital, nursing, medical or surgical services may, at the insurer's option, be paid directly to the hospital or person rendering such services; but the policy may not require that the service be rendered by a particular hospital or person. Payment so made shall discharge the insurer's obligation with respect to the amount of insurance so paid.

SECTION 536. DECLARATION OF PURPOSE.—The purpose of this chapter is to promote the public welfare by regulating credit life insurance and credit disability insurance. Nothing in this chapter is intended to prohibit or discourage reasonable competition. The provisions of this chapter shall be liberally construed.

SECTION 537. SHORT TITLE.—This chapter may be cited as “the model law for the regulation of credit life insurance and credit disability insurance”.

SECTION 538. SCOPE OF CHAPTER.—All life insurance and all disability insurance in connection with loans or other credit transactions shall be subject to the provisions of this chapter; except, that insurance in connection with a loan or other credit transaction of five (5) years duration or more shall not be subject to this chapter, nor shall insurance be subject to this chapter where the issuance of such insurance is an isolated transaction on the part of the insurer not related to an agreement or a plan for insuring debtors of the creditor.

SECTION 539. DEFINITIONS. — For the purposes of this chapter:
(1) "Credit life insurance" means insurance on the life of a debtor pursuant to or in connection with a specific loan or other credit transaction.

(2) "Credit disability insurance" means insurance on a debtor to provide indemnity for payments becoming due on a specific loan or other credit transaction while the debtor is disabled as defined in the policy.

(3) "Creditor" means the lender of money or vendor of goods, services or property, including a lessor under a lease intended as a security, rights or privileges, for which payment is arranged through a credit transaction, or any successor to the right, title or interest of any such lender or vendor, and an affiliate, associate or subsidiary of any of them or any director, officer or employee of any of them or any other person in any way associated with any of them.

(4) "Debtor" means a borrower of money or a purchaser or lessee of goods, services, property, rights or privileges for which payment is arranged through a credit transaction.

(5) "Indebtedness" means the total amount payable by a debtor to a creditor in connection with a loan or other credit transaction.

SECTION 540. FORMS OF CREDIT LIFE INSURANCE AND CREDIT DISABILITY INSURANCE. — Credit life insurance and credit disability insurance shall be issued only in the following forms:

(1) Individual policies of life insurance issued to debtors on the term plan.

(2) Individual policies of disability insurance issued to debtors on a term plan, or disability benefit provisions in individual policies of credit life insurance.

(3) Group policies of life insurance issued to creditors providing insurance upon the lives of debtors on the term plan.

(4) Group policies of disability insurance issued to creditors on a term plan insuring debtors, or disability benefit provisions in group credit life insurance policies to provide such coverage.

SECTION 541. AMOUNT OF INSURANCE. — Credit life insurance:
(a) The amount of credit life insurance shall not exceed the initial indebtedness, however the indebtedness may be repayable.

(b) In cases where an indebtedness is repayable in substantially equal installments, the amount of insurance shall at no time exceed the scheduled or actual amount of unpaid indebtedness, whichever is greater.

(c) Notwithstanding the provisions of (a) or (b) above, insurance on agricultural credit transactions not exceeding one year in duration may be written up to the amount of the loan commitment on a nondecreasing or level term plan.

(d) Except, that the amount of insurance provided under a group insurance contract shall be subject to section 470 (4) (debtor groups).

(2) Credit disability insurance: The total amount of indemnity payable by credit disability insurance in the event of disability, as defined in the policy, shall not exceed the aggregate of the periodic scheduled unpaid installments of the indebtedness; and the amount of each periodic indemnity payment shall not exceed the original indebtedness divided by the number of periodic installments.

Section 542. Term of Credit Life Insurance and Credit Disability Insurance.—The term of any credit life insurance or credit disability insurance shall, subject to acceptance by the insurer, commence on the date when the debtor becomes obligated to the creditor, except that, where a group policy provides coverage with respect to existing obligations, the insurance on a debtor with respect to such indebtedness shall commence on the effective date of the policy. Where evidence of insurability is required and such evidence is furnished more than thirty (30) days after the date when the debtor becomes obligated to the creditor, the term of the insurance may commence on the date on which the insurer determines the evidence to be satisfactory, and in such event there shall be an appropriate refund or adjustment of any charge to the debtor for insurance. The term of such insurance shall not extend more than fifteen (15) days beyond the scheduled maturity date of the indebtedness except when extended without additional cost to the debtor. If the indebtedness is discharged due to renewal or refinancing prior to the scheduled maturity date, the insurance in force shall be
terminated before any new insurance may be issued in connection with the renewed or refinanced indebtedness. In all cases of termination prior to scheduled maturity, a refund shall be paid or credited as provided in section 545.

SECTION 543. PROVISIONS OF POLICIES AND CERTIFICATES OF INSURANCE—DISCLOSURE TO DEBTORS.—(1) All credit life insurance and credit disability insurance shall be evidenced by an individual policy, or in the case of group insurance by a certificate of insurance, which individual policy or group certificate shall be delivered to the debtor.

(2) Each individual policy or group certificate of credit life insurance, and/or credit disability insurance shall, in addition to other requirements of law, set forth the name and home office address of the insurer, and the identity by name or otherwise of the person or persons insured, the rate or amount of payment, if any, by the debtor separately for credit life insurance and credit disability insurance, a description of the amount, term and coverage including any exceptions, limitations and restrictions, and shall state that the benefits shall be paid to the creditor to reduce or extinguish the unpaid indebtedness and, wherever the amount of insurance may exceed the unpaid indebtedness, that any such excess shall be payable to a beneficiary, other than the creditor, named by the debtor or to his estate.

(3) The individual policy or group certificate of insurance shall be delivered to the insured debtor at the time the indebtedness is incurred except as hereinafter provided.

(4) If a debtor makes a separate payment for credit life or credit disability insurance and an individual policy or group certificate of insurance is not delivered to the debtor at the time the indebtedness is incurred, a copy of the application for such policy or a notice of proposed insurance shall be delivered at such time to the debtor. The copy of the application for, or notice of proposed insurance, shall be signed by the debtor and shall set forth the identity by name or otherwise of the person or persons insured, the rate or amount of payment by the debtor, if any, separately for credit life insurance and credit disability insurance, and a statement that within thirty (30) days, if the insurance is accepted by the insurer, there will be delivered to the debtor an individual policy or group certificate of insurance containing the name and home office address of the insurer, a description of the amount, term
and coverage including any exceptions, limitations and restrictions. The copy of the application for, or notice of proposed insurance, shall also refer exclusively to insurance coverage, and shall be separate and apart from the loan, sale or other credit statement of account, instrument or agreement, unless the information required by this subsection is prominently set forth therein. Upon acceptance of the insurance by the insurer and within thirty (30) days of the date upon which the indebtedness is incurred, the insurer shall cause the individual policy or group certificate of insurance to be delivered to the debtor. Such application or notice of proposed insurance shall state that upon acceptance by the insurer, the insurance shall become effective as provided in section 542.

SECTION 544. FILING, APPROVAL AND WITHDRAWAL OF FORMS.—(1) All policies, certificates of insurance, notices of proposed insurance, applications for insurance, endorsements and riders delivered or issued for delivery in this state and the schedule of premium rates pertaining thereto shall be filed with the Commissioner.

(2) The Commissioner shall within thirty (30) days after the filing of any such policies, certificates of insurance, notices of proposed insurance, applications for insurance, endorsements and riders, disapprove any such form if the premium rates charged or to be charged are excessive in relation to benefits, or if it contains provisions which are unjust, unfair, inequitable, misleading, deceptive or encourage misrepresentation of the coverage, or are contrary to any provision of this code or of any rule or regulation promulgated thereunder. In determining whether to disapprove any such forms the Commissioner shall give due consideration to past and prospective loss experience within and outside this state, to underwriting practice and judgment to the extent appropriate, and to all other relevant factors within and outside this state.

(3) If the Commissioner notifies the insurer that the form is disapproved, it is unlawful thereafter for such insurer to issue or use such form. In such notice, the Commissioner shall specify the reason for his disapproval and state that a hearing will be granted within twenty (20) days after request in writing by the insurer. No such policy, certificate of insurance, notice of proposed insurance, nor any application, endorsement or rider, shall be issued or used until the expiration of thirty (30) days after it has been so filed, unless the Commissioner shall give his prior written approval thereto.
(4) The Commissioner may, at any time after a hearing held not less than twenty (20) days after written notice to the insurer, withdraw his approval of any such form on any ground set forth in subsection (2) above. The written notice of such hearing shall state the reason for the proposed withdrawal.

(5) The insurer shall not issue such forms or use them after the effective date of such withdrawal.

(6) If a group policy of credit life insurance or credit disability insurance (a) has been delivered in this state before the effective date of this code, or (b) has been or is delivered in another state before or after the effective date of this code, the insurer shall be required to file only the group certificate and notice of proposed insurance as specified in subsections (2) and (4) of section 543, and such forms shall be approved by the Commissioner if they conform with the requirements specified in such subsections and if the schedules of premium rates applicable to the insurance evidenced by such certificate or notice are not in excess of the insurer’s schedules of premium rates on file with the Commissioner; provided, however, the premium rate in effect on existing group policies may be continued until the first policy anniversary date following the date this code becomes effective.

(7) Any order or final determination of the Commissioner under the provisions of this section shall be subject to judicial review as provided in chapter 2 of this code.

Section 545. PREMIUMS AND REFUNDS.—(1) Any insurer may revise its schedules of premium rates from time to time, and shall file such revised schedules with the Commissioner. No insurer shall issue any credit life insurance or credit disability insurance policy for which the premium rate exceeds that determined by the schedules of such insurer as then on file with the Commissioner.

(2) Each individual policy or group certificate shall provide that in the event of termination of the insurance prior to the scheduled maturity date of the indebtedness, any refund of an amount paid by the debtor for insurance shall be paid or credited promptly to the person entitled thereto; provided, however, that the Commissioner shall prescribe a minimum refund and no refund which would be less than such minimum need be made. The formula to be used in computing such refund shall be filed with and approved by the Commissioner.
(3) If a creditor requires a debtor to make any payment for credit life insurance or credit disability insurance and an individual policy or group certificate of insurance is not issued, the creditor shall immediately give written notice to such debtor and shall promptly make an appropriate credit to the account.

(4) The amount charged to a debtor for any credit life or credit disability insurance shall not exceed the premiums charged by the insurer, as computed at the time the charge to the debtor is determined.

(5) Nothing in this chapter shall be construed to authorize any payments for insurance now prohibited under any statute, or rule thereunder, governing credit transactions.

SECTION 546. ISSUANCE OF POLICIES.—All policies of credit life insurance and credit disability insurance shall be delivered or issued for delivery in this state only by an insurer authorized to do an insurance business therein, and shall be issued only through holders of licenses or authorizations issued by the Commissioner.

SECTION 547. CLAIMS.—(1) All claims shall be promptly reported to the insurer or its designated claim representative, and the insurer shall maintain adequate claim files. All claims shall be settled as soon as possible and in accordance with the terms of the insurance contract.

(2) All claims shall be paid either by draft drawn upon the insurer or by check of the insurer to the order of the claimant to whom payment of the claim is due pursuant to the policy provisions, or upon direction of such claimant to one specified.

(3) No plan or arrangement shall be used whereby any person, firm or corporation other than the insurer or its designated claim representative shall be authorized to settle or adjust claims. The creditor shall not be designated as claim representative for the insurer in adjusting claims; provided, that a group policyholder may, by arrangement with the group insurer, draw drafts or checks in payment of claims due to the group policyholder subject to audit and review by the insurer.

SECTION 548. EXISTING INSURANCE—CHOICE OF INSURER.—When credit life insurance or credit disability insurance is required as additional security for any indebtedness, the debtor shall, upon request to the creditor, have
the option of furnishing the required amount of insurance through existing policies of insurance owned or controlled by him or of procuring and furnishing the required coverage through any insurer authorized to transact an insurance business within this state.

**SECTION 549. ENFORCEMENT.** — The Commissioner may, after notice and hearing, issue such rules and regulations as he deems appropriate for the supervision of this chapter. Whenever the Commissioner finds that there has been a violation of this chapter or any rules or regulations issued pursuant thereto, and after written notice thereof and hearing given to the insurer or other person authorized or licensed by the Commissioner, he shall set forth the details of his findings together with an order for compliance by a specified date. Such order shall be binding on the insurer and other person authorized or licensed by the Commissioner on the date specified unless sooner withdrawn by the Commissioner or a stay thereof has been ordered by a court of competent jurisdiction.

**SECTION 550. JUDICIAL REVIEW.**—Any party to the proceeding affected by an order of the Commissioner shall be entitled to judicial review by following the procedure set forth in sections 58 to 63, inclusive, of this code.

**SECTION 551. PENALTIES.**—In addition to any other penalty provided by law, any person who violates an order of the Commissioner after it has become final, and while such order is in effect, shall, upon proof thereof to the satisfaction of the court, forfeit and pay to the State of Idaho a sum not to exceed two hundred and fifty dollars ($250) which may be recovered in a civil action, except that if such violation is found to be wilful, the amount of such penalty shall be a sum not to exceed one thousand dollars ($1,000). The Commissioner, in his discretion, may revoke or suspend the license or certificate or authority of the person guilty of such violation. Such order for suspension or revocation shall be upon notice and hearing, and shall be subject to judicial review as provided in section 550.

**SECTION 552. STANDARD FIRE POLICY.**—(1) No fire insurer shall issue any fire insurance policy covering on property or interest therein in this state, other than on the form known as the New York standard as revised in 1943, except as follows:

(a) An insurer may print on or in its policy its name, location, date of incorporation, plan of operation, whether
stock, mutual, reciprocal or organized under special charter provisions, and if mutual or reciprocal whether on cash premium or assessment plan; and if it be a stock company, the amount of its paid up capital stock, the names of its officers and agents, the number and date of the policy, and, if it is issued by an agent, the words, “This policy shall not be valid until countersigned by the duly authorized agent of the company at ______________”; and, if a mutual or reciprocal insurer, the policy must state the contingent liability, if any, of its policyholders, members, or subscribers for payment of losses and expenses not provided for by its cash funds.

(b) An insurer may print or use in its policies printed forms of description and specifications of the property insured.

(c) An insurer insuring against damage by lightning may print in the clause enumerating the perils insured against the additional words, “also any damage by lightning whether fire ensues or not”, and in the clause providing for an apportionment of loss in case of other insurance the words, “whether by fire, lightning or both”.

(d) A domestic insurer may print in its policies any provisions which it is authorized or required by the law to insert therein, and any foreign insurer may, with the approval of the Commissioner, so print any provision required by its charter or deed of settlement, or by the laws of its own state or country, not contrary to the laws of this state; but the Commissioner shall require any provision which, in his opinion modifies the contract of insurance in such a way as to affect the question of loss, to be appended to the policy by an endorsement or rider as hereinafter provided.

(e) The blanks in the standard form may be filled in in print or in writing.

(f) An insurer may print upon policies issued in compliance with the preceding provisions of this section the words, “Idaho standard policy”.

(g) An insurer may write upon the margin or across the face of the policy, or write or print in type not smaller than nonpareil upon a slip, slips, rider or riders to be attached thereto, provisions adding to or relating to those contained in the standard form; and all such slips, riders, endorsements and provisions must be signed by the officers or agents of the insurer so using them.
(h) If the policy be made by a mutual, reciprocal or other insurer having special regulations lawfully applicable to its organization, membership, policies or contracts of insurance such regulations shall apply to and form a part of the policy as the same may be written or printed upon, attached or appended thereto.

(i) Every policy shall have legibly inscribed upon its face and filing back suitable words to designate whether the insurer making such insurance be a stock, mutual or reciprocal insurer, provided, that any insurer organized under special charter provisions may so indicate upon its policy and may add a statement of the plan under which it operates in this state.

(2) The word "noon" occurring in the policy shall be construed to be the noon or standard time of the place where the property covered by the policy is situated.

(3) An insurer issuing the standard fire policy is authorized to affix thereto or include therein a written statement that the policy does not cover loss or damage caused by nuclear reaction, nuclear radiation or radioactive contamination, all whether directly or indirectly resulting from an insured peril under the policy; but nothing herein contained shall be construed to prohibit the attachment to any such policy of an endorsement or endorsements specifically assuming coverage for loss or damage caused by nuclear reaction, nuclear radiation or radioactive contamination.

(4) The standard fire policy is not mandatory for vehicle insurance, or for marine insurance, or inland marine insurance as the same is defined pursuant to section 306(2), or for insurance on growing crops.

(5) Any policy or contract otherwise subject to the provisions of subsection (1) hereof, which includes either on an unspecified basis as to the coverage or for a single premium coverage against the peril of fire and substantial coverage against other perils need not comply with the provisions of subsection (1) hereof, provided (a) such policy or contract shall afford coverage, with respect to the peril of fire, not less than the coverage afforded by such standard fire policy, (b) the provisions in relation to mortgagee interests and obligations in such standard fire policy shall be incorporated therein without change, (c) such policy or contract is complete as to all of its terms without reference to the standard form of fire insurance policy or any other policy, and (d) the Commissioner is
satisfied that such policy or contract complies with the provisions hereof.

SECTION 553. CONTRACTS ARE SUBJECT TO GENERAL PROVISIONS. — All contracts of casualty insurance covering subjects of insurance resident, located, or to be performed in this state are subject to the applicable provisions of chapter 18 (the insurance contract), and to the other applicable provisions of this code.

SECTION 554. COMMISSIONER'S CERTIFICATE AS TO AUTHORIZED SURETY INSURERS — FILING. — Whenever an insurer has been granted a certificate of authority to transact surety insurance in this state, the Commissioner shall on the first day of the next succeeding month send to the county recorder of each county in this state his certificate, over the seal of his office, stating that such insurer has complied with the laws of this state and is authorized to transact a business as surety in this state. The county recorder shall record the certificate and it shall become a permanent part of the records of the county recorder.

SECTION 555. COMMISSIONER'S CERTIFICATE AS TO WITHDRAWING INSURER. — If a theretofore authorized surety insurer withdraws from this state or if its certificate of authority is terminated, the Commissioner shall give notice thereof forthwith by mailing a certificate of such fact to the county recorder of each county in this state. Upon receipt of the certificate the county recorder shall enter a notation across the face of the record of the certificate of authority of the insurer as referred to in section 554, showing the withdrawal of the insurer or the termination of its certificate of authority, as the case may be, together with the date thereof.

SECTION 556. JUSTIFICATION OF SURETY — COMMISSIONER'S CERTIFICATE AS EVIDENCE. — (1) The Commissioner is authorized to issue to any person applying therefor, a certificate showing that any surety insurer that has complied with the laws of the state of Idaho is qualified to do a surety business in this state, and stating the general terms of the risks authorized to be so written.

(2) Any such certificate or any certified copy of any uncanceled certificate, shall be received in evidence as a sufficient justification of such surety and its authority to do business in this state: provided, however, that the cer-
ertificate of the county recorder to any such certified copy, or any certificate furnished directly by the Commissioner to an applicant therefor, must bear a date the same as, or later than the date of the bond, undertaking or obligation upon which justification is being made.

SECTION 557. MAY BE SOLE SURETY ON BONDS.—Whenever any bond, undertaking, recognizance or other obligation is by law, or by the charter, ordinances, rules or regulations of any municipality, board, body, organization, court, judge or public officer, required or permitted to be made, given, tendered or filed with surety or sureties, and whenever the performance of any act, duty or obligation, or the refraining from any act is required or permitted to be guaranteed, such bond, undertaking, obligation, recognizance or guaranty may be executed by a surety insurer qualified as in this code provided. Execution by such insurer of such bond, undertaking, obligation, recognizance or guaranty shall be in all respects a full and complete compliance with every requirement of every law, charter, ordinance, rule or regulation that such bond, undertaking, obligation, recognizance or guaranty shall be executed by one surety or by one or more sureties, or that such sureties shall be residents or householders, or freeholders, or either or both, or possess any other qualifications. All courts, judges, heads of departments, boards, bodies, municipalities and public officers of every character shall accept and treat such bond, undertaking, obligation, recognizance or guaranty, when so executed by such insurer, as conforming to, and fully and completely complying with every such requirement of every such law, charter, ordinance, rule or regulation.

SECTION 558. CERTIFICATE AS EVIDENCE OF AUTHORITY TO BE SOLE SURETY.—The certificate of authority of a surety insurer, issued as provided under this code, shall be evidence of the authority of the insurer to become and to be accepted as sole surety on all private bonds and contracts, and on all bonds, undertakings, recognizances and obligations required or permitted by law or the charter, ordinances, rules or regulations of any municipality, board, body, organization or public officer and of the solvency and credit of such insurer for all authorized purposes and its sufficiency as such surety.

SECTION 559. PREMIUMS ON BONDS — ALLOWANCE AS EXPENSE COSTS — LIMIT AS TO AMOUNT.—(1) Any assignee, receiver, trustee, committee, guardian, curator, executor, administrator or other fiduciary re-
quired as such by law or the order of any court or judge to give bond or undertaking, may include as a part of the lawful expense of executing his trust such sum, paid to a surety insurer or to surety insurers authorized under the laws of this state to do so for becoming his surety on such bond or undertaking, as may be allowed by the court in which, or a judge before whom, he is required to account; and such court or judge shall allow in the settlement of the account of any such fiduciary the premium or premiums so paid to any such insurer or insurers, but not to exceed the premium for such bond or undertaking filed by such insurer or insurers with the Commissioner.

(2) In all other cases where, by the provisions of law, a corporate surety or guarantor is given or required as to an official bond except as to notaries public, the premium to be paid to any such insurer or insurers for becoming such surety or guarantor shall be paid out of the general funds of the divisions of government by or for which the person or persons covered by such bond or undertaking was appointed or elected, but the premiums shall in no case exceed the premiums filed by such insurer or insurers with the Commissioner for the individual, schedule or blanket bonds given or required.

SECTION 560. BOND PREMIUMS AS PART OF COSTS IN ACTIONS, PROCEEDINGS.—In all actions and proceedings a party entitled to recover disbursements therein shall be allowed and may tax and recover such sum paid a surety insurer authorized under the laws of this state to do so for executing any bond, recognizance, undertaking, stipulation or other obligation therein, not exceeding, however, one percent (1%) on the amount of the liability upon such bond, recognizance, undertaking, stipulation, or other obligation during each year the same has been in force.

SECTION 561. DEPOSIT FOR PROTECTION OF SURETY.—It shall be lawful for any party of whom a bond, undertaking or other obligation is required to agree with his surety or sureties for the deposit of any or all moneys and assets for which such surety or sureties are or may be held responsible with a bank, savings bank, safe deposit or trust company authorized by law to do business as such, or other depository approved by the court or a judge thereof, if such deposit is otherwise proper, for the safe keeping thereof and in such manner as to prevent the withdrawal of such moneys and assets or any part thereof without the written consent of such surety or
sureties or an order of the court or a judge thereof, made on such notice to such surety or sureties as such court or judge may direct.

**SECTION 562. RELEASE OF SURETY ON CERTAIN OFFICIAL BONDS.**—(1) The surety or the representative of any surety, upon the bond of any trustee, committee, guardian, assignee, receiver, executor or administrator, or other fiduciary, may apply by petition to the court wherein such bond is directed to be filed, or which may have jurisdiction of such trustee, committee, guardian, assignee, receiver, executor or administrator, praying to be relieved from further liability as such surety, for the acts or omissions of the trustee, committee, guardian, assignee, receiver, executor or administrator or other fiduciary, which may occur after the date of the order relieving such surety to be granted as herein provided for, and to require such trustee, committee, guardian, assignee, receiver, executor or administrator, or other fiduciary, to show cause why he should not account and said surety be relieved from such further liability as aforesaid, and said principal be required to give a new bond.

(2) Upon the filing of such petition, the court shall issue such order returnable at such time and place and to be served in such manner as the court shall direct, and may restrain such trustee, committee, guardian, assignee, receiver, executor or administrator or other fiduciary from acting except in such manner as it may direct to preserve the trust estate.

(3) Upon the return of the order to show cause, if the principal in the bond accounts in due form of law and files a new bond duly approved, then the court must make an order releasing the surety filing the petition as aforesaid, from liability upon the bond for any subsequent act or default of the principal. In default of the principal thus accounting and filing the new bond, the court shall make an order directing such trustee, committee, guardian, assignee, receiver, executor or administrator, or fiduciary to account in due form of law within thirty (30) days, and that if the trust fund or estate shall be found or made good and paid over or properly secured, such surety shall be discharged from any and all further liability as such for the subsequent acts or omissions of the trustee, committee, guardian, assignee, receiver, executor, or administrator, or fiduciary, after the date of the surety being so relieved or discharged and discharging such trustee, com-
mittee, guardian, assignee, receiver, executor or administrator, or fiduciary.

SECTION 563. ESTOPPEL TO DENY CORPORATE POWER.—Any insurer giving any bond or recognizance referred to in sections 557 through 561 shall be estopped, in any proceeding to enforce the liability which it has assumed to incur, to deny its corporate power to execute such instrument or assume such liability.

SECTION 564. DEDUCTION OF BOND PREMIUM FROM WAGES OF EMPLOYEES.—No firm, individual, railroad or other corporation doing business within this state shall collect or retain from the wages of the persons in their employ the cost of any guaranty or security furnished the said firm, individual or railroad or other corporation, covering the said employees, unless such employees shall have agreed to pay the premium on such guaranty or security.

SECTION 565. RELEASE OF SURETY ON BOND OF LICENSEE OR PERMITTEE.—(1) The surety or the representative of any surety upon any bond given on behalf or for the use and benefit of any person, firm, copartnership, association or corporation as a licensee or permittee under any law of the state of Idaho, or any municipality thereof, desiring to be released from subsequent liability and responsibility on such bond, shall serve a written notice upon the principal of such bond that on and after twenty (20) days from the date of service of such notice, the surety will withdraw as surety on such bond, and a copy of such notice shall forthwith be served upon the official with whom such bond is filed.

(2) Such notice shall be served personally upon the principal if found within the state of Idaho, and if not, by registered mail directed to the principal at his last known address. If the principal cannot be served either personally or by registered mail, service shall be made by publication of the notice in a newspaper of general circulation in the county of the residence or principal place of business of the principal, once a week for a period of two consecutive weeks. Service upon the principal shall be complete one week from the date of the last publication. The affidavit of the persons so serving such notice, with the registered return receipt card attached thereto, if such service has been made by mail, or the affidavit of the publisher of the newspaper, shall be sufficient proof of service of such notice.
(3) Proof of such service shall be filed with the official having custody of the bond and the liability of the surety shall cease after a period of twenty (20) days from the date of the service of such notice on the principal. If the principal fails within such twenty (20) day period to file with the proper official a new bond the permit or license shall be canceled and terminated.

SECTION 566. SCOPE OF CHAPTER. — This chapter applies only as to title insurance, as defined in section 117.

SECTION 567. COUNTERSIGNATURE OF POLICIES. — A title insurer shall not issue a policy of title insurance or guaranteed certificate of title or other guaranty of title covering any property located within Idaho unless countersigned by a person, partnership, corporation or agency owning and maintaining a complete set of tract indexes or abstract records of the county in which such property is located; excepting, that any title insurer may issue such policies, guarantees or certificates directly and without such countersignature covering property in any county where it owns and maintains such indexes and records, or where no such indexes and records are owned and maintained.

SECTION 568. OTHER PROVISIONS ESPECIALLY APPLICABLE. — The following other provisions of this code are, among other provisions, especially applicable as to title insurers:

(1) Insuring powers, sections 75(3) and 117.
(2) Capital funds required, sections 76 and 77.
(3) Deposit of title insurer, section 81.
(4) Premium tax, section 105.
(5) Definition of “title insurance”, section 117.
(6) Reserve for losses, unearned premiums, section 132.
(7) Special investments by title insurer, section 163.
(8) Levy upon deposit of the insurer, section 179.

SECTION 569. SCOPE OF CHAPTER. — This chapter shall apply only to domestic stock insurers and domestic mutual insurers, except that sections 574 through 587, relative to sale of securities or other financing of insurers or insurance operations, shall apply also as to reciprocal insurers and foreign insurers, and section 617 (nonassessable
policies, mutual insurers) shall also apply as to foreign insurers.

SECTION 570. “STOCK”, “MUTUAL” INSURER — DEFINITIONS.—A “stock” insurer is as defined in section 64. A “mutual” insurer is as defined in section 65.

SECTION 571. APPLICABILITY OF GENERAL CORPORATION STATUTES.—(1) The applicable statutes of this state relating to the powers and procedures of domestic private corporations formed for profit shall apply to domestic stock insurers and to domestic mutual insurers, except where in conflict with the express provisions of this code and the reasonable implications of such provisions.

(2) Domestic stock insurers and domestic mutual insurers are exempt from the provisions of sections 30-601 (annual statement), 30-602 (annual license), and 30-603 (annual license fee schedule), Idaho Code.

SECTION 572. INCORPORATION. — (1) This section applies to stock and mutual insurers hereafter incorporated in this state.

(2) Incorporators. Seven (7) or more individuals who are citizens of this state may incorporate a stock insurer; ten (10) or more of such individuals may incorporate a mutual insurer.

(3) Articles of incorporation. The incorporators shall prepare and execute in quadruplicate articles of incorporation in accordance with the applicable provisions of chapters 1, 9, 10, and 11 of Title 30, Idaho Code, known as the “general business corporation” laws of this state, but subject to the following requirements:

(a) In addition to matters required or permitted under such general business corporation laws which are not inconsistent with this provision or this code, the articles of incorporation shall set forth:

(i) The name of the corporation, which shall comply with section 74 of this code. If to be a mutual insurer, the word “mutual” must be a part of the name.

(ii) The kinds of insurance, as defined in this code, which the corporation is formed to transact.

(iii) If a stock corporation, its authorized capital stock, the number of shares of stock into which divided and the par value of each such share, which par value shall be at
least one dollar ($1). The articles shall provide for but one class of stock, which class must be voting common stock with uniform par value and rights throughout such class. Shares without par value shall not be authorized.

(iv) If a stock corporation, the extent, if any, to which shares of its stock are subject to assessment.

(v) If a mutual corporation, the maximum contingent liability of its members, for payment of losses and expenses incurred, other than as to nonassessable policies issued as permitted under section 617; such liability shall be as stated in the articles of incorporation, but shall not be less than one (1) nor more than six (6) annual premiums for the member's policy.

(vi) The name and residence address of each incorporator, and whether each such incorporator is a citizen of this state.

(b) Articles of incorporation shall be filed as provided in section 573.

SECTION 573. FILING OF ARTICLES.—(1) The incorporators shall submit the executed articles of incorporation of a proposed stock or mutual insurer in quadruplicate to the Commissioner for review. If the Commissioner finds the articles to be in compliance with this code he shall deliver an original thereof to the Attorney General for examination. After examining the articles, the Attorney General shall return them to the Commissioner accompanied by his opinion certifying as to whether or not he has found the articles to be in accordance with the laws of this state and not inconsistent with the constitution of this state. If the Attorney General has found the articles to be in accordance with law, the Commissioner shall, upon payment of the fees prescribed by law therefor, and except as provided in subsection (2) below, certify his approval upon each of the four originals of the articles, file one of such originals in his office, file one of such originals with the Secretary of State, and deliver two originals to the incorporators. The incorporators shall file one of such originals for record in the office of the county recorder of the county in which the corporation's registered office is to be located, and the remaining original shall be retained by the corporation as part of its corporate records.

(2) If a permit as to the offer of securities or receipt of funds is to be required with respect to the proposed
insurer, as provided for in section 574, the Commissioner shall not in any event approve the articles of incorporation until the permit has been issued.

(3) If upon reviewing or examining the articles of incorporation as hereinabove provided, the Commissioner or the Attorney General finds that the articles do not comply with this code or are not in accordance with the laws of this state, or are inconsistent with the constitution of this state, as the case may be, or that the permit referred to in subsection (2) above will not be issued, the Commissioner shall refuse to approve the articles and shall return all originals of the articles to the incorporators accompanied by a written statement of the defects in the articles or reasons upon which his refusal is based. The Commissioner shall at the same time refund any unearned filing fees.

(4) The Secretary of State shall not permit the filing with him or in his office of any such articles of incorporation unless the same bear the Commissioner's approval endorsed thereon as hereinabove provided. The Commissioner's approval, when so endorsed, shall be deemed to relate only to the form of the articles of incorporation, and shall not be deemed to constitute an approval or commitment by the Commissioner as to any other aspect or operation of the proposed insurer.

(5) The Commissioner and the Attorney General shall perform all duties required of them under this section within a reasonable time after the articles of incorporation have been submitted to the Commissioner as in subsection (1) above provided.

SECTION 574. PERMIT REQUIRED TO OFFER SECURITIES OR TO SOLICIT QUALIFYING APPLICATIONS FOR INSURANCE— PENALTY.— (1) No person forming or proposing to form, or to secure funds or assets for the financing of, an insurer, or insurance holding corporation, or corporation to finance an insurer, or corporation to be attorney in fact for a reciprocal insurer, or a syndicate, association, firm, partnership, or organization for any such purposes, whether domestic or foreign, shall in this state advertise or offer for sale any securities, or solicit or receive any funds, assets, subscriptions, or memberships on account thereof except as authorized by a currently effective permit (hereinafter sometimes referred to as a “solicitation permit”) issued by the Commissioner of Finance pursuant to the applicable provisions of chap-
ter 18, title 26, Idaho Code (blue sky law) and of this code; and the Commissioner of Finance shall not issue or allow any such permit to exist, without the written concurrence therein of the Commissioner of Insurance.

(2) No person forming or proposing to form a domestic mutual insurer and to secure applications for insurance in such insurer to meet initial qualifying requirements for the insurer as provided in section 588, shall in this state advertise, solicit, or receive any such applications or premiums or funds therefrom or connected therewith except as authorized by a currently effective solicitation permit issued by the Commissioner under this chapter. Any such solicitation permit may be made a part of any permit otherwise required as to the insurer under subsection (1) above.

(3) This section shall not apply as to securities to be offered pursuant to a plan for mutualization, merger, consolidation, exchange of stock, or bulk reinsurance of an insurer which has been approved by the Commissioner pursuant to sections 622 through 626 of this chapter.

(4) Any person violating this section shall upon conviction thereof be subject to a fine of not more than ten thousand dollars ($10,000) or imprisonment for not more than ten (10) years, or by both such fine and imprisonment.

SECTION 575. APPLICATION FOR PERMIT. — (1) Application for any permit required under section 574 (1) shall be filed with the Commissioner of Finance. To the extent not otherwise required under the blue sky law of this state such application shall show or be accompanied by:

(a) Name, type, and purpose of the insurer, corporation, or syndicate, association, firm, partnership, or organization formed or proposed to be formed or financed;

(b) Name, residence address, business background and qualifications of each person associated or to be associated in the enterprise, or in the formation of the proposed insurer, corporation, syndicate, association, firm, partnership, or organization, or in the proposed financing;

(c) Full disclosure of the terms of all pertinent understandings and agreements existing or proposed among persons so associated; and a copy of each such agreement relating to the proposed financing, or insurer, corporation, syndicate, association, firm, partnership or organization, or the formation thereof;
(d) The plan according to which solicitations are to be made;

(e) Copy of any security, receipt, or certificate proposed to be issued and copy of the proposed application or subscription agreement therefor;

(f) Copy of any prospectus, advertising, or sales literature proposed to be used;

(g) Copy of proposed form of any escrow agreement required;

(h) Irrevocable appointment of the Commissioner as process agent to receive service of process issued in this state arising out of any transaction under the permit, if issued, the appointment to be on a form as prescribed and furnished by the Commissioner;

(i) A copy of the proposed articles of incorporation of any proposed domestic insurer; a copy of the charter (as defined in section 67) of any foreign insurer or of any other corporation proposing to offer its securities as referred to in section 574 (1), certified by the public official having custody of the original thereof; and a copy of any syndicate, association, firm, partnership, organization or other similar agreement, by whatever name called, if funds or assets for any of the purposes referred to in section 574(1) are to be secured through the sale of any security, interest, or right in or relative to such syndicate, association, firm, partnership, or organization; and, if the insurer is or is to be a reciprocal insurer, an original and duplicate copy of the power of attorney and of other agreements existing or proposed as affecting investors, subscribers, the attorney in fact or the insurer; and

(j) Such additional information as the Commissioner or the Commissioner of Finance may reasonably require.

(2) The application shall be accompanied by deposit of the fees required under section 104 (fee schedule) and otherwise by law to be paid for the application, for filing the articles of incorporation of any insurer, for filing the power of attorney if the insurer is or is to be a reciprocal insurer, and for the permit, if granted.

(3) In lieu of a special filing thereof of information called for in subsection (1) above, the Commissioner and the Commissioner of Finance may, in their discretion, accept a copy of any filing made with the Securities and
Exchange Commission or similar agency of the federal government relative to the same offering.

Section 576. Application for Permit to Solicit Qualifying Mutual Applications.—Application for any permit required under section 574(2) in connection with the formation of a domestic mutual insurer shall be filed with the Commissioner of Insurance. The application shall state such information and be accompanied by such documents and fees as required in connection with section 574(1) applications under section 575 as may be applicable; and in addition the application shall be accompanied by:

(1) A copy of the policy for which applications are proposed to be solicited;

(2) A copy of the proposed insurance application form, consistent with the requirements of section 590;

(3) A schedule of the premiums or premium rates proposed to be charged in connection with such insurance applications; and

(4) A copy of the bylaws of the proposed insurer.

Section 577. Investigation of Proposed Organization.—Upon completion of the application for a solicitation permit under sections 575 or 576, the Commissioner of Insurance shall promptly make an investigation of:

(1) The character, reputation, financial standing and purposes of the organizers, incorporators, and subscribers organizing the proposed insurer or organization;

(2) The character, financial responsibility, insurance experience, and business qualifications of its proposed officers and directors; and

(3) Such other aspects of the proposed insurer or financing as he may deem advisable.

Section 578. Granting, Denial of Permit.—(1) The Commissioner and the Commissioner of Finance, where applicable, shall expeditiously examine an application for a solicitation permit as soon as it is completed, and make such further investigation of the proposals as may be required or deemed necessary. Subject to subsection (2) below, if it is found on such examination and investigation that

(a) The application is complete, and
(b) The documents therewith filed are proper in form, and

(c) The proposed financial structure is adequate,

The Commissioner shall give notice to the applicant that he will approve and file the articles of incorporation (if a proposed corporation) and that a solicitation permit will be issued, stating the terms to be contained therein, upon the filing of any bond required by section 582 or section 589.

(2) If the Commissioner or Commissioner of Finance does not so find, or finds that:

(a) Any corporation, syndicate, association, firm, partnership, or organization the shares, memberships (other than membership in a mutual insurer by virtue of being a policyholder therein), interests, or ownership equities, by whatever name called, of which are proposed to be offered or sold has existing or prospective more than one class of shares, memberships, interests, or ownership equities, or

(b) Any proposed sale of securities would be or tend to be fraudulent or inequitable as to present or proposed security holders or investors, or

(c) Any of the individuals associated or to be associated in the insurer, corporation, syndicate, association, partnership, firm, organization, or financing are not of good character, or that

(d) The proposed insurer if formed, or if an applicant for a certificate of authority would not be able to qualify for a certificate of authority by virtue of the provisions of section 71 (2) of this code,

He shall give notice to the applicant that a solicitation permit will not be granted, stating the particulars of the grounds therefor, return any proposed articles of incorporation to the applicant and refund to the applicant all sums deposited in connection with the application except the fee for filing the application for the permit.

SECTION 579. TERMS OF PERMIT — COMPLIANCE.

(1) Upon the filing of any bond required by section 582 or section 589, after notice by the Commissioner provided for in section 578 (1), or upon decision to grant the solicitation permit if such a bond is not so required, the Commissioner and the Commissioner of Finance, or the Commissioner alone in the case of application for a permit only for the solicitation of qualifying applications for
insurance in a proposed mutual insurer as referred to in section 574(2), shall issue a permit to the applicant, or to the newly formed corporation if the application is on behalf of a newly formed incorporated domestic insurer.

(2) Every such solicitation permit, in addition to such provisions as may be required or permitted under the blue sky law, shall contain provisions, as applicable, in substance as follows:

(a) It shall state the securities or other rights or interests for which subscriptions are to be solicited, the number, par value, and selling price thereof, or identify the insurance contract or contracts for which applications and advance premiums or deposits of premium are to be solicited in the case of mutual or reciprocal insurers.

(b) It shall require that any securities, rights, or interests proposed to be offered or sold under the permit shall be so offered and sold at the same price to all parties, subject, in the case of subscriptions to be paid in installments, to a reasonable additional charge to cover additional mailing and administration expenses attributable to such installment subscriptions.

(c) It shall require that all such subscriptions and premiums shall be payable only in lawful money of the United States of America, except where stock or other securities are to be issued in exchange for securities or rights therefor under a plan approved by the Commissioner, of recapitalization, or refinancing of an insurer or other corporation.

(d) It shall limit the portion of funds received on account of stock or syndicate, association, partnership, firm, or organization subscriptions, which may be used for promotion, securities sales, and organization expenses to such amount as the Commissioner deems to be reasonably adequate under the proposed plan of solicitation, but in no event to exceed fifteen percent (15%) of such funds as and when the funds are actually received.

(e) If a stock corporation, the permit shall require the founders, promoters, and incorporators to subscribe for, and pay for immediately and in cash, at least twenty percent (20%) of its total authorized shares and capital, at a price not less than that at which any such shares are to be offered to other subscribers or to the public.

(f) It shall prohibit the granting of any options to subscribe to, buy, or acquire in any way any securities, rights,
or interests; other than options made a part of convertible securities constituting the proposed offering, in whole or in part, and made available on a uniform basis to all subscribers to any such securities, rights, or interests.

(g) It shall prohibit, by any founder, promoter, incorporator, or other person associated or to be associated in solicitations under the permit, the resale or transfer for a period terminating one (1) year after a certificate of authority has been issued to the proposed insurer, of his interest in any security, right, or interest of the kind proposed to be offered under the permit, or any other security, interest or right which he may have in or as to the same entity, or the granting of any option or lien as to any such security, right, or interest. In connection with this provision the Commissioner may, in his discretion, require that any security, right, or interest, the resale or transfer of which is herein prohibited, shall be deposited and held in escrow for the prescribed period. Except, that this provision shall not apply as to any such security, right, or interest held by the estate or personal representative of a deceased founder, promoter, or incorporator, or deceased person associated in solicitations under the permit, nor prevent an exchange of securities, interests, or rights as part of a merger, consolidation, exchange of stock, or bulk reinsurance of insurers which has otherwise been approved by the Commissioner under this chapter.

(h) If to be a mutual or reciprocal insurer, it shall limit the portion of funds received on account of applications for insurance which may be used for promotion, sales, or organization expenses to a reasonable commission upon such funds, giving consideration to the kind of insurance policy involved and to the costs incurred by mutual insurers in Idaho in the production of similar business; and provide that no such commission shall be paid or be deemed to have been earned until the insurer has received its certificate of authority and the policies applied for, upon which the commission is to be based, have been actually issued and delivered.

(i) It shall provide that the permit shall expire at expiration of a period stated therein, which period shall be not more than two (2) years after its date of issue, unless earlier terminated by the commissioner; if, however, in connection with a proposed offering of securities by a domestic insurer or corporation a registration thereof or filing with respect thereto is required by law to be made
with any Federal agency, the effective period of the permit may, in the Commissioner’s discretion, commence upon the effective date of such registration or filing if subsequent to the date of issuance of the permit.

(j) The permit shall contain such other reasonable conditions relative to accounting, reports, deposits, or other matters consistent with the provisions of this chapter and with the blue sky law, if applicable, as is deemed advisable for the protection of existing or prospective investors.

(3) The holder of the permit, and its directors, officers, employees, agents, founders, promoters, incorporators, and representatives shall comply with the terms of the permit.

SECTION 580. PERMIT AS INDUCEMENT. — The granting of any solicitation permit is permissive only and shall not constitute an endorsement by the Commissioner or by the Commissioner of Finance of any person or thing related to any such insurer, corporation, syndicate, association, partnership, firm, organization, or financing, and the existence of the permit shall not be advertised or used as an inducement in any solicitation. The Commissioner or the Commissioner of Finance shall place the substance of this section in bold face type at the top of each such permit issued.

SECTION 581. MODIFICATION, REVOCATION OF PERMIT.—(1) The Commissioner of Finance and/or the Commissioner, as the case may be, may for cause modify a solicitation permit theretofore issued; or may after a hearing thereon revoke the permit for violation of law or of the terms of the permit, or of any proper order of the Commissioner, or for misrepresentation in the offering or sale of securities, interests, rights or policies under the permit.

(2) The Commissioner and/or the Commissioner of Finance, as the case may be, shall revoke the permit if so requested in writing by a majority of the syndicate members, or by a majority of the incorporators and two-thirds (\(\frac{2}{3}\)) of the persons who are subscribers to stock or applicants for insurance in the proposed insurer or corporation.

SECTION 582. BOND FOR PERMIT.—(1) The Commissioner and the Commissioner of Finance shall not issue any solicitation permit until the applicant therefor has filed with the Commissioner of Finance, or with the Commissioner in the case of solicitation of qualifying applications for insurance in formation of a mutual insurer under
section 588, a corporate surety bond in the penalty of twenty thousand dollars ($20,000), in favor of the State of Idaho and for the use and benefit of the state and of proposed Idaho investors in and creditors of the proposed organization.

(2) The bond shall be conditioned upon the payment of costs incurred by the state in event of any legal proceedings for liquidation or dissolution of the proposed organization before completion of organization or in event a certificate of authority is not granted; and upon a full accounting for funds received until the proposed insurer has been granted its certificate of authority, or until the proposed corporation, syndicate, association, organization or financing has been completed as defined in the permit.

(3) In lieu of filing such bond the applicant may deposit with the State Treasurer through the Commissioner of Finance, twenty thousand dollars ($20,000) in cash or its equivalent in United States government bonds at market value, to be held in trust under the same conditions as required for the bond. The amount so deposited may be credited toward payment for subscriptions to shares of a corporation by founders, promoters, and incorporators as required under section 579(2)(e).

(4) The Commissioner and the Commissioner of Finance may, in their discretion, waive the requirement for a bond or deposit in lieu thereof if the permit provides that:

(a) The proposed securities are to be distributed solely and finally to those persons who are the active promoters intimate to the formation of the insurer, or other corporation, syndicate, association, or organization, or

(b) The securities are to be issued in connection with subsequent financing as provided in section 587.

(5) Any bond filed or deposit or remaining portion thereof held under this section shall be released and discharged upon settlement or termination of all liabilities against it.

SECTION 583. ESCROW OF FUNDS.—(1) The solicitation permit holder shall promptly deposit all funds received pursuant to a solicitation permit, other than advance premiums for insurance which are subject to section 591, in escrow in a bank or trust company located in this state and under an agreement approved by the Commissioner and the Commissioner of Finance.
(2) No part of such funds shall be withdrawn from such deposit, except:

(a) For the payment of promotion, sales, and organization expenses as earned and as authorized by the solicitation permit, and funds for such purposes may be withheld from the deposit; or

(b) For the purpose of making any deposit with the Commissioner required for the issuance of a certificate of authority to an insurer; or

(c) If the proposed organization is not to be an insurer, upon completion of payments on securities subscriptions made under the permit and deposit or appropriation of such funds to the purposes specified in the solicitation permit; or

(d) For the making of refunds as provided in section 585.

(3) When the Commissioner has issued a certificate of authority to an insurer any such funds remaining in escrow for its account shall be released to the insurer.

(4) The Commissioner and the Commissioner of Finance may waive compliance with this section as to funds required to be deposited in escrow or trust in similar institutions and for similar purposes as hereinabove set forth, pursuant to any other law of this state.

SECTION 584. SUBSCRIPTIONS.—All subscriptions to shares, interests, memberships, rights, or equities under a solicitation permit shall be binding upon and enforceable against the parties thereto, in accordance with the terms of the subscription contract and subject to the provisions of this chapter. No such contract shall be made conditional, except upon such reasonable conditions consistent with this code as may uniformly be set forth in all such contracts with the approval of the Commissioner.

SECTION 585. FAILURE TO COMPLETE OR QUALIFY.—(1) The Commissioner of Finance upon request of the Commissioner of Insurance shall withdraw all funds held in escrow under section 583, and refund to securities subscribers or purchasers all sums paid in on subscriptions, rights, interests, memberships, or equities under the solicitation permit, less that part of such sums paid in which has been allowed and used for promotion, sales and organization expenses, and shall dissolve the proposed domestic insurer, corporation, syndicate, association or organization if:
(a) It fails to complete its organization or financing, or if to be an insurer, it fails to secure its certificate of authority, all before expiration of the solicitation permit; or

(b) The solicitation permit is revoked.

(2) As to funds paid in on subscriptions by founders, promoters, and incorporators and held on deposit in lieu of bond under section 582 (3), only such portion of such funds shall be refundable under this section as may remain after the discharge of all liabilities against the deposit under section 582 and the charging of such funds with a proportionate share of promotion, sales and organization expenses.

SECTION 586. QUALIFICATION FOR INITIAL CERTIFICATE OF AUTHORITY, STOCK INSURERS. — A newly formed domestic stock insurer shall be entitled to a certificate of authority only when its entire authorized capital stock has been subscribed for and paid for in full, and it has fulfilled the other requirements for the certificate of authority as applicable under this code to the kind or kinds of insurance proposed to be transacted. The Commissioner shall not issue a certificate of authority to any such insurer which does not meet the requirements of this section.

SECTION 587. SUBSEQUENT FINANCING. — (1) No insurer, or insurance holding corporation, or stock corporation for financing operations of a mutual insurer, or attorney in fact corporation of a reciprocal insurer, or any other type of organization or entity existing for the same purpose, after (a) it has received a certificate of authority, if an insurer, in this or any other state, or (b) it has completed its initial organization and financing, if a corporation, syndicate, or other organization or entity other than an insurer, shall in this state solicit or receive funds or assets in exchange for its securities until it has applied to the Commissioner for, and has been granted, a solicitation permit. This provision shall not apply to stock dividends or to sales by a corporation to its existing stockholders for the account of others of its existing stockholders, of fractional shares or combinations thereof of its stock resulting from payment of a stock dividend to stockholders.

(2) The Commissioner shall issue such a permit unless he finds:

(a) That the funds proposed to be secured are inadequate or excessive in amount for the purposes intended, or
(b) That the proposed securities or the manner of their distribution are inequitable, or

(c) That the offering or issuance of the securities would be unfair to existing or prospective holders of securities of the same insurer, corporation, syndicate, organization, or entity.

(3) Any such solicitation permit granted by the Commissioner shall be for such duration, and shall contain such terms and be issued upon such conditions as the Commissioner may reasonably specify or require for the protection of existing or proposed policyholders or investors. In the Commissioner’s discretion such terms and conditions may be the same as or differ from requirements made under this chapter as to solicitation permits for initial financing.

(4) This section does not apply as to securities to be offered pursuant to a plan for mutualization, merger, consolidation, exchange of stock, or bulk reinsurance of an insurer which has been approved by the Commissioner pursuant to sections 622 through 626 of this chapter.

(5) This section is supplemental to other laws of this state applicable to the sale of securities.

SECTION 588. INITIAL QUALIFICATIONS — DOMESTIC MUTUALS.—(1) When newly organized, a domestic mutual insurer may be authorized to transact any one of the kinds of insurance listed in the schedule contained in subsection (2) below.

(2) When applying for an original certificate of authority, the insurer must be otherwise qualified therefor under this code, and must have received and accepted bona fide applications as to substantial insurable subjects for insurance coverage of a substantial character of the kind of insurance proposed to be transacted, must have collected in cash the full premium therefor at a rate not less than that usually charged by other insurers for comparable coverages, must have surplus funds on hand and deposited as of the date such insurance coverages are to become effective, or, in lieu of such applications, premiums, and surplus, may deposit and thereafter maintain surplus, all in accordance with that part of the following schedule which applies to the one kind of insurance the insurer proposes to transact:
<table>
<thead>
<tr>
<th>(A) Kind of Insurance</th>
<th>(B) Min. No. of Applicants Accepted</th>
<th>(C) Min. No. of Subjects Covered</th>
<th>(D) Minimum Premium Collected</th>
<th>(E) Min. Amount of Insurance Each Subject</th>
<th>(F) Max. Amount of Insurance Each Subject</th>
<th>(G) Deposit of Minimum Funds</th>
<th>(H) Deposit of Surplus in Lieu</th>
</tr>
</thead>
<tbody>
<tr>
<td>Life...................500</td>
<td>500</td>
<td>annual</td>
<td>$1,000</td>
<td>$2,500</td>
<td>$50,000</td>
<td>$100,000</td>
<td></td>
</tr>
<tr>
<td>Disability............500</td>
<td>500</td>
<td>quarterly</td>
<td>$10 (weekly indem.)</td>
<td>$25 (weekly indem.)</td>
<td>$50,000</td>
<td>$100,000</td>
<td></td>
</tr>
<tr>
<td>Property...............100</td>
<td>250</td>
<td>annual</td>
<td>$1,000</td>
<td>$3,000</td>
<td>$50,000</td>
<td>$100,000</td>
<td></td>
</tr>
<tr>
<td>Casualty..............250</td>
<td>500</td>
<td>semiannual</td>
<td>$1,000</td>
<td>$10,000</td>
<td>$100,000</td>
<td>$150,000</td>
<td></td>
</tr>
<tr>
<td>Casualty with workmen's compensation</td>
<td>250</td>
<td>1500 quarterly</td>
<td>$1,000</td>
<td>$10,000</td>
<td>$150,000</td>
<td>$200,000</td>
<td></td>
</tr>
</tbody>
</table>

Expendable surplus: In addition to surplus deposited and thereafter to be maintained as shown in columns (G) or (H) above, the insurer when first authorized must have on hand surplus funds, which it can thereafter expend in the conduct of its business, in amount not less than fifty percent (50%) of the deposited and maintained surplus required of it under the above schedule.
The following provisos are respectively applicable to the foregoing schedule and provisions as indicated by like roman numerals appearing in such schedule:

(i) No group insurance or term policies for terms of less than ten (10) years shall be included.

(ii) No group, blanket or family plans of insurance shall be included. In lieu of weekly indemnity a like premium value in medical, surgical, and hospital benefits may be provided. Any accidental death or dismemberment benefit provided shall not exceed twenty-five hundred dollars ($2,500).

(iii) Only insurance of the owner's interest in real property may be included.

(iv) Must include insurance of legal liability for bodily injury and property damage, to which the maximum and minimum insured amounts apply.

(v) The maximums provided for in this column (f) are net of applicable reinsurance.

(vi) The deposit of surplus in the amount specified in columns (g) and (h) must thereafter be maintained unimpaired. The deposit is subject to the provisions of chapter 8 of this code (administration of deposits).

SECTION 589. FORMATION OF MUTUAL INSURER, BOND.—(1) Before soliciting any applications for insurance as required under section 588, the incorporators of the proposed insurer shall file with the Commissioner a corporate surety bond in the penalty of twenty thousand dollars ($20,000) in favor of the State of Idaho and for the use and benefit of the state and of applicant members and creditors of the corporation. The bond shall be conditioned as follows:

(a) Upon due accounting for and deposit, as required under section 591, of funds received as premium upon preliminary applications for insurance; and

(b) That in event the corporation fails to complete its organization and secure a certificate of authority issued by the Commissioner within one (1) year after the date of its incorporation, all premiums collected in advance from applicant members will be promptly returned to them, all other indebtedness of the corporation other than any compensation to directors, officers, or solicitors of insurance applications, will be paid, and for payment of costs
incurred by the state in event of any legal proceedings for liquidation or dissolution of the corporation.

(2) In lieu of such a bond, the incorporators may deposit with the Commissioner twenty thousand dollars ($20,000) in cash or in United States government bonds at market value, to be held in trust upon the same conditions as required for the bond.

(3) If the corporation or an affiliate corporation proposes also to issue securities for initial financing of the proposed insurer, in addition to the securing of qualifying applications for insurance, the bond or deposit required by this section may be combined with that required under section 582, with appropriate extension of the conditions of such bond or deposit to comply with the requirements of both sections, in order that only one such bond or deposit of twenty thousand dollars ($20,000) shall be necessary for all such purposes.

(4) Any such bond filed or deposit or remaining portion thereof held under this section shall be released and discharged upon settlement and termination of all liabilities against it hereunder.

SECTION 590. APPLICATIONS FOR INSURANCE IN FORMATION OF MUTUAL INSURER.—(1) Upon receipt of the Commissioner's approval of the bond or deposit as provided in section 589 the proposed domestic mutual insurer may commence solicitation of such requisite applications for insurance policies as it may accept, and may receive deposits of premiums thereon.

(2) All such applications shall be in writing signed by the applicant, covering subjects of insurance resident, located or to be performed in this state.

(3) All such applications shall provide that:

(a) Issuance of the policy is contingent upon the insurer qualifying for and receiving a certificate of authority;

(b) No insurance is in effect unless and until the certificate of authority has been issued; and

(c) The prepaid premium or deposit, and membership or policy fee, if any, shall be refunded in full to the applicant if organization is not completed and the certificate of authority is not issued and received by the insurer before a specified reasonable date, which date shall be not
later than one (1) year after the date of the certificate of incorporation.

(4) All qualifying premiums collected shall be in cash.

(5) Solicitation for such qualifying applications for insurance shall be by licensed agents of the corporation, and the Commissioner shall, upon the corporation’s application therefor, issue temporary agent’s licenses expiring on the date specified pursuant to subdivision (c) above to individuals qualified as for a resident agent’s license except as to the taking or passing of an examination. The Commissioner may suspend or revoke any such license for any of the causes and pursuant to the same procedures as are applicable to suspension or revocation of licenses of agents in general under chapter 9 of this code.

SECTION 591. FORMATION OF MUTUALS—TRUST DEPOSIT OF PREMIUMS—ISSUANCE OF POLICIES. —(1) All sums collected by a domestic mutual corporation as premiums or fees on qualifying applications for insurance therein shall be deposited in trust in a bank or trust company in this state under a written trust agreement approved by the Commissioner and consistent with this section and with section 590 (3) (c). The corporation shall file an executed copy of such trust agreement with the Commissioner.

(2) Upon issuance to the corporation of a certificate of authority as an insurer for the kind of insurance for which such applications were solicited, all funds so held in trust shall become the funds of the insurer, and the insurer shall thereafter in due course issue and deliver its policies for which premiums had been paid and accepted. The insurance provided by such policies shall be effective as of the date of the certificate of authority or thereafter as provided by the respective policies.

SECTION 592. FORMATION OF MUTUALS—FAILURE TO QUALIFY.—If the proposed domestic mutual insurer fails to complete its organization and to secure its original certificate of authority within one (1) year from and after date of its certificate of incorporation, the corporation shall transact no further business, and the Commissioner shall return or cause to be returned to the persons entitled thereto all advance deposits or payments of premiums held in trust under section 591.

SECTION 593. ADDITIONAL KINDS OF INSURANCE, MUTUALS.—A domestic mutual insurer, after be-
ing authorized to transact one (1) kind of insurance, may be authorized to transact such additional kinds of insurance as are permitted under section 75, while otherwise in compliance with this code and while maintaining unimpaired surplus funds in an amount not less than the amount of paid-in capital stock required of a domestic stock insurer transacting like kinds of insurance, subject further in the case of insurers other than those to which section 77 (capital funds required, old domestic insurers) is applicable, to the additional expendable surplus requirements of section 76 applicable to such a stock insurer.

SECTION 594. AMENDMENT OF ARTICLES OF INCORPORATION, STOCK INSURERS.—(1) A domestic stock insurer may amend its articles of incorporation for any lawful purpose through procedures prescribed by the statutes of this state as to business corporations in general, and by complying with the requirements of subsection (2) below.

(2) No such amendment shall be effectuated until a fully executed copy of the certificate of amendment has been filed with the Commissioner, and has been approved by him. The Commissioner shall approve the amendment unless found by him not to be in compliance with law. At time of filing, the fee therefor shall be paid in the amount prescribed in section 104 (fee schedule).

SECTION 595. AMENDMENT OF ARTICLES OF INCORPORATION, MUTUAL INSURER.—(1) A domestic mutual insurer heretofore or hereafter formed may amend its articles of incorporation for any lawful purpose by affirmative vote of a majority of those of its members present or represented by proxy at any regular annual meeting of its members, or at any special meeting called for the purpose.

(2) Upon adoption of such an amendment the insurer shall make a certificate thereof in quadruplicate under its corporate seal, setting forth such amendment and the date and manner of the adoption thereof, which certificate shall be executed by the insurer's president or vice-president and secretary or assistant secretary, and be acknowledged by them before an officer authorized by law to take acknowledgments of deeds. The insurer shall deliver to the Commissioner the quadruplicate originals of the certificate, together with the filing fee specified therefor in section 104 (fee schedule). The Commissioner shall transmit one (1) original of the proposed amendment to the Attorney Gen-
eral for examination. If the Commissioner and the Attorney General find that the certificate and the amendments comply with law, the Commissioner shall endorse his approval upon each of the quadruplicate originals, place one (1) set on file in his office and return the remaining three (3) originals to the insurer. The insurer shall file one of such originals with the Secretary of State, file one (1) for record in the office of the county recorder of the county in which the insurer's registered office is located, and retain the fourth original for its corporate records. The amendment shall be effective when filed with the Secretary of State.

(3) If the Commissioner or the Attorney General find that the proposed amendment or certificate does not comply with law, the Commissioner shall not approve the same, and shall return all certificates of amendment to the insurer together with his written statement of reasons for nonapproval. The filing fee shall not be returnable.

SECTION 596. INSURANCE BUSINESS EXCLUSIVE. — A domestic insurer heretofore or hereafter formed shall not have corporate power to engage, and shall not directly or indirectly engage, in any business other than the insurance business and in business activities reasonably and necessarily incidental to such insurance business; except that a title insurer may also engage in business as an escrow agent.

SECTION 597. MEMBERSHIP IN MUTUALS. — (1) Each policyholder of a domestic mutual insurer, other than of a reinsurance contract, is a member of the insurer during the period of the insurance with all rights and obligations of such membership, and the policy shall so specify.

(2) Any person, government or governmental agency, state or political subdivision thereof, public or private corporation, board, association, estate, trustee or fiduciary may be a member of a mutual insurer.

SECTION 598. BYLAWS OF MUTUAL. — (1) A domestic mutual insurer shall have bylaws for the government of its affairs. The insurer's initial board of directors shall adopt original bylaws, subject to the approval of the insurer's members at the next meeting of members.

(2) The bylaws shall contain provisions, consistent with this code, relating to:

(a) The voting rights of members;
(b) Election of directors, and the number, qualifications, terms of office and powers of directors;

(c) Annual and special meetings of members;

(d) The number, designation, election, terms and powers and duties of the respective corporate officers;

(e) Deposit, custody, disbursement and accounting for corporate funds;

(f) Fidelity bonds covering such officers and employees of the insurer handling its funds, to be issued by corporate surety and to be in such amount as may be reasonable; and

(g) Such other matters as may be customary, necessary, or convenient for the management or regulation of corporate affairs.

(3) The insurer shall promptly file with the Commissioner a copy, certified by the insurer's secretary, of its bylaws and of every modification thereof or addition thereto. The Commissioner shall disapprove any bylaw provision deemed by him, after a hearing held thereon, to be unlawful, unreasonable, inadequate, unfair or detrimental to the proper interests or protection of the insurer's members or any class thereof. The insurer shall not, after receiving written notice of such disapproval and during the existence thereof, effectuate any bylaw provision so disapproved.

SECTION 599. RIGHTS OF MUTUAL MEMBERS, IN GENERAL.—(1) A domestic mutual insurer is owned by and shall be operated in the interest of its members.

(2) With respect to the management, records and affairs of the insurer, a member of a mutual insurer shall have the same character of rights and relationship as a stockholder has toward a domestic stock insurer, subject to the provisions of this code.

SECTION 600. MEETINGS OF MEMBERS OF MUTUAL INSURER.—(1) Meetings of members of a domestic mutual insurer shall be held in the city or town of its registered office in this state, except as may otherwise be provided in the insurer's bylaws with the Commissioner's approval.

(2) Each such insurer shall, during the first six (6) months of each calendar year, hold the annual meeting of its members to fill vacancies existing or occurring in the board of directors, receive and consider reports of the
insurer's officers as to its affairs and transact such other business as may properly be brought before it.

(3) Notice of the time and place of the annual meeting of members shall be given by imprinting such notice plainly on the policies issued by the insurer. Any change of the date or place of the annual meeting shall be made only by an annual meeting of members. Notice of such change may be given:

(a) By imprinting such new date or place on all policies which will be in effect as of the date of such changed meeting; or

(b) Unless the Commissioner otherwise orders, notice of the new date or place need be given only through policies issued after the date of the annual meeting at which such change was made and in premium notices and renewal certificates issued during the twenty-four (24) months immediately following such meeting.

(4) If more than six (6) months are allowed to elapse after an annual meeting of members is due to be held and without such annual meeting being held, the Commissioner shall, upon written request of any officer, director, or member of the insurer, cause written notice of such meeting to be given to the insurer's members, and the meeting shall be held as soon as reasonably possible thereafter. The Commissioner shall attend the meeting.

(5) Subsections (2) and (3) above shall not apply as to a fraternal insurer, as defined in section 659(2), which shall hold the annual meeting of its members and give notice thereof, at such reasonable time and place and in such reasonable manner as may be provided by the insurer's bylaws with the Commissioner's approval.

SECTION 601. SPECIAL MEETINGS OF MEMBERS OF MUTUAL INSURER.—(1) A special meeting of the members of a mutual insurer may be held for any lawful purpose. The meeting shall be called by the corporate secretary pursuant to request of the insurer's president or of its board of directors, or upon request in writing signed by not less than one-tenth (1/10) of the insurer's members. The meeting shall be held at such time as the secretary may fix, but not less than ten (10) nor more than thirty (30) days after receipt of the request. If the secretary fails to issue such call, the president, directors, or members making the request may do so.
(2) Not less than ten (10) days' written notice of the meeting shall be given. Notice addressed to the insurer's members at their respective post office addresses last of record with the insurer and deposited, postage prepaid, in a letter depository of the United States post office, shall be deemed to have been given when so mailed. In lieu of mailed notice the insurer may publish the notice in such publication or publications as shall afford a majority of its members a reasonable opportunity to have actual advance notice of the meeting. The notice shall state the purposes of the meeting, and no business shall be transacted at the meeting of which notice was not so given.

SECTION 602. VOTING RIGHTS OF MUTUAL MEMBERS.—(1) Each member of a mutual insurer is entitled to one (1) vote upon each matter coming to a vote at meetings of members.

(2) A member shall have the right to vote in person or by his written proxy filed with the corporate secretary not less than five (5) days prior to the meeting. No such proxy shall be made irrevocable, nor be valid beyond the earlier of the following dates:

(a) The date of expiration set forth in the proxy; or

(b) The date of termination of membership; or

(c) Five (5) years from the date of execution of the proxy.

(3) No member's vote upon any proposal to divest the insurer of its business or assets, or the major part thereof, shall be registered or taken except in person or by proxy newly executed and specific as to the matter to be voted upon.

SECTION 603. DIRECTORS.—(1) The affairs of every domestic insurer shall be managed by a board of directors consisting of not less than five (5) directors nor more than fifteen (15) directors.

(2) Directors shall be elected by the members or stockholders of a domestic insurer at the annual meeting of stockholders or members. Directors may be elected for terms of not more than five (5) years each and until their successors are elected and have qualified, and if to be elected for terms of more than one (1) year the insurer's by-laws shall provide for a staggered term system under which the terms of a proportionate part of the members
of the board of directors shall expire on the date of each annual meeting of stockholders or members.

(3) A director of a stock insurer shall be a stockholder thereof, and a director of a mutual insurer shall be a policyholder thereof.

(4) As to an insurer operating as an authorized insurer only in the state of Idaho, a majority of the members of the insurer's board of directors shall be citizens of and shall actually reside in this state.

SECTION 604. NOTICE OF CHANGE OF DIRECTORS, OFFICERS.—An insurer shall promptly give the Commissioner written notice of any change of personnel among its directors or principal officers.

SECTION 605. PROHIBITED PECUNIARY INTEREST OF OFFICIALS.—(1) Any officer or director, or any member of any committee or an employee of a domestic insurer who is charged with the duty of investing or handling the insurer's funds shall not deposit or invest such funds except in the insurer's corporate name; shall not borrow the funds of such insurer; shall not be pecuniarily interested in any loan, pledge or deposit, security, investment, sale, purchase, exchange, reinsurance, or other similar transaction or property of such insurer except as a stockholder or member; shall not take or receive to his own use any fee, brokerage, commission, gift, or other consideration for or on account of any such transaction made by or on behalf of such insurer.

(2) No insurer shall guarantee any financial obligation of any of its officers or directors.

(3) This section shall not prohibit such a director or officer, or member of a committee or employee from becoming a policyholder of the insurer and enjoying the usual rights so provided for its policyholders, nor shall it prohibit any such officer, director or member of a committee or employee from participating as beneficiary in any pension trust, deferred compensation plan, profit sharing plan or stock option plan authorized by the insurer and to which he may be eligible, nor shall it prohibit any director or member of a committee from receiving a reasonable fee for lawful services actually rendered to such insurer.

(4) The Commissioner may, by regulations from time to time, define and permit additional exceptions to the prohibition contained in subsection (1) of this section
solely to enable payment of reasonable compensation to a
director who is not otherwise an officer or employee of
the insurer, or to a corporation or firm in which a director
is interested, for necessary services performed or sales or
purchases made to or for the insurer in the ordinary
course of the insurer's business and in the usual private
professional or business capacity of such director or such
corporation or firm.

SECTION 606. MANAGEMENT AND EXCLUSIVE
AGENCY CONTRACTS.—(1) No domestic insurer shall
hereafter make any contract whereby any person is granted
or is to enjoy in fact the management of the insurer to
the substantial exclusion of its board of directors or to
have the controlling or preemptive right to produce sub-
stantially all insurance business for the insurer, unless the
contract is filed with and approved by the Commissioner.
The contract shall be deemed approved unless disapproved
by the Commissioner within twenty (20) days after date
of filing, subject to such reasonable extension of time
as the Commissioner may require by notice given within
such twenty (20) days. Any disapproval shall be delivered
to the insurer in writing, stating the grounds therefor.

(2) Any such contract shall provide that any such man-
ger or producer of its business shall within ninety (90)
days after expiration of each calendar year furnish the
insurer's board of directors a written statement of amounts
received under or on account of the contract and amounts
expended thereunder during such calendar year, including
the emoluments received therefrom by the respective direc-
tors, officers, and other principal management personnel
of the manager or producer, and with such classification of
items and further detail as the insurer's board of directors
may reasonably require.

(3) The Commissioner shall disapprove any such con-
tract if he finds that it:

(a) Subjects the insurer to excessive charges; or

(b) Is to extend for an unreasonable length of time; or

(c) Does not contain fair and adequate standards of
performance; or

(d) Contains other inequitable provision or provisions
which impair the proper interests of stockholders or policy-
holders of the insurer.
(4) The Commissioner may, after a hearing held thereon, withdraw his approval of any such contract theretofore approved by him, if he finds that the bases of his original approval no longer exist, or that the contract has, in actual operation, shown itself to be subject to disapproval on any of the grounds referred to in subsection (3) above.

(5) This section does not apply as to contracts entered into prior to the effective date of this code, nor to extensions or amendments to such contracts.

SECTION 607. HOME OFFICE, RECORDS, AND ASSETS; PENALTY FOR UNLAWFUL REMOVAL.—(1) Every domestic insurer shall have and maintain its principal place of business and home office in this state, and shall keep therein accurate and complete accounts and records of its assets, transactions, and affairs in accordance with the usual and accepted principals and practices of insurance accounting and record keeping as applicable to the kinds of insurance transacted by the insurer.

(2) Every domestic insurer shall have and maintain its assets in this state, except as to:

(a) Real property and personal property appurtenant thereto lawfully owned by the insurer and located outside this state, and

(b) Such property of the insurer as may be customary, necessary, and convenient to enable and facilitate the operation of its branch offices and "regional home offices" located outside this state as referred to in subsection (4) below.

(3) Removal of all or a material part of the records or assets of a domestic insurer from this state except pursuant to a plan of merger or consolidation approved by the Commissioner under this code, or for such reasonable purposes and periods of time as may be approved by the Commissioner in writing in advance of such removal, or concealment of such records or assets or such material part thereof from the Commissioner, is prohibited. Any person who removes or attempts to remove such records or assets or such material part thereof from the home office or other place of business or of safekeeping of the insurer in this state with the intent to remove the same from this state, or who conceals or attempts to conceal the same from the Commissioner, in violation of this section, shall upon conviction thereof be guilty of a felony, punishable by a fine of not more than ten thousand dollars ($10,000), or by imprisonment in the penitentiary for not more than
five (5) years, or by both such fine and imprisonment in the discretion of the court. Upon any removal or attempted removal of such records or assets, or upon retention of such records or assets or material part thereof outside this state, beyond the period therefor specified in the Commissioner's consent under which the records were so removed thereat, or upon concealment of or attempt to conceal records or assets in violation of this section, the Commissioner may institute delinquency proceedings against the insurer pursuant to the provisions of chapter 33 of this code.

(4) This section shall not be deemed to prohibit or prevent an insurer from:

(a) Establishing and maintaining branch offices or "regional home offices" in other states where necessary or convenient to the transaction of its business and keeping therein the detailed records and assets customary and necessary for the servicing of its insurance in force and affairs in the territory served by such an office, as long as such records and assets are made readily available at such office for examination by the Commissioner at his request.

(b) Having, depositing or transmitting funds and assets of the insurer in or to jurisdictions outside of this state required by the law of such jurisdiction or as reasonably and customarily required in the regular course of its business.

SECTION 608. VOUCHERS FOR EXPENDITURES.—
(1) No insurer shall make any disbursement of twenty-five dollars ($25) or more, unless evidenced by a voucher or other document correctly describing the consideration for the payment and supported by a check or receipt endorsed or signed by or on behalf of the person receiving the money.

(2) If the disbursement is for services and reimbursement, the voucher or other document, or some other writing referred to therein, shall describe the services and itemize the expenditures.

(3) If the disbursement is in connection with any matter pending before any legislature or public body or before any public official, the voucher or other document shall also correctly describe the nature of the matter and of the insurer's interest therein.

SECTION 609. BORROWED SURPLUS.—(1) A do-
mestic stock or mutual insurer may borrow money to defray the expenses of its organization, provide it with surplus funds, or for any purpose of its business, upon a written agreement that such money is required to be re-paid only out of the insurer's surplus in excess of that stipulated in such agreement. The agreement may provide for interest not exceeding six percent (6%) per annum, which interest shall or shall not constitute a liability of the insurer as to its funds other than such excess of surplus, as stipulated in the agreement. No commission or promotion expense shall be paid in connection with any such loan.

(2) Money so borrowed, together with the interest thereon if so stipulated in the agreement, shall not form a part of the insurer's legal liabilities except as to its surplus in excess of the amount thereof stipulated in the agreement, or be the basis of any set-off; but until repaid, financial statements filed or published by the insurer shall show as a footnote thereto the amount thereof then unpaid together with any interest thereon accrued but unpaid.

(3) Any such loan shall be subject to the Commissioner's approval. The insurer shall, in advance of the loan, file with the Commissioner a statement of the purpose of the loan and a copy of the proposed loan agreement. The loan and agreement shall be deemed approved unless within fifteen (15) days after date of such filing the insurer is notified of the Commissioner's disapproval and the reasons therefor. The Commissioner shall disapprove any proposed loan or agreement if he finds the loan is unnecessary or excessive for the purpose intended, or that the terms of the loan agreement are not fair and equitable to the parties, and to other similar lenders, if any, to the insurer, or that the information so filed by the insurer is inadequate.

(4) Any such loan to a mutual insurer or substantial portion thereof shall be repaid by the insurer when no longer reasonably necessary for the purpose originally intended. No repayment of such a loan shall be made by a mutual insurer unless approved in advance by the Commissioner.

(5) This section shall not apply to loans obtained by the insurer in ordinary course of business from banks and other financial institutions, nor to loans secured by pledge or mortgage of assets.

SECTION 610. PARTICIPATING POLICIES.—(1) As
provided in its articles of incorporation, a domestic stock insurer or domestic mutual insurer may issue any or all of its policies with or without participation in profits, savings, unabsorbed portions of premiums, or surplus; may classify policies issued and risks insured on a participating and nonparticipating basis, and, subject to section 464(3), may determine the right to participate and the extent of participation of any class or classes of policies. Any such classification or determination shall be reasonable.

(2) A life insurer may issue both participating and nonparticipating policies only if the right or absence of right to participate is reasonably related to the premium charged.

(3) No dividend, otherwise earned, shall be made contingent upon the payment of renewal premium on any policy.

Section 611. Dividends to Stockholders. —

(1) A domestic stock insurer shall not pay any cash dividend to stockholders except out of that part of its available and accumulated surplus funds which is derived from realized net operating profits on its business and realized capital gains.

(2) A cash dividend otherwise lawful may be payable out of the insurer's earned surplus even though its total surplus is then less than the aggregate of its past contributed surplus resulting from issuance of its capital stock at a price in excess of the par value thereof.

(3) A stock dividend may be paid out of any available surplus funds in excess of the aggregate amount of surplus advanced to the insurer under arrangements such as authorized in section 609 and then remaining unpaid by the insurer.

Section 612. Dividends to Policyholders. —

(1) The directors of a domestic mutual insurer may from time to time apportion and pay or credit to its members dividends only out of that part of its surplus funds which represents net realized savings, net realized earnings, and net realized capital gains, all in excess of the surplus required by law to be maintained by the insurer.

(2) A dividend otherwise proper may be payable out of such savings, earnings, and gains even though the insurer's total surplus is then less than the aggregate of contributed surplus remaining unpaid by the insurer.
(3) A domestic stock insurer may pay dividends to holders of its participating policies out of any available surplus funds.

(4) No dividend shall be paid which is inequitable, or which unfairly discriminates as between classifications of policies or policies within the same classification.

(5) This section is subject to section 464(3) (provision, etc. of dividends out of earnings on nonparticipating policies).

SECTION 613. ILLEGAL DIVIDENDS—PENALTY.—
(1) Any director of a domestic stock insurer or domestic mutual insurer who knowingly votes for or concurs in declaration or payment of a dividend to stockholders or policyholders other than as authorized under sections 611 or 612 shall upon conviction thereof be subject to the penalties provided by section 17 (general penalty), and shall be jointly and severally liable, together with other such directors likewise voting for or concurring, for any loss thereby sustained by creditors of the insurer to the extent of such dividend.

(2) Any stockholder receiving such an illegal dividend shall be liable in the amount thereof to the insurer.

(3) The Commissioner may revoke or suspend the certificate of authority of any insurer which has declared or paid such an illegal dividend.

SECTION 614. CONTINGENT LIABILITY OF MUTUAL MEMBERS.—(1) Except as provided otherwise in section 617 with respect to nonassessable policies, each member of a domestic mutual insurer shall have a contingent liability, pro rata and not one for another, for the discharge of its obligations, which contingent liability shall be in such maximum amount as is specified in the insurer's articles of incorporation consistent with section 572(3)(a)(v).

(2) Every policy issued by the insurer shall contain a statement of the contingent liability.

(3) Termination of the policy of any such member shall not relieve the member of contingent liability for his proportion of the obligations of the insurer which accrued while the policy was in force as provided in section 615.

(4) Unrealized contingent liability of members does not
constitute an asset of the insurer in any determination of its financial condition.

SECTION 615. LEVY OF CONTINGENT LIABILITY. — (1) If at any time the assets of a domestic mutual insurer are less than its liabilities and the minimum amount of surplus required to be maintained by it under this code for authority to transact the kinds of insurance being transacted, and the deficiency is not cured from other sources, its directors may, if the same is approved by the Commissioner, levy an assessment only on its members who held the policies providing for contingent liability at any time within the twelve (12) months next preceding the date the levy was authorized by the board of directors, and such members shall be liable to the insurer for the amount so assessed.

(2) The levy of assessment shall be for such an amount, subject to the Commissioner's approval, as is required to cure such deficiency and to provide a reasonable amount of working funds above such minimum amount of surplus, but such working funds so provided shall not exceed five percent (5%) of the sum of the insurer's liabilities and such minimum required surplus as of the date of the levy.

(3) As to the respective policies subject to the levy, the assessment shall be computed upon such reasonable basis as may be approved by the Commissioner in writing in advance of the levy.

(4) No member shall have an offset against any assessment for which he is liable, on account of any claim for unearned premium or loss payable.

(5) As to life insurance, any part of such assessment upon a member which remains unpaid following notice of assessment, demand for payment, and lapse of a reasonable waiting period as specified in such notice, may, if approved by the Commissioner as being in the best interests of the insurer and its members, be secured by placing a lien upon the cash surrender values and accumulated dividends held by the insurer to the credit of the member.

SECTION 616. ENFORCEMENT OF CONTINGENT LIABILITY. — (1) The insurer shall notify each member of the amount of the assessment to be paid by written notice mailed to the member's address last of record with the insurer. Failure of the member to receive the notice so mailed, within the time specified therein for the pay-
ment of the assessment or at all, shall be no defense in any action to collect the assessment.

(2) If a member fails to pay the assessment within the period specified in the notice, which period shall not be less than twenty (20) days after mailing, the insurer may institute suit to collect the same.

SECTION 617. NONASSESSABLE POLICIES, MUTUAL INSURERS. — (1) A domestic mutual insurer while maintaining unimpaired surplus funds not less in amount than the minimum paid-in capital stock required of a domestic stock insurer formed under this code for authority to transact the same kind or kinds of insurance, may, upon receipt of the Commissioner's order so authorizing, extinguish the contingent liability to assessment of its members as to all its policies in force and may omit provisions imposing contingent liability in all policies currently issued.

(2) The Commissioner shall not authorize a domestic insurer to extinguish the contingent liability of any of its members or in any of its policies to be issued, unless it qualifies to and does extinguish such liability of all its members and in all such policies for all kinds of insurance transacted by it.

(3) A foreign or alien mutual insurer may issue non-assessable policies to its members in this state pursuant to its charter and the laws of its domicile.

SECTION 618. NONASSESSABLE POLICIES, REVOCA­TION OF AUTHORITY. — (1) The Commissioner shall revoke the authority of a domestic mutual insurer to issue policies without contingent liability if

(a) At any time the insurer's assets are less than the sum of its liabilities and the surplus required for such authority, or

(b) The insurer, by resolution of its board of directors approved by a majority of its members, requests that the authority be revoked.

(2) During the absence of such authority the insurer shall not issue any policy without providing therein for the contingent liability of the policyholder, nor renew any policy which is then in force without endorsing the same to provide for such contingent liability.

SECTION 619. SOLICITATIONS IN OTHER STATES. — (1) No domestic insurer shall knowingly solicit insur-
ance business in any reciprocating state in which it is not then licensed as an authorized insurer.

(2) This section shall not prohibit advertising through publications and radio, television and other broadcasts originating outside such reciprocating state, if the insurer is licensed in a majority of the states in which such advertising is disseminated, and if such advertising is not specifically directed to residents of such reciprocating state.

(3) This section shall not prohibit insurance, covering persons or risks located in a reciprocating state, under contracts solicited and issued in states in which the insurer is then licensed. Nor shall it prohibit insurance effectuated by the insurer as an unauthorized insurer in accordance with the laws of the reciprocating state.

(4) A “reciprocating” state, as used herein, is one under the laws of which a similar prohibition is imposed upon and enforced against insurers domiciled in that state.

(5) The Commissioner shall suspend or revoke the certificate of authority of a domestic insurer found by him, after a hearing, to have violated this section.

SECTION 620. IMPAIRMENT OF CAPITAL OR ASSETS.—(1) If a domestic stock insurer’s capital (as represented by the aggregate par value of its outstanding capital stock) becomes impaired, or the assets of a domestic mutual insurer are less than its liabilities and the minimum amount of surplus required to be maintained by it under this code for authority to transact the kinds of insurance being transacted, the Commissioner shall at once determine the amount of deficiency and serve notice upon the insurer to cure the deficiency and file proof thereof with him within the period specified in the notice, which period shall be not less than thirty (30) nor more than ninety (90) days from the date of the notice. Such notice may be so served by delivery to the insurer, or by mailing to the insurer addressed to its registered office in this state.

(2) The deficiency may be made good in cash or in assets eligible under chapter 7 (investments) for the investment of the insurer’s funds; or by amendment of the insurer’s certificate of authority to cover only such kind or kinds of insurance thereafter for which the insurer has sufficient paid-in capital stock (if a stock insurer) or surplus (if a mutual insurer) under this code; or, if a stock insurer, by reduction of the number of shares of the insurer’s authorized capital stock or the par value thereof.
through amendment of its articles of incorporation, to an amount of authorized and paid-in capital stock not below the minimum required for the kinds of insurance thereafter to be transacted.

(3) After any such reduction of authorized capital stock the insurer shall require the surrender to it of outstanding stock certificates in exchange for new certificates to be issued in lieu thereof for such number and/or par value of shares as the respective stockholders are proportionately entitled to receive.

(4) If the deficiency is not made good and proof thereof filed with the Commissioner within the period required by the notice as specified in subsection (1) above, the insurer shall be deemed insolvent and the Commissioner shall institute delinquency proceedings against it under chapter 33 of this code.

SECTION 621. ASSESSMENT OF STOCKHOLDERS OR MEMBERS.—(1) Any insurer receiving the Commissioner's notice required in section 620(1):

(a) If a stock insurer and to the extent that stockholders are subject to assessment under the insurer's articles of incorporation, by resolution of its board of directors the insurer may assess its stockholders for amounts necessary to cure the deficiency and provide the insurer with a reasonable amount of surplus in addition. If any stockholder fails to pay a lawful assessment after notice given to him in person, or by mail addressed to him at his address last of record with the insurer, or in such other manner as may be approved by the Commissioner, the insurer may require the return of the certificates of stock theretofore held by the stockholder, and in cancellation and in lieu thereof issue new certificates for such number of shares as the stockholder may then be entitled to, upon the basis of the stockholder's proportionate interest in the amount of the insurer's capital stock as determined by the Commissioner to be remaining unimpaired at the time of the determination of the amount of impairment under section 620, after deducting from such proportionate interest the amount of such unpaid assessment. The insurer may pay for or issue fractional shares under this subsection.

(b) If a mutual insurer, may levy an assessment upon members as is provided for under section 615.

(2) Neither this section nor section 620 shall be deemed to prohibit the insurer from curing any such deficiency
through any lawful means other than those referred to in such sections.

SECTION 622. MUTUALIZATION OF STOCK INSURERS.—(1) A stock insurer other than a title insurer may become a mutual insurer under such plan and procedure as may be approved by the Commissioner after a hearing thereon.

(2) The Commissioner shall not approve any such plan, procedure or mutualization unless:

(a) It is equitable to stockholders and policyholders;

(b) It is subject to approval by the holders of not less than a majority of the insurer's outstanding capital stock having voting rights, and by not less than a majority of the insurer's policyholders who vote on such plan in person, by proxy or by mail pursuant to such notice and procedure as may be approved by the Commissioner;

(c) If a life insurer, the right to vote thereon is limited to holders of policies other than term or group policies, and whose policies have been in force for more than one year;

(d) Mutualization will result in retirement of shares of the insurer's capital stock at a price not in excess of the fair market value thereof as determined by competent disinterested appraisers;

(e) The plan provides for the purchase of the shares of any nonconsenting stockholder in the same manner and subject to the same applicable conditions as provided by the general corporation law of the state as to rights of nonconsenting stockholders, with respect to consolidation or merger of private corporations;

(f) The plan provides for definite conditions to be fulfilled by a designated early date upon which such mutualization will be deemed effective; and

(g) The mutualization leaves the insurer with surplus funds reasonably adequate for the security of its policyholders and to enable it to continue successfully in business in the states in which it is then authorized to transact insurance, and for the kinds of insurance included in its certificates of authority in such states.

(3) No director, officer, agent or employee of the insurer, nor any other person, shall receive any fee, com-
mission or other valuable consideration whatsoever for in any manner aiding, promoting, or assisting therein except as set forth in the plan of mutualization as approved by the Commissioner.

(4) This section shall not apply to mutualization under order of court pursuant to rehabilitation or reorganization of an insurer under chapter 33.

SECTION 623. CONVERTING MUTUAL INSURER.—A mutual insurer shall not be converted to a stock insurer.

SECTION 624. MERGERS AND CONSOLIDATIONS OF STOCK INSURERS.—(1) A domestic stock insurer may merge or consolidate with one or more domestic or foreign stock insurers, by complying with the applicable provisions of the statutes of this state governing the merger or consolidation of stock corporations formed for profit, but subject to subsections (2) and (3) below.

(2) No such merger or consolidation shall be effectuated unless in advance thereof the plan and agreement therefor have been filed with the Commissioner and approved in writing by him after a hearing thereon after notice to the stockholders of each insurer involved. The Commissioner shall give such approval within a reasonable time after such filing unless he finds such plan or agreement:

(a) Is contrary to law; or

(b) Inequitable to the stockholders of any insurer involved; or

(c) Would substantially reduce the security of and service to be rendered to policyholders of the domestic insurer in this state or elsewhere; or

(d) Is subject to other material and reasonable objections.

(3) No director, officer, agent or employee of any insurer party to such merger or consolidation shall receive any fee, commission, compensation or other valuable consideration whatsoever for in any manner aiding, promoting or assisting therein except as set forth in such plan or agreement.

(4) If the Commissioner does not approve any such plan or agreement he shall so notify the insurer in writing specifying his reasons therefor.
(5) Any plan or proposal through which a stock insurer proposes to acquire a controlling stock interest in another stock insurer through an exchange of stock of the first insurer, issued by the insurer for the purpose, for such controlling stock of the second insurer is deemed to be a plan or proposal of merger of the second insurer into the first insurer for the purposes of this section and is subject to the applicable provisions hereof.

(6) Reinsurance of all or substantially all of the insurance in force of an insurer by another insurer, shall also be subject to the provisions of this section as if a merger.

SECTION 625. MERGERS AND CONSOLIDATIONS, MUTUAL INSURERS.—(1) A domestic mutual insurer shall not merge or consolidate with a stock insurer.

(2) A domestic mutual insurer may merge or consolidate with another mutual insurer under the applicable procedures prescribed by the statutes of this state applying to corporations formed for profit, except as hereinbelow provided.

(3) The plan and agreement for merger or consolidation shall be submitted to and approved by at least two-thirds (2/3) of the members of each mutual insurer voting thereon at meetings called for the purpose pursuant to such reasonable notice and procedure as has been approved by the Commissioner. If a life insurer, right to vote may be limited to members whose policies are other than term and group policies, and have been in effect for more than one (1) year.

(4) No such merger or consolidation shall be effectuated unless in advance thereof the plan and agreement therefor have been filed with the Commissioner and approved by him in writing after a hearing thereon. The Commissioner shall give such approval within a reasonable time after such filing unless he finds such plan or agreement:

(a) Inequitable to the policyholders of any domestic insurer involved; or

(b) Would substantially reduce the security of and service to be rendered to policyholders of the domestic insurer in this state and elsewhere; or

(c) Is subject to other material and reasonable objections.

(5) If the Commissioner does not approve such plan or
agreement he shall so notify the insurers in writing specifying his reasons therefor.

(6) No director, officer, agent or employee of any insurer party to such merger or consolidation, nor any other person, shall receive any fee, commission or other valuable consideration whatsoever for in any manner aiding, promoting, or assisting therein except as set forth in the plan and agreement approved by the Commissioner.

SECTION 626. BULK REINSURANCE, MUTUAL INSURERS. — (1) A domestic mutual insurer may reinsure all or substantially all of its business in force, or all or substantially all of a major class thereof, with another insurer, stock or mutual, by an agreement of bulk reinsurance after compliance with this section. No such agreement shall become effective unless filed with the Commissioner and approved by him in writing.

(2) The Commissioner shall approve such agreement within a reasonable time after filing if he finds it to be fair and equitable to each domestic insurer involved, and that such reinsurance if effectuated would not substantially reduce the protection or service to its policyholders. If the Commissioner does not so approve, he shall so notify each insurer involved in writing specifying his reasons therefor.

(3) If for reinsurance of all or substantially all of its business in force, the plan and agreement for such reinsurance must be approved by vote of not less than two-thirds (2/3) of each domestic mutual insurer's members voting thereon at meetings of members called for the purpose, pursuant to such reasonable notice and procedure as the Commissioner may approve. If a life insurer, right to vote may be limited to members whose policies are other than term or group policies, and have been in effect for more than one (1) year.

(4) If for reinsurance in a stock insurer of all or substantially all of the insurance in force of a mutual insurer, the agreement must provide for payment in cash to each member of the insurer entitled thereto of his equity, if any, in the business reinsured as determined under a fair formula approved by the Commissioner, as based upon the reserves, assets (whether or not "admitted" assets) and surplus, if any, of the mutual insurer to be taken over by the stock insurer.

(5) No director, officer, agent or employee of any in-
surer party to such reinsurance, nor any other person, shall receive any fee, commission or other valuable consideration whatsoever for in any manner aiding, promoting, or assisting therein except as set forth in the reinsurance agreement.

SECTION 627. MUTUAL MEMBER'S SHARE OF ASSETS ON LIQUIDATION.—(1) Upon any liquidation of a domestic mutual insurer, its assets remaining after discharge of its indebtedness, policy obligations, repayment of contributed or borrowed surplus, if any, and expenses of administration, shall be distributed to currently existing persons who had been members of the insurer for at least one year and who were its members at any time within thirty-six (36) months next preceding the date such liquidation was authorized or ordered, or date of last termination of the insurer's certificate of authority whichever date is the earlier; except, that if the Commissioner has reason to believe that those in charge of the management of the insurer have caused or encouraged the reduction of the number of members of the insurer in anticipation of liquidation and for the purpose of reducing thereby the number of persons who may be entitled to share in distribution of the insurer's assets, he may enlarge the thirty-six (36) month qualification period above provided for by such additional period as he may deem to be reasonable.

(2) The insurer shall make a reasonable classification of its policies so held by such members, and a formula based upon such classification for determining the equitable distributive share of each such member. Such classification and formula shall be subject to the approval of the Commissioner.

SECTION 628. "RECIPROCAL" INSURANCE DEFINED.—"Reciprocal" insurance is that resulting from an interexchange among persons, known as "subscribers", of reciprocal agreements of indemnity, the interexchange being effectuated through an "attorney in fact" common to all such persons.

SECTION 629. "RECIPROCAL INSURER" DEFINED. —A "reciprocal insurer" means an unincorporated aggregation of subscribers operating individually and collectively through an attorney in fact to provide reciprocal insurance among themselves.

SECTION 630. SCOPE OF CHAPTER—EXISTING INSURERS.—(1) All authorized reciprocal insurers shall be
governed by those sections of this chapter not expressly made applicable to domestic reciprocals.

(2) Existing authorized reciprocal insurers shall after the effective date of this code comply with the provisions of this chapter, and shall make such amendments to their subscribers' agreement, power of attorney, policies and other documents and accounts and perform such other acts as may be required for such compliance.

**SECTION 631. INSURING POWERS OF RECIPROCALS.** — (1) A reciprocal insurer may, upon qualifying therefor as provided for by this code, transact any kind or kinds of insurance defined by this code, other than life or title insurances.

(2) Such an insurer may purchase reinsurance, and may grant reinsurance as to any kind of insurance it is authorized to transact direct.

**SECTION 632. NAME, SUITS.** — A reciprocal insurer shall: (1) Have and use a business name. The name shall include the word "reciprocal", or "interinsurer", or "interinsurance", or "exchange", or "underwriters", or "underwriting".

(2) Sue and be sued in its own name.

**SECTION 633. SURPLUS FUNDS REQUIRED.** — (1) A domestic reciprocal insurer which held a valid certificate of authority to transact insurance in this state immediately prior to the effective date of this code is governed, as to surplus required to be maintained, by section 77 of this code.

(2) A domestic reciprocal insurer hereafter formed may be authorized to transact insurance if it has otherwise complied with the applicable provisions of this code and has and thereafter maintains surplus funds as follows:

(a) To transact property insurance, surplus of not less than one hundred and fifty thousand dollars ($150,000);

(b) To transact casualty insurance, without workmen's compensation included, surplus of not less than one hundred and fifty thousand dollars ($150,000); to transact casualty insurance, including workmen's compensation, surplus of not less than two hundred thousand dollars ($200,000).

(3) In addition to surplus required to be maintained under subsection (2) above, the insurer shall have, when
first so authorized, expendable surplus equal to not less than one-half \((\frac{1}{2})\) of the minimum amount of surplus required to be maintained.

(4) A domestic reciprocal insurer may be authorized to transact additional kinds of insurance if it has otherwise complied with the provisions of this code therefor and possesses and maintains surplus funds not less in amount than the minimum capital stock required of a domestic stock insurer for authority to transact a like combination of kinds of insurance, but subject to section 76(3) as to additional kinds of insurance and surplus required therefor during the first three (3) years.

SECTION 634. ATTORNEY.—(1) "Attorney", as used in this chapter, refers to the attorney in fact of a reciprocal insurer. The attorney may be an individual, firm or corporation.

(2) The attorney of a foreign or alien reciprocal insurer, which insurer is duly authorized to transact insurance in this state, shall not, by virtue of discharge of its duties as such attorney with respect to the insurer’s transactions in this state, be thereby deemed to be doing business in this state within the meaning of any laws of this state applying to foreign firms or corporations.

SECTION 635. ORGANIZATION OF RECIPROCAL INSURER.—(1) Twenty-five (25) or more persons domiciled in this state, or employers in this state having aggregate payrolls of not less than one and one-half million dollars ($1,500,000) and proposing to transact workmen’s compensation insurance only, may organize a domestic reciprocal insurer and make application to the Commissioner for a certificate of authority to transact insurance.

(2) The proposed attorney shall fulfill the requirements of and shall execute and file with the Commissioner when applying for a certificate of authority, a declaration setting forth:

(a) The name of the insurer;

(b) The location of the insurer’s principal office, which shall be the same as that of the attorney and shall be maintained within this state;

(c) The kinds of insurance proposed to be transacted;

(d) The names and addresses of the original subscribers;
(e) The designation and appointment of the proposed attorney and a copy of the power of attorney;

(f) The names and addresses of the officers and directors of the attorney, if a corporation, or its members, if a firm;

(g) The powers of the subscribers' advisory committee; and the names and terms of office of the members thereof;

(h) That all monies paid to the reciprocal shall, after deducting therefrom any sum payable to the attorney, be held in the name of the insurer and for the purposes specified in the subscribers' agreement;

(i) A copy of the subscribers' agreement;

(j) A statement that each of the original subscribers has in good faith applied for insurance of a kind proposed to be transacted, and that the insurer has received from each such subscriber the full premium or premium deposit required for the policy applied for, for a term of not less than six months at an adequate rate theretofore filed with and approved by the Commissioner;

(k) A statement of the financial condition of the insurer, a schedule of its assets, and a statement that the surplus as required by section 633 of this code is on hand; and

(l) A copy of each policy, endorsement and application form it then proposes to issue or use.

Such declaration shall be acknowledged by the attorney in the manner required for the acknowledgment of deeds.

SECTION 636. CERTIFICATE OF AUTHORITY.—(1) The certificate of authority of a reciprocal insurer shall be issued to its attorney in the name of the insurer.

(2) The Commissioner may refuse, suspend or revoke the certificate of authority, in addition to other grounds therefor, for failure of the attorney to comply with any provision of this code.

SECTION 637. POWER OF ATTORNEY.—(1) The rights and powers of the attorney of a reciprocal insurer shall be as provided in the power of attorney given it by the subscribers.

(2) The power of attorney must set forth:

(a) The powers of the attorney;
(b) That the attorney is empowered to accept service of process on behalf of the insurer and to authorize the Commissioner to receive service of process in actions against the insurer upon contracts exchanged;

(c) The general services to be performed by the attorney;

(d) The maximum amount to be deducted from advance premiums or deposits to be paid to the attorney and the general items of expense in addition to losses, to be paid by the insurer; and

(e) Except as to nonassessable policies, a provision for a contingent several liability of each subscriber in a specified amount which amount shall be not less than one nor more than ten times the premium or premium deposit stated in the policy.

(3) The power of attorney may:

(a) Provide for the right of substitution of the attorney and revocation of the power of attorney and rights thereunder;

(b) Impose such restrictions upon the exercise of the power as are agreed upon by the subscribers;

(c) Provide for the exercise of any right reserved to the subscribers directly or through their advisory committee; and

(d) Contain other lawful provisions deemed advisable.

(4) The terms of any power of attorney or agreement collateral thereto shall be reasonable and equitable, and no such power or agreement shall be used or be effective in this state until approved by the commissioner.

SECTION 638. MODIFICATIONS.—Modifications of the terms of the subscribers' agreement or of the power of attorney of a domestic reciprocal insurer shall be made jointly by the attorney and the subscribers' advisory committee. No such modification shall be effective retroactively, nor as to any insurance contract issued prior thereto.

SECTION 639. ATTORNEY'S BOND.—(1) Concurrently with the filing of the declaration provided for in section 635, the attorney of a domestic reciprocal insurer shall file with the Commissioner a bond in favor of the State of Idaho for the benefit of all persons damaged as a result of breach by the attorney of the conditions of his bond as set
forth in subsection (2) hereof. The bond shall be executed by the attorney and by an authorized corporate surety, and shall be subject to the Commissioner's approval.

(2) The bond shall be in the penal sum of twenty-five thousand dollars ($25,000), aggregate in form, conditioned that the attorney will faithfully account for all monies and other property of the insurer coming into his hands, and that he will not withdraw or appropriate to his own use from the funds of the insurer, any monies or property to which he is not entitled under the power of attorney.

(3) The bond shall provide that it is not subject to cancellation unless thirty (30) days' advance notice in writing of cancellation is given both the attorney and the Commissioner.

SECTION 640. DEPOSIT IN LIEU OF BOND.—In lieu of the bond required under section 639, the attorney may maintain on deposit through the office of the Commissioner, a like amount in cash or in value of securities eligible for deposit under section 172 of this code and subject to the same conditions as the bond.

SECTION 641. ACTION ON BOND.—Action on the attorney's bond or to recover against any such deposit made in lieu thereof may be brought at any time by one or more subscribers suffering loss through a violation of its conditions, or by a receiver or liquidator of the insurer. Amounts recovered on the bond shall be deposited in and become part of the insurer's funds. The total aggregate liability of the surety shall be limited to the amount of the penalty of such bond.

SECTION 642. SERVICE OF PROCESS—JUDGMENT.—(1) Legal process shall be served upon a domestic reciprocal insurer by serving the insurer's attorney at his principal offices or by serving the Commissioner as the insurer's process agent under sections 96 and 97.

(2) Any judgment based upon legal process so served shall be binding upon each of the insurer's subscribers as their respective interests may appear, but in an amount not exceeding their respective contingent liabilities, if any, the same as though personal service of process was had upon each such subscriber.

SECTION 643. CONTRIBUTIONS TO INSURER.—The attorney or other parties may advance to a domestic reciprocal insurer upon reasonable terms such funds as it may re-
quire from time to time in its operations. Sums so advanced shall not be treated as a liability of the insurer, and, except upon liquidation of the insurer, shall not be withdrawn or repaid except out of the insurer's realized earned surplus in excess of its minimum required surplus. No such withdrawal or repayment shall be made without the advance approval of the Commissioner. This section does not apply to bank loans, or to other loans made upon security.

SECTION 644. ANNUAL STATEMENT.—(1) The annual statement of a reciprocal insurer shall be made and filed by its attorney.

(2) The statement shall be supplemented by such information as may be required by the Commissioner relative to the affairs and transactions of the attorney insofar as they relate to the reciprocal insurer.

SECTION 645. FINANCIAL CONDITION—METHOD OF DETERMINING.—In determining the financial condition of a reciprocal insurer the Commissioner shall apply the following rules:

(1) He shall charge as liabilities the same reserves as are required of incorporated insurers issuing nonassessable policies on a reserve basis.

(2) The surplus deposits of subscribers shall be allowed as assets, except that any premium deposits delinquent for ninety (90) days shall first be charged against such surplus deposit.

(3) The surplus deposits of subscribers shall not be charged as a liability.

(4) All premium deposits delinquent less than ninety (90) days shall be allowed as assets.

(5) An assessment levied upon subscribers, and not collected, shall not be allowed as an asset.

(6) The contingent liability of subscribers shall not be allowed as an asset.

(7) The computation of reserves shall be based upon premium deposits other than membership fees and without any deduction for expenses and the compensation of the attorney.

SECTION 646. WHO MAY BE SUBSCRIBERS.—(1) Individuals, partnerships, associations and corporations,
public or private, of this state, hereby designated as sub-
scribers, are authorized to exchange reciprocal or inter-
insurance contracts with each other, or with individuals,
partnerships, associations and corporations, public or pri-
ivate, of other states and countries, providing indemnity
among themselves for any loss which may be insured against
by the reciprocal insurer to which they are subscribers;
except, that public corporations of this state may so insure
only in an insurer which has a surplus of three hundred
thousand dollars ($300,000) or more and under an insur-
ance contract as to which such an insured has no contingent
liability.

(2) Any corporation now or hereafter organized under
the laws of this state shall, in addition to the rights, powers
and franchises specified in its articles of incorporation have
full power and authority to exchange insurance contracts
of the kind and character mentioned in subsection (1)
above. The right to exchange such contracts is declared to be
incidental to the purposes for which such corporations are
organized and as much granted as the rights and powers
expressly conferred.

(3) Any officer, representative, trustee, receiver, or legal
representative of any such subscriber shall be recognized
as acting for or on its behalf for the purpose of such con-
tract but shall not be personally liable upon the contract
by reason of acting in such representative capacity.

SECTION 647. SUBSCRIBERS' ADVISORY COMMIT-
TEE. — (1) The advisory committee of a domestic recip-
rocal insurer exercising the subscribers' rights shall be
selected under such rules as the subscribers adopt.

(2) Not less than two-thirds (⅔) of such committee
shall be subscribers other than the attorney, or any per-
son employed by, representing, or having a financial in-
terest in the attorney.

(3) The committee shall:

(a) Supervise the finances of the insurer;

(b) Supervise the insurer's operations to such extent
as to assure conformity with the subscribers' agreement
and power of attorney;

(c) Procure the audit of the accounts and records of
the insurer and of the attorney at the expense of the in-
surer; and
(d) Have such additional powers and functions as may be conferred by the subscribers' agreement.

SECTION 648. SUBSCRIBERS' LIABILITY.—(1) The liability of each subscriber, other than as to a nonassessable policy, for the obligations of the reciprocal insurer shall be an individual, several and proportionate liability, and not joint.

(2) Except as to a nonassessable policy, each subscriber shall have a contingent assessment liability, in the amount provided for in the power of attorney or in the subscribers' agreement, for payment of actual losses and expenses incurred while his policy was in force. Such contingent liability may be at the rate of not less than one nor more than ten times the premium or premium deposit stated in the policy, and the maximum aggregate thereof shall be computed in the manner set forth in section 652 of this chapter.

(3) Each assessable policy issued by the insurer shall contain a statement of the contingent liability, set in type of the same prominence as the insuring clause.

SECTION 649. SUBSCRIBERS' LIABILITY ON JUDGMENT.—(1) No action shall lie against any subscriber upon any obligation claimed against the insurer until a final judgment has been obtained against the insurer and remains unsatisfied for thirty (30) days.

(2) Any such judgment shall be binding upon each subscriber only in such proportion as his interests may appear and in amount not exceeding his contingent liability, if any.

SECTION 650. ASSESSMENTS. — (1) Assessments may from time to time be levied upon subscribers of a domestic reciprocal insurer liable therefor under the terms of their policies by the attorney upon approval in advance by the subscribers' advisory committee and the Commissioner; or by the Commissioner in liquidation of the insurer.

(2) Each subscriber's share of a deficiency for which an assessment is made, but not exceeding in any event his aggregate contingent liability as computed in accordance with section 652 of this chapter, shall be computed by applying to the premium earned on the subscriber's policy or policies during the period to be covered by the assessment, the ratio of the total deficiency to the total premiums earned during such period upon all policies subject to the assessment.
(3) In computing the earned premiums for the purposes of this section, the gross premium received by the insurer for the policy shall be used as a base, deducting therefrom solely charges not recurring upon the renewal or extension of the policy.

(4) No subscriber shall have an offset against any assessment for which he is liable, on account of any claim for unearned premium or losses payable.

SECTION 651. TIME LIMIT FOR ASSESSMENTS.—Every subscriber of a domestic reciprocal insurer having contingent liability shall be liable for, and shall pay his share of any assessment, as computed and limited in accordance with this chapter, if:

(1) While his policy is in force or within one year after its termination, he is notified by either the attorney or the Commissioner of his intentions to levy such assessment, or

(2) If an order to show cause why a receiver, conservator, rehabilitator or liquidator of the insurer should not be appointed is issued while his policy is in force or within one year after its termination.

SECTION 652. AGGREGATE LIABILITY. — No one policy or subscriber as to such policy, shall be assessed or charged with an aggregate of contingent liability as to obligations incurred by a domestic reciprocal insurer in any one calendar year in excess of the amount provided for in the power of attorney or in the subscribers' agreement, computed solely upon premium earned on such policy during that year.

SECTION 653. NONASSESSABLE POLICIES.—(1) If a reciprocal insurer has a surplus of assets over all liabilities at least equal to the minimum capital stock required of a domestic stock insurer authorized to transact like kinds of insurance, upon application of the attorney and as approved by the subscribers' advisory committee the Commissioner shall issue his certificate authorizing the insurer to extinguish the contingent liability of subscribers under its policies then in force in this state, and to omit provisions imposing contingent liability in all policies delivered or issued for delivery in this state for so long as all such surplus remains unimpaired.

(2) Upon impairment of such surplus, the Commissioner shall forthwith revoke the certificate. Such revocation
shall not render subject to contingent liability any policy then in force and for the remainder of the period for which the premium has theretofore been paid; but after such revocation no policy shall be issued or renewed without providing for contingent assessment liability of the subscriber.

(3) The Commissioner shall not authorize a domestic reciprocal insurer so to extinguish the contingent liability of any of its subscribers or in any of its policies to be issued, unless it qualifies to and does extinguish such liability of all its subscribers and in all such policies for all kinds of insurance transacted by it. Except, that if required by the laws of another state in which the insurer is transacting insurance as an authorized insurer, the insurer may issue policies providing for the contingent liability of such of its subscribers as may acquire such policies in such state, and need not extinguish the contingent liability applicable to policies theretofore in force in such state.

SECTION 654. DISTRIBUTION OF SAVINGS.—A reciprocal insurer may from time to time return to its subscribers any unused premiums, savings or credits accruing to their accounts. Any such distribution shall not unfairly discriminate between classes of risks, or policies, or between subscribers, but this shall not prevent retrospective rating, nor distribution on a retrospective plan.

SECTION 655. SUBSCRIBERS' SHARE IN ASSETS. —Upon the liquidation of a domestic reciprocal insurer, its assets remaining after discharge of its indebtedness and policy obligations, the return of any contributions of the attorney or other persons to its surplus made as provided in section 643 of this chapter, and the return of any unused premium, savings, or credits then standing on subscribers' accounts, shall be distributed to its subscribers who were such within the twelve (12) months prior to the last termination of its certificate of authority, according to such reasonable formula as the Commissioner may approve.

SECTION 656. MERGER OR CONVERSION. — (1) A domestic reciprocal insurer upon affirmative vote of not less than two-thirds (2/3) of its subscribers who vote on such merger pursuant to due notice and the approval of the Commissioner of the terms therefor, may merge with another reciprocal insurer or be converted to a stock or mutual insurer.

(2) Such a stock or mutual insurer shall be subject to
the same capital or surplus requirements and shall have the same rights as a like domestic insurer transacting like kinds of insurance.

(3) The Commissioner shall not approve any plan for such merger or conversion which is inequitable to subscribers, or which, if for conversion to a stock insurer, does not give each subscriber preferential right to acquire stock of the proposed insurer proportionate to his interest in the reciprocal insurer as determined in accordance with section 655 and a reasonable length of time within which to exercise such right.

SECTION 657. IMPAIRED RECIPROCALS.—(1) If the assets of a reciprocal insurer are at any time insufficient to discharge its liabilities, other than any liability on account of funds contributed by the attorney or others, and to maintain the required surplus, its attorney shall forthwith make up the deficiency or levy an assessment upon the subscribers for the amount needed to make up the deficiency; but subject to the limitation set forth in the power of attorney or policy.

(2) If the attorney fails to make up such deficiency or to make the assessment within thirty (30) days after the Commissioner orders him to do so, or if the deficiency is not fully made up within sixty (60) days after the date the assessment was made, the insurer shall be deemed insolvent and shall be proceeded against as authorized by this code.

(3) If liquidation of such an insurer is ordered, an assessment shall be levied upon the subscribers for such an amount, subject to limits as provided by this chapter, as the Commissioner determines to be necessary to discharge all liabilities of the insurer, exclusive of any funds contributed by the attorney or other persons, but including the reasonable cost of the liquidation.

SECTION 658. LAWS APPLICABLE.—Domestic mutual benefit associations heretofore formed under the provisions of chapter 110 of the session laws of 1933, or as amended by chapter 114 of the session laws of 1941, or under chapter 243 of the session laws of 1947, or under chapter 31 of title 41, Idaho Code, or as any of such laws have been amended or may hereafter be amended, shall be governed by such applicable laws as remain in force or are newly enacted after the effective date of this code; and no other provision of this code shall apply to any such
association except as stated in or consequent upon sections 14 (application of code as to particular types of insurers) and 805 (applicability of code under unrepealed laws). Domestic mutual insurers hereafter formed shall be organized under chapter 28 of this code (organization and corporate procedures of stock and mutual insurers) and shall be subject to the applicable provisions of chapter 6 (assets and liabilities).

Section 659. Scope of chapter—Provisions exclusive.—(1) This chapter applies only to domestic county mutual fire insurers as heretofore organized or doing business under the provisions of Title 41, Chapter 23, Idaho Code, or as hereafter organized under this chapter.

(2) This chapter shall also apply as to domestic fire insurance associations or organizations heretofore formed and affiliated with and insuring only property owned by a bona fide fraternal society operating on the lodge system, or owned by members of such society. Except as otherwise expressly provided for, such associations or organizations, hereinafter referred to as "fraternal insurers", are also included within the terms "insurer" or "county mutual fire insurer" as used in this chapter.

(3) No provision of this code shall apply to such insurers unless contained or referred to in this chapter.

Section 660. Organization of county mutual fire insurers.—(1) Twenty-five (25) or more citizens of Idaho, each of whom shall be owner of substantial insurable property in a county of this state within which the insurer proposes to do business, may hereafter incorporate a county mutual fire insurer.

(2) The incorporators shall prepare and execute in quadruplicate articles of incorporation setting forth:

(a) The name of the corporation, which shall contain the words "county mutual fire insurance company" preceded by a distinctive name which is not so similar to that of any other authorized insurer as to be likely to confuse or mislead;

(b) The county or counties of this state within which the insurer proposes to do business, and the name of the town or city therein in which the insurer's head office is to be located;

(c) The objects for which the corporation is formed,
including the property to be insured and the perils to be assumed by the insurer, which shall not be in excess of the insuring power of such an insurer as set forth in this chapter;

(d) That insurance shall be limited to members of the insurer, and that each such member shall be liable to assessment for payment of the losses and expenses of the insurer, and that such liability may be enforced by the corporation;

(e) The duration of the corporation's existence, which may be for a specified term of years or perpetual;

(f) The name, residence address in this state, and citizenship of each incorporator;

(g) The names of the corporation's initial board of directors, not less than nine (9) in number, who shall manage the insurer's affairs for a specified term which shall not exceed one (1) year from date of incorporation; and

(h) Such other lawful provisions as may be necessary or desirable.

(3) The articles of incorporation so executed shall be acknowledged by at least three (3) of the incorporators before an officer authorized to take acknowledgment of deeds.

SECTION 661. FILING OF ARTICLES—COMMENCEMENT OF BUSINESS.—(1) The articles of incorporation of a proposed new county mutual fire insurer, after due execution and acknowledgment as provided in section 660, shall be filed as required by those provisions of section 573 (filing of articles) applying to mutual insurers.

(2) After the articles of incorporation have been so filed, the directors shall adopt bylaws, elect officers, and apply to the Commissioner for a certificate of authority as a county mutual fire insurer. Upon issuance of the certificate of authority the insurer may commence business as a county mutual fire insurer.

SECTION 662. INSURING POWERS. — Within the limits or restrictions set forth in its articles of incorporation and otherwise under this chapter, such an insurer may insure farm property and personal property reasonably associated therewith, churches and public halls, and certain other dwellings and property as specified in subdivision (2) (a) and (3) below, all as follows:
(1) The property insured must be owned by a member of the insurer, and must be located within the county or counties in which the insurer is authorized to transact insurance as provided in section 663;

(2) The insurer shall not insure any property located within the limits of any incorporated city, town, or village, except as follows:

(a) A fraternal insurer may insure dwellings and/or household goods owned by its members who, after becoming such members, have moved within the limits of any such incorporated city, town, or village;

(b) The insurer may insure property of a member located upon an otherwise open tract of land occupied by the member and not less than five (5) acres in area, within the limits of any such city, town, or village;

(c) A fraternal insurer may insure Grange halls, wherever located in this state.

(3) A fraternal insurer may insure other buildings and/or contents owned by its members individually or as an organization and not located within any incorporated city, town, or village.

(4) The insurer may insure churches and other public halls only if located outside of incorporated cities, towns, and villages;

(5) The perils insured against may include only:

(a) Fire, lightning, tornado, windstorm, or hailstorm;

(b) Such additional perils as are usually insured under an "extended coverage" endorsement to or provision in a standard form fire insurance policy;

(c) All perils as to loss or damage to window glass, including its fittings; and

(d) Insurance of farm machinery may be or include insurance against theft and upset.

SECTION 663. INSURER'S TERRITORY.—An insurer shall insure only such property as it is otherwise authorized to insure under this chapter, and which is located within one (1) or more of the counties of this state within which the insurer may transact insurance as provided by its articles of incorporation, subject to the following conditions:
(1) An insurer which has less than seven million dollars ($7,000,000) of insurance in force on separate properties shall not transact insurance in an area greater than that of the county in which its head office is located, together with not more than the four (4) Idaho counties contiguous with such head office county;

(2) An insurer which has seven million dollars ($7,000,000) but less than twelve million dollars ($12,000,000) of insurance in force on separate properties may transact insurance in the county in which its head office is located together with not more than the eight (8) Idaho counties most adjacent to such head office county;

(3) An insurer which has twelve million dollars ($12,000,000) or more of insurance in force on separate properties may transact insurance in the county in which its head office is located together with not more than the twelve (12) Idaho counties most adjacent to such head office county and/or may extend its activities and operations into an adjoining state; and

(4) A fraternal insurer may operate under this chapter in any or all of the counties of this state.

SECTION 664. LIMIT OF RISK.—(1) The maximum amount of insurance which an insurer shall retain as to any one (1) subject of insurance, after deduction of applicable reinsurance, shall not exceed ten percent (10%) of the insurer's admitted assets or twelve thousand dollars ($12,000), whichever is the larger amount.

(2) As to insurance against fire and perils other than windstorm, tornado, hailstorm, and other catastrophic perils, a "subject of insurance" for the purposes of this provision includes all properties insured by the same insurer which are customarily considered by insurance underwriters to be subject to loss or damage from the same fire or the same occurrence of any other peril insured against.

SECTION 665. REINSURANCE.—A county mutual fire insurer may cede reinsurance to another county mutual fire insurer or to any insurer authorized in this state to transact the kind of insurance involved or approved by the Commissioner. A county mutual fire insurer shall accept reinsurance only from another county mutual fire insurer.

SECTION 666. CERTIFICATE OF AUTHORITY REQUIRED.—(1) No county mutual fire insurer shall trans-
act insurance except as authorized by a subsisting certificate of authority issued to it by the Commissioner.

(2) To apply for a certificate of authority the insurer shall file with the Commissioner its written application therefor showing:

(a) The name and head office address of the insurer;
(b) The name, residence address, and occupation of each of the insurer's directors and officers;
(c) The kinds of insurance proposed to be transacted;
(d) The Idaho counties in which the insurer proposes to transact insurance; and
(e) Such other and additional information relative to the insurer as the Commissioner may reasonably require.

(3) The application shall be accompanied by such of the following as may not already be on file with the Commissioner:

(a) Copy of the insurer's articles of incorporation and of its bylaws, each certified by the insurer's corporate secretary;
(b) Copy of the insurer's financial statement as of a date within three (3) months prior to the filing of the application;
(c) Copy of form of insurance policy or policies proposed to be issued;
(d) Schedule of or statement as to sums proposed to be collected in advance at time of issuance of insurance; and
(e) Fee for issuance of the certificate of authority in the amount specified in section 676 (fee schedule).

(4) If the Commissioner finds the application and accompanying documents to be consistent with law, he shall issue the insurer a certificate of authority; otherwise, the Commissioner shall deny the application for certificate of authority by written order stating the grounds for such denial and refund to the applicant any sum tendered as fee for issuance of the certificate.

(5) Certificates of authority issued under this section shall continue in force as long as the insurer is entitled thereto under this code and until suspended or revoked by
the Commissioner, or terminated at the request of the insurer; subject, however, to continuance of the certificate by the insurer each year by payment prior to March 1 of the continuation fee provided in section 676 (fee schedule) and due filing by the insurer of its annual statement for the calendar year preceding as required under section 674. If not so continued by the insurer, its certificate of authority shall expire as at midnight on the March 31 next following such failure of the insurer to continue it in force.

SECTION 667. DIRECTORS.—(1) The affairs of the insurer shall be under the direction of a board of directors comprised of not less than nine (9) nor more than twenty-five (25) members of the insurer.

(2) After expiration of the term of initial directors, if any, as provided for in the articles of incorporation, directors shall be elected at the annual meeting of the insurer's members for terms of not more than three (3) years each. If terms of more than one (1) year are used, the terms of directors shall be staggered so that the terms of a proportionate number of directors will expire each year.

SECTION 668. MEMBERS.—(1) Every policyholder of the insurer is thereby a member of the insurer, with all of the rights and liabilities of membership.

(2) All policies issued by the insurer shall state specifically that the liability of each member is not limited. All persons becoming members of the insurer shall sign the constitution and bylaws, and shall be held in law to comply with all the provisions and requirements of the insurer.

(3) Each member shall have one (1) vote and no more in the election of a director and on any other matter coming to a vote at meetings of members. A member may vote in person or by proxy, or by mail, but no person shall vote more than five (5) proxies.

SECTION 669. ADVANCE PAYMENTS BY MEMBERS.—The insurer shall not charge the member, and no member of the insurer shall pay to the insurer, in connection with the inception of insurance in the insurer or any renewal or continuation of such insurance, any charge or amount in excess of such amount as may be reasonably necessary for payment of the member's share of the insurer's expenses (exclusive of insured losses incurred) to be incurred during the next succeeding twelve (12) months,
and for maintenance or replenishment of the emergency fund provided for in section 670(3). This provision shall not be deemed to prohibit the levy and collection of assessments for payment of incurred losses or for maintenance of the emergency fund, as provided for in section 670, nor collection of membership or policy fees in fixed nominal amounts.

SECTION 670. ASSESSMENTS.—(1) A county mutual fire insurer may from time to time assess and collect from its members, and from the owners or trustees of churches or public halls insured by it, such sums of money as may be necessary to pay losses incurred under policies issued by the insurer, from time to time as such losses occur, and to pay such fire protection expenses and other expenses of the insurer as may have been approved by the board of directors consistent with section 671.

(2) The insurer may classify its policies for assessment purposes in accordance with types and circumstances of properties and hazards insured, and may vary the amount of assessment as applied to the respective such classes, if the insurer maintains adequate records from which the loss experience of the respective classes can readily be determined.

(3) The levy and collection of assessments shall be regulated by the insurer's constitution and bylaws. But no assessment to cover insured losses incurred shall be levied in advance of the occurrence of the losses on account of which the assessment is made; except, that the insurer may, in its bylaws, provide for an emergency fund, which fund shall at no time exceed ten thousand dollars ($10,000) or one percent (1%) of the amount of insurance in force, whichever is the larger sum, out of which fund losses to the extent of the money therein may be immediately paid.

SECTION 671. EXPENSES.—(1) The operating expenses of the insurer shall be reasonable in amount in relation to the volume of business transacted and insurance losses incurred.

(2) The insurer's bylaws shall contain reasonable limitations of all such expenses, and such provisions and all modifications thereof shall be subject to the Commissioner's approval.

SECTION 672. INVESTMENTS.—(1) The insurer may invest and have invested such funds as it may have on hand pursuant to this chapter but not necessary to ex-
pend for current expenses and losses, in investments as authorized by the following sections only:

(a) Section 144 (public obligations);
(b) Section 145 (obligations, stock of certain federal agencies);
(c) Section 146 (irrigation district bonds);
(d) Section 157 (savings and share accounts);
(e) Sections 158 through 162 (mortgage loans), as to mortgage loans on Grange halls only; and
(f) Section 673 (site for head office).

(2) The following sections shall to the extent applicable, also apply with respect to such an insurer:
(a) Section 139 (eligible investments);
(b) Section 140 (general qualifications);
(c) Section 141 (authorization of investments);
(d) Section 142 (record of investments);
(e) Section 143(1) (diversification of investments in securities, etc. of any one person);
(f) Section 167 (disposal of ineligible property and securities); and
(g) Section 168 (prohibited investments and investment underwriting).

Section 673. SITE FOR HEAD OFFICE.—(1) The board of directors of an insurer may purchase, hold and convey in the name of and for the insurer, real estate for a site for its principal or head office when authorized so to do by the affirmative vote of a majority of the members present in person or by proxy in adoption of a resolution for that purpose at any annual meeting of the insurer’s members or any special meeting of the members called for the purpose. The resolution shall name the city or town or village within the insurer’s territory in which the site shall be purchased. When the site is so purchased the insurer may transact any or all of its business, including the annual or any special meeting of its members, in such city, town or village.

(2) The resolution for purchase of the site shall also limit the amount of the insurer’s funds that can be in-
vested therein, and in the improvements thereon or to be constructed thereon. Any such resolution hereafter adopted shall be subject to the Commissioner’s approval. The Commissioner shall approve the resolution unless he finds, after a hearing thereon, that the procedure leading to adoption of the resolution was unlawful or that the amounts to be so expended are excessive.

(3) The insurer shall dispose of such head office property within five (5) years after it ceases to be used or to be necessary for head office purposes, subject to the right of the Commissioner to grant a reasonable extension of time upon proof satisfactory to him that the insurer will suffer materially by an earlier forced sale of the property.

SECTION 674. RECORDS—ANNUAL STATEMENT.—
(1) The insurer shall keep at its head office records and accounts of its transactions, claims, and affairs in such form and with such completeness as may be reasonably necessary for the identification and examination thereof.

(2) Annually on or before March 1 the insurer shall file with the Commissioner a full and true statement of its financial condition, transactions and affairs as of the December 31 preceding. The statement shall be in such general form as is required or accepted by the Commissioner.

SECTION 675. AMENDMENT OF ARTICLES OF INCORPORATION.— (1) The articles of incorporation of such an insurer may be amended in any lawful respect by approval by its board of directors by affirmative vote of at least two-thirds (2/3) of all its directors and by adoption thereafter by affirmative vote of not less than two-thirds (2/3) of the insurer’s members present or represented by proxy at any meeting of members, at which a quorum as required by the insurer’s constitution or by-laws was present, and if the notice of such meeting contained notice of the proposed amendment.

(2) An amendment so adopted shall be filed in accordance with the applicable provisions of section 595(2); except that the fee for the filing of the amendment with the Commissioner shall be as provided in section 676 rather than section 104. The filing fee shall not be subject to refund.

SECTION 676. FEE SCHEDULE.—(1) County mutual fire insurers shall pay to the Commissioner fees as follows:
(a) For filing application for original certificate of authority, including filing of all accompanying documents ................................................................. $10.00

(b) Issuance of original certificate of authority .... 10.00

(c) Annual continuation of certificate of author-
    ity ........................................................................................................ 10.00

(d) Filing articles of incorporation, where not
    included in (a) above ................................................................... 10.00

(e) Filing amendment of articles of incorpora-
    tion, where not included in (a) above ............................. 5.00

(f) Filing constitution and/or bylaws, where
    not included in (a) above ...................................................... 3.00

(g) Filing amendment to constitution and/or
    bylaws, where not included in (a) above ...................... 1.00

(h) Filing annual statement, where not included
    in (a) above ............................................................................. 10.00

(i) Commissioner's certificate under seal ............... 1.00

(j) For each copy of document filed in the Com-
    missioner's office, per each folio of one hundred
    (100) words ............................................................................ .20

(2) The Commissioner shall transmit and report all
fees so collected by him as provided in section 109 (de-
posit, report of fees, licenses, taxes).

SECTION 677. OTHER PROVISIONS APPLICABLE.—
The following chapters and provisions of this code shall
also apply to county mutual fire insurers to the extent so
applicable and not inconsistent with the express provisions
of this chapter and the reasonable implications of such
express provisions:

(1) Chapter 1 (scope of code);

(2) Chapter 2 (the Commissioner of Insurance);

(3) The following provisions of chapter 3 (authoriza-
    tion of insurers and general requirements):
    (a) Section 68 (certificate of authority required);
    (b) Section 71(2) (general eligibility for certificate of
        authority);
    (c) Section 74 (name of insurer);
(d) Section 86 (what certificate evidences—ownership of certificate);

(e) Section 88 (amendment of certificate of authority);

(f) Section 89 (suspension or revocation of certificate of authority, mandatory grounds);

(g) Section 90 (suspension, revocation of certificate of authority, discretionary and special grounds);

(h) Section 91 (order, notice of suspension, revocation or refusal—effect upon agents' authority);

(i) Section 92 (duration of suspension—insurer's obligations during suspension period—reinstatement); and

(j) Section 99 (review of annual statement—additional information);

(4) Section 119 ("reinsurance" defined);

(5) The following sections of chapter 6 (assets and liabilities):

(a) Sections 122 ("assets" defined), 123 (assets as deductions from liabilities), and 124 (assets not allowed);

(b) Section 125 (disallowance of "wash" transactions); and

(c) Sections 134 (valuation of bonds), 135 (valuation of other securities), and 136 (valuation of property);

(6) Sections 245 (representing or aiding unauthorized insurer prohibited), 246 (representing or aiding unauthorized insurer prohibited—penalty), and 247 (suits by unauthorized insurer prohibited);

(7) Chapter 13 (trade practices and frauds);

(8) Chapter 18 (the insurance contract);

(9) Section 552 (standard fire policy);

(10) The following provisions of chapter 28 (organization and corporate procedures of stock and mutual insurers):

(a) Section 571 (applicability of general corporation statutes);

(b) Section 596 (insurance business exclusive);

(c) Section 597 (membership in mutuals);
(d) Section 598 (bylaws of mutual);
(e) Section 599 (rights of mutual members, in general);
(f) Section 600 (meetings of members of mutual insurer);
(g) Section 601 (special meetings of members of mutual insurer);
(h) Section 604 (notice of change of directors, officers);
(i) Section 605 (prohibited pecuniary interest of officials);
(j) Section 606 (management and exclusive agency contracts);
(k) Section 607 (home office, records, and assets; penalty for unlawful removal);
(l) Section 608 (vouchers for expenditures);
(m) Section 609 (borrowed surplus);
(n) Section 619 (solicitations in other states);
(o) Sections 625 (mergers and consolidations, mutual insurers) and 626 (bulk reinsurance, mutual insurers); and
(p) Section 627 (mutual member's share of assets on liquidation).

(11) Chapter 33 (rehabilitation and liquidation); and
(12) Chapter 36 (transitory provisions).

SECTION 678. FRATERNAL BENEFIT SOCIETIES DEFINED.—(1) Any incorporated society, order or supreme lodge, without capital stock, including one exempted under the provisions of section 719(1)(b) of this chapter whether incorporated or not, conducted solely for the benefit of its members and their beneficiaries and not for profit, operated on a lodge system with ritualistic form of work, having a representative form of government, and which makes provision for the payment of benefits in accordance with this chapter, is hereby declared to be a fraternal benefit society.

(2) When used in this chapter the word "society", unless otherwise indicated, shall mean fraternal benefit society.

SECTION 679. LODGE SYSTEM DEFINED.—A society having a supreme legislative or governing body and
subordinate lodges or branches by whatever name known, into which members are elected, initiated or admitted in accordance with its constitution, laws, ritual and rules, which subordinate lodges or branches shall be required by the laws of the society to hold regular meetings at least once in each month, shall be deemed to be operating on the lodge system.

SECTION 680. REPRESENTATIVE FORM OF GOVERNMENT DEFINED.—A society shall be deemed to have a representative form of government when:

(1) It provides in its constitution or laws for a supreme legislative or governing body, composed of representatives elected either by the members or by delegates elected directly or indirectly by the members, together with such other members of such body as may be prescribed by the society's constitution and laws;

(2) The representatives elected constitute a majority in number and have not less than two-thirds ($\frac{2}{3}$) of the votes nor less than the votes required to amend its constitution and laws;

(3) The meetings of the supreme legislative or governing body and the election of officers, representatives or delegates are held as often as once in four (4) calendar years;

(4) The society has a board of directors charged with the responsibility for managing its affairs in the interim between meetings of its supreme legislative or governing body, subject to control by such body and having powers and duties delegated to it in the constitution or laws of the society;

(5) Such board of directors is elected by the supreme legislative or governing body, except in case of filling a vacancy in the interim between meetings of such body;

(6) The officers are elected either by the supreme legislative or governing body or by the board of directors; and

(7) The members, officers, representatives or delegates shall not vote by proxy.

SECTION 681. ORGANIZATION.—The organization of a society shall be governed as follows:

(1) Seven (7) or more citizens of the United States, a majority of whom are citizens of this state, who desire to form a fraternal benefit society, may make, sign and
acknowledge before some officer, competent to take acknowledged of deeds, articles of incorporation, in which shall be stated:

(a) The proposed corporate name of the society, which shall not so closely resemble the name of any society or insurance company as to be misleading or confusing;

(b) The purposes for which it is being formed and the mode in which its corporate powers are to be exercised. Such purposes shall not include more liberal powers than are granted by this chapter, provided that any lawful, social, intellectual, educational, charitable, benevolent, moral, fraternal or religious advantages may be set forth among the purposes of the society; and

(c) The names and residences of the incorporators and the names, residences and official titles of all the officers, trustees, directors, or other persons who are to have and exercise the general control of the management of the affairs and funds of the society for the first year or until the ensuing election at which all such officers shall be elected by the supreme legislative or governing body, which election shall be held not later than one (1) year from the date of the issuance of the permanent certificate.

(2) Such articles of incorporation, duly certified copies of the constitution, laws and rules, copies of all proposed forms of certificates, applications therefor, and circulars to be issued by the society and a bond conditioned upon the return to applicants of the advanced payments if the organization is not completed within one (1) year, shall be filed with the Commissioner, who may require such further information as he deems necessary. The bond with sureties approved by the Commissioner shall be in such amount, not less than five thousand dollars ($5,000) nor more than twenty-five thousand dollars ($25,000), as required by the Commissioner. All documents filed are to be in the English language. If the purposes of the society conform to the requirements of this chapter and all provisions of the law have been complied with, the Commissioner shall so certify, retain and file the articles of incorporation and furnish the incorporators a preliminary certificate authorizing the society to solicit members as hereinafter provided.

(3) No preliminary certificate granted under the provisions of this section shall be valid after one (1) year from its date or after such further period, not exceeding
one (1) year, as may be authorized by the Commissioner upon cause shown, unless the five hundred (500) applicants hereinafter required have been secured and the organization has been completed as herein provided. The articles of incorporation and all other proceedings thereunder shall become null and void in one (1) year from the date of the preliminary certificate, or at the expiration of the extended period, unless the society shall have completed its organization and received a certificate of authority to do business as hereinafter provided.

(4) Upon receipt of a preliminary certificate from the Commissioner, the society may solicit members for the purpose of completing its organization, shall collect from each applicant the amount of not less than one (1) regular monthly premium in accordance with its table of rates as provided by its constitution and laws, and shall issue to each such applicant a receipt for the amount so collected. No society shall incur any liability other than for the return of such advance premium, nor issue any certificate, nor pay, allow, or offer or promise to pay or allow, any death or disability benefit to any person until:

(a) Actual bona fide applications for death benefits have been secured aggregating at least five hundred thousand dollars ($500,000) on not less than five hundred (500) lives;

(b) All such applicants for death benefits shall have furnished evidence of insurability satisfactory to the society;

(c) Certificates of examinations or acceptable declarations of insurability have been duly filed and approved by the chief medical examiner of the society;

(d) Ten (10) subordinate lodges or branches have been established into which the five hundred (500) applicants have been admitted;

(e) There has been submitted to the Commissioner, under oath of the president or secretary, or corresponding officer of the society, a list of such applicants, giving their names, addresses, date each was admitted, name and number of the subordinate branch of which each applicant is a member, amount of benefits to be granted and premiums therefor; and

(f) It shall have been shown to the Commissioner, by sworn statement of the treasurer, or corresponding officer of such society, that at least five hundred (500) applicants have each paid in cash at least one (1) regular monthly...
premium as herein provided, which premiums in the aggregate shall amount to at least twenty-five hundred dollars ($2,500), all of which shall be credited to the fund or funds from which benefits are to be paid and no part of which may be used for expenses. Said advance premiums shall be held in trust during the period of organization and if the society has not qualified for a certificate of authority within one (1) year, as herein provided, such premiums shall be returned to said applicants.

(5) The Commissioner may make such examination and require such further information as he deems advisable. Upon presentation of satisfactory evidence that the society has complied with all the provisions of law, he shall issue to the society a certificate to that effect and that the society is authorized to transact business pursuant to the provisions of this chapter. The certificate shall be prima facie evidence of the existence of the society at the date of such certificate. The Commissioner shall cause a record of such certificate to be made. A certified copy of such record may be given in evidence with like effect as the original certificate.

(6) Every society shall have the power to adopt a constitution and laws for the government of the society, the admission of its members, the management of its affairs and the fixing and readjusting of the rates of its members from time to time. It shall have the power to change, alter, add to or amend such constitution and laws and shall have such other powers as are necessary and incidental to carrying into effect the objects and purposes of the society.

SECTION 682. CORPORATE POWERS RETAINED.—Any incorporated society authorized to transact business in this state at the time this chapter becomes effective may thereafter exercise all the rights, powers and privileges prescribed in this chapter and in its charter or articles of incorporation as far as consistent with this chapter. A domestic society shall not be required to reincorporate.

SECTION 683. EXISTING VOLUNTARY ASSOCIATIONS—MAY INCORPORATE.—(1) After one (1) year from the effective date of this chapter, no unincorporated or voluntary association shall be permitted to transact business in this state as a fraternal benefit society.

(2) Any domestic voluntary association now authorized to transact business in this state may incorporate and shall receive from the Commissioner a permanent certifi-
cate of incorporation as a fraternal benefit society when:

(a) It shall have completed its conversion to an incorpo-
rated society not later than one (1) year from the effective
date of this chapter;

(b) It has filed its articles of incorporation and has satis-
fied the other requirements described in section 681; and

(c) The Commissioner shall have made such examination
and procured whatever additional information he shall deem
advisable.

(3) Every voluntary association so incorporated shall
incur the obligations and enjoy the benefits thereof the
same as though originally incorporated, and such corpora-
tion shall be deemed a continuation of the original volun-
tary association. The officers thereof shall serve through
their respective terms as provided in its original articles
of association, but their successors shall be elected and serve
as provided in its articles of incorporation. Incorporation
of a voluntary association shall not affect existing suits,
claims or contracts.

SECTION 684. LOCATION OF OFFICE—PLACE OF
MEETING.—The principal office of any domestic society
shall be located in this state. The meetings of its supreme
legislative or governing body may be held in any state,
district, province or territory wherein such society has at
least five (5) subordinate branches and all business trans-
acted at such meetings shall be as valid in all respects as
if such meetings were held in this state.

SECTION 685. CONSOLIDATIONS AND MERGERS.—
(1) A domestic society may consolidate or merge with any
other society by complying with the provisions of this
section.

(2) It shall file with the Commissioner:

(a) A certified copy of the written contract containing
in full the terms and conditions of the consolidation or
merger;

(b) A sworn statement by the president and secretary
or corresponding officers of each society showing the finan-
cial condition thereof on a date fixed by the Commissioner
but not earlier than December thirty-first, next preceding
the date of the contract;

(c) A certificate of such officers, duly verified by their
respective oaths, that the consolidation or merger has been approved by a two-thirds (2/3) vote of the supreme legislative or governing body of each society; and

(d) Evidence that at least sixty (60) days prior to the action of the supreme legislative or governing body of each society, the text of the contract has been furnished to all members of each society either by mail or by publication in full in the official organ of each society.

(3) If the Commissioner finds that the contract is in conformity with the provisions of this section, that the financial statements are correct and that the consolidation or merger is just and equitable to the members of each society, he shall approve the contract and issue his certificate to such effect. Upon such approval, the contract shall be in full force and effect unless any society which is a party to the contract is incorporated under the laws of any other state or territory. In such event the consolidation or merger shall not become effective unless and until it has been approved as provided by the laws of such state or territory and a certificate of such approval filed with the Commissioner of this state or, if the laws of such state or territory contain no such provision, then the consolidation or merger shall not become effective unless and until it has been approved by the Commissioner of Insurance of such state or territory and a certificate of such approval filed with the Commissioner of this state.

(4) Upon the consolidation or merger becoming effective as herein provided, all the rights, franchises and interests of the consolidated or merged societies in and to every species of property, real, personal or mixed, and things in action thereunto belonging shall be vested in the society resulting from or remaining after the consolidation or merger without any other instrument, except that conveyances of real property may be evidenced by proper deeds, and the title to any real estate or interest therein, vested under the laws of this state in any of the societies consolidated or merged, shall not revert or be in any way impaired by reason of the consolidation or merger, but shall vest absolutely in the society resulting from or remaining after such consolidation or merger.

(5) The affidavit of any officer of the society or of anyone authorized by it to mail any notice or document, stating that such notice or document has been duly addressed and mailed, shall be prima facie evidence that such notice or document has been furnished the addressees.
SECTION 686. CONVERSION OF FRATERNAL BENEFIT SOCIETY INTO MUTUAL LIFE INSURANCE COMPANY.—Any domestic fraternal benefit society may be converted and licensed as a mutual life insurance company by compliance with all the applicable requirements of section 588 (initial requirements — domestic mutuals), if such plan of conversion has been approved by the Commissioner. Such plan shall be prepared in writing setting forth in full the terms and conditions thereof. The board of directors shall submit such plan to the supreme legislative or governing body of such society at any regular or special meeting thereof, by giving a full, true and complete copy of such plan with the notice of such meeting. Such notice shall be given as provided in the laws of the society for the convocation of a regular or special meeting of such body, as the case may be. The affirmative vote of two-thirds (2/3) of all members of such body shall be necessary for the approval of such agreement. No such conversion shall take effect unless and until approved by the Commissioner, who may give such approval if he finds that the proposed change is in conformity with the requirements of law and not prejudicial to the certificate holders of the society.

SECTION 687. QUALIFICATIONS FOR MEMBERSHIP.—(1) A society may admit to benefit membership any person not less than fifteen (15) years of age, nearest birthday, who has furnished evidence of insurability acceptable to the society. Any such member who shall apply for additional benefits more than six (6) months after becoming a benefit member shall furnish additional evidence of insurability acceptable to the society.

(2) Any person admitted prior to attaining the full age of twenty-one (21) years shall be bound by the terms of the application and certificate and by all the laws and rules of the society and shall be entitled to all the rights and privileges of membership therein to the same extent as though the age of majority had been attained at the time of application. A society may also admit general or social members who shall have no voice or vote in the management of its insurance affairs.

SECTION 688. ARTICLES OF INCORPORATION, CONSTITUTION AND LAWS — AMENDMENTS. — (1) A domestic society may amend its articles of incorporation, constitution or laws in accordance with the provisions thereof by action of its supreme legislative or governing
body at any regular or special meeting thereof or, if its articles of incorporation, constitution or laws so provide, by referendum. Such referendum may be held in accordance with the provisions of its articles of incorporation, constitution or laws by the vote of the voting members of the society, by the vote of delegates or representatives of voting members or by the vote of local lodges or branches. No amendment submitted for adoption by referendum shall be adopted unless, within six (6) months from the date of submission thereof, a majority of all of the voting members of the society shall have signified their consent to such amendment by one of the methods herein specified.

(2) No amendment to the articles of incorporation, constitution or laws of any domestic society shall take effect unless approved by the Commissioner, who shall approve such amendment if he finds that it has been duly adopted and is not inconsistent with any requirement of the laws of this state or with the character, objects and purposes of the society. Unless the Commissioner shall disapprove any such amendment within sixty (60) days after the filing of same, such amendment shall be considered approved. The approval or disapproval of the Commissioner shall be in writing and mailed to the secretary or corresponding officer of the society at its principal office. In case he disapproves such amendment, the reasons therefor shall be stated in such written notice.

(3) Within ninety (90) days from the approval thereof by the Commissioner, all such amendments, or a synopsis thereof, shall be furnished to all members of the society either by mail or by publication in full in the official organ of the society. The affidavit of any officer of the society or of anyone authorized by it to mail any amendments or synopsis thereof, stating facts which show that same have been duly addressed and mailed, shall be prima facie evidence that such amendments or synopsis thereof, have been furnished the addressee.

(4) Every foreign or alien society authorized to do business in this state shall file with the Commissioner a duly certified copy of all amendments of, or additions to, its articles of incorporation, constitution or laws within ninety (90) days after the enactment of same.

(5) Printed copies of the constitution or laws as amended, certified by the secretary or corresponding officer of the society shall be prima facie evidence of the legal adoption thereof.
SECTION 689. INSTITUTIONS.—(1) It shall be lawful for a society to create, maintain and operate charitable, benevolent or educational institutions for the benefit of its members and their families and dependents and for the benefit of children insured by the society. For such purpose it may own, hold or lease personal property or real property located within or without this state, with necessary buildings thereon. Such property shall be reported in every annual statement but shall not be allowed as an admitted asset of such society.

(2) Maintenance, treatment and proper attendance in any such institution may be furnished free or a reasonable charge may be made therefor, but no such institution shall be operated for profit. The society shall maintain a separate accounting of any income and disbursements under this section and report them in its annual statement.

(3) No society shall own or operate funeral homes or undertaking establishments.

SECTION 690. NO PERSONAL LIABILITY.—The officers and members of the supreme, grand or any subordinate body of a society shall not be personally liable for payment of any benefits provided by a society.

SECTION 691. BENEFITS.—(1) A society authorized to do business in this state may provide for the payment of:

(a) Death benefits in any form;

(b) Endowment benefits;

(c) Annuity benefits;

(d) Temporary or permanent disability benefits as a result of disease or accident;

(e) Hospital, medical or nursing benefits due to sickness or bodily infirmity or accident; and

(f) Monument or tombstone benefits to the memory of deceased members not exceeding in any case the sum of three hundred dollars ($300).

(2) Such benefits may be provided on the lives of members or, upon application of a member, on the lives of the member’s family, including the member, the member’s spouse and minor children, in the same or separate certificates.

SECTION 692. BENEFITS ON LIVES OF CHILDREN.
—(1) A society may provide for benefits on the lives of children under the minimum age for adult membership but not greater than twenty-one (21) years of age at the time of application therefor, upon the application of some adult person, as its laws or rules may provide, which benefits shall be in accordance with the provisions of section 691(1). A society may, at its option, organize and operate branches for such children. Membership and initiation in local lodges shall not be required of such children, nor shall they have a voice in the management of the society.

(2) A society shall have power to provide for the designation and changing of designation of beneficiaries in the certificates providing for such benefits and to provide in all other respects for the regulation, government and control of such certificates and all rights, obligations and liabilities incident thereto and connected therewith.

SECTION 693. NONFORFEITURE BENEFITS, CASH SURRENDER VALUES, CERTIFICATE LOANS AND OTHER OPTIONS.—(1) A society may grant paid-up nonforfeiture benefits, cash surrender values, certificate loans and such other options as its laws may permit. As to certificates issued on and after the effective date of this code, a society shall grant at least one paid-up nonforfeiture benefit, except in the case of pure endowment, annuity or reversionary annuity contracts, reducing term insurance contracts or contracts of term insurance of uniform amount of fifteen (15) years or less expiring before age sixty-six (66).

(2) In the case of certificates other than those for which reserves are computed on the Commissioners 1941 standard ordinary mortality table, the Commissioners 1941 standard industrial mortality table or the Commissioners 1958 standard ordinary mortality table, the value of every paid-up nonforfeiture benefit and the amount of any cash surrender value, loan or other option granted shall not be less than the excess, if any, of (a) over (b) as follows:

(a) The reserve under the certificate determined on the basis specified in the certificate; and

(b) The sum of any indebtedness to the society on the certificate, including interest due and accrued, and a surrender charge equal to two and one-half percent (2 1/2%) of the face amount of the certificate, which, in the case of insurance on the lives of children, shall be the ulti-
mate face amount of the certificate, if death benefits provided therein are graded.

(3) However, in the case of certificates issued on a sub-standard basis or in the case of certificates, the reserves for which are computed upon the American men ultimate table of mortality, the term of any extended insurance benefit granted including accompanying pure endowment, if any, may be computed upon the rates of mortality not greater than one hundred thirty percent (130%) of those shown by the mortality table specified in the certificate for the computation of the reserve.

(4) In the case of certificates for which reserves are computed on the Commissioners 1941 standard ordinary mortality table, the Commissioners 1941 standard industrial mortality table or the Commissioners 1958 standard ordinary mortality table, every paid-up nonforfeiture benefit and the amount of any cash surrender value, loan or other option granted shall not be less than the corresponding amount ascertained in accordance with the provisions of the laws of this state applicable to life insurance companies issuing policies containing like insurance benefits based upon such tables.

SECTION 694. BENEFICIARIES. — (1) The members shall have the right at all times to change the beneficiary or beneficiaries in accordance with the constitution, laws or rules of the society. Every society by its constitution, laws or rules may limit the scope of beneficiaries and shall provide that no beneficiary shall have or obtain any vested interest in the proceeds of any certificate until the certificate has become due and payable in conformity with the provisions of the insurance contract.

(2) A society may make provision for the payment of funeral benefits to the extent of such portion of any payment under a certificate as might reasonably appear to be due to any person equitably entitled thereto by reason of having incurred expense occasioned by the burial of the member, provided the portion so paid shall not exceed the sum of five hundred dollars ($500).

(3) If, at the death of any member, there is no lawful beneficiary to whom the insurance benefits shall be payable, the amount of such benefits, except to the extent that funeral benefits may be paid as hereinbefore provided, shall be payable to the personal representative of the deceased member.
SECTION 695. BENEFITS NOT ATTACHABLE.—No money or other benefit, charity, relief or aid to be paid, provided or rendered by any society, shall be liable to attachment, garnishment or other process, or to be seized, taken, appropriated or applied by any legal or equitable process or operation of law to pay any debt or liability of a member or beneficiary, or any other person who may have a right thereunder, either before or after payment by the society.

SECTION 696. THE CONTRACT.—(1) Every society authorized to do business in this state shall issue to each benefit member a certificate specifying the amount of benefits provided thereby. The certificate, together with any riders or endorsements attached thereto, the charter or articles of incorporation, the constitution and laws of the society, the application for membership, and declaration of insurability, if any, signed by the applicant, and all amendments to each thereof, shall constitute the agreement, as of the date of issuance, between the society and the member, and the certificate shall so state. A copy of the application for membership and of the declaration of insurability, if any, shall be endorsed upon or attached to the certificate.

(2) All statements purporting to be made by the member shall be representations and not warranties. Any waiver of this provision shall be void.

(3) Any changes, additions or amendments to the charter or articles of incorporation, constitution or laws duly made or enacted subsequent to the issuance of the certificate, shall bind the member and the beneficiaries, and shall govern and control the agreement in all respects the same as though such changes, additions or amendments had been made prior to and were in force at the time of the application for membership, except that no change, addition, or amendment shall destroy or diminish benefits which the society contracted to give the member as of the date of issuance.

(4) Copies of any of the documents mentioned in this section, certified by the secretary or corresponding officer of the society, shall be received in evidence of the terms and conditions thereof.

(5) A society shall provide in its constitution or laws that if its reserves as to all or any class of certificates become impaired its board of directors or corresponding body may require that there shall be paid by the member to the
society the amount of the member's equitable proportion of such deficiency as ascertained by its board, and that if the payment be not made it shall stand as an indebtedness against the certificate and draw interest not to exceed five percent (5%) per annum compounded annually.

SECTION 697. PROVISIONS, STANDARD AND PROHIBITED.—(1) After one (1) year from the effective date of this chapter, no life benefit certificate shall be delivered or issued for delivery in this state unless a copy of the form shall have been filed with the Commissioner.

(2) The certificate shall contain in substance the following standard provisions or, in lieu thereof, provisions which are more favorable to the member:

(a) Title on the face and filing page of the certificate clearly and correctly describing its form;

(b) A provision stating the amount of rates, premiums or other required contributions, by whatever name known, which are payable by the insured under the certificate;

(c) A provision that the member is entitled to a grace period of not less than a full month (or thirty (30) days at the option of the society) in which the payment of any premium after the first, may be made. During such grace period the certificate shall continue in full force, but in case the certificate becomes a claim during the grace period before the overdue payment is made, the amount of such overdue payment or payments may be deducted in any settlement under the certificate;

(d) A provision that the member shall be entitled to have the certificate reinstated at any time within three (3) years from the due date of the premium in default, unless the certificate has been completely terminated through the application of a nonforfeiture benefit, cash surrender value or certificate loan, upon the production of evidence of insurability satisfactory to the society and the payment of all overdue premiums and any other indebtedness to the society upon the certificate, together with interest on such premiums and such indebtedness, if any, at a rate not exceeding six percent (6%) per annum compounded annually;

(e) Except in the case of pure endowment, annuity or reversionary annuity contracts, reducing term insurance contracts, or contracts of term insurance of uniform amount of fifteen (15) years or less expiring before age sixty-six (66), a provision that, in the event of default in pay-
ment of any premium after three (3) full years' premiums have been paid or after premiums for a lesser period have been paid if the contract so provides, the society will grant, upon proper request not later than sixty (60) days after the due date of the premium in default, a paid-up non-forfeiture benefit on the plan stipulated in the certificate, effective as of such due date, of such value as specified in this chapter. The certificate may provide, if the society's laws so specify or if the member shall so elect prior to the expiration of the grace period of any overdue premium, that default shall not occur so long as premiums can be paid under the provisions of an arrangement for automatic premium loan as may be set forth in the certificate;

(f) A provision that one paid-up nonforfeiture benefit as specified in the certificate shall become effective automatically unless the member elects another available paid-up nonforfeiture benefit, not later than sixty (60) days after the due date of the premium in default;

(g) A statement of the mortality table and rate of interest used in determining all paid-up nonforfeiture benefits and cash surrender options available under the certificate, and a brief general statement of the method used in calculating such benefits;

(h) A table showing in figures the value of every paid-up nonforfeiture benefit and cash surrender option available under the certificate for each certificate anniversary either during the first twenty (20) certificate years or during the term of the certificate whichever is shorter;

(i) A provision that the certificate shall be incontestable after it has been in force during the lifetime of the member for a period of two (2) years from its date of issue except for nonpayment of premiums, violation of the provisions of the certificate relating to military, aviation, or naval service and violation of the provisions relating to suspension or expulsion as substantially set forth in the certificate. At the option of the society, supplemental provisions relating to benefits in the event of temporary or permanent disability or hospitalization and provisions which grant additional insurance specifically against death by accident or accidental means, may also be excepted. The certificate shall be incontestable on the ground of suicide after it has been in force during the lifetime of the member for a period of two (2) years from date of issue. The certificate may provide, as to statements made to procure reinstatement, that the society shall have the right to
contest a reinstated certificate within a period of two (2) years from date of reinstatement with the same exceptions as herein provided;

(j) A provision that in case the age or sex of the member or of any other person is considered in determining the premium and it is found at any time before final settlement under the certificate that the age or sex has been misstated, and the discrepancy and premium involved have not been adjusted, the amount payable shall be such as the premium would have purchased at the correct age and sex; but if the correct age or sex was not an insurable age or sex under the society’s charter or laws, only the premiums paid to the society, less any payments previously made to the member, shall be returned or, at the option of the society, the amount payable under the certificate shall be such as the premium would have purchased at the correct age and sex according to the society’s promulgated rates and any extension thereof based on actuarial principles;

(k) A provision or provisions which recite fully, or which set forth the substance of, all sections of the charter, constitution, laws, rules or regulations of the society, in force at the time of issuance of the certificate, the violation of which will result in the termination of, or in the reduction of, the benefit or benefits payable under the certificate;

(l) If the constitution or laws of the society provide for expulsion or suspension of a member, any member so expelled or suspended, except for nonpayment of a premium or within the contestable period for material misrepresentation in such member’s application for membership shall have the privilege of maintaining his insurance in force by continuing payment of the required premium.

Any of the foregoing provisions or portions thereof not applicable by reason of the plan of insurance or because the certificate is an annuity certificate may, to the extent inapplicable, be omitted from the certificate.

(3) After one (1) year from the effective date of this chapter, no life benefit certificate shall be delivered or issued for delivery in this state containing in substance any of the following provisions:

(a) Any provision limiting the time within which any action at law or in equity may be commenced to less than two (2) years after the cause of action shall accrue;
(b) Any provision by which the certificate shall purport to be issued or to take effect more than six (6) months before the original application for the certificate was made, except in case of transfer from one form of certificate to another in connection with which the member is to receive credit for any reserve accumulation under the form of certificate from which the transfer is made; or

(c) Any provision for forfeiture of the certificate for failure to repay any loan thereon or to pay interest on such loan while the total indebtedness, including interest, is less than the loan value of the certificate.

(4) The word "premiums" as used in this chapter means premiums, rates, or other required contributions by whatever name known.

SECTION 698. ACCIDENT AND HEALTH INSURANCE AND TOTAL AND PERMANENT DISABILITY INSURANCE CERTIFICATES — FILING AND APPROVAL. — (1) No domestic, foreign or alien society authorized to do business in this state shall issue or deliver in this state any certificate or other evidence of any contract of accident insurance or health insurance or of any total and permanent disability insurance contract unless and until the form thereof, together with the form of application and all riders or endorsements for use in connection therewith, shall have been filed with the Commissioner.

(2) The Commissioner shall have power, from time to time, to make, alter and supersede reasonable regulations prescribing the required, optional and prohibited provisions in such contracts, and such regulations shall conform, as far as practicable, to the provisions of chapter 21 (disability insurance policies). Where the Commissioner deems inapplicable, either in part or in their entirety, the provisions of the foregoing chapter 21, he may prescribe the portions or summary thereof of the contract to be printed on the certificate issued to the member.

(3) Any filing made hereunder shall be deemed approved unless disapproved within sixty (60) days from the date of such filing.

SECTION 699. WAIVER.—The constitution and laws of the society may provide that no subordinate body, nor any of its subordinate officers or members shall have the power or authority to waive any of the provisions of the laws and constitution of the society. Such provision shall be
binding on the society and every member and beneficiary of a member.

SECTION 700. REINSURANCE.—A domestic society may, by a reinsurance agreement, cede any individual risk or risks in whole or in part to an insurer (other than another fraternal benefit society) having the power to make such reinsurance and authorized to do business in this state, or if not so authorized, one which is approved by the Commissioner; but no such society may reinsure substantially all of its insurance in force without the written permission of the Commissioner. It may take credit for the reserves on such ceded risks to the extent reinsured, but no credit shall be allowed as an admitted asset or as a deduction from liability, to a ceding society for reinsurance made, ceded, renewed, or otherwise becoming effective after the effective date of this chapter, unless the reinsurance is payable by the assuming insurer on the basis of the liability of the ceding society under the contract or contracts reinsured without diminution because of the insolvency of the ceding society.

SECTION 701. LICENSE OF FRATERNAL.—(1) No fraternal benefit society shall transact business in this state without a license therefor issued by the Commissioner. Such a license issued under this code shall continue in force for as long as the society is entitled thereto under this code and until suspended or revoked by the Commissioner, or terminated at the request of the society; subject, however, to continuance of the license by the society each year by:

(a) Payment prior to March 1 of the continuation fee provided in section 721 (fee schedule); and

(b) Due filing by the society of its annual statement for the calendar year preceding as required under section 711.

(2) If not so continued by the society, its license shall expire as at midnight on the March 31 next following such failure of the society to continue it in force. The Commissioner shall promptly notify the society of the occurrence of any failure resulting in impending expiration of its license.

(3) The Commissioner may, in his discretion, upon the society's request made within three (3) months after expiration, reinstate a license which the society has inadvertently permitted to expire, after the society has fully cured all its failure which resulted in the expiration, and
upon payment by the society of an additional fee for reinstatement specified in section 721 (fee schedule). Otherwise the society shall be granted another license only after filing application therefor and meeting all other requirements as for an original license.

(4) For each license the society shall pay the Commissioner the fee prescribed in section 721.

(5) A duly certified copy or duplicate of the license shall be prima facie evidence that the licensee is a fraternal benefit society within the meaning of this chapter.

(6) The license of a society in effect immediately prior to the effective date of this code shall be subject to section 799 (existing certificates of authority, continuation), as for certificates of authority of insurers.

SECTION 702. FOREIGN OR ALIEN SOCIETY — ADMISSION. — (1) A foreign or alien society may be licensed to transact business in this state upon filing with the Commissioner:

(a) A duly certified copy of its charter or articles of incorporation.

(b) A copy of its constitution and laws, certified by its secretary or corresponding officer;

(c) A power of attorney to the Commissioner as prescribed in section 706 (1);

(d) A statement of its business under oath of its president and secretary or corresponding officers in a form prescribed by the Commissioner, duly verified by an examination made by the supervising insurance official of its home state or other state, territory, province or country, satisfactory to the Commissioner of this state;

(e) A certificate from the proper official of its home state, territory, province or country that the society is legally incorporated and licensed to transact business therein;

(f) Copies of its certificate forms; and

(g) Such other information as he may deem necessary; and upon a showing that its assets are invested in accordance with the provisions of this chapter.

(2) Any foreign or alien society desiring admission to this state shall have the qualifications required of domestic societies organized under this chapter.
SECTION 703. INJUNCTION — LIQUIDATION — RECEIVERSHIP OF DOMESTIC SOCIETY. — (1) When the Commissioner upon investigation finds that a domestic society:

(a) Has exceeded its powers;

(b) Has failed to comply with any provision of this chapter;

(c) Is not fulfilling its contracts in good faith;

(d) Has a membership of less than four hundred (400) after an existence of one (1) year or more; or

(e) Is conducting business fraudulently or in a manner hazardous to its members, creditors, the public or the business;

he shall notify the society of his findings, state in writing the reasons for his dissatisfaction, and require the society to show cause on a date named why it should not be enjoined from carrying on any business until the violation complained of shall have been corrected, or why an action in quo warranto should not be commenced against the society.

(2) If on such date the society does not present good and sufficient reasons why it should not be so enjoined or why such action should not be commenced, the Commissioner may present the facts relating thereto to the Attorney General who shall, if he deems the circumstances warrant, commence an action to enjoin the society from transacting business or in quo warranto.

(3) The court shall thereupon notify the officers of the society of a hearing. If after a full hearing it appears that the society should be so enjoined or liquidated or a receiver appointed, the court shall enter the necessary order.

(4) No society so enjoined shall have the authority to do business until:

(a) The Commissioner finds that the violation complained of has been corrected;

(b) The costs of such action shall have been paid by the society if the court finds that the society was in default as charged;

(c) The court has dissolved its injunction; and

(d) The Commissioner has reinstated the certificate of authority.
(5) If the court orders the society liquidated, it shall be enjoined from carrying on any further business, whereupon the receiver of the society shall proceed at once to take possession of the books, papers, money and other assets of the society and, under the direction of the court, proceed forthwith to close the affairs of the society and to distribute its funds to those entitled thereto.

(6) No action under this section shall be recognized in any court of this state unless brought by the Attorney General upon request of the Commissioner. Whenever a receiver is to be appointed for a domestic society, the court shall appoint the Commissioner as such receiver.

(7) The provisions of this section relating to hearing by the Commissioner, action by the Attorney General at the request of the Commissioner, hearing by the court, injunction and receivership shall be applicable to a society which shall voluntarily determine to discontinue business.

SECTION 704. SUSPENSION, REVOCATION OR REFUSAL OF LICENSE OF FOREIGN OR ALIEN SOCIETY.—(1) When the Commissioner upon investigation finds that a foreign or alien society transacting or applying to transact business in this state:

(a) Has exceeded its powers;

(b) Has failed to comply with any of the provisions of this chapter;

(c) Is not fulfilling its contracts in good faith; or

(d) Is conducting its business fraudulently or in a manner hazardous to its members or creditors or the public; he shall notify the society of his findings, state in writing the reasons for his dissatisfaction and require the society to show cause on a date named why its license should not be suspended, revoked or refused. If on such date the society does not present good and sufficient reason why its authority to do business in this state should not be suspended, revoked or refused, he may suspend or refuse the license of the society to do business in this state until satisfactory evidence is furnished to him that such suspension or refusal should be withdrawn or he may revoke the authority of the society to do business in this state.

(2) Nothing contained in this section shall be taken or construed as preventing any such society from continuing in good faith all contracts made in this state during the time
such society was legally authorized to transact business herein.

**SECTION 705. LICENSING OF AGENTS.** — Agents of societies shall be licensed in accordance with the provisions of chapters 9 and 10 of this code. Except, that no such license shall be required as to members of societies which provide benefits in case of death or disability resulting solely from accident, and which do not obligate themselves to pay natural death or sick benefits, which members procure other members and receive no compensation therefor other than awards or merchandise nominal in value.

**SECTION 706. SERVICE OF PROCESS.** — (1) Every society authorized to do business in this state shall appoint in writing the Commissioner and each successor in office to be its true and lawful attorney upon whom all lawful process in any action or proceeding against it shall be served, and shall agree in such writing that any lawful process against it which is served on such attorney shall be of the same legal force and validity as if served upon the society, and that the authority shall continue in force so long as any liability remains outstanding in this state. Copies of such appointment, certified by the Commissioner, shall be deemed sufficient evidence thereof and shall be admitted in evidence with the same force and effect as the original thereof might be admitted.

(2) Service shall only be made upon the Commissioner, or if absent, upon the person in charge of his office. It shall be made in duplicate and shall constitute sufficient service upon the society. When legal process against a society is served upon the Commissioner, he shall forthwith forward one of the duplicate copies by registered mail, prepaid, directed to the secretary or corresponding officer. No such service shall require a society to file its answer, pleading or defense in less than thirty (30) days from the date of mailing the copy of the service to a society. Legal process shall not be served upon a society except in the manner herein provided.

(3) At the time of serving any process upon the Commissioner, the plaintiff or complainant in the action shall pay to the Commissioner the fee prescribed in section 721.

**SECTION 707. INJUNCTION.** — No application or petition for injunction against any domestic, foreign or alien society, or branch thereof, shall be recognized in any court
of this state unless made by the Attorney General upon request of the Commissioner.

SECTION 708. REVIEW. — All decisions and findings of the Commissioner made under the provisions of this chapter shall be subject to review by proper proceedings in any court of competent jurisdiction in this state.

SECTION 709. FUNDS. — (1) All assets shall be held, invested and disbursed for the use and benefit of the society and no member or beneficiary shall have or acquire individual rights therein or become entitled to any apportionment or the surrender of any part thereof, except as provided in the contract.

(2) A society may create, maintain, invest, disburse and apply any special fund or funds necessary to carry out any purpose permitted by the laws of such society.

(3) Every society, the admitted assets of which are less than the sum of its accrued liabilities and reserves under all of its certificates when valued according to standards required for certificates issued after one (1) year from the effective date of this chapter, shall, in every provision of the laws of the society for payments by members of such society, in whatever form made, distinctly state the purpose of the same and the proportion thereof which may be used for expenses, and no part of the money collected for mortuary or disability purposes or the net accretions thereto shall be used for expenses.

SECTION 710. INVESTMENTS. — A society shall invest its funds only in such investments as are authorized by the laws of this state for the investment of assets of life insurance companies and subject to the limitations thereon. Any foreign or alien society permitted or seeking to do business in this state which invests its funds in accordance with the laws of the state, district, territory, country or province in which it is incorporated, shall be held to meet the requirements of this section for the investment of funds.

SECTION 711. REPORTS AND VALUATIONS. — (1) Every society transacting business in this state shall annually, on or before the first day of March, unless for cause shown such time has been extended by the Commissioner, file with the Commissioner a true statement of its financial condition, transactions and affairs for the preceding calendar year and pay the fee specified in section 721 for filing same. The statement shall be in general form and context as is in
general use for fraternal benefit societies and as supplemented by additional information required by the Commissioner.

(2) A synopsis of its annual statement providing an explanation of the facts concerning the condition of the society thereby disclosed shall be printed and mailed to each benefit member of the society not later than June 1 of each year, or, in lieu thereof, such synopsis may be published in the society's official publication.

(3) As a part of the annual statement herein required, each society shall, on or before the first day of March, file with the Commissioner a valuation of its certificates in force on December thirty-first last preceding provided, the Commissioner may, in his discretion for cause shown, extend the time for filing such valuation for not more than two (2) calendar months. Such report of valuation shall show, as reserve liabilities, the difference between the present mid-year value of the promised benefits provided in the certificates of such society in force and the present mid-year value of the future net premiums as the same are in practice actually collected, not including therein any value for the right to make extra assessments and not including any amount by which the present mid-year value of future net premiums exceeds the present mid-year value of promised benefits on individual certificates. At the option of any society, in lieu of the above, the valuation may show the net tabular value. Such net tabular value as to certificates issued prior to one (1) year after the effective date of this code shall be determined in accordance with the provisions of law applicable prior to the effective date of this code and as to certificates issued on or after one (1) year from the effective date of this code shall not be less than the reserves determined according to the Commissioner's reserve valuation method as hereinafter defined. If the premium charged is less than the tabular net premium according to the basis of valuation used, an additional reserve equal to the present value of the deficiency in such premiums shall be set up and maintained as a liability. The reserve liabilities shall be properly adjusted in the event that the mid-year or tabular values are not appropriate.

(4) Reserves according to the Commissioners reserve valuation method, for the life insurance and endowment benefits of certificates providing for a uniform amount of insurance and requiring the payment of uniform premiums shall be the excess, if any, of the present value, at the date
of valuation, of such future guaranteed benefits provided for by such certificates, over the then present value of any future modified net premiums therefor. The modified net premiums for any such certificate shall be such uniform percentage of the respective contract premiums for such benefits that the present value, at the date of issue of the certificate, of all such modified net premiums shall be equal to the sum of the then present value of such benefits provided for by the certificate and the excess of (a) over (b), as follows:

(a) A net level premium equal to the present value, at the date of issue, of such benefits provided for after the first certificate year, divided by the present value, at the date of issue, of an annuity of one (1) per annum payable on the first and each subsequent anniversary of such certificate on which a premium falls due; provided however, that such net level annual premium shall not exceed the net level annual premium on the nineteen (19) year premium whole life plan for insurance of the same amount at an age one (1) year higher than the age at issue of such certificate; and

(b) A net one-year term premium for such benefits provided for in the first certificate year.

Reserves according to the Commissioners reserve valuation method for (1) life insurance benefits for varying amounts of benefits or requiring the payment of varying premiums, (2) annuity and pure endowment benefits, (3) disability and accidental death benefits in all certificates and contracts, and (4) all other benefits except life insurance and endowment benefits, shall be calculated by a method consistent with the principles of this subsection.

(5) The present value of deferred payments due under incurred claims or matured certificates shall be deemed a liability of the society and shall be computed upon mortality and interest standards prescribed in subsection (7) below.

(6) Such valuation and underlying data shall be certified by a competent actuary or, at the expense of the society, verified by the actuary of the Department of Insurance of the state of domicile of the society.

(7) The minimum standards of valuation for certificates issued prior to one (1) year from the effective date of this code shall be those provided by the law applicable immediately prior to the effective date of this code but not lower
than the standards used in the calculating of rates for such certificates.

The minimum standard of valuation for certificates issued after one (1) year from the effective date of this code shall be three and one-half percent (3½\%) interest and the following tables:

(a) For certificates of life insurance—American men ultimate table of mortality, with Bowerman’s or Davis’ extension thereof or with the consent of the Commissioner, the Commissioners 1941 standard ordinary mortality table, the Commissioners 1941 standard industrial mortality table or the Commissioners 1958 standard ordinary mortality table, using actual age of the insured for male risks and an age not more than three (3) years younger than the actual age of the insured for female risks;

(b) For annuity and pure endowment certificates, excluding any disability and accidental death benefits in such certificates—the 1937 standard annuity mortality table or the annuity mortality table for 1949, ultimate, or any modification of either of these tables approved by the Commissioner;

(c) For total and permanent disability benefits in or supplementary to life insurance certificates—Hunter’s disability table, or the class III disability table (1926) modified to conform to the contractual waiting period, or the tables of period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 disability study of the Society of Actuaries with due regard to the type of benefit. Any such table shall, for active lives, be combined with a mortality table permitted for calculating the reserves for life insurance certificates;

(d) For accidental death benefits in or supplementary to life insurance certificates—the inter-company double indemnity mortality table or the 1959 accidental death benefits table. Either table shall be combined with a mortality table permitted for calculating the reserves for life insurance certificates; and

(e) For non-cancellable accident and health benefits—the class III disability table (1926) with conference modifications or, with the consent of the Commissioner, tables based upon the society’s own experience.

(8) The Commissioner may, in his discretion, accept other standards for valuation if he finds that the reserves
produced thereby will not be less in the aggregate than reserves computed in accordance with the minimum valuation standard herein prescribed. The Commissioner may, in his discretion, vary the standards of mortality applicable to all certificates of insurance on sub-standard lives or other extra hazardous lives by any society authorized to do business in this state. Whenever the mortality experience under all certificates valued on the same mortality table is in excess of the expected mortality according to such table for a period of three (3) consecutive years, the Commissioner may require additional reserves when deemed necessary in his judgment on account of such certificates.

(9) Any society, with the consent of the Commissioner of Insurance of the state of domicile of the society and under such conditions, if any, which he may impose, may establish and maintain reserves on its certificates in excess of the reserves required thereunder, but the contractual rights of any insured member shall not be affected thereby.

(10) A society neglecting to file the annual statement in the form and within the time provided by this section shall forfeit one hundred dollars ($100) for each day during which such neglect continues, and, upon notice by the Commissioner to that effect, its authority to do business in this state shall cease while such default continues.

SECTION 712. EXAMINATION OF DOMESTIC SOCIETIES. — The Commissioner, or any person he may appoint, shall have the power of visitation and examination into the affairs of any domestic society and he shall make such examination at least once in every three (3) years. He may employ assistants for the purpose of such examination, and he, or any person he may appoint, shall have free access to all books, papers and documents that relate to the business of the society. The minutes of the proceedings of the supreme legislative or governing body and of the board of directors or corresponding body of a society shall be in the English language. In making any such examination the Commissioner may summon and qualify as witnesses under oath and examine its officers, agents and employees or other persons in relation to the affairs, transactions and condition of the society. A summary of the report of the Commissioner and such recommendations or statements of the Commissioner as may accompany such report, shall be read at the first meeting of the board of directors or corresponding body of the society following the receipt thereof, and if directed so to do by the Commissioner, shall also be read at the first
meeting of the supreme legislative or governing body of the society following the receipt thereof. A copy of the report, recommendations and statements of the Commissioner shall be furnished by the society to each member of such board of directors or other governing body. The expense of each examination and of each valuation, including compensation and actual expense of examiners, shall be paid by the society examined or whose certificates are valued, upon statements furnished by the Commissioner.

SECTION 713. EXAMINATION OF FOREIGN AND ALIEN SOCIETIES.—The Commissioner, or any person whom he may appoint, may examine any foreign or alien society transacting or applying for admission to transact business in this state. He may employ assistants and he, or any person he may appoint, shall have free access to all books, papers and documents that relate to the business of the society. He may in his discretion accept, in lieu of such examination, the examination of the insurance department of the state, territory, district, province or country where such society is organized. The compensation and actual expenses of the examiners making any examination or general or special valuation shall be paid by the society examined or by the society whose certificate obligations have been valued, upon statements furnished by the Commissioner.

SECTION 714. NO ADVERSE PUBLICATIONS.—Pending, during or after an examination or investigation of a society, either domestic, foreign or alien, the Commissioner shall make public no financial statement, report or finding, nor shall he permit to become public any financial statement, report or finding affecting the status, standing or rights of any society, until a copy thereof shall have been served upon the society at its principal office and the society shall have been afforded a reasonable opportunity to answer any such financial statement, report of finding and to make such showing in connection therewith as it may desire.

SECTION 715. MISREPRESENTATION.—(1) No person shall cause or permit to be made, issued or circulated in any form:

(a) Any misrepresentation or false or misleading statement concerning the terms, benefits or advantages of any fraternal insurance contract now issued or to be issued in this state, or the financial condition of any society;

(b) Any false or misleading estimate or statement con-
cerning the dividends or shares of surplus paid or to be paid by any society on any insurance contract; or

(c) Any incomplete comparison of an insurance contract of one society with an insurance contract of another society or insurer for the purpose of inducing the lapse, forfeiture or surrender of any insurance contract. A comparison of insurance contracts is incomplete if it does not compare in detail:

(i) The gross rates, and the gross rates less any dividend or other reduction allowed at the date of the comparison; and

(ii) Any increase in cash values, and all the benefits provided by each contract for the possible duration thereof as determined by the life expectancy of the insured;

or if it omits from consideration:

(iii) Any benefit or value provided in the contract;

(iv) Any differences as to amount or period of rates; or

(v) Any differences in limitations or conditions or provisions which directly or indirectly affect the benefits.

In any determination of the incompleteness or misleading character of any comparison or statement, it shall be presumed that the insured had no knowledge of any of the contents of the contract involved.

(2) Any person who violates any provision of this section or knowingly receives any compensation or commission by or in consequence of such violation, shall upon conviction be punished as provided in section 17 (general penalty), and shall in addition, be liable for a civil penalty in the amount of three (3) times the sum received by such violator as compensation or commission, which penalty may be sued for and recovered by any person or society aggrieved for his or its own use and benefit in accordance with the provisions of civil practice.

SECTION 716. DISCRIMINATION AND REBATES. —

(1) No society doing business in this state shall make or permit any unfair discrimination between insured members of the same class and equal expectation of life in the premiums charged for certificates of insurance, in the dividends or other benefits payable thereon or in any other of the terms and conditions of the contracts it makes.

(2) No society, by itself, or any other party, and no
agent or solicitor, personally, or by any other party, shall offer, promise, allow, give, set off, or pay, directly or indirectly, any valuable consideration or inducement to, or for insurance, on any risk authorized to be taken by such society, which is not specified in the certificate. No member shall receive or accept, directly or indirectly, any rebate of premium, or part thereof, or agent’s or solicitor’s commission thereon, payable on any certificate or receive or accept any favor or advantage or share in the dividends or other benefits to accrue on, or any valuable consideration or inducement not specified in the contract of insurance.

SECTION 717. TAXATION. — Every society organized or licensed under this chapter is hereby declared to be a charitable and benevolent institution, and all of its funds shall be exempt from all and every state, county, district, municipal and school tax other than taxes on real estate and office equipment.

SECTION 718. EXEMPTIONS. — Except as herein provided, societies shall be governed by this chapter and shall be exempt from all other provisions of the insurance laws of this state, not only in governmental relations with the state, but for every other purpose. No law hereafter enacted shall apply to them, unless they be expressly designated therein.

SECTION 719. EXEMPTION OF CERTAIN SOCIETIES. — (1) Nothing contained in this chapter shall be so construed as to affect or apply to:

(a) Grand or subordinate lodges of societies, orders or associations now doing business in this state which provide benefits exclusively through local or subordinate lodges;

(b) Orders, societies or associations which admit to membership only persons engaged in one or more crafts or hazardous occupations, in the same or similar lines of business, and the ladies’ societies or ladies’ auxiliaries to such orders, societies or associations;

(c) Domestic societies which limit their membership to employees of a particular city or town, designated firm, business house or corporation which provide for a death benefit of not more than four hundred dollars ($400) or for disability benefits of not more than three hundred fifty dollars ($350) to any person in any one year, or both; or

(d) Domestic societies or associations of a purely religious, charitable or benevolent description, which provide
for a death benefit of not more than four hundred dollars ($400) or for disability benefits of not more than three hundred fifty dollars ($350) to any one person in any one year, or both.

(2) Any such society or association described in subdivisions (c) or (d) above, which provides for death or disability benefits for which benefit certificates are issued, and any such society or association included in subdivision (d) which has more than one thousand (1000) members, shall not be exempted from the provisions of this chapter but shall comply with all requirements thereof.

(3) No society which, by the provisions of this section, is exempt from the requirements of this chapter, except any society described in subdivision (b), above, shall give or allow, or promise to give or allow to any person any compensation for procuring new members.

(4) Every society which provides for benefits in case of death or disability resulting solely from accident, and which does not obligate itself to pay natural death or sick benefits shall have all of the privileges and be subject to all the applicable provisions and regulations of this chapter except that the provisions thereof relating to medical examination, valuations of benefit certificates, and incontestability, shall not apply to such society.

(5) The Commissioner may require from any society or association, by examination or otherwise, such information as will enable him to determine whether such society or association is exempt from the provisions of this chapter.

(6) Societies, exempted under the provisions of this section, shall also be exempt from all other provisions of the insurance laws of this state.

SECTION 720. PENALTIES. — (1) Any person who willfully makes a false or fraudulent statement in or relating to an application for membership or for the purpose of obtaining money from or a benefit in any society, shall upon conviction be fined not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) or imprisonment in the county jail not less than thirty (30) days nor more than one (1) year, or both.

(2) Any person who willfully makes a false or fraudulent statement in any verified report or declaration under oath required or authorized by this chapter, or of any material
fact or thing contained in a sworn statement concerning the
death or disability of a member for the purpose of procuring
payment of a benefit named in the certificate, shall be guilty
of perjury and shall be subject to the penalties therefor pre­
scribed by law.

(3) Any person who solicits membership for, or in any
manner assists in procuring membership in, any society
not licensed to do business in this state shall upon convic­
tion be subject to the penalties prescribed by section 17
(general penalty).

(4) Any person guilty of a willful violation of, or neglect
or refusal to comply with, the provisions of this chapter for
which a penalty is not otherwise prescribed, shall upon con­
viction, be subject to the penalty prescribed by section 17
(general penalty).

SECTION 721. FEE SCHEDULE.—(1) The Commiss­
ioner shall collect in advance from fraternal benefit societies
the following licenses and fees, in addition to fees connected
with the licensing of agents as otherwise provided for in
this code:

(a) For the society's original license ........................................ $ 5.00

(i) Annual continuation of license .................................. 5.00

(ii) Reinstatement of license ........................................ 5.00

(b) Filing annual statement .............................................. 25.00

(c) Filing certified copy of society's articles of in­
corporation ...................................................................... 10.00

(d) Filing certified copy of amendment of articles
of incorporation .................................................................. 5.00

(e) Filing society's power of attorney for service
of process ........................................................................ 2.00

(f) Receiving and forwarding certified copy of
summons or other process served upon the Commiss­
ioner, to be paid by the party requiring such service 2.00

(g) Commissioner's certificate under seal, other
than on licenses .................................................................. 1.00

(h) For each copy of document filed in the Com­
missioner's office, per each folio of one hundred (100)
words .................................................................................. .20
(2) The Commissioner shall transmit and report all fees so collected by him as provided in section 109 (deposit, report of fees, licenses, taxes).

SECTION 722. OTHER PROVISIONS APPLICABLE. — The following chapters and provisions of this code shall also apply to fraternal benefit societies (who for the purpose shall be deemed also to be "insurers") to the extent so applicable and not inconsistent with the express provisions of this chapter and the reasonable implications of such express provisions:

(1) Chapter 1 (scope of code);
(2) Chapter 2 (the Commissioner of Insurance);
(3) Section 71(2) (general eligibility for certificate of authority), and for the purpose the annual license of a fraternal benefit society is deemed to be its "certificate of authority";
(4) Sections 245 (representing or aiding unauthorized insurer prohibited), 246 (penalty), and 247 (suits by unauthorized insurer prohibited);
(5) Chapter 13 (trade practices and frauds);
(6) The following sections of chapter 18 (the insurance contract):
   (a) Section 420 (payment discharges insurer — payment to marital community);
   (b) Section 421 (minor may give acquittance);
   (c) Section 422 (life policy as separate property of married woman);
   (d) Section 430 (venue of suits against insurers);
   (e) Section 431 (allowance of attorney fees in suits against insurers);
(7) Section 465 (prohibited policy plans);
(8) Section 605 (prohibited pecuniary interest of officials);
(9) Chapter 33 (rehabilitation and liquidation); and
(10) Chapter 36 (transitory provisions).

SECTION 723. DEFINITIONS. — For the purposes of this chapter:
(1) "Impairment" or "insolvency". The capital of a stock insurer or the surplus of a mutual or reciprocal insurer shall be deemed to be impaired and the insurer shall be deemed to be insolvent, when such insurer is not possessed of assets at least equal to all its liabilities and required reserves, together with its outstanding capital stock at the aggregate par value thereof if a stock insurer, or, if a mutual or reciprocal insurer, together with the minimum surplus required by this code to be maintained for the kind or kinds of insurance it is then authorized to transact.

(2) "Insurer" means any person, firm, corporation, association or aggregation of persons doing an insurance business and subject to the insurance supervisory authority of, or to liquidation, rehabilitation, reorganization or conservation by the Commissioner or the equivalent insurance supervisory official of another state; also all persons purporting to be engaged as insurers in the business of insurance in this state, and persons in process of organization to become insurers.

(3) "Delinquency proceeding" means any proceeding commenced against an insurer pursuant to this chapter for the purpose of liquidating, rehabilitating, reorganizing or conserving such insurer.

(4) "State" is as defined in section 7 of this code.

(5) "Foreign country" means territory not in any state.

(6) "Domiciliary state" means the state in which an insurer is incorporated or organized, or in the case of an insurer incorporated or organized in a foreign country, the state in which such insurer, having become authorized to do business in such state, has at the commencement of delinquency proceedings, the largest amount of its assets held in trust and assets held on deposit for the benefit of its policyholders or policyholders and creditors in the United States, and any such insurer is deemed to be domiciled in such state.

(7) "Ancillary state" means any state other than a domiciliary state.

(8) "Reciprocal state" means any state other than this state in which in substance and effect the provisions of the uniform insurers liquidation act, as defined in section 742 of this code, are in force, including the provisions requiring that the Commissioner of Insurance or equivalent insurance
supervisory official to be the receiver of a delinquent insurer.

(9) "General assets" means all property, real, personal or otherwise, not specifically mortgaged, pledged, deposited or otherwise encumbered for the security or benefit of specified persons or a limited class or classes of persons, and as to such specifically encumbered property the term includes all such property or its proceeds in excess of the amount necessary to discharge the sum or sums secured thereby. Assets held in trust and assets held on deposit for the security or benefit of all policyholders or all policyholders and creditors in the United States shall be deemed general assets.

(10) "Preferred claim" means any claim with respect to which the law of the state or of the United States accords priority of payment from the general assets of the insurer.

(11) "Special deposit claim" means any claim secured by a deposit made pursuant to statute for the security or benefit of a limited class or classes of persons, but not including any general assets.

(12) "Secured claim" means any claim secured by mortgage, trust deed, pledge, deposit as security, escrow or otherwise, but not including special deposit claim or claims against general assets. The term also includes claims which more than four (4) months prior to the commencement of delinquency proceedings in the state of the insurer’s domicile have become liens upon specific assets by reason of judicial process.

(13) "Receiver" means receiver, liquidator, rehabilitator or conservator as the context may require.

SECTION 724. JURISDICTION OF DELINQUENCY PROCEEDINGS—VENUE. — (1) The district court shall have original jurisdiction of delinquency proceedings under this chapter and any court with jurisdiction is authorized to make all necessary or proper orders to carry out the purposes of this chapter.

(2) The venue of delinquency proceedings against a domestic insurer shall be in the district court for the county in which is located the insurer’s registered office or principal place of business. The venue of such proceedings against foreign and alien insurers shall be in the district court for Ada County.

(3) At any time after the commencement of a proceeding
under this chapter the Commissioner may apply to the court for an order changing the venue of, and removing the proceeding to, Ada County or to any other county of this state in which he deems that such proceeding may be most economically and efficiently conducted.

Section 725. Exclusive Remedy—Appeal. —
(1) Delinquency proceedings pursuant to this chapter shall constitute the sole and exclusive method of liquidating, re Rehabilitating, reorganizing or conserving an insurer, and no court shall entertain a petition for the commencement of such proceedings, or any other similar procedure, unless the same has been filed in the name of the state on the relation of the Commissioner.

(2) An appeal shall lie to the supreme court from an order granting or refusing rehabilitation, liquidation, or conservation, and from every order in delinquency proceedings having the character of a final order as to the particular portion of the proceedings embraced therein.

Section 726. Commencement of Delinquency Proceeding. — (1) The Commissioner shall commence any such proceeding by an application to the court or to any judge thereof, for an order directing the insurer to show cause why the Commissioner should not have the relief prayed for.

(2) The application shall be by petition, verified by the Commissioner, setting forth the ground or grounds for the proceeding and the relief demanded.

(3) If the court is satisfied from reading the Commissioner’s petition that the facts therein alleged, if established, would constitute grounds for a delinquency proceeding under this chapter, he shall issue order to show cause as referred to in (1) above.

(4) On the return of the order to show cause, and after a full hearing, the court shall either deny the application or grant the application, together with such other relief as the nature of the case and the interests of the policyholders, creditors, stockholders, members, subscribers or the public may require.

Section 727. Injunctions. — (1) Upon application by the Commissioner for such an order to show cause, or at any time thereafter, the court may, without notice, issue an injunction restraining the insurer, its officers, directors, stockholders, members, subscribers, agents, and all other
persons from the transaction of its business or the waste or disposition of its property until the further order of the court.

(2) The court may, at any time during a proceeding under this chapter, issue such other injunctions or orders as may be deemed necessary to prevent interference with the Commissioner or the proceeding, or waste of the assets of the insurer, or the commencement or prosecution of any actions, or the obtaining of preferences, judgments, attachments or other liens, or the making of any levy against the insurer or against its assets or any part thereof.

(3) Notwithstanding any other provision of law, no bond shall be required of the Commissioner as a prerequisite for the issuance of any injunction or restraining order pursuant to this section.

SECTION 728. GROUNDS FOR REHABILITATION — DOMESTIC INSURERS. — The Commissioner may apply for an order directing him to rehabilitate a domestic insurer upon one or more of the following grounds: That the insurer

(1) Is insolvent; or,

(2) Has refused to submit its books, records, accounts or affairs to the reasonable examination of the Commissioner; or,

(3) Has concealed or removed records or assets in violation of section 607 (home office, records, and assets; penalty for unlawful removal);

(4) Has failed to comply with the Commissioner's order, made pursuant to law, to make good an impairment of capital (if a stock insurer) or an impairment of assets (if a mutual or reciprocal insurer) within the time prescribed by law; or,

(5) Has transferred or attempted to transfer substantially its entire property or business, or has entered into any transaction the effect of which is to merge substantially its entire property or business in that of any other insurer without first having obtained the written approval of the Commissioner; or,

(6) Is found, after examination, to be in such condition that its further transaction of business will be hazardous to its policyholders, or to its creditors, or to its members, subscribers, or stockholders, or to the public; or,
(7) Has willfully violated its charter or any law of this state; or,

(8) Has an officer, director, or manager who has refused to be examined under oath, concerning its affairs, for which purpose the Commissioner is authorized to conduct and to enforce by all appropriate and available means any such examination under oath in any other state or territory of the United States, in which any such officer, director or manager may then presently be, to the full extent permitted by the laws of any such other state or territory, this special authorization considered; or,

(9) Has been the subject of an application for the appointment of a receiver, trustee, custodian or sequestrator of the insurer or of its property, or if a receiver, trustee, custodian, or sequestrator is appointed by a federal court or if such appointment is imminent; or,

(10) Has consented to such an order through a majority of its directors, stockholders, members, or subscribers; or,

(11) Has failed to pay a final judgment rendered against it in any state upon any insurance contract issued or assumed by it, within thirty (30) days after the judgment became final or within thirty (30) days after time for taking an appeal has expired, or within thirty (30) days after dismissal of an appeal before final determination, whichever date is the later.

SECTION 729. TERMINATION OF REHABILITATION ORDER—DOMESTIC INSURERS.— (1) An order to rehabilitate a domestic insurer shall direct the Commissioner forthwith to take possession of the property of the insurer and to conduct the business thereof, and to take such steps toward removal of the causes and conditions which have made rehabilitation necessary, as the court may direct.

(2) If at any time the Commissioner deems that further efforts to rehabilitate the insurer would be useless, he may apply to the court for an order of liquidation.

(3) The Commissioner, or any interested person upon due notice to the Commissioner, at any time may apply for an order terminating the rehabilitation proceeding and permitting the insurer to resume possession of its property and the conduct of its business, but no such order shall be granted except when, after a full hearing, the court has determined
that the purposes of the proceedings have been fully accomplished.

SECTION 730. GROUNDS FOR LIQUIDATION — DOMESTIC INSURERS. — The Commissioner may apply for an order directing him to liquidate the business of a domestic insurer, regardless of whether or not there has been a prior order directing him to rehabilitate such insurer, upon any of the grounds specified in section 729, or upon any one or more of the following grounds: That the insurer

(1) Has ceased transacting business for a period of one year; or,

(2) Is an insolvent insurer and has commenced voluntary liquidation or dissolution, or attempts to commence or prosecute any action or proceeding to liquidate its business or affairs, or to dissolve its corporate charter, or to procure the appointment of a receiver, trustee, custodian, or sequestrator under any laws except this code; or,

(3) Has not organized or completed its organization and obtained a certificate of authority as an insurer prior to the expiration or revocation of its solicitation permit.

SECTION 731. ORDER OF LIQUIDATION — DOMESTIC INSURERS. — (1) An order to liquidate the business of a domestic insurer shall direct the Commissioner forthwith to take possession of the property of the insurer, to liquidate its business to deal with the insurer's property and business in his own name as Commissioner or in the name of the insurer as the court may direct, to give notice to all creditors who may have claims against the insurer to present such claims.

(2) The Commissioner may apply under this chapter for an order dissolving the corporate existence of a domestic insurer:

(a) Upon his application for an order of liquidation of such insurer, or at any time after such order has been granted; or,

(b) Upon the grounds specified in section 730(3), regardless of whether an order of liquidation is sought or has been obtained.

SECTION 732. GROUNDS FOR CONSERVATION — FOREIGN INSURERS. — The Commissioner may apply for an order directing him to conserve the assets within this
state of a foreign insurer upon any one or more of the following grounds:

(1) Upon any of the grounds specified in subdivisions (1) through (10) of section 728, and in section 730(2).

(2) That its property has been sequestrated in its domiciliary sovereignty or in any other sovereignty.

SECTION 733. CONSERVATION OR ANCILLARY RECEIVERSHIP - FOREIGN INSURERS. — (1) An order to conserve the assets of a foreign insurer shall direct the Commissioner forthwith to take possession of the property of the insurer within this state and to conserve it, subject to the further direction of the court.

(2) Whenever a domiciliary receiver is appointed for any such insurer in its domiciliary state or county, the court shall, on application of the Commissioner, appoint the Commissioner as the ancillary receiver in this state.

(3) An order to liquidate the assets in this state of a foreign insurer shall require the Commissioner forthwith to take possession of the property of the insurer within this state and to liquidate it subject to the orders of the court and with due regard to the rights and powers of the domiciliary receiver, as provided in this chapter.

SECTION 734. CONDUCT OF DELINQUENCY PROCEEDINGS - DOMESTIC INSURERS. — (1) Whenever, under the laws of this state a receiver is to be appointed in delinquency proceedings for an insurer domiciled in this state, the court shall appoint the Commissioner as such receiver. The Court shall direct the Commissioner forthwith to take possession of the assets of the insurer and to administer the same under the orders of the court.

(2) As domiciliary receiver, the Commissioner shall be vested, by operation of law, with the title to all property, contracts, and rights of action, and all of the books and records of the insurer wherever located, as of the date of entry of the order directing him to rehabilitate or liquidate a domestic insurer, and he shall have the right to recover the same and reduce the same to his possession.

(3) The filing or recording of the order, directing possession to be taken, or a certified copy thereof, in the office where instruments affecting title to property are required to be filed or recorded, shall impart the same notice as would
be imparted by a deed, bill of sale, or other evidence or title duly filed or recorded.

(4) The Commissioner, as domiciliary receiver, shall be responsible on his official bond for the proper administration of all assets coming into his possession or control. The court may at any time require an additional bond from him or his deputies, if deemed desirable for the protection of the assets.

(5) Upon taking possession of the assets of an insurer, the domiciliary receiver shall, subject to the direction of the court, immediately proceed to conduct the business of the insurer or to take such steps as are authorized by the laws of this state for the purpose of liquidating, rehabilitating, reorganizing, or conserving the affairs of the insurer.

SECTION 735. CONDUCT OF DELINQUENCY PROCEEDINGS — FOREIGN INSURERS. — (1) Whenever under this chapter an ancillary receiver is to be appointed in delinquency proceedings for an insurer not domiciled in this state, the court shall appoint the Commissioner as ancillary receiver. The Commissioner shall file a petition requesting the appointment on the grounds set forth in section 733 (2) of this chapter:

(a) If he finds that there are sufficient assets of the insurer located in this state to justify the appointment of an ancillary receiver, or

(b) If ten (10) or more persons resident in this state having claims against such insurer file a petition with the Commissioner requesting the appointment of such ancillary receiver.

(2) The domiciliary receiver for the purpose of liquidating an insurer domiciled in a reciprocal state shall be vested by operation of law with the title to all of the property, contracts and rights of action, and all of the books and records of the insurer located in this state, and he shall have the immediate right to recover balances due from local agents and to obtain possession of any books and records of the insurer found in this state. He shall also be entitled to recover the other assets of the insurer located in this state, except that upon the appointment of an ancillary receiver in this state, the ancillary receiver shall during the ancillary receivership proceedings have the sole right to recover such other assets. The ancillary receiver shall, as soon as practicable, liquidate from their respective securities those special deposit claims and secured claims which are proved and
allowed in the ancillary proceedings in this state, and shall pay the necessary expenses of the proceedings. All remaining assets he shall promptly transfer to the domiciliary receiver. Subject to the foregoing provisions, the ancillary receiver and his deputies shall have the same powers and be subject to the same duties with respect to the administration of such assets as a receiver of an insurer domiciled in this state.

(3) The domiciliary receiver of an insurer domiciled in a reciprocal state may sue in this state to recover any assets of such insurer to which he may be entitled under the laws of this state.

SECTION 736. DEPUTIES AND ASSISTANTS. — In connection with delinquency proceedings, the Commissioner may appoint one or more special deputy Commissioners to act for him, and may employ such counsel, clerks, and assistants as he deems necessary. The compensation of the special deputies, counsel, clerks, or assistants, and all expenses of taking possession of the insurer and of conducting the proceedings, shall be fixed by the receiver, subject to the approval of the court, and shall be paid out of the funds or assets of the insurer. Within the limits of the duties imposed upon them, special deputies shall possess all the powers given to, and, in the exercise of those powers, shall be subject to all of the duties imposed upon the receiver with respect to such proceedings.

SECTION 737. CLAIMS OF NONRESIDENTS AGAINST DOMESTIC INSURERS. — (1) In a delinquency proceeding begun in this state against a domestic insurer, claimants residing in reciprocal states may file claims either with the ancillary receivers, if any, in their respective states, or with the domiciliary receiver. All such claims must be filed on or before the last date fixed for the filing of claims in the domiciliary delinquency proceedings.

(2) Controverted claims belonging to claimants residing in reciprocal states may either:

(a) Be proved in this state; or

(b) If ancillary proceedings have been commenced in such reciprocal states, may be proved in those proceedings. In the event a claimant elects to prove his claim in ancillary proceedings, if notice of the claim and opportunity to appear and be heard is afforded the domiciliary receiver of this state, as provided in section 738 of this chapter with respect
to ancillary proceedings in this state, the final allowance of such claim by the courts in the ancillary state shall be accepted in this state as conclusive as to its amount and shall also be accepted as conclusive as to its priority, if any, against special deposits or other security located within the ancillary state.

SECTION 738. CLAIMS AGAINST FOREIGN INSURERS. — (1) In a delinquency proceeding in a reciprocal state against an insurer domiciled in that state, claimants against such insurer who reside within this state may file claims either with the ancillary receiver, if any, appointed in this state, or with the domiciliary receiver. All such claims must be filed on or before the last date fixed for the filing of claims in the domiciliary delinquency proceedings.

(2) Controverted claims belonging to claimants residing in this state may either:

(a) Be proved in the domiciliary state as provided by the law of that state, or

(b) If ancillary proceedings have been commenced in this state, be proved in those proceedings. In the event that any such claimant elects to prove his claim in this state, he shall file his claim with the ancillary receiver and shall give notice in writing to the receiver in the domiciliary state, either by registered mail or by personal service at least forty (40) days prior to the date set for hearing. The notice shall contain a concise statement of the amount of the claim, the facts on which the claim is based, and the priorities asserted, if any. If the domiciliary receiver within thirty (30) days after the giving of such notice shall give notice in writing to the ancillary receiver and to the claimant, either by registered mail or by personal service, of his intention to contest such claim, he shall be entitled to appear or to be represented in any proceeding in this state involving adjudication of the claim. The final allowance of the claim by the courts of this state shall be accepted as conclusive as to its amount and shall also be accepted as conclusive as to its priority, if any, against special deposits or other security located within this state.

SECTION 739. FORM OF CLAIM—NOTICE—HEARING. — (1) All claims against an insurer against which delinquency proceedings have been begun shall set forth in reasonable detail the amount of the claim, or the basis upon which such amount can be ascertained, the facts upon which the claim is based, and the priorities asserted, if any.
All such claims shall be verified by the affidavit of the claimant, or someone authorized to act on his behalf and having knowledge of the facts, and shall be supported by such documents as may be material thereto.

(2) All claims filed in this state shall be filed with the receiver, whether domiciliary or ancillary, in this state, on or before the last date for filing as specified in this chapter.

(3) Within ten (10) days of the receipt of any claim, or within such further period as the court may, for good cause shown, fix, the receiver shall report the claim to the court, specifying in such report his recommendation with respect to the action to be taken thereon. Upon receipt of such report, the court shall fix a time for hearing the claim and shall direct that the claimant or the receiver, as the court shall specify, shall give such notice as the court shall determine to such persons as shall appear to the court to be interested therein. All such notices shall specify the time and place of the hearing and shall concisely state the amount and nature of the claim, the priorities asserted, if any, and the recommendation of the receiver with reference thereto.

(4) At the hearing all persons interested shall be entitled to appear and the court shall enter an order allowing in part, or disallowing the claim. Any such order shall be deemed to be an appealable order.

SECTION 740. PRIORITY OF CERTAIN CLAIMS. —

(1) In a delinquency proceeding against an insurer domiciled in this state, claims owing to residents of ancillary states shall be preferred claims if like claims are preferred under the laws of this state. All such claims owing to residents or nonresidents shall be given equal priority of payment from general assets regardless of where such assets are located.

(2) In a delinquency proceeding against an insurer domiciled in a reciprocal state, claims owing to residents of this state shall be preferred if like claims are preferred by the laws of that state.

(3) The owners of special deposit claims against an insurer for which a receiver is appointed in this or any other state shall be given priority against their several special deposits in accordance with the provisions of the statutes governing the creation and maintenance of such deposits. If there is a deficiency in any such deposit so that the claims secured
thereby are not fully discharged therefrom, the claimants may share in the general assets, but such sharing shall be deferred until general creditors, and also claimants against other special deposits who have received smaller percentages from their respective special deposits, have been paid percentages of their claims equal to the percentage paid from a special deposit.

(4) The owner of a secured claim against an insurer for which a receiver has been appointed in this or any other state may surrender his security and file his claim as a general creditor, or the claim may be discharged by resort to the security, in which case the deficiency, if any, shall be treated as a claim against the general assets of the insurer on the same basis as claims of unsecured creditors. If the amount of the deficiency has been adjudicated in ancillary proceedings as provided in this chapter, or if it has been adjudicated by a court of competent jurisdiction in proceedings in which the domiciliary receiver has had notice and opportunity to be heard, such amounts shall be conclusive; otherwise the amount shall be determined in the delinquency proceeding in the domiciliary state.

SECTION 741. ATTACHMENT AND GARNISHMENT OF ASSETS. — During the pendency of delinquency proceedings in this or any reciprocal state, no action or proceeding in the nature of an attachment, garnishment or execution shall be commenced or maintained in the courts of this state against the delinquent insurer or its assets. Any lien obtained by any such action or proceeding within four (4) months prior to the commencement of any such delinquency proceeding or at any time thereafter shall be void as against any rights arising in such delinquency proceeding.

SECTION 742. UNIFORM INSURERS LIQUIDATION ACT. — (1) Subsections (2) through (13) of section 723, subsections (1) and (3) of section 726, together with sections 727 and 734 through 742 constitute and may be referred to as the uniform insurers liquidation act.

(2) The uniform insurers liquidation act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states that enact it. To the extent that its provisions when applicable conflict with other provisions of this chapter, the provisions of such act shall control.

SECTION 743. DEPOSIT OF MONEYS COLLECTED. — The moneys collected by the Commissioner in a proceed-
ing under this chapter, shall be, from time to time, deposited in one or more state or national banks, savings banks, or trust companies, and in the case of the insolvency or voluntary or involuntary liquidation of any such depositary, which is an institution organized and supervised under the laws of this state, such deposits shall be entitled to priority of payment on an equality with any other priority given by the banking laws of this state. The Commissioner may, in his discretion, deposit such moneys or any part thereof, in a national bank or trust company as a trust fund.

**SECTION 744. EXEMPTION FROM FILING FEES.** — The Commissioner shall not be required to pay any fee to any public officer in this state for filing, recording, issuing a transcript or certificate, or authenticating any paper or instrument pertaining to the exercise, by the Commissioner, of any of the powers or duties conferred upon him under this chapter, whether or not such paper or instrument be executed by the Commissioner or his deputies, employees, or attorney of record, and whether or not it is connected with the commencement of an action or proceeding by or against the Commissioner, or with the subsequent conduct of such action or proceeding.

**SECTION 745. BORROWING ON PLEDGE OF ASSETS.** — For the purpose of facilitating the rehabilitation, liquidation, conservation or dissolution of an insurer pursuant to this chapter, the Commissioner may, subject to the approval of the court, borrow money and execute, acknowledge and deliver notes or other evidences of indebtedness therefor, and secure the payment of the same by the mortgage, pledge, assignment, transfer in trust, or hypothecation of any or all of the property of such insurer, whether real, personal or mixed, and the Commissioner, subject to the approval of the court, shall have power to take any and all other action necessary and proper to consummate any such loans and to provide for the repayment thereof. The Commissioner shall be under no obligation personally or in his official capacity as Commissioner to repay any loan made pursuant to this chapter.

**SECTION 746. REPORT TO THE GOVERNOR.** — The Commissioner shall transmit to the governor, in his annual report, the names of all insurers proceeded against under this chapter, together with such facts as shall acquaint the policyholders, creditors, stockholders, and the public with the proceedings. To that end the special deputy commis-
sioner, in charge of any such insurer, shall file annually, with
the Commissioner, a report of the affairs of the insurer.

SECTION 747. DATE RIGHTS FIXED ON LIQUIDATION.—The rights and liabilities of the insurer and of its creditors, policyholders, stockholders, members, subscribers, and all other persons interested in its estate, shall, unless otherwise directed by the court, be fixed as of the date on which the order directing the liquidation of the insurer is filed in the office of the clerk of the court which made the order, subject to the provisions of section 751, with respect to the rights of claimants holding contingent claims.

SECTION 748. VOIDABLE TRANSFERS. — (1) Any transfer of, or lien upon, the property of an insurer which is made or created within four (4) months prior to the granting of an order to show cause under this chapter with the intent of giving to any creditor or of enabling him to obtain a greater percentage of his debt than any other creditor of the same class, and which is accepted by such creditor having reasonable cause to believe that such a preference will occur, shall be voidable.

(2) Every director, officer, employee, stockholder, member, subscriber, and any other person acting on behalf of such insurer who shall be concerned in any such act or deed and every person receiving thereby any property of such insurer or the benefit thereof, shall be personally liable therefor and shall be bound to account to the Commissioner.

(3) The Commissioner, as liquidator, rehabilitator or conservator in any proceeding under this chapter, may avoid any transfer of, or lien upon the property of an insurer which any creditor, stockholder, subscriber or member of such insurer might have avoided, and may recover the property so transferred, unless such person was a bona fide holder for value prior to the date of the granting of an order to show cause under this chapter. Such property or its value may be recovered from anyone who has received it, except a bona fide holder for value as above specified.

SECTION 749. PRIORITY OF CLAIMS FOR COMPENSATION.—(1) Compensation actually owing to employees other than officers of an insurer, for services rendered within three (3) months prior to the commencement of a proceeding against the insurer under this chapter, but not exceeding three hundred dollars ($300) for each such employee, shall be paid prior to the payment of any other debt or claim,
and in the discretion of the Commissioner, may be paid as soon as practicable after the proceeding has been commenced; except, that at all times the Commissioner shall reserve such funds as will, in his opinion, be sufficient for the expenses of administration.

(2) Such priority shall be in lieu of any other similar priority which may be authorized by law as to the wages or compensation of such employees.

SECTION 750. OFFSETS. — (1) In all cases of mutual debts or mutual credits between the insurer and another person in connection with any action or proceeding under this chapter, such credits and debts shall be set off and the balance only shall be allowed or paid, except as provided in subsection (2) below.

(2) No offset shall be allowed in favor of any such person where

(a) The obligation of the insurer to such person would not at the date of the entry of any liquidation order, or otherwise, as provided in section 747, entitled him to share as a claimant in the assets of the insurer, or

(b) The obligation of the insurer to such person was purchased by or transferred to such person with a view of its being used as an offset, or

(c) The obligation of such person is to pay an assessment levied against the members of a mutual insurer, or against the subscribers of a reciprocal insurer, or is to pay a balance upon a subscription to the capital stock of a stock insurer.

SECTION 751. ALLOWANCE OF CERTAIN CLAIMS. — (1) No contingent claim shall share in a distribution of the assets of an insurer which has been adjudicated to be insolvent by an order made pursuant to section 753, except that such claims shall be considered, if properly presented, and may be allowed to share where

(a) Such claim becomes absolute against the insurer on or before the last day fixed for filing of proofs of claim against the assets of such insurer, or

(b) There is a surplus and the liquidation is thereafter conducted upon the basis that such insurer is solvent.

(2) Where an insurer has been so adjudicated to be insolvent, any person who has a cause of action against an
insured of such insurer, shall have the right to file a claim in the liquidation proceeding, regardless of the fact that such claim may be contingent, and such claim may be allowed

(a) If it may be reasonably inferred from the proof presented upon such claim that such person would be able to obtain a judgment upon such cause of action against such insured; and,

(b) If such person shall furnish suitable proof, unless the court, for good cause shown, shall otherwise direct, that no further valid claims against such insurer arising out of his cause of action, other than those already presented, can be made; and,

(c) If the total liability of such insurer to all claimants arising out of the same act of its insured shall be no greater than its maximum liability would be, were it not in liquidation.

(3) No judgment against such an insured, taken after the date of the entry of the liquidation order, shall be considered in the liquidation proceedings as evidence of liability, or of the amount of damages, and no judgment against an insured taken by default, inquest or by collusion prior to the entry of the liquidation order, shall be considered as conclusive evidence in the liquidation proceeding, either of the liability of such insured to such person upon such cause of action, or of the amount of damages to which such person is therein entitled.

SECTION 752. ALLOWANCE OF SECURED CLAIMS. — No claim of any secured claimant shall be allowed at a sum greater than the difference between the value of the claim without security and the value of the security itself as of the date of the entry of the order of liquidation, or such other date set by the court for fixation of rights and liabilities as provided in section 747, unless the claimant shall surrender his security to the Commissioner, in which event the claim shall be allowed in the full amount for which it is valued.

SECTION 753. TIME TO FILE CLAIMS. — (1) If upon the granting of an order of liquidation under this chapter, or at any time thereafter during the liquidation proceeding, the insurer shall not be clearly solvent, the court shall, after such notice and hearing as it deems proper, make an order declaring the insurer to be insolvent. Thereupon, regardless of any prior notice which may have been given to creditors,
the Commissioner shall notify all persons who may have claims against such insurer and who have not filed proper proofs thereof, to present the same to him, at a place specified in such notice, within four (4) months from the date of the entry of such order, or, if the Commissioner shall certify that it is necessary, within such longer time as the court shall prescribe. The last day for the filing of proofs of claims shall be specified in the notice. Such notice shall be given in a manner determined by the court.

(2) Proofs of claim may be filed subsequent to the date specified, but no such claim shall share in the distribution of the assets until all allowed claims, proofs of which have been filed before said date, have been paid in full, with interest.

SECTION 754. REPORT FOR ASSESSMENT. — Within three (3) years from the date of an order or rehabilitation of liquidation of a domestic mutual insurer or a domestic reciprocal insurer was filed in the office of the clerk of the court by which such order was made, the Commissioner may make a report to the court setting forth:

(1) The reasonable value of the assets of the insurer;

(2) The insurer’s probable liabilities; and,

(3) The probable necessary assessment, if any, to pay all claims and expenses in full, including expenses of administration.

SECTION 755. LEVY OF ASSESSMENT. — (1) Upon the basis of the report provided for in section 754, including any amendments thereof, the court, ex parte, may levy one or more assessments against all members of such insurer who, as shown by the records of the insurer, were members (if a mutual insurer) or subscribers (if a reciprocal insurer) at any time within one (1) year prior to the date of issuance of the order to show cause under section 726.

(2) Such assessment or assessments shall cover the excess of the probable liabilities over the reasonable value of the assets, together with the estimated cost of collection and percentage of uncollectibility thereof. The total of all assessments against any member or subscriber, with respect to any policy, whether levied pursuant to this chapter or pursuant to any other provisions of this code, shall be for no greater amount than that specified in the policy or policies of the member or subscriber and as limited under this code;
except that if the court finds that the policy was issued at a rate of premium below the minimum rate lawfully permitted for the risk insured, the court may determine the upper limit of such assessment upon the basis of such minimum rate.

(3) No assessment shall be levied against any member or subscriber with respect to any nonassessable policy issued in accordance with this code.

SECTION 756. ORDER TO PAY ASSESSMENT. — After levy of assessment as provided in section 755, upon the filing of a further detailed report by the Commissioner, the court shall issue an order directing each member (if a mutual insurer) or each subscriber (if a reciprocal insurer) if he shall not pay the amount assessed against him to the Commissioner on or before a day to be specified in the order, to show cause why he should not be held liable to pay such assessment together with costs as set forth in section 758, and why the Commissioner should not have judgment therefor.

SECTION 757. PUBLICATION AND TRANSMITTAL OF ASSESSMENT ORDER. — The Commissioner shall cause a notice of such assessment order, setting forth a brief summary of the contents of such order, to be

(a) Published in such manner as shall be directed by the court; and,

(b) Enclosed in a sealed envelope, addressed and mailed, postage prepaid, to each member or subscriber liable thereunder, at his last known address as it appears on the records of the insurer, at least twenty (20) days before the return day of the order to show cause provided for in section 756.

SECTION 758. JUDGMENT UPON THE ASSESSMENT. — (1) On the return day of the order to show cause provided for in section 756, if the member or subscriber does not appear and serve verified objections upon the Commissioner, the court shall make an order adjudging that such member or subscriber is liable for the amount of the assessment against him, together with ten dollars ($10) costs, and that the Commissioner may have judgment against the member or subscriber therefor.

(2) If on such return day the member or subscriber shall appear and serve verified objections upon the Commissioner, there shall be a full hearing before the court or a referee to hear and determine, who, after such a hearing, shall make
an order either negativing the liability of the member or subscriber to pay the assessment or affirming his liability to pay the whole or some part thereof, together with twenty-five dollars ($25) costs and the necessary disbursements incurred at such hearing, and directing that the Commissioner, in the latter case, may have judgment therefor.

(3) A judgment upon any such order shall have the same force and effect, and may be entered and docketed, and may be appealed from as if it were a judgment in an original action brought in the court in which the proceeding is pending.

SECTION 759. 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 719 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 employer.

(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 or hospital for specific services thereafter rendered to such patient by such physician or hospital.

SECTION 760. PURPOSE AND INTERPRETATION. — (1) It is the purpose of this chapter to regulate in the public interest the formation and operation of prepaid health care service organizations, in order that such services may
be made available upon a basis of fair and equitable contracts through state-licensed nonprofit organizations meeting reasonable standards as to administration, reserves, and financial soundness.

(2) The provisions of this chapter shall be liberally interpreted to effectuate the purpose hereinafore declared.

SECTION 761. 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 service corporation” is one so providing principally medical and/or surgical services.

(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 or hospital under which the physician or hospital 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 or hospital 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” is one who has entered into a service agreement with a service corporation.

(9) “Physician” includes also “surgeon.”

SECTION 762. PROVISIONS EXCLUSIVE. — No provision of this code shall apply to any such health care service corporation unless contained or referred to in this chapter.

SECTION 763. INCORPORATION, AUTHORITY RE-
REQUIRED. — No person otherwise subject to this chapter shall engage or purport to engage in the provision of any part or all of any health care service for its subscribers in exchange for periodic prepayments in identifiable amount unless it is a service corporation heretofore or hereafter incorporated under the laws of Idaho, and currently authorized as such a service corporation under a certificate of authority issued by the Commissioner pursuant to the provisions of this chapter.

SECTION 764. INCORPORATION — AMENDMENT OF ARTICLES OF INCORPORATION. — (1) A service corporation shall be formed as a nonprofit, nonstock medical service corporation or hospital service corporation, or a combination medical and hospital service corporation, consistent with the applicable requirements of this chapter under the statutes of Idaho governing the formation of nonprofit, non-stock corporations in general.

(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 endorsed 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 endorsed 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 765. NAME OF CORPORATION. — No service corporation shall have or use a corporate or business name which includes the words “insurance”, “casualty”, “surety”, “health and accident”, “mutual”, or other terms
descriptive of an insurer or insurance business. No service corporation shall have or use a name so similar to that of any other corporation transacting business in this state when such service corporation was formed as would tend to confuse or mislead the public.

SECTION 766. QUALIFICATIONS FOR 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 764 as either a medical service corporation, or as a hospital service corporation, or as a combined medical 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 medical 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 and facilities reasonably to furnish the medical and surgical services provided or proposed to be provided by the corporation to its subscribers.

(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 or medical services, for a period of not less than the six (6) months next following the date of issuance of the certificate of authority, if issued.

(6) Must fulfill all other applicable requirements of this chapter.

SECTION 767. 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 informa-
tion relative to the applicant, its directors, officers, and affa­
rms 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 (1) copy of the applicant’s articles of incorpora­
tion and of all amendments thereto, certified by the Secretary
of State;

(b) One (1) copy of the applicant’s bylaws, certified by
its corporate secretary;

(c) If a medical service corporation, a copy of each form
of service agreement entered into or proposed to be entered
into with participant physicians, together with a list show­
ing the name, residence and office addresses, and date of
execution of the service agreement by each such physician;

(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 sub­
scribers;

(g) A financial statement of the applicant as of a date
not more than thirty (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.

(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
791 (fee schedule).

SECTION 768. ISSUANCE, REFUSAL OF CERTIFI­
CATE 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 authori­
ity in accordance with the provisions of this chapter, and that the service agreements, subscriber's contracts, 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 service corporation or as a hospital service corporation, or as a combined medical 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 769. CONTINUANCE, 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 791 (fee schedule); and

(b) Due filing by the insurer of its annual statement for the calendar year preceding as required under section 783.

(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 insurer to continue it in force. The Commissioner shall promptly notify the insurer of the occurrence of any failure resulting in impending expiration of its certificate of authority.

SECTION 770. SUSPENSION, REVOCATION OF CERTIFICATE OF AUTHORITY.—(1) The Commissioner shall suspend or revoke the certificate of authority of any service corporation which he finds, after a hearing thereon, is no longer qualified therefor under the provisions of this chapter.

(2) The Commissioner may, in his discretion, after a hearing thereon suspend or revoke the certificate of author-
ity for any violation by the service corporation of any provision of this chapter for which mandatory suspension or revocation is not required under subsection (1) above, or on any applicable ground set forth in section 90 (suspension, revocation of certificate of authority, discretionary and special grounds).

(3) No service corporation shall, while its certificate of authority is suspended or revoked, transact any business as a service corporation other than that necessary and incidental to the discharge of its contracts and agreements outstanding on the day such suspension or revocation became effective. The corporation shall not, after the revocation of its certificate of authority solicit or issue any new subscriber's contracts.

SECTION 771. SERVICES, BENEFITS WHICH MAY BE PROVIDED — MEDICAL SERVICE CORPORATIONS. — (1) A medical 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 services furnished to the subscriber by participant physicians;

(b) Indemnity in reasonable amount with respect to medical and surgical services furnished to the subscriber by nonparticipant physicians, but subject to section 766(4) (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 or under the care and treatment of another physician upon referral by a participant physician; and

(d) Indemnity in reasonable amount with respect to appliances, prosthetics, and similar devices and replacements, and ambulance, x-ray, physiotherapy, and similar services.

(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 772. SERVICES, BENEFITS WHICH MAY BE PROVIDED — HOSPITAL SERVICE CORPORATIONS. — (1) A hospital service corporation shall have the
right to provide to its subscribers part or all of the following services and benefits only:

(a) Hospital services furnished to the subscriber by participant hospitals;

(b) Indemnity in reasonable amount with respect to hospital services furnished to the subscriber by nonparticipant hospitals, but subject to section 766(3) (qualifications for authority); and

(c) Indemnity in reasonable amount for other health care services, as defined in section 761(1), but in no event shall such indemnity benefits be provided of a value in excess of seventy-five percent (75%) of the premium charged for hospital service and hospital indemnity benefits.

(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 773. MEDICAL SERVICE AGREEMENTS.
— (1) A medical service corporation shall enter into service agreements with only physicians duly licensed by the State of Idaho.

(2) Each such service agreement shall require the participant physicians to furnish to subscribers of the service corporation the medical and/or surgical services which are, under the subscriber's contract, to be furnished by participant physicians; 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 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 shall be compensated for services rendered 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 that the physician shall not request or receive from the service corporation any compensation for such services which is not in accord with such schedule.

(b) Compensation for services may be prorated and set-
tled under the circumstances and in the manner referred to in section 789.

(c) If the participant physician 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) The proposed form of any such service agreement shall be filed with the Commissioner and be subject to his approval, as provided in section 777.

SECTION 774. HOSPITAL SERVICE AGREEMENTS.

(1) A hospital service corporation shall enter into service agreements with only hospitals duly approved or licensed by the State of Idaho.

(2) Each such service agreement shall require the participant hospital to furnish to subscribers of the service corporation the hospital services which are, under the subscriber's contract, to be furnished by participant hospitals; and this obligation so to furnish such service, as provided for in the subscriber's contract, shall be a direct obligation of the participant hospitals to the subscribers as well as to the service corporation.

(3) Each such service agreement shall further effectively in substance provide that:

(a) The participant hospital shall be compensated for services rendered to a subscriber in accordance with a schedule of charges contained in the agreement or attached to and made a part of the agreement, and that the hospital shall not request or receive from the service corporation any compensation for such services which is not in accord with such schedule.

(b) Compensation for services may be prorated and settled under the circumstances and in the manner referred to in section 789.

(c) If the participant hospital 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 the subscriber's contract or the next following anniversary of the subscriber's contract, whichever date is the earlier.
(4) The service corporation shall terminate the service agreement as to a particular participant hospital, in addition to other bases of termination provided for in the agreement, if it is determined that the hospital has knowingly charged or attempted to charge the service corporation for any service not actually rendered, or has knowingly violated any material provision of the service agreement.

(5) The proposed form of any such service agreement and of any standard riders and endorsements thereto shall be filed with the Commissioner and be subject to his approval, as provided in section 777.

SECTION 775. 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 of such service corporation to render the medical or hospital services, as the case may be, as agreed to be rendered by such participants in the subscriber's contract.

(2) Each such subscriber's contract or certificate shall in adequate detail set forth provisions from which can be readily determined:

(a) The services to which the subscriber is entitled from participant physicians and/or participant hospitals, as the case may be;

(b) The benefits, if any, to which the subscriber is entitled on an indemnity basis, consistent with sections 771 and 772 and with this chapter;

(c) The periodic subscription charge, rate or fee payable by or as to the subscriber; or, if not so expressed and such charge, rate or fee is subject to change, the subscriber's contract shall require that not less than thirty (30) days' written notice of the new charge, rate or fee shall be given to the subscriber and/or his remitting agent before the change is effective;

(d) The date when the respective services and benefits become available to the subscriber, date of expiration of the contract, and the terms, if any, under which the contract may be continued or renewed;

(e) All other terms and conditions of the agreement between the parties consistent with the provisions of this chapter; and
(f) That the subscriber's contract and riders and endorsements 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 or hospital, but shall restrict benefits to be provided on a service basis to services rendered by participant physicians and 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 777.

SECTION 776. MUST PROVIDE SUBSTANTIAL SERVICE BENEFITS. — (1) Every service agreement and subscriber's contract entered into or issued by a service corporation shall provide for health care services of a substantial and broad character to be rendered to subscribers on a service basis by participant physicians or participant hospitals.

(2) The Commissioner may, after a hearing thereon, by rules and regulations establish certain minimums of service benefits to be so provided consistent with subsection (1) above.

SECTION 777. FILING, APPROVAL OF AGREEMENTS AND CONTRACTS. — (1) No service corporation shall issue or use any basic form of service agreement or subscriber's contract, or application, identification, supplement, or endorsement to be connected with any such agreement or contract, until such form has been filed with the Commissioner and approved by him. This provision shall not apply to agreements, contracts, applications, identification, supplements, endorsements or other forms of unique
character designed for and used with relation to a particular set of circumstances.

(2) The Commissioner shall approve any such form unless disapproved by him on one or more of the grounds set forth in subsection (3) below. If not so approved or disapproved by order transmitted to the filing service corporation within thirty (30) days after the date filed, the form shall be deemed to have been approved.

(3) The Commissioner shall disapprove any proposed form referred to in subsection (1) above which:

(a) Is in any respect not in compliance with or in violation of law; or

(b) Contains any inconsistent, ambiguous, or misleading clauses, or exceptions and conditions which deceptively affect the services or benefits purported to be provided for in the general terms of the agreement or contract; or

(c) Has any indication of its provisions which is misleading; or

(d) Is printed or otherwise reproduced in such manner as to render any provision of the form substantially illegible.

(4) In any order of disapproval the Commissioner shall state the particulars of the grounds for disapproval.

SECTION 778. CHARGES AND RATES.—(1) Subscription rates, fees, and payments to be charged by a service corporation to or on account of its subscribers shall not be excessive, inadequate, or unfairly discriminatory; and rates of payments to be made to participant physicians and participant hospitals for services rendered under a subscriber’s contract, shall be fair and reasonable.

(2) The service corporation shall, before use, file with the Commissioner a schedule of subscription rates, fees, or payments of any kind to be charged subscribers; and shall likewise so file before use every proposed change or modification in such rates, fees, or payments.

(3) If the subscriber’s contracts to be issued by the service corporation provide for indemnity benefits, where permitted under this chapter, the service corporation shall include in the rate, fee, or payment required of the subscriber an adequate additional charge for such indemnity benefit, and shall separately set forth the amount of such additional charge in the schedule filed with the Commissioner.
SECTION 779. RESERVES. — (1) In addition to the surplus fund provided for in section 780, every service corporation shall establish and maintain unimpaired reserves as follows:

(a) Due obligations. A reserve in an amount not less than all legal obligations of the corporation, other than claims originating under subscriber's contracts, due but unpaid;

(b) Incurred losses. A reserve equal to not less than the amount necessary by reasonable estimate to pay all claims incurred under subscriber's contracts but currently unpaid, and including a reasonable additional amount to cover claims incurred but not reported to the corporation at the time of determination of the corporation's financial condition; but subject, as to amounts payable to participant physicians or participant hospitals, to the right of the service corporation to prorate such amounts in accordance with the provisions of the service agreement;

(c) Unearned indemnity charges. A reserve equal to fifty percent (50%) of all sums charged and received by the corporation during the calendar period covered by the financial statement, on account of indemnity benefits provided in subscriber's contracts for terms for which premium was last paid and unexpired at the date of the financial statement; and

(d) Deferred service benefits. A reserve in an amount reasonably adequate to offset the additional cost thereafter to be incurred on account of deferred maternity benefits and similar deferred service benefits, such reserve to be set aside out of charges currently received on account of subscriber's contracts providing for such deferred benefits.

(2) The reserves required under subsection (1) above, shall constitute a liability of the corporation in any determination of its financial condition.

SECTION 780. SURPLUS FUND. — (1) Every service corporation shall set aside into a "surplus fund" an amount of money equal to not less than two percent (2%) of all sums hereafter received by it on account of subscriber's contracts, until such surplus fund amounts to not less than fifty thousand dollars ($50,000) if a medical service corporation or hospital service corporation, or one hundred thousand dollars ($100,000) if a combination medical-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 781. INVESTMENTS. — (1) A service corporation shall invest and have invested its funds in the following investments only:

(a) Cash on deposit or in savings accounts in banks or trust companies in this state;

(b) Deposits in or shares of such savings and loan associations as are insured by an instrumentality of the United States government, and not in excess of the amount of such insurance in any one such institution; and

(c) Public obligations, as provided under section 144 (public obligations).

(d) Corporate obligations, as provided under section 148 (corporate obligations).

(e) Real estate for use as a home office, at a cost not exceeding ten percent (10%) of the corporation's assets at the time of investment, unless a larger amount has been approved by the Commissioner.

(2) The following sections shall likewise apply as to the investments of service corporations, to the extent so applicable, and for the purposes of such application a service corporation shall be deemed to be an "insurer":

(a) Section 139 (eligible investments);
(b) Section 140 (general qualifications);  
(c) Section 141 (authorization of investments);  
(d) Section 142 (record of investments);  
(e) Section 143(1) (diversification of investments — one person);  
(f) Section 166 (time limit for disposal of real estate);  
and  
(g) Section 167 (disposal of ineligible property and securities).

**SECTION 782. RECORDS AND ACCOUNTS. — (1)** Every service corporation shall establish and maintain complete and accurate records and accounts covering its transactions and affairs, in accordance with common and accepted principles and practices of insurance accounting and record-keeping as applied to the business of the corporation.

(2) Among other records, the corporation shall establish a separate record of each claim received for benefits under a subscriber's contract, whether such claim is for service or for indemnity. Such claim record shall contain such information as is reasonably necessary for determination of:

(a) The identity of the claimant;  
(b) The nature of the claim;  
(c) The probable amount to be paid by the corporation on account of the claim;  
(d) Amounts actually paid by the corporation on account of the claim.

**SECTION 783. ANNUAL STATEMENT. — (1)** Each service corporation shall annually on or before the first day of March file with the Commissioner a statement of its financial condition as at the December 31 next preceding. The statement shall be in form, and provide for such information relative to the corporation's affairs, as the Commissioner shall prescribe consistent with this chapter. The statement shall be verified under oath by at least two (2) of the corporation's principal administrative officers.

(2) At time of filing the statement, the corporation shall pay the fee therefor as specified in section 791 (fee schedule).
SECTION 784. EXAMINATION. — Every service corporation shall be subject to examination by the Commissioner, with the same rights and powers and in the same manner as is provided in this code for the examination of insurers; and for the purposes thereof the following sections of this code shall, to the extent so applicable, apply as to such a corporation, which, for the purpose of such application shall be deemed to be an "insurer":

(1) Section 36 (examination of insurers);
(2) Section 37 (examination of agents, managers, adjusters, promoters);
(3) Section 38 (place of examination);
(4) Section 40 (conduct of examination — access to records — correction of accounts — removal of records);
(5) Section 41 (examination — appraisal of assets);
(6) Section 42 (obstruction of examination — penalty);
(7) Section 43 (examiners — qualifications);
(8) Section 44 (examination report);
(9) Section 45 (examination expense);
(10) Section 46 (witnesses and evidence); and
(11) Section 47 (testimony compelled — immunity from prosecution).

SECTION 785. TAXATION — Except as to the fees provided for in section 791 (fee schedule), the funds and assets of every service corporation are exempt from all state, county and municipal taxes, other than payroll taxes and taxes on real estate and office furniture and equipment.

SECTION 786. JOINT OPERATIONS. — (1) A hospital service corporation and a medical 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 787. Combined Corporation. — (1) A service corporation may be formed as, or may by suitable amendment of its articles of incorporation become, a combined medical service and hospital service corporation. As to its medical services each such combined service corporation shall fully comply with those provisions of this chapter especially applicable as to medical 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 services and hospital services.

Section 788. 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, 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 as may so contract, as referred to in subsection (2) above, for the purpose and to the extent only of the collection of monies from the employers, the payment of claims therefrom to the hospitals or physicians, the keeping of such records as may be necessarily related thereto, and the rendering of reports to the hospitals or physicians and the Idaho Industrial Accident Board. The service corporation shall charge and receive payment of reasonable compensation for such services.

(4) A 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 respon-
sible 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, and shall not commingle them with the funds of the service corporation.

SECTION 789. 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 or hospitals 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 780, 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 or participant hospitals 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 790. FIDELITY BOND. — Every service corporation shall procure and maintain in force a fidelity bond or bonds, with authorized corporate surety, covering every officer or employee entrusted with the handling of its funds, in such amount, but not less than five thousand dollars ($5,000), as may be fixed by its board of directors.

SECTION 791. FEE SCHEDULE. — (1) Every service corporation shall pay to the Commissioner fees in advance as follows:
(a) For filing application for initial certificate of authority by newly formed corporation, or after expiration or revocation of previous certificate of authority ................................................................. $25.00

(b) Issuance of initial certificate of authority, or each annual continuation or renewal thereof .................. 25.00

(c) Filing and certifying articles of incorporation 10.00

(d) Filing and certifying amendments to articles of incorporation ...................................................... 5.00

(e) Filing bylaws and amendments thereto ............ 5.00

(f) Filing annual statement of financial condition 10.00

(g) For affixing seal and certifying documents other than the certificate hereinabove provided for .... 1.00

(h) For each copy of a document filed in his office, per each folio of one hundred (100) words ............ .20

(2) The Commissioner shall transmit and account for all fees received by him hereunder, as provided in section 109 (deposit, report of fees, licenses, taxes).

SECTION 792. OTHER PROVISIONS APPLICABLE. — In addition to those contained or referred to heretofore in this chapter, the following chapters and provisions of this code shall also apply with respect to service corporations to the extent applicable and not in conflict with the express provisions of this chapter and the reasonable implications of such express provisions, and for the purposes of such application such corporations shall be deemed to be mutual "insurers":

(1) Chapter 1 (scope of code);

(2) Chapter 2 (the Commissioner of Insurance);

(3) Section 71(2) (general eligibility for certificate of authority — competence, affiliations of management);

(4) Section 122 ("assets" defined);

(5) Section 124 (assets not allowed);

(6) Section 125 (disallowance of "wash" transactions);

(7) Section 134 (valuation of bonds);
(8) Section 168 (prohibited investments and investment underwriting);
(9) Chapter 13 (trade practices and frauds);
(10) Section 608 (vouchers for expenditures);
(11) Section 609 (borrowed surplus);
(12) Sections 625 (mergers and consolidations, mutual insurers), 626 (bulk reinsurance, mutual insurers), and 627 (mutual member's share of assets on liquidation);
(13) Chapter 33 (rehabilitation and liquidation); and
(14) Chapter 36 (transitory provisions).

SECTION 793. COMMISSIONER TO PROCURE INSURANCE. — (1) Whenever any insurance is to be procured, placed, canceled or renewed on or with respect to any property or liability of the State of Idaho or of any of its departments, boards, agencies or institutions, and the premiums on which are payable from funds of the state, the same shall be so procured, placed, canceled or renewed by the Commissioner.

(2) The officer, department, board, agency, or institution having jurisdiction or control of any such property, or direct concern as to such liability, to be insured shall deliver requisition for the insurance to the Commissioner, and the Commissioner shall promptly procure the same from authorized insurers, or as a surplus line under chapter 12 of this code, on such basis as he may reasonably deem proper.

(3) If any such insurance is thereafter to be canceled, modified, or renewed, the officer, department, board, agency, or institution concerned shall deliver requisition for the same to the Commissioner, and the Commissioner shall promptly attend to such cancellation, modification, or renewal.

SECTION 794. PROCUREMENT OF OFFICIAL BONDS. — (1) Whenever any official surety bond is to be procured, placed, canceled or renewed with respect to any officer (other than an elected constitutional officer), agent or employee of the State of Idaho, or any of its departments, boards, agencies, or institutions, required by law or regulation to give surety bond and the premiums on which are payable from funds of the state, the same shall be so procured, placed, canceled or renewed by the Commissioner.
(2) The officer (other than elected constitutional officer), agent, or employee required by law or regulation to give such surety bond shall make application therefor to the Commissioner, and the Commissioner shall procure the same from authorized insurers, or as a surplus line under chapter 12 of this code, on such basis as he may reasonably deem proper.

(3) If any such bond is thereafter to be canceled, modified or renewed, the officer (other than elected constitutional officer), agent, or employee involved, or the official having jurisdiction of such agent or employee, shall request the same in writing delivered to the Commissioner, and the Commissioner shall promptly attend to such cancellation, modification, or renewal.

SECTION 795. PAYMENT OF PREMIUMS. — Premiums on insurance policies referred to in section 793 and on surety bonds referred to in section 794 shall be paid from funds appropriated or available for the officer, department, board, agency, or institution for which the same is procured, on claims made by the Commissioner accompanied by the requisition of the officer or head of the department, board, agency, or institution, requiring any such insurance or bond.

SECTION 796. LIABILITY INSURANCE POLICIES — SPECIAL ENDORSEMENT. — On all liability policies purchased by or sold to the State of Idaho, any agency, department or institution thereof, or any other political subdivision of the State of Idaho, including municipalities or specially chartered subdivisions, and all political subdivisions organized under the general laws of the State of Idaho and exercising sovereign powers, or any policy of liability insurance purchased by the Commissioner for any department, board, agency or institution of the State of Idaho, or other sovereign subdivision of the state, or which shall protect the State of Idaho, any department, board, agency, or institution thereof, or any other political subdivision of the State of Idaho, including municipalities or specially chartered subdivisions or any of their officers, agents and servants against liability for tort claims, shall have an endorsement attached thereto, which shall read as follows: "It is agreed that in the event of a claim or suit arising under this policy, the company will not deny liability because of any legal exemption to which the named insured may be entitled by reason of it being a sovereign state or department of a State Government or any political subdivision thereof, including municipalities and specially chartered subdivisions."
SECTION 797. LIMITED WAIVER OF DEFENSE OF SOVEREIGN IMMUNITY. — Immunity of the State of Idaho, any department, board, agency, or institution thereof, or any other political subdivision of the State of Idaho, including municipalities or specially chartered subdivisions, against liability for damages, is hereby waived to the extent of the liability insurance carried by the State of Idaho, any department, board, agency or institution thereof, or any other political subdivision, including municipalities or specially chartered subdivisions, in actions for damages. No attempt shall be made in the trial of any action brought against the State of Idaho, any department, board, agency, or institution thereof, or any other political subdivision of the State of Idaho, including municipalities or specially chartered subdivisions, 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 the verdict exceeds the limit of the applicable insurance, the court shall reduce the amount of said judgment or award to a sum equal to the applicable limit stated in the insurance policy.

SECTION 798. PURCHASE OF LIABILITY INSURANCE NOT REQUIRED. — Nothing contained in sections 796 and 797 shall be construed to require the State of Idaho, or any department, board, agency, or institution thereof, or any other political subdivision, including municipalities or specially chartered subdivisions, to purchase policies of liability insurance.

SECTION 799. EXISTING CERTIFICATES OF AUTHORITY, CONTINUATION. — Every certificate of authority of an insurer in force immediately prior to the effective date of this code and existing under any law herein repealed shall be valid until midnight of the March 31 next following such effective date, unless earlier terminated in accordance with this code. Such certificate of authority upon first renewal under this code shall be replaced by a certificate of authority in form as consistent with this code, and shall thereafter be subject to continuance, suspension, revocation, or termination as though originally issued under this code.

SECTION 800. EXISTING LICENSES, CONTINUATION. — Every license of an agent, broker, or adjuster in force immediately prior to the effective date of this code and existing under any law herein repealed shall be valid until midnight of the March 31 next following such effective date, unless earlier suspended, revoked, or terminated in accord-
ance with this code. The respective such licenses upon first renewal under this code shall be replaced by a license in form consistent with this code, and shall thereafter be subject to continuation, suspension, revocation, or termination as though originally issued under this code.

SECTION 801. EXISTING FORMS AND FILINGS. — Every form of insurance document and every rate or other filing lawfully in use immediately prior to the effective date of this code may continue to be so used or be effective until the Commissioner otherwise prescribes pursuant to this code; except, that before expiration of one (1) year from and after such effective date neither this code nor the Commissioner shall prohibit the use of any such document, rate, or filing because of any power, prohibition, or requirement contained in this code which did not exist under laws in force immediately prior to such effective date.

SECTION 802. DEPARTMENT, COMMISSIONER’S TENURE PRESERVED. — Continuation by this code of the Department of Insurance and the office of Commissioner of Insurance, existing under any law repealed herein, preserves such department and the tenure of the individual holding such office at the effective date of this code.

SECTION 803. CONTINUATION OF DEPOSITS. — Any deposit made in this state under any law repealed herein, with or through the Department of Insurance or the Commissioner or the State Treasurer, by any insurer in compliance with a condition precedent to or in connection with its certificate of authority to transact insurance in this state, and so on deposit immediately prior to the effective date of this code, shall be given full recognition as fulfillment, to the extent of such deposit, of any deposit so required for similar purposes under this code. The deposit shall hereafter be held for the purpose applicable thereto as specified in this code, and shall be subject in all respects to the provisions of this code applicable to similar deposits newly made under this code.

SECTION 804. “CHAPTER” DEFINED. — As used in this code and except as otherwise required by context, “chapter” means a particular numbered chapter of this code as indicated by context.

SECTION 805. APPLICABILITY OF CODE UNDER UNREPEALED LAWS. — Any laws of Idaho, other than this code, remaining in force after the effective date of this code which refer to certain provisions of law repealed under
section 809 of this Act, shall be deemed to refer to those provisions of this code which are in substance the same or substantially the same as such repealed provisions.

SECTION 806. SAVING CLAUSE. — This Act shall not impair or affect any act done, offense committed or right accruing, 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 and to the same extent as if this Act had not been passed.

SECTION 807. CONSTITUTIONALITY AND SEPARABILITY. — If any section, subsection, subdivision, paragraph, sentence, part or provision of this Act shall be found to be invalid or ineffective by any 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 808. EFFECTIVE DATE. — Except as otherwise expressly provided the respective provisions of this Act, and this code, shall be in full force and effect on and after January 1, 1962.

SECTION 809. REPEALS. — (1) Chapters 1 through 14, inclusive, chapters 16 through 30, inclusive, and chapters 32 through 40, inclusive, all of Title 41, Idaho Code, shall be and the same are hereby repealed.

(2) Sections 41-1501 through 41-1507, inclusive, and sections 41-1514 through 41-1521, inclusive, Idaho Code, shall be and the same are hereby repealed.

To become a law without the Governor's approval.

CHAPTER 331
(S. B. No. 245)

AN ACT
AMENDING SECTION 33-1005, IDAHO CODE, AS AMENDED, BY DELETING REFERENCE TO ELEMENTARY AND SECOND-
ARY CLASSROOM UNITS; BY SUBSTITUTING "FOUNDATION PROGRAM" FOR MINIMUM EDUCATIONAL PROGRAM AND MINIMUM TRANSPORTATION PROGRAM; REDESIGNATING CERTAIN SUBSECTIONS; ADDING DEFINITION OF AVERAGE DAILY ATTENDANCE AND DEFINITION OF MINIMUM LEVY; AMENDING SECTION 33-1006, IDAHO CODE, AS AMENDED, CHANGING PROCEDURE FOR COMPUTING ELEMENTARY CLASSROOM UNITS; AMENDING SECTION 33-1006 (I), IDAHO CODE, AS AMENDED; CHANGING PROCEDURE FOR COMPUTING SECONDARY CLASSROOM UNITS AND DESIGNATING IT AS SECTION 33-1006 (a); AMENDING SECTION 33-1006 (II), IDAHO CODE, STATING METHOD OF COMPUTING WEIGHTED CLASSROOM UNITS AND DESIGNATING IT AS SECTION 33-1006 (b); REPEALING SECTION 33-1006 (III), IDAHO CODE; AMENDING SECTION 33-1006 (IV), IDAHO CODE, TO CLARIFY THE WORDING THEREOF AND DESIGNATING IT AS SECTION 33-1006 (c); AMENDING SECTION 33-1006 (V), IDAHO CODE, TO INCLUDE WEIGHTED CLASSROOM UNITS AND DESIGNATING IT AS SECTION 33-1006 (d); DESIGNATING SECTION 33-1006 (VI), IDAHO CODE, AS SECTION 33-1006 (e); REPEALING SECTION 33-1006 (VII), IDAHO CODE, AS AMENDED; AMENDING SECTION 33-1006 (VIII), IDAHO CODE, AS AMENDED, TO CLARIFY THE WORDING THEREOF AND DESIGNATING IT AS SECTION 33-1006 (f); AMENDING SECTION 33-1007, IDAHO CODE, AS AMENDED, TO CHANGE THE TITLE; STATING THE METHOD OF COMPUTATION FOR THE FOUNDATION EDUCATION PROGRAM; AMENDING SECTION 33-1008, IDAHO CODE, AS AMENDED, TO CHANGE THE TITLE; STATING THE METHOD OF COMPUTATION FOR THE FOUNDATION TRANSPORTATION PROGRAM; AMENDING SECTION 33-1011, IDAHO CODE, AS AMENDED, TO STATE THE METHOD OF APPORTIONMENT OF FUNDS TO COUNTIES AND SCHOOL DISTRICTS; AMENDING SECTION 33-1013, IDAHO CODE, AS AMENDED, TO CLARIFY THE WORDING THEREOF AND DESIGNATING THE COUNTY OFFICIALS MAKING DISBURSEMENTS; REMOVING ALL REFERENCE TO COUNTY SUPERINTENDENT; LIMITING THE TIME OF CORRECTION OF APPORTIONMENTS TO THREE YEARS; AMENDING SECTION 33-412, IDAHO CODE, TO CONFORM TO OTHER AMENDMENTS INCLUDED IN THIS ACT.

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

SECTION 1. That Section 33-1005, Idaho Code, as amended, be, and the same is hereby amended to read as follows:
33-1005. DEFINITIONS.—The following words and phrases as used in this chapter shall have the following meanings, unless a different meaning is plainly required by the context:

(a) ** ** ** The term "foundation program" as used herein shall mean the foundation educational program as provided in Section 33-1007, Idaho Code, as amended, together with the foundation transportation program as provided in Section 33-1008, Idaho Code, as amended.

* * *

(*b) "Teacher" shall mean each person employed in a teaching, instructional, supervisory, educational administrative, or educational and scientific research capacity, in any school district of Idaho. In any case of doubt the state board of education shall determine whether any person is a teacher as defined herein and its determination shall be conclusive.

(*c) "Public school district" or "school district" or "district" shall mean any public school district organized under the laws of Idaho, including special charter public school districts.

(*d) "School" shall mean a group comprising more than one school building, or a separate school building, or a unit of several grades in any one building, or a unit of several grades in more than one building, whenever such unit is the basis for computing classroom units according to the provisions of Sections 33-1006 through 33-1007 as amended.

(e) ** ** ** "Average daily attendance" shall be determined by dividing the total days of attendance of pupils enrolled by the number of days school was in session; provided average daily attendance for the purpose of computing the number of classroom units may be determined by using the average daily attendance for the twenty-eight weeks, not necessarily consecutive, of highest attendance during the school year.

(f) "Minimum school district levy" for computation of the foundation program shall be fifteen (15) mills or so much thereof as is required to furnish the foundation program without regard to provisions of any other section of the Idaho Code.

SECTION 2. That Section 33-1006, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

33-1006. CLASSROOM UNITS — ELEMENTARY. —
Elementary classroom units shall be allotted to each high school operating district on the basis of the average daily attendance of pupils receiving instruction in grades one through six; and to each non-high school operating district on the basis of the average daily attendance of pupils receiving instruction in grades one through eight. Except as hereinafter provided, elementary classroom units shall be determined for each school district in accordance with the following schedule:

For a school with more than five but not more than thirty-two pupils in average daily attendance, the average daily attendance shall be divided by 16; provided that no school with more than five pupils in average daily attendance shall be allotted less than one classroom unit. For schools with more than thirty-two pupils in average daily attendance, the number of classroom units shall be determined by the following table:

<table>
<thead>
<tr>
<th>Average Daily Attendance</th>
<th>Divisor</th>
<th>Minimum and Maximum Classroom Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>33 through 72</td>
<td>18</td>
<td>2 - 4</td>
</tr>
<tr>
<td>73 through 120</td>
<td>20</td>
<td>4 - 6</td>
</tr>
<tr>
<td>121 through 176</td>
<td>22</td>
<td>6 - 8</td>
</tr>
<tr>
<td>177 through 240</td>
<td>24</td>
<td>8 - 10</td>
</tr>
<tr>
<td>241 through 350</td>
<td>25</td>
<td>10 - 14</td>
</tr>
<tr>
<td>351 through 468</td>
<td>26</td>
<td>14 - 18</td>
</tr>
<tr>
<td>469 and up</td>
<td>27</td>
<td>18 - up</td>
</tr>
</tbody>
</table>

Provided, any elementary school which is situate more than ten miles by all-weather road from any other elementary school in the school district shall be allotted classroom units as though it were the only school in the school district.

Provided, further, if there are less than 10 pupils in average daily attendance, no classroom unit nor any portion thereof shall be allowed unless the school has been approved by the state board of education, and such approval shall not be given if such school had an average daily attendance of five pupils, or less, for six consecutive months during the preceding school year.

SECTION 3. That Section 33-1006 (I), Idaho Code, as amended, be, and the same is hereby amended to read as follows:

33-1006 (*A). CLASSROOM UNITS—SECONDARY. — Secondary classroom units shall be allotted to
each public school district on the basis of the average daily attendance of pupils receiving instruction in grades *seven* through twelve in the district during the preceding school year ***. Except as hereinafter provided, **secondary** classroom units for each district shall be determined in accordance with the following schedule: **

If there are more than eight but not more than fifty-two pupils in average daily attendance, the average daily attendance shall be divided by thirteen; provided that no district shall be allotted less than four secondary classroom units if such district employs four teachers offering instruction in secondary school subjects. For schools with more than fifty-two pupils in average daily attendance, the number of classroom units shall be determined in accordance with the following table:

<table>
<thead>
<tr>
<th>Average Daily Attendance</th>
<th>Divisor</th>
<th>Minimum and Maximum Classroom Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>53 through 90</td>
<td>15</td>
<td>4 - 6</td>
</tr>
<tr>
<td>91 through 136</td>
<td>17</td>
<td>6 - 8</td>
</tr>
<tr>
<td>137 through 180</td>
<td>18</td>
<td>8 - 10</td>
</tr>
<tr>
<td>181 through 228</td>
<td>19</td>
<td>10 - 12</td>
</tr>
<tr>
<td>229 through 280</td>
<td>20</td>
<td>12 - 14</td>
</tr>
<tr>
<td>281 and up</td>
<td>21</td>
<td>14 - up</td>
</tr>
</tbody>
</table>

Provided that a secondary school which is situate more than fifteen miles by all-weather road from any other secondary school operated by the district shall have classroom units allotted as though it were the only school operated by the district.

SECTION 4. That Section 33-1006 (II), Idaho Code, be, and the same is hereby amended to read as follows:

33-1006 (*B). **WEIGHTED CLASSROOM UNITS.** — The total of the classroom units determined under procedures heretofore outlined shall be weighted by multiplying such total by an index which shall be the average value of training and experience for all teachers employed by the district in accordance with the following table:

<table>
<thead>
<tr>
<th>Year of Service</th>
<th>2 years</th>
<th>3 years</th>
<th>4 years</th>
<th>5 years</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>.72</td>
<td>.86</td>
<td>1.00</td>
<td>1.09</td>
</tr>
<tr>
<td>2</td>
<td>.75</td>
<td>.90</td>
<td>1.04</td>
<td>1.13</td>
</tr>
<tr>
<td>3</td>
<td>.78</td>
<td>.94</td>
<td>1.08</td>
<td>1.17</td>
</tr>
<tr>
<td>4</td>
<td>.81</td>
<td>.98</td>
<td>1.12</td>
<td>1.21</td>
</tr>
</tbody>
</table>
Provided, further, that in computing its foundation program no district, shall, except under the provisions of Section 33-1006 (F), claim more classroom units than the number of teachers actually employed. And provided further that the number of computed classroom units shall be reduced by the number of uncertified teachers employed.

SECTION 5. That Section 33-1006 (III), Idaho Code, be, and the same is hereby repealed.

SECTION 6. That Section 33-1006 (IV), Idaho Code, be, and the same is hereby amended to read as follows:

33-1006 (*C). CLASSROOM UNITS — NEW DISTRICT FORMED BY DIVISION OF ORGANIZED DISTRICT. — In a new district formed by the division of an organized district, the elementary weighted classroom units shall be allotted to such new district for the first year of operation in the proportion that elementary pupils in average daily attendance resident in such new district bore to the total elementary average daily attendance in the district divided during the preceding school year. Secondary weighted classroom units shall be computed in like manner on secondary school data. Elementary and secondary average daily attendance shall here be interpreted on the basis of whether pupils are computed in elementary or secondary classroom units in the district divided.

SECTION 7. That Section 33-1006 (V), Idaho Code, be, and the same is hereby amended to read as follows:

33-1006 (*D). CLASSROOM UNITS — DISTRICT FORMED BY THE CONSOLIDATION OF DISTRICTS. — In a new district formed by the consolidation of districts, or parts thereof, the weighted classroom units for the first year of operation shall be computed as the combined weighted classroom units in such districts, or parts thereof, during the preceding school year, and the computation of
parts of district shall be determined as provided in Section 33-1006 ***(C).***

SECTION 8. That Section 33-1006 (VI), Idaho Code, as amended, be, and the same is hereby amended to read as follows:

33-1006 (*E). CLASSROOM UNITS — THE UNITED STATES PARTICIPATING. — In a district in which the United States of America is assuming the full cost of maintenance and operation for any number of pupils, the number of classroom units to be allowed shall be computed on the average daily attendance exclusive of such pupils. In a district in which the United States of America is assuming only the difference between the cost of maintenance and operation or any portion thereof and the * * * foundation program for any number of pupils, classroom units shall be computed on the total average daily attendance. This section shall not be construed to amend Sections 33-416 to 33-420, inclusive, nor in any way to alter or affect the apportionment of funds as provided therein.

SECTION 9. That Section 33-1006 (VII), Idaho Code, as amended, be, and the same is hereby repealed.

SECTION 10. That Section 33-1006 (VIII), Idaho Code, as amended, be, and the same is hereby amended to read as follows:

33-1006 (*F). CLASSROOM UNITS — INCREASE IN ENROLLMENT. — Whenever any school district shall have experienced an increase in the number of classroom units, such increase to be determined by comparison of the last three annual reports and in each case computed on the same basis and the average of such increase is one classroom unit or more, then the district shall be allowed additional classroom units which shall be weighted as provided in Section 33-1006 (B), Idaho Code, in its * foundation program to a number equal to such weighted average increase.

SECTION 11. That Section 33-1007, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

33-1007. * FOUNDATION EDUCATIONAL PROGRAM. — * * * The foundation educational program for each school district shall be the total number of its weighted classroom multiplied by $3.825; provided further that no school district shall receive less state and county moneys
for the 1961-62 and the 1962-63 school years than it did for the 1960-61 school year.

SECTION 12. That Section 33-1008, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

33-1008. *FOUNDATION TRANSPORTATION PROGRAM. — ** The foundation transportation program for each district shall be based upon the cost of transporting pupils not less than one and one-half miles to school * ; and shall be computed as ninety per cent of the difference between the allowable costs as determined by regulations established by the state board of education and the computed proceeds of a one mill tax upon the adjusted assessed valuation of the district for the year next preceding. Provided, this * foundation transportation program shall be construed to include the anticipated number of pupils to be so transported in a new district whose boundaries have been extended, and which districts as newly organized districts are operating for the first time in the year when the transportation allowances authorized are apportioned and paid.

If in the opinion of the board of trustees of a school district, road or other physical or climatic conditions, or the age or health of a pupil warrant it, foundation program allowances may be made for transporting pupils less than one and one-half miles each way, and in addition pupils may be transported to and from certain * school activities * with the approval of the state board of education. The state board of education may make necessary regulations under this provision * to carry it into effect.

* The state board of education shall determine what costs of transporting pupils, including maintenance and depreciation of equipment, operation of equipment including salaries of drivers, insurance, and all other costs * shall be the basis for computing the * foundation transportation program allowance of the school districts. Each school district shall keep such records and make such reports concerning transportation as shall be required by the state board of education.

The * foundation transportation program allowance to any school district shall ** not exceed $10 per month per transported child **.
amended, be, and the same is hereby amended to read as follows:

33-1011. APPORTIONMENT OF SCHOOL FUNDS TO COUNTIES. — * * Moneys which shall be received in the public school income fund up to the fifteenth day of January, April, July, and October, respectively, of each year, shall be distributed during said months, respectively, in each year among the several counties of the state from which reports have been received by the state board of education, as provided in this chapter, such distribution to be as follows:

(a) Annually on July 15th, irrespective of whether such reports have yet been received by the state board of education, the state board of education shall compute * * * the ratio the moneys in the public school income fund bears to forty per cent of the total apportionments from such funds for the preceding year, and shall apportion to each county said ratio of the apportionments to such county for the preceding year, but in no case shall any county receive an amount in excess of said forty per cent.

(b) Annually, * * * and not later than the second Monday in September, the state board of education shall compute for school district apportionments * to each county the amount of money an 8-mill tax on each dollar of adjusted assessed valuation of such county would provide, together with other receipts required by law to be made a part of the county school fund, any balance remaining in the county school fund unapportioned for the preceding school year, any deficit in the county school fund by reason of overdrafts or insufficient funds to make the full apportionment for the preceding year, the estimated proceeds from the minimum school district levies, and shall * determine the estimated total of receipts from these sources * * *.

In computing the proceeds of the county school tax, as herein provided, and in applying such proceeds to the requirements of the foundation program of school districts, the state board of education shall apply the total of such proceeds against the foundation program requirements of the school districts for which such county is the home county, irrespective of whether any such districts may be joint districts with other counties, or whether districts with other home counties have territory in such county.

To the total thus obtained the said board shall add an amount sufficient, when combined with such total, to provide for each school district in such county the ** foundation
program for each such district, but the total amount due any county as thus ascertained shall be considered to be not less than ten thousand dollars ($10,000); and from the public school income fund, quarterly as required by this chapter, the said board shall apportion for each such school district, such added amount, and no more, to said county from moneys available in the public school income fund. Provided, that in such apportionments to the several counties the state board of education shall take into account any advances made to counties under subsection (a) of this section. Provided, no apportionment shall be made to any county which fails to make the levy required by law to provide its share of the foundation program; and provided, further, that should the annual report of any district show that it had claimed additional classroom units as provided in Section 33-1006 (F), and had not in fact employed additional teachers in number equal to or greater than the additional claimed classroom units the state board of education shall proportionately reduce the apportionments on behalf of such district. The state board of education shall certify all apportionments to the state auditor, who shall forthwith present the same to the state board of examiners for approval; the state board of examiners shall give such apportionments immediate consideration, and upon its approval, the state auditor shall draw his warrant in favor of the county treasurer of each county for the amount due such county. The county treasurer shall credit the money to the county school fund.

Provided, if for any school year, the amount of money available in the public school income fund exceeds the amount of the estimate made by the state board of education as provided by law, for all apportionments in this section provided, the said board shall apportion only the amount of the estimate, and any balance remaining shall be retained in the public school income fund, and shall be available for apportionment and shall be considered a part of the required apportionment for the next school year. And provided, further, that if for any school year the amount available in the public school income fund is insufficient to make the apportionments provided in this section, there shall be apportioned to each county hereunder the same percentage of the funds available for apportionment as it would have been entitled to receive of the whole, had sufficient funds been available in the public school income fund. If the amount available is less than the estimate made
by the state board of education, the amount of such deficit shall be added to the amount required for apportionment from the public school income fund for the next school year, but such deficit amount shall be apportioned as a balance due from the preceding year, and shall not be considered in computing county school levies. Provided, however, that if such deficit be occasioned by failure of the legislature to appropriate to the public school income fund such amount as certified by the state board of education to be required to be so appropriated, or as may be additionally required by amendments made to this chapter by any session of the legislature, then such deficit shall be considered in computing county levies.

Any apportionments made to counties in any year, which may, within the succeeding three-year period, be found to be in error either in computation or transmittal, may be corrected within such three-year period by reduction of apportionment to any county to which over-apportionment may have been made and corresponding additions to apportionments to any county to which under-apportionments may have been made.

For the purposes of this section, no school term shall be considered to exceed nine school months. Apportionments provided for herein shall become operative for the school year *1961-1962.*

SECTION 14. That Section 33-1013, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

33-1013. APPORTIONMENTS BY COUNTY *AUDITOR.* — The county *auditor* shall require from the county treasurer quarterly each year a report of the amount of money on hand to the credit of the county school fund of his county, not already apportioned. The county *auditor* may require said information of the county treasurer upon other occasions when such information is deemed to be desirable, and the county treasurer shall furnish such report when required. The county *auditor*, upon receiving such report, shall immediately proceed to apportion the public school moneys, both county and state, in the county school fund ***among the several school districts***. The apportionment among the several school districts shall be in the following manner, towit:

*The county auditor* shall apportion to every school district in the county for which his county is the home county,
an amount sufficient, when added to the computed yield of
the minimum district levy, to provide the foundation
program: provided, that for new districts formed by the
consolidation of existing districts, or new districts formed
by the division of an organized district, and border
districts operating under the provisions of Section 33-402,
Idaho Code, the number of months for which such appor-
tionments shall be made shall be computed as provided in
subdivisions (a), (b), (c) and (d), respectively, of Section
63-906; but the amount of money due any school district, as
thus ascertained, shall be considered to be not less than fifty
dollars ($50). Provided, however, in the event there should
be insufficient funds in the county school fund to make the
full apportionment to each district, as in this section provid-
ed, there shall be apportioned to the several districts the
same percentages of the funds which are available for appor-
tionment as they would severally have been entitled to re-
ceive of the whole, had sufficient funds been available in
the county school fund.

Provided, further, no apportionment of moneys from the
county school fund for the foundation program for any
school district, shall be made to any district whose school
was in session for less than seven months during the pre-
ceding year, nor to any district for more than the actual
number of months its school was in session during the pre-
ceding year within the meaning of Section 63-906, except
under the provisions of Section 33-1016 for both immediately
preceding cases; nor to any district for more than a nine-
month term, nor to any district in which the average daily
attendance for the preceding year was less than that re-
quired by law for the operation of schools in such district,
nor to any district which has not made the minimum
levy, nor to any district which has neglected or refused to
make such reports as are required by law.

Provided, further, that if, in any school year the amount
of money in the county school fund exceeds that required
to carry out the provisions of this section, such excess shall
be retained in the county school fund and shall be available
in such fund for the next school year and if the amount
in the county school fund for apportionment for the founda-
tion program is insufficient by reason of overestimates
theretofore made by the state board of education, the
amount of such deficit shall be included in the requirements
for state and county school funds for the next school year,
and then shall be apportioned as a balance due to the districts
for the preceding school year. *Such balances and deficits, together with apportionments of state and county funds to school districts, shall be reported to the state board of education.*

Provided, that any apportionments made to school districts within any school year, which may within the succeeding three-year period be found to be in error either in computing or transmittal, may be corrected within such three-year period by reduction of apportionments to any district to which over-apportionments may have been made and corresponding addition to the apportionments to any district to which under-apportionments may have been made.

SECTION 15. That Section 33-1016, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

33-1016. **EMERGENCY CLOSINGS.** — **In the event that any school is prevented from operating because of flood, storm, failure of the heating plant, loss of or damage to school building, quarantine, or closure by any health agency of the city, county or state, or for reasons deemed by the board of trustees to be in the interests of the health or welfare of the pupils of such schools, it shall be considered to be, and shall be counted as being, in session, under the provisions of this chapter, while such emergency exists, and the average daily attendance for such period shall be computed to be the same as for the time said school was actually in session during such school year, and the existence and duration of such emergency condition shall be certified by resolution of the board of trustees of the school district involved, and forwarded to the state board of education, and thereupon such school district shall not be penalized in the distribution to it of school funds by reason of such emergency closing of such school.

SECTION 16. That Section 33-412, Idaho Code, be, and the same is hereby amended to read as follows:

33-412. **JOINT SCHOOL DISTRICTS — PROCEDURES.** — In the case of the joint school districts, the assessing of property, the levying and collection of school district taxes, and the maintenance of accounts by the county auditor and county treasurer shall be kept and done and the report thereof made as if each portion of said district were a separate district in the respective counties.

To become a law without the Governor's approval.
CONSTITUTIONAL AMENDMENTS

To be Submitted for Vote at General Election
November 6, 1962

(S. J. R. No. 1)

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF IDAHO BY AMENDING SECTION 3 OF ARTICLE VI OF THE CONSTITUTION OF THE STATE OF IDAHO RELATING TO DISQUALIFICATION OF CERTAIN PERSONS TO VOTE, SERVE AS JURORS, OR HOLD ANY CIVIL OFFICE, TO ELIMINATE THE DISQUALIFICATION APPLYING TO CHINESE, OR PERSONS OF MONGOLIAN DESCENT, NOT BORN IN THE UNITED STATES, TO VOTE, SERVE AS JURORS, OR HOLD ANY CIVIL OFFICE, AND SUBMITTING TO THE ELECTORS OF THE STATE OF IDAHO FOR THEIR APPROVAL OR REJECTION THE QUESTION WHETHER SAID SECTION 3 OF ARTICLE VI OF THE CONSTITUTION OF THE STATE OF IDAHO SHALL BE SO AMENDED AS TO ELIMINATE THE DISQUALIFICATION OF CHINESE, OR PERSONS OF MONGOLIAN DESCENT, NOT BORN IN THE UNITED STATES, TO VOTE, SERVE AS JURORS, OR HOLD ANY CIVIL OFFICE; DIRECTING THE ATTORNEY GENERAL TO PREPARE A STATEMENT CONCERNING THIS PROPOSED CONSTITUTIONAL AMENDMENT, AND DIRECTING THE SECRETARY OF STATE TO GIVE LEGAL NOTICE OF THIS PROPOSED CONSTITUTIONAL AMENDMENT.

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

Section 1. That Section 3 of Article VI of the Constitution of the State of Idaho be amended to read as follows:

Section 3. DISQUALIFICATION OF CERTAIN PERSONS. — No person is permitted to vote, serve as a juror, or hold any civil office who is under guardianship, idiotic or insane, or who has, at any place, been convicted of treason, felony, embezzlement of the public funds, bartering or selling, or offering to barter or sell his vote, or purchasing or offering to purchase the vote of another, or other infamous
crime, and who has not been restored to the rights of citizenship, or who, at the time of such election, is confined in prison on conviction of a criminal offense, or who is a bigamist or polygamist, or is living in what is known at patriarchal, plural or celestial marriage, or in violation of any law of this state, or of the United States, forbidding any such crime; or who, in any manner, teaches, advises, counsels, aids, or encourages any person to enter into bigamy, polygamy, or such patriarchal, plural, or celestial marriage, or to live in violation of any such law, or to commit any such crime; or who is a member of, or contributes to the support, aid, or encouragement of, any order, organization, association, corporation, or society, which teaches, advises, counsels, encourages, or aids any person to enter into bigamy, polygamy or such patriarchal or plural marriage, or which teaches or advises that the laws of this state prescribing rules of civil conduct, are not the supreme law of the state.

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 3 of Article VI of the Constitution of the State of Idaho be amended so as to permit Chinese, and persons of Mongolian descent, not born in the United States, to vote, serve as jurors, or hold civil office?”

SECTION 3. The Attorney General is directed to prepare a statement required by Chapter 159, Idaho Session Laws 1949 (67-507a Idaho Code) and file the same with the Secretary of State within the time therein prescribed.

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.

Adopted by the Senate January 13, 1961.

Adopted by the House January 18, 1961.

(A. J. R. No. 3)

A JOINT RESOLUTION
RATIFYING THE PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA RELATING
TO THE GRANTING OF REPRESENTATION IN THE ELECTORAL COLLEGE TO THE DISTRICT OF COLUMBIA.

WHEREAS, the Eighty-sixth Congress of the United States of America, at its second 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

"RESOLVED by the Senate and House of Representatives of the United States of America assembled (two-thirds of each House concurring therein), That the following article is hereby 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 only if 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 District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

"A number of electors of President and Vice-President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous state; they shall be in addition to those appointed by the States, but they shall be considered for the purposes of the election of President and Vice-President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

"SECTION 2. The Congress shall have power to enforce this article by appropriate legislation."

NOW, THEREFORE, BE IT RESOLVED BY the Legislature of the State of Idaho:

SECTION 1. That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby ratified by the Legislature of the State of Idaho.

Passed by the House January 20, 1961.

Passed by the Senate January 31, 1961.
A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF IDAHO BY AMENDING SECTION 2 OF ARTICLE 6 OF THE CONSTITUTION OF THE STATE OF IDAHO RELATING TO QUALIFICATIONS OF ELECTORS PROVIDING THAT EVERY CITIZEN OF THE UNITED STATES, TWENTY-ONE 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; DIRECTING THE ATTORNEY GENERAL TO PREPARE A STATEMENT CONCERNING THIS PROPOSED CONSTITUTIONAL AMENDMENT, AND DIRECTING THE SECRETARY OF STATE TO GIVE LEGAL NOTICE OF THIS PROPOSED CONSTITUTIONAL AMENDMENT.

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

SECTION 1. That Section 2 of Article 6 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 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 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 of Article 6 of the Constitution of the State of Idaho be amended so as to declare every citizen of the United States, twenty-one 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?

SECTION 3. The Attorney General is directed to prepare a statement required by Chapter 159, Idaho Session Laws 1949 (67-507a, Idaho Code) and file the same with the Secretary of State within the time therein prescribed.

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.

Approved by the Senate February 23, 1961.

Approved by the House March 2, 1961.

(H. J. R. No. 10)

A JOINT RESOLUTION

PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE STATE OF IDAHO BY AMENDING SECTION 2 OF ARTICLE V OF THE CONSTITUTION OF THE STATE OF IDAHO TO DELETE THE DESIGNATION OF PROBATE COURTS AND COURTS OF JUSTICES OF THE PEACE AS CONSTITUTIONAL COURTS, BUT PRESERVING THE DESIGNATION, AS CONSTITUTIONAL COURTS, OF A COURT FOR THE TRIAL OF IMPEACHMENTS, A SUPREME COURT AND DISTRICT COURTS, AND PRESERVING EXISTING INFERIOR COURTS UNTIL CHANGED BY LAW; TO GIVE THE LEGISLATURE THE POWER, BY LAW, TO ESTABLISH COURTS INFERIOR TO THE SUPREME COURT AND PRESCRIBE THE JURISDICTION OF SAME; AND TO PROVIDE THAT THE COURTS SHALL CONSTITUTE A UNIFIED AND INTEGRATED JUDICIAL SYSTEM FOR ADMINISTRATION AND SUPERVISION BY THE SUPREME COURT; BY REPEALING SECTION 21 OF ARTICLE V OF THE CONSTITUTION OF THE STATE OF IDAHO TO DELETE CONSTITUTIONAL PROVISIONS RELATING TO THE JURISDICCION OF PROBATE COURTS; BY REPEALING SECTION 22 OF ARTICLE V OF THE CONSTITUTION OF THE STATE OF IDAHO TO DELETE CONSTITUTIONAL PROVISIONS RELATING TO THE JURISDICTION OF JUSTICES OF THE PEACE; AND BY AMENDING SECTION 6 OF ARTICLE 18 OF THE CONSTITUTION OF
THE STATE OF IDAHO, AS AMENDED, TO PROVIDE THAT THE DESIGNATION OF A PROBATE JUDGE AS A CONSTITUTIONAL COUNTY OFFICER SHALL CONTINUE UNTIL OTHERWISE PROVIDED BY THE LEGISLATURE, AND TO PROVIDE THAT A PROBATE OR OTHER COUNTY JUDGE MAY BE A COUNTY OFFICER IF PROVIDED FOR BY LAW.

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

SECTION 1. That Section 2 of Article V of the Constitution of the State of Idaho be amended to read as follows:

Section 2. JUDICIAL POWER — WHERE VESTED. — The judicial power of the state shall be vested in a court for the trial of impeachments, a Supreme Court, district courts, * * * and such other courts inferior to the Supreme Court as * * established by * * * the legislature. The courts shall constitute a unified and integrated judicial system for administration and supervision by the Supreme Court. The jurisdiction of such inferior courts shall be as prescribed by the legislature. Until provided by law, no changes shall be made in the jurisdiction or in the manner of the selection of judges of existing inferior courts.

SECTION 2. That Section 21 of Article V of the Constitution of the State of Idaho be repealed.

SECTION 3. That Section 22 of Article V of the Constitution of the State of Idaho be repealed.

SECTION 4. That Section 6 of Article 18 of the Constitution of the State of Idaho, as amended, be amended to read as follows:

SECTION 6. COUNTY OFFICERS. — The legislature by general and uniform laws shall, commencing with the general election in 1962 provide for the election biennially, in each of the several counties of the state, of county commissioners, a sheriff, a county treasurer, who is ex-officio public administrator, a probate judge, until otherwise provided by the legislature, a county assessor and a coroner. A probate or other county judge may be a county officer if provided for by law. All taxes shall be collected by the officer or officers designated by law. The clerk of the district court shall be ex-officio auditor and recorder. No other county offices shall be established, but the legislature by general and uniform laws shall provide for such township, precinct and municipal officers as public convenience may require, and shall prescribe their duties, and fix their terms of office. The legislature shall provide for the strict accountability of
county, township, precinct and municipal officers for all fees which may be collected by them, and for all public and municipal moneys which may be paid to them, or officially come into their possession. The county commissioners may employ counsel when necessary. The sheriff, county assessor, county treasurer, and ex-officio tax collector, auditor and recorder and clerk of the district court shall be empowered by the county commissioners to appoint such deputies and clerical assistants as the business of their office may require, said deputies and clerical assistants to receive such compensation as may be fixed by the county commissioners.

SECTION 5. That the question to be submitted to the electors of the State of Idaho at the next general election shall be as follows:

"Shall the Constitution of the State of Idaho be amended by amending Section 2 of Article V of the Constitution of the State of Idaho to delete the designation of probate courts and courts of justices of the peace as constitutional courts, but preserving the designation, as constitutional courts, of a court for the trial of impeachments, a supreme court and district court, and preserving existing inferior courts until changed by law; to give the legislature the power, by law, to establish courts inferior to the supreme court and prescribe the jurisdiction of same; and to provide that the courts shall constitute a unified and integrated judicial system for administrative and supervision by the supreme court; by repealing Section 21 of Article V of the Constitution of the State of Idaho to delete constitutional provisions relating to the jurisdiction of probate courts; by repealing Section 22 of Article V of the Constitution of the State of Idaho to delete constitutional provisions relating to the jurisdiction of justices of the peace; and by amending Section 6 of Article 18 of the Constitution of the State of Idaho, as amended, to provide that the designation of a probate judge as a constitutional county officer shall continue until otherwise provided by the legislature, and to provide that a probate or other county judge may be a county officer if provided for by law?"

SECTION 6. That the Secretary of State be, and he hereby is 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.

Passed by the House February 20, 1961.

Passed by the Senate February 28, 1961.
SENATE CONCURRENT RESOLUTIONS

(S. C. R. No. 1)

A CONCURRENT RESOLUTION


WHEREAS, It was necessary before the convening of the Legislature to have the Chamber and adjoining rooms cleaned and made ready for this Session, and

WHEREAS, the President of the Senate of the Thirty-Fifth Session did employ such help and have such rooms made ready, and

WHEREAS, Funds were not available at that time for the payment of the claims for such work,

NOW, THEREFORE, BE IT RESOLVED that the President is hereby authorized to pay the claims to the amount of $1,904.00 for such work and the President is authorized to approve the payrolls for such work.

Passed by the Senate January 9, 1961.

Passed by the House January 11, 1961.

(S. C. R. No. 3)

A CONCURRENT RESOLUTION

WHEREAS, one hundred years ago Lewiston (Landings) was established and settled in the territory that is now the State of Idaho, and
WHEREAS, this community of hearty pioneers grew and became the capital of the Territory of Idaho, and

WHEREAS, certain persons, under the cover of darkness, did remove the Territorial Seal from the City of Lewiston and re-establish the capital of Boise City, and

WHEREAS, the residents of the City of Lewiston have long forgiven these sneak thieves, and

WHEREAS, the City of Lewiston is now observing its one-hundredth anniversary, and

WHEREAS, it is felt that the Territorial Seal should rightfully be returned to the City of Lewiston, there to repose during the celebration of the centennial, now

THEREFORE, BE IT RESOLVED that the proper authorities do deliver unto one Dangerous Dan Wilkins, Colonel of the Vigilante Brigade and the authorized agent of the Lewiston Centennial Commission, upon proper verification of his credentials, said Territorial Seal, and

BE IT FURTHER RESOLVED, that said Dangerous Dan Wilkins be appointed custodian and keeper of the Territorial Seal and return the same to the archives at Boise City upon completion of the Lewiston Centennial observation, not later than October 1, 1961.

Passed by the Senate January 11, 1961.
Passed by the House January 11, 1961.

(S. C. R. No. 4)

A CONCURRENT RESOLUTION


WHEREAS, Section 67-601, 67-602 and 67-608 of the Idaho Code provide that the daily 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, by this concurrent resolution, to fix the compensation of
the employees of the Thirty-Sixth Session of the Idaho 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 the Thirty-Sixth Session of the Idaho Legislature be fixed as follows:

<table>
<thead>
<tr>
<th>Position</th>
<th>Compensation</th>
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<tbody>
<tr>
<td>Secretary of the Senate</td>
<td>$25.00</td>
</tr>
<tr>
<td>Chief Clerk and Parliamentarian (House)</td>
<td>30.00</td>
</tr>
<tr>
<td>Assistant Chief Clerk (House)</td>
<td>20.00</td>
</tr>
<tr>
<td>Assistant Secretary of the Senate</td>
<td>25.00</td>
</tr>
<tr>
<td>Sergeant-at-Arms</td>
<td>20.00</td>
</tr>
<tr>
<td>Assistant Sergeant-at-Arms or Purchasing Agent</td>
<td>20.00</td>
</tr>
<tr>
<td>Journal Clerks</td>
<td>18.00</td>
</tr>
<tr>
<td>Senate Docket Clerk</td>
<td>18.00</td>
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<tr>
<td>House Docket Clerk</td>
<td>20.00</td>
</tr>
<tr>
<td>Payroll Accountant</td>
<td>18.00</td>
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<tr>
<td>Secretaries</td>
<td>18.00</td>
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<tr>
<td>Clerks</td>
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<tr>
<td>Proof Readers</td>
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<tr>
<td>Gallery Receptionists</td>
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<tr>
<td>Mail Clerks</td>
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<tr>
<td>Elevator Operators</td>
<td>12.00</td>
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<tr>
<td>Door Keepers</td>
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<td>Janitors</td>
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<tr>
<td>Messengers</td>
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<td>Pages</td>
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<td>Chaplains</td>
<td>10.00</td>
</tr>
<tr>
<td>Attorney</td>
<td>30.00</td>
</tr>
</tbody>
</table>

Passed by the Senate January 11, 1961.
Passed by the House January 11, 1961.

(S. C. R. No. 5)

A CONCURRENT RESOLUTION

A CONCURRENT RESOLUTION EXPRESSING APPRECIATION TO THE POTATO PROCESSORS' ASSOCIATION OF IDAHO, THE ALBERTSON'S POULTRY PROCESSING DIVISION, AND THE DAIRYMEN'S CO-OP CREAMERY PERTAINING TO THE FIELD TRIP FOR ALL MEMBERS OF THE LEGISLATURE, THEIR WIVES AND THEIR GUESTS.
“WHEREAS, on the 14th day of January, 1961, the members of the Legislature, their wives and guests were, at the hour of 10:15 A.M., transported from the State House on a field trip of inspection to the J. R. Simplot Potato Processing Plant at Caldwell, Idaho; the Albertson's Poultry Processing Division in Nampa, Idaho and the Dairymen's Co-op Creamery at Nampa, Idaho.

“NOW THEREFORE, BE IT RESOLVED by the Senate and the House of Representatives concurring therein, that we express, on the part of our wives and guests, our sincere appreciation to the J. R. Simplot Potato Processing Plant; the Albertson's Poultry Processing Plant and the Dairymen's Co-op Creamery, for their many kindnesses and their hospitality shown on our most enjoyable field trip.

“BE IT FURTHER RESOLVED, that this resolution be spread upon the Journal of each House and that the Secretary of the Senate be instructed to forward a copy to the Potato Processors' Association of Idaho, the Albertson's Poultry Processing Division and the Dairymen's Co-op Creamery.

Passed by the Senate January 16, 1961.
Passed by the House January 18, 1961.

(S. C. R. No. 6)

A CONCURRENT RESOLUTION
A TRIBUTE TO EISENHOWER

The statesmanship which characterized your farewell address to the people of the United States of America on January 17, 1961 brought back memories of many years of dedicated service to your people; brought back memories that from the steps of this capitol building your departure from the military service of your country to the political service of your country became a reality.

It has always been true—true today and it always will be true that—he is the greatest who does the most good.

Every man is entitled to draw from the common store in proportion as he contributes to the common welfare of all people. If you would have the people love you, you must serve them.
If you would have your country honor you with the greatest office on this earth, you must confer some great benefit upon your country.

We, the members of the Idaho State Legislature, in this thirty-sixth session assembled, feel that the Eisenhower era might well go down in history as one of the most significant chapters in the political history of this great country.

You are a man dedicated to people—to all the people of this great country and to all the peace loving peoples of the world. Many times you were working under the greatest of handicaps, yet you arose above these handicaps which have caused many to falter, and continued your never-ending search for the peace, for the welfare and for the prosperity of the people who had placed in your hands, this trust.

We stand in reverence before a man who lifted himself above partisan politics in order that his aims, his ideals and his dedication to honest leadership might be attained.

In Government we find an unfinished work when we arrive; strive as we may, we leave work unfinished when we leave. Each day marks out our duty for us and it is for us to devote ourselves to it, whatever it may be, with high purpose and unfaltering courage.

Your tenure in office has been of the highest order and we sincerely trust that your mature advice will be available for many years to come.

BE IT RESOLVED that the Secretary of the State of Idaho is hereby authorized and he is hereby directed to immediately forward a certified copy of this Resolution to Dwight D. Eisenhower at Gettysburg, Pennsylvania.

Passed by the Senate January 25, 1961.

(A. C. R. No. 7)

A CONCURRENT RESOLUTION

A CONCURRENT RESOLUTION ENCOURAGING METRO GOLDWYN MAYER, OR ANY OTHER COMPETENT FILM PRODUCING COMPANY, TO FILM THE LIFE OF CHIEF JOSEPH

WHEREAS, Chief Joseph (the younger) and his descendants, along with other Nez Perce Chiefs and their descendants, roamed the Northwest and have been since on or about the year of 1878, and are now presently situated on the Nez Perce Indian Reservation with headquarters at Lapwai, Idaho, and

WHEREAS it is a matter of recorded history that Chief Joseph (the younger) spent the majority of his childhood and adult life in the general area of that terrain now known as the State of Idaho by crossing and recrossing the Salmon and Snake Rivers on his quest for food and shelter for his people; it was past the half-century mark of the nineteenth century that his father died and he assumed the leadership of the Nez Perces, and became known for his deeds of kindness and thoughtfulness for his womenfolk and children, and

WHEREAS the outstanding engagements and extensive negotiations connected with the disastrous and tragic war of 1877 all took place within the confines of what is now known as the State of Idaho, and

WHEREAS many of the descendants of the chiefs, warriors and their families now live in Idaho, and such honor, tribute and respect attributable to them by a film of this caliber and world-wide interest, should accrue directly, as a rightful and legitimate heritage of such descendants, chiefs, warriors and people of the Nez Perce Tribe in the State of Idaho, and

WHEREAS during the Nez Perce War of 1877, many Nez Perce Chiefs and warriors from all bands of the Nez Perces who lost their lives fighting with Chief Joseph were buried within what is now known as the State of Idaho, and

WHEREAS Idaho offers the only authentic and unspoiled sites, historic and scenic background for such filming of the life of Chief Joseph (the younger) and of his part in the Nez Perce War and his negotiations for peace, and

WHEREAS Chief Joseph, leader of the Nez Perce Tribe, conducted a campaign which has been entered in the annals of military history as one of the outstanding campaigns of
war, and because of the uniqueness of his military tactics they are today studied at West Point, and

WHEREAS the Nez Perce Tribe of Idaho and the State of Idaho have both been honored by the entry of the name of Chief Joseph (the younger) into the National Indian Hall of Fame at Andarko, Oklahoma, as second from the top, and

WHEREAS it would be an honor and a privilege for the Nez Perce Tribal members in Idaho to provide Nez Perce Indians to play the roles of Nez Perce Indians in the filming of the life of Chief Joseph (the younger), and

WHEREAS the epic of the life story of Chief Joseph (the younger) and his Nez Perce Tribe in Idaho is the greatest untold chapter in American History in the Library of Motion Pictures,

NOW THEREFORE, BE IT RESOLVED by the Senate and the House of Representatives concurring, that the Governor be, and he hereby is, instructed to contact Metro Goldwyn Mayer, or any other competent film producing company, conveying the feelings of the people of the State of Idaho as expressed herein, and emphasizing the desire of the State of Idaho and the Nez Perce Tribe of Idaho to cooperate in every way possible in the production, at the earliest feasible time, of the Life of Chief Joseph (the younger) and the Nez Perce Tribe of Idaho, and

BE IT FURTHER RESOLVED that copies of this Senate Concurrent Resolution No. 7 be mailed immediately to:

1. Metro Goldwyn Mayer, and other competent film producing companies at Hollywood, California.


3. Richard Halfmoon, Chairman of the Nez Perce Tribal Council, Lapwai, Idaho.


Passed by the Senate January 31, 1961.
Passed by the House February 4, 1961.
A CONCURRENT RESOLUTION

A CONCURRENT RESOLUTION AUTHORIZING THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO ACQUIRE THE NECESSARY NUMBER OF SETS OF THE IDAHO CODE TO FURNISH EACH NEW MEMBER OF THE THIRTY-SIXTH SESSION OF THE LEGISLATURE WITH ONE SET AND TO DELIVER THE SAME TO SUCH MEMBERS; TO ACQUIRE THE NECESSARY NUMBER OFANNOTATIONS AND POCKET SUPPLEMENTS UP-TO-DATE, TO THE IDAHO CODE, FOR THE USE OF ALL MEMBERS OF THE THIRTY-SIXTH SESSION OF THE LEGISLATURE AND TO DELIVER THE SAME TO SUCH MEMBERS; PAYMENT FOR THE FOREGOING TO BE MADE FROM ANY FUNDS APPROPRIATED FOR THE LEGISLATIVE EXPENSE OF THIS THIRTY-SIXTH SESSION OF THE IDAHO LEGISLATURE.

BE IT RESOLVED, That the President of the Senate and the Speaker of the House of Representatives of the Thirty-Sixth Session of the Idaho Legislature be authorized as follows:

(1) To acquire the necessary number of sets of the Idaho Code to furnish each new member of the Thirty-Sixth Session of the Legislature with one set and to deliver the same to such members.

(2) To acquire the necessary number of annotations and pocket supplements up-to-date, to the Idaho Code, for the use of all members of the Thirty-Sixth Session of the Legislature and to deliver the same to such members.

Payment for the foregoing shall be made from any funds appropriated for the legislative expense of this Thirty-Sixth Session of the Idaho Legislature.

NOW, THEREFORE, BE IT RESOLVED by the Senate, the House of Representatives concurring therein, that the Secretary of State be and hereby is directed to have annotated and brought up-to-date such sets as are held for the use of the members during the time the Legislature is in session, and all sets delivered to new members, shall be fully up-to-date to include the acts of the Thirty-Sixth Session. Payment for such annotating to be made from any funds appropriated for the legislative expense of this Thirty-Sixth Session of the Idaho Legislature.

Passed by the Senate February 20, 1961.

Passed by the House February 23, 1961.
A CONCURRENT RESOLUTION

WHEREAS, Good business climate is hereby defined as follows:

1. Fair and equitable treatment in general legislation and administrative regulation for all segments of Idaho's economy.

2. A framework of government the support of which adds no greater cost to doing business than the cost of government imposed by other states of similar industrialization and favorable climate.

3. Equitable tax policies and restriction of the cost of government to reasonable levels.

4. Fair treatment for all in legislation and administration of labor-management relations affairs.

5. Fostering, in the public interest, an economic atmosphere which will enable Idaho agriculture, forestry, mining and industry to compete for out-of-state markets, remembering that wide marketing of Idaho products brings wealth into the State, thereby raising the standard of living of all our people; and

WHEREAS, During the last 10 years, under its generally favorable business climate, Idaho has attracted some 450 new manufacturing plants and expansions with a capital investment of close to $220,000,000; and

WHEREAS, For reasons hereinafter set forth, it will be critically important for Idaho to continue to maintain and improve its business climate; and

WHEREAS, Idaho's population is increasing at the rate of about 8,000 persons annually and is expected to reach 720,000 by 1965, when population forecasts indicate Idaho will begin to reach higher growth potentials; and

WHEREAS, The capital investment necessary to provide jobs for the expected 2,500 new workers each year will be in excess of $35,000,000 annually; and

WHEREAS, Basic industry broadens the tax base, thereby providing much needed revenues for community facilities and government services for all our people; and

WHEREAS, In this era of rapid industrial expansion
and relocation throughout the United States, industries, selecting locations, are vitally concerned about the relative business climate among the states; and

WHEREAS, A favorable business climate attracts needed industrial payrolls; attitudes which build an unfavorable business climate could tend to deter the coming to Idaho of manufacturing plants which, in the relocation process, are free to seek the most favorable locations to themselves elsewhere in the West for serving western markets; and

WHEREAS, Preservation of our good business climate is in the public interest and can be continued without discriminating against any other interest in Idaho;

NOW, THEREFORE, BE IT RESOLVED by the Senate and the House of Representatives concurring, that this Legislature henceforth shall examine all proposed legislation relating to business, industry, and agriculture in terms of its effect upon the business climate of the State, and shall determine whether such legislation may have any future discriminating or deterring effect upon the investment of capital and the creation of needed payrolls in Idaho; and

BE IT FURTHER RESOLVED That the members of this Legislature hereby request the Governor, the Director of the Budget, the Director of Finance, the Treasurer, and the director of each department in the State Government to examine their own discretionary actions and orders in any way relating to business, industry, mining, forestry and agriculture in terms of the effect of such governmental action upon the business climate in Idaho; and

BE IT FURTHER RESOLVED That the Secretary of State is hereby directed to transmit suitable copies of this Resolution to the Governor, the Idaho Department of Commerce and Development, the Director of the Budget, the Treasurer, and to each director or head of every department in the Government of the State of Idaho.

Passed by the Senate February 20, 1961.

Passed by the House February 23, 1961.
A CONCURRENT RESOLUTION


WHEREAS, the Governor has informed the House and the Senate that he desires to deliver a message to a joint session of the Senate and the House of Representatives in the Hall of the House of Representatives at 12:00 o'clock noon, on January 3, 1961.

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring therein, that the Senate and the House meet in Joint Session at 12:00 o'clock noon, on January 3, 1961, for the purpose of hearing a message from the Governor.

Passed by the Senate January 3, 1961.

A CONCURRENT RESOLUTION


WHEREAS, the Governor has informed the House and Senate that he desires to deliver the budget message to a
joint session of the Senate and the House of Representatives in the Hall of the House of Representatives at 11:00 A.M. on Friday, January 6, 1961.

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring therein, that the Senate and the House meet in Joint Session at 10:45 A.M. on Friday, January 6, 1961, for the purpose of hearing the budget message from the Governor.

Passed by the House January 5, 1961.

Passed by the Senate January 5, 1961.

(H. C. R. No. 3)

A CONCURRENT RESOLUTION

A CONCURRENT RESOLUTION EXPRESSING APPRECIATION TO THE IDAHO NATIONAL GUARD AND THE 25th ARMY BAND THEREOF, TO THE U. S. ARMY R.O.T.C., BOISE HIGH SCHOOL, TO THE BOISE ELK'S GLEEMEN, TO THE REV. HAROLD H. BECKER, WRIGHT COMMUNITY CONGREGATIONAL CHURCH, BOISE, AND TO THE REV. H. KARL LADWIG, IMMANUEL EVANGELICAL LUTHERAN CHURCH, BOISE, FOR THEIR PARTICIPATION IN THE CEREMONIES PERTAINING TO THE INAUGURATION OF REPRESENTATIVES AND SENATORS ELECT OF THE STATE OF IDAHO.

WHEREAS, on the second day of January, 1961, at the hour of 12:00 Noon in the chamber of the House of Representatives in the State Capitol Building at Boise, Idaho, the Idaho National Guard and the 25th Army Band there-of, the U. S. Army R.O.T.C. of Boise High School, the Boise Elk's Gleemen, The Rev. Harold H. Becker of the Wright Community Congregational Church, Boise, and the Rev. H. Karl Ladwig of the Immanuel Evangelical Lutheran Church, Boise, participated in ceremonies in conjunction with the administration of the oath of office by Chief Justice C. J. Taylor of the Idaho Supreme Court, to Representatives and Senators elect of the State of Idaho,

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring therein, that we express our sincere appreciation to each of the persons and groups who gave so generously of their fine talents to make impressive and colorful the ceremonies relating to the ad-
ministration of the oath of office by Chief Justice C. J. Taylor to the Representatives and Senators elect of the State of Idaho as follows: The Rev. Harold H. Becker, Wright Community Congregational Church, Boise, for the invocation; the Rev. H. Karl Ladwig, Immanuel Evangelical Lutheran Church, Boise, for the benediction; the Idaho National Guard under the command of Major General John E. Walsh for the services of the aides of the Guard; the 25th Army Band of the Idaho National Guard, with Chief Warrant Officer William J. Rankin as Director, for their rendition of the National Anthem; the Color guard of the U.S. Army R.O.T.C., Boise High School, with Captain Harold Atkins in charge, for the presentation of colors; and the Boise Elk's Gleemen, Fred R. Pipal, President, for their choral presentations; and

BE IT FURTHER RESOLVED that this resolution be spread upon the Journal of each House and that the Chief Clerk of the House be, and he is hereby instructed to forward a copy thereof to each of the participants named above.

Passed by the House January 2, 1961.
Passed by the Senate January 2, 1961.

(H. C. R. No. 4)

A CONCURRENT RESOLUTION

A CONCURRENT RESOLUTION CONGRATULATING THE STATE OF HAWAII ON ITS ADMISSION AS THE 50TH STATE OF THE UNION OF THE UNITED STATES OF AMERICA.

WHEREAS, since the Thirty-fifth Session of the Legislature of the State of Idaho adjourned, our sister state of Hawaii was admitted to the Union as the 50th of our United States of America; and

WHEREAS, it is the desire of the State of Idaho to extend its congratulations and best wishes to the state of Hawaii upon its attainment of this well deserved recognition and honor;

NOW, THEREFORE, BE IT RESOLVED By the House of Representatives of the State of Idaho, the Senate concurring therein, that the State of Idaho does hereby greet and congratulate the state of Hawaii on its admission to
the Union as the 50th of our United States of America, and does hereby convey to the Governor and the people of the great state of Hawaii the best wishes of the people in the State of Idaho for prosperity and progress in the years to come.

Hawaii, we salute you.

Passed by the House January 6, 1961.
Passed by the Senate January 12, 1961.

(H. C. R. No. 6)

A CONCURRENT RESOLUTION

SETTING ASIDE A SUM NOT TO EXCEED THREE THOUSAND DOLLARS FOR THE USE OF THE HOUSE REVENUE AND TAXATION COMMITTEE IN FULFILLING ITS DUTIES AS SUCH.

WHEREAS, the House Revenue and Taxation Committee is solely charged with the responsibility of considering and drafting all revenue proposals submitted to or by the State Legislature, and

WHEREAS, in the past the said Revenue and Taxation Committee has had no staff other than a Committee Clerk, and

WHEREAS, the work of said Committee necessarily entails consideration of vast quantities of technical matters together with analysis of various data pertaining to the financial structure of our state and the various segments thereof,

NOW, THEREFORE, BE IT RESOLVED that the sum of three thousand dollars of the amount heretofore appropriated for the operation of the Thirty-sixth Session of the State Legislature be set aside at the disposal of said Committee and that the Chairman of said committee, upon approval by the Committee and upon written endorsement of the Speaker of the House, may make needed and necessary expenditures of obtaining technical staff and compiling information and similar activities, in an amount not to exceed said sum.

Passed by the House January 11, 1961.
Passed by the Senate January 28, 1961.
A CONCURRENT RESOLUTION

A CONCURRENT RESOLUTION AUTHORIZING THE PURCHASE OF FIFTY-STAR FLAGS FOR THE USE OF THE HOUSE OF REPRESENTATIVES AND THE SENATE.

WHEREAS, since the adjournment of the last session of the Legislature of the State of Idaho two new states have been admitted to the Union, as a result thereof the official flag of the United States of America now has a field of fifty white stars, and the flags currently being used by the Senate and the House of Representatives have become obsolete;

NOW, THEREFORE, BE IT RESOLVED By the House of Representatives, the Senate concurring therein, that the Chief Clerk of the House of Representatives be, and he hereby is authorized and directed to purchase, on behalf of the Legislature of the State of Idaho, four official flags of the United States of America, two of a size approximately 78 inches by 48 inches and two of a size approximately 144 inches by 92 inches to replace the flags of the United States of America currently being used by the Senate and House of Representatives, the cost thereof to be paid from the moneys heretofore appropriated for the expenses of the Thirty-sixth Session of the Legislature of the State of Idaho.

Passed by the House January 10, 1961.
Passed by the Senate January 11, 1961.

A CONCURRENT RESOLUTION
EXTENDING CONGRATULATIONS AND GOOD WISHES TO THE PRESIDENT-ELECT OF THE UNITED STATES OF AMERICA.

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

WHEREAS, on the 20th day of January, 1961, our President-elect, The Honorable John Fitzgerald Kennedy, will be inaugurated as the Thirty-fifth President of these United States of America; and
WHEREAS, the citizens of Idaho, in company with the citizens of all other states of our Union, have traditionally bridged and are now bridging the gap between the polling places and the White House by rallying in support of the successful candidate, regardless of party affiliation; and

WHEREAS, the people of Idaho feel confident that the President-elect will show himself to be a man of forthrightness, integrity, and a great deal more than a profile of courage; and

WHEREAS, it is the desire of the people of Idaho, through the Thirty-sixth Session of the Legislature of the State of Idaho to convey to the President-elect their congratulations and good wishes;

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the State of Idaho, the Senate concurring herein, that the people of the State of Idaho do hereby extend to the Honorable John Fitzgerald Kennedy their heartiest and most sincere congratulations upon his election and inauguration as the Thirty-fifth President of these United States of America, as well as their whole-hearted support and good wishes for a successful administration, and for continued peace, prosperity and progress during the four years ahead.

BE IT FURTHER RESOLVED that the Secretary of State of the State of Idaho be, and he hereby is authorized and directed to forward, by air mail, copies of this resolution to The Honorable John Fitzgerald Kennedy, and to the Senators and Representatives representing this state in the Congress of the United States.

Passed by the House January 17, 1961.
Passed by the Senate January 17, 1961.

(H. C. R. No. 9)

A CONCURRENT RESOLUTION

CONGRATULATING THE STATE OF KANSAS ON THE CENTENNIAL OF ITS ADMISSION TO THE UNION OF THE UNITED STATES OF AMERICA.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, on January 29, 1961, the great Sunflower state of Kansas will celebrate the centennial of its admission to the Union as the 34th of the United States of America; and

WHEREAS, the state of Kansas, in the words of Daniel Webster, was once a part of a vast and worthless area, region of savages and wild beasts, of deserts, of shifting sands and whirlwinds, of dust, of cactus and prairie dogs; and

WHEREAS, through the unceasing perseverance, energy and devotion of its highly independent, literate and moral populace, it has become the bread basket of our nation—a land of undulating fields of grain, broken by gigantic concrete grain storage cylinders, towering oil derricks and gaping coal mines—which has nurtured and educated such national leaders as our great President Dwight D. Eisenhower, Idaho’s renowned U. S. Senator William E. Borah, as well as that immortal woman of indomitable courage and iron will, Carrie Nation, and many transplanted sons and daughters who have contributed greatly to the progress of the state of Idaho, some of whom are now members of this body; and

WHEREAS, it is the desire of the people of this state, speaking through the Thirty-sixth Legislature of the State of Idaho, to inform the people of the Sunflower state of their wholehearted admiration for the vast accomplishments of the citizenry of Kansas during the past one hundred years, and extend to them congratulations and best wishes;

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives, the Senate concurring herein, that the people of the State of Idaho do hereby extend to the people of the great State of Kansas their heartiest and most sincere congratulations and best wishes for a stirring and memorable celebration of their centennial, and for progress, prosperity and fulfillment of all of their aspirations in the century ahead.

BE IT FURTHER RESOLVED that the Secretary of State of the State of Idaho be, and he hereby is authorized and directed to forward copies of this resolution to the Governor of the State of Kansas and to the President of the Senate and the Speaker of the House of Representatives of the Legislature of the State of Kansas, Topeka, Kansas.

Passed by the House January 20, 1961.

Passed by the Senate January 20, 1961.
A CONCURRENT RESOLUTION


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

WHEREAS, the committees from the House of Representatives and the Senate dealing with the rules governing those bodies have made a careful study of the Joint Rules; and

WHEREAS, it is the desire of the committees to adopt the Joint Rules of the Thirty-fifth Session of the Legislature of the State of Idaho as the Joint Rules of the Thirty-sixth Session of the Legislature of the State of Idaho;

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring therein, that the Joint Rules of the Thirty-fifth Session of the Legislature of the State of Idaho be, and the same are, hereby adopted as the Joint Rules of the Thirty-sixth Session of the Legislature of the State of Idaho.

Passed by the House February 3, 1961.

Passed by the Senate February 16, 1961.

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A CONCURRENT RESOLUTION

PROVIDING FOR PRINTING THE 1961 SESSION LAWS, FIXING THE PRICE FOR PRINTING THE SAME, AND THE PRICE WHICH THE PUBLIC SHALL BE CHARGED FOR SAID SESSION LAWS.

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

WHEREAS, Section 67-904, Idaho Code, has made provision for the printing of the Session Laws:

NOW, THEREFORE, in accordance with a written contract duly made and entered into by the Joint Committee

BE IT RESOLVED, by the House of Representatives, the Senate concurring, that the contract for printing the 1961 Session Laws, in accordance with the provisions of law, and in accordance with the written contract between the joint committee as party of the first part, and THE 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 12th day of January, 1961, by and between the Joint Committee of the Senate Printing, Journal, Engrossed and Enrolled Bills 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 the said CAXTON PRINTERS, Ltd., as follows:

SESSION LAWS

For printing and binding 1,500 copies of the 1961 Session Laws of the Thirty-sixth Session of the Legislature of the State of Idaho: $10.00 per printed page f.o.b. Boise, Idaho; an additional quantity to be made available to the general public: $10.00 per volume. No charge for proof reading or blank pages.

IT IS AGREED Between the parties hereto that all of said printing shall be done in the form and manner upon such suitable material as is now required by 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 and ready for distribution 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. A sufficient number of volumes to supply all state, county, and precinct officials, must be printed and ready for distribution to such officials within fifteen (15) days after the last day on which the Governor may sign or approve bills following the adjournment of this session of the Legislature.

2. A sufficient number of volumes of such Session Laws shall be printed and ready for distribution to lawyers and the general public to supply their needs within twenty (20) days after the last day on which the Governor may sign or approve bills following the adjournment of this session of the Legislature.

3. That the remaining number of volumes contracted for shall be printed and ready for delivery within ninety (90) days after the adjournment of the Legislature.

Such printing and the delivery of said Session Laws are to be made to the Secretary of State 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.

IT IS FURTHER AGREED That MF book paper shall be used as the paper on which said Session Laws shall be printed, same to be of standard book paper of Clipper or Vulcan grade.

IN WITNESS WHEREOF, The party of the second part has caused these presents to be executed by its proper official, and the party of the first part, by concurrent resolution, has caused these presents to be executed by its proper officials.

JOINT PRINTING COMMITTEE OF THE
SENATE AND HOUSE
Senate Printing, Journal, Engrossed and
Enrolled Bills Committee
By VINCENT A. NALLY, Chairman
A CONCURRENT RESOLUTION

PROVIDING FOR PRINTING THE SENATE AND HOUSE LETTERHEADS AND ENVELOPES, AND FIXING THE PRICE FOR PRINTING THE SAME.

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

WHEREAS, the joint committee on Printing, Journal, Engrossed and Enrolled Bills of the Senate and Printing and Legislative Expense of the House has, according to law, made provision for the printing of the House and Senate letterheads and envelopes:

NOW, THEREFORE, in accordance with a written contract duly made and entered into by the Joint Committee on Printing, Journal, Engrossed and Enrolled Bills of the Senate and Printing and Legislative Expense of the House,

BE IT RESOLVED, By the House of Representatives, the Senate concurring, that the contract for printing the Senate and House letterheads and envelopes, made and entered into according to law between the joint committee as party of the first part, and Messenger Printers, Inc. of Emmett, 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 12th day of January, 1961, by and between the Joint Printing
Committee of the Senate Printing, Journal, Engrossed and Enrolled Bills 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 Messenger Printers, Inc. of Emmett, Idaho, hereinafter mentioned 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 the said Messenger Printers, Inc. as follows:

For printing lots of 8½ x 11 letterheads, substance 20 weight bond, at least 25% rag content, printed with blue ink that will Thermofax; substance 24 white wove envelopes, size 10, printed with blue ink that will Thermofax; delivery to the Senate and House chambers or elsewhere as directed on or before the seventh day after receipt of order and complete copy, as follows:

Lots of 500 letterheads and 500
No. 10 envelopes .......................................................... $7.23
For each Senator and each Representative.

Lots of 250 letterheads and 250
No. 10 envelopes .......................................................... $4.30
For each Senator and each Representative.

The letterheads for each Senator and each Representative must show the name and address of the Senator or Representative in the upper left hand corner, approximately one (1) inch lower than the Seal, and all Committee chairmanships and memberships which said Senator or Representative may hold, in the upper right hand corner approximately one (1) inch lower than the Seal. Envelopes shall contain corner card showing name and address of member.

IT IS AGREED That all such printing shall be done in the form and manner, and upon such suitable material as is now required by the statutes of the State of Idaho; where not otherwise provided, such statutes shall be controlling.

IT IS AGREED That the party of the second part shall complete and deliver said letterheads and envelopes in a manner in as short a time as is consistent with good business ethics and practices; 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 time for printing and delivery.

IN WITNESS WHEREOF, the party of the second part has caused these presents to be executed by its proper official and the party of the first part, by concurrent resolution, has caused these presents to be executed by its proper officials.

JOINT PRINTING COMMITTEE of the Senate Printing, Journal, Engrossed and Enrolled Bills Committee
By VINCENT A. NALLY, Chairman

House Printing and Legislative Expense Committee
By ELDRED LEE, Chairman
Party of the First Part

Messenger Printers, Inc.
By LEWIS E. HOWER
Party of the Second Part

Passed by the House January 26, 1961.
Passed by the Senate January 27, 1961.

(H. C. R. No. 13)

A CONCURRENT RESOLUTION
PROVIDING FOR PRINTING THE LEGISLATIVE CALENDARS,
AND FIXING THE PRICE FOR PRINTING THE SAME.

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

WHEREAS, the Joint Committee on Printing, Journal, Engrossed and Enrolled Bills of the Senate and Printing and Legislative Expense of the House has, according to law, made provision for the printing of the Legislative Calendars:

NOW, THEREFORE, in accordance with a written contract duly made and entered into by the Joint Committee on Printing, Journal, Engrossed and Enrolled Bills of the Senate and Printing and Legislative Expense of the House,

BE IT RESOLVED, By the House of Representatives, the Senate concurring, that the contract for the printing of
the Legislative Calendars, in accordance with the provisions of law, and in accordance with the written contract between the Joint Committee as party of the first part and JOURNAL PUBLISHING COMPANY, 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 12th day of January, 1961, by and between the Joint Printing Committee of the Senate Printing, Journal, Engrossed and Enrolled Bills Committee and the House Printing and Legislative Expense Committee of the Legislature of the State of Idaho, Thirty-sixth Session, hereinafter mentioned as party of the first part, and JOURNAL PUBLISHING COMPANY, 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 party of the second part, contract for legislative printing is hereby awarded to the said JOURNAL PUBLISHING COMPANY, as follows:

CALENDARS

For printing 250 copies of Calendars for House and Senate combined, each legislative day: $34.00 per day.

IT IS AGREED By the parties hereto that all of said printing shall be done in the form and manner, and upon such suitable material as is now required by the statutes of the State of Idaho; where not otherwise herein provided, such statutes shall be controlling; that the number of copies to be supplied under this contract may from time to time be determined by the party of the first part.

IT IS AGREED, That in the printing of said Calendars, MF book paper shall be used as the paper on which all printing shall be done and to be of standard book paper of Clipper or Vulcan grade.

IT IS FURTHER AGREED That said calendars of the House and Senate shall be delivered to the Chief Clerk of the House and Secretary of the Senate not later than 9:00 o'clock A.M. on the day following each legislative day and that for each day's failure to so deliver, there shall be deducted from the contract price for printing said calendars the sum of
$50.00 per day for each day's failure and the party of the first part may at its option terminate its contract; provided, that the party of the second part shall not be responsible in this respect, in cases of unreasonable delay in furnishing copy for such printing to party of the second part.

IN WITNESS WHEREOF, The party of the second part has caused these presents to be executed by its proper official, and the said party of the first part, by concurrent resolution, has caused these presents to be executed by its proper officials.

JOINT PRINTING COMMITTEE OF THE SENATE PRINTING, JOURNAL, ENGROSSED AND ENROLLED BILLS COMMITTEE
By VINCENT A. NALLY, Chairman

HOUSE PRINTING AND LEGISLATIVE EXPENSE COMMITTEE
By ELDRED LEE, Chairman
Party of the first part

JOURNAL PUBLISHING COMPANY
By KENNETH R. REIMAN, Secretary
Party of the second part

Passed by the House January 26, 1961.
Passed by the Senate January 27, 1961.

(H. C. R. No. 14)

A CONCURRENT RESOLUTION PROVIDING FOR PRINTING THE LEGISLATIVE JOURNALS, FIXING THE PRICE FOR PRINTING THE SAME, AND THE PRICE WHICH THE PUBLIC SHALL BE CHARGED FOR COPIES OF SAID JOURNALS.

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

WHEREAS, Section 67-509, Idaho Code, has made provisions for the printing of the Legislative Journals:

NOW, THEREFORE, in accordance with a written contract duly made and entered into by the Joint Committee on
Printing, Journal, Engrossed and Enrolled Bills of the Senate and Printing and Legislative Expense of the House,

BE IT RESOLVED, By the House of Representatives, the Senate concurring, that the contract for the printing of the Legislative Journals, in accordance with the provisions of law and in accordance with the written contract between the Joint Committee as party of the first part, and SYMS-YORK CO., of 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:

PRINTING CONTRACT

THIS AGREEMENT Made and entered into this 12th day of January, 1961, by and between the Joint Printing Committee of the Senate Printing, Journal, Engrossed and Enrolled Bills Committee and the House Printing and Legislative Expense Committee of the Thirty-sixth Session of the Legislature of the State of Idaho, hereinafter mentioned as party of the first part, and SYMS-YORK COMPANY, of Boise, 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 party of the second part, contract for legislative printing is hereby awarded to the said SYMS-YORK COMPANY, as follows:

DAILY JOURNAL

300 copies ........................................ at $12.40 per page
Additional or less copies at the rate of 50 cents per page per hundred.
Said copies to be distributed 40% to the Senate and 60% to the House of Representatives.

PERMANENT JOURNAL

275 copies each of Senate and House Journals .......................... at $ 7.60 per page
Index pages ........................................ at $12.40 per page

IT IS AGREED, That the daily Senate and the House Journals shall be sold to the public at a cost of $20.00 for the Session, including mailing charges. A notarized list of such sales shall be furnished the State Auditor by the print-
er with his final bill and the State shall be credited for all income from the sale of said Daily Journals.

One copy of each daily Senate and House Journal shall be mailed to each county courthouse and each city hall without charge except for actual postage. The Joint Legislative Printing Committee shall provide second party the mailing list for such county courthouses and city halls.

IT IS AGREED By the parties hereto that all of said printing shall be done in the form and manner, and upon such suitable material as is now required by the statutes of the State of Idaho; where not otherwise herein provided, such statutes shall be controlling, and particularly as to the printing of Legislative Journals, the same shall be printed in conformity with Section 67-509, Idaho Code, which Section is hereby referred to and by reference made a part of this contract as though set forth herein at length; that the number of copies to be supplied under this contract may from time to time be determined by the party of the first part; and that all other terms of the specifications for Senate and House journals of the first party shall be complied with as though set forth herein at length.

IT IS AGREED, That in the printing of the Legislative Journals, the same shall be delivered daily on the desk of the Secretary of the Senate and Chief Clerk of the House not later than the hour of 8:30 o'clock a.m. on each day; provided, that the party of the second part shall not be responsible in this respect, in cases of unreasonable delay in furnishing copy for such printing to the party of the second part.

IT IS FURTHER AGREED, That the final page proof of the permanent printed Journal shall be delivered to the Chief Clerk of the House and Secretary of the Senate not later than twenty (20) days from date of receipt of copy of the last legislative day's Journal, and that for each day's failure to so deliver, there shall be deducted from the contract price for printing said Journal the sum of $50.00 per day for each day's delay.

IT IS FURTHER AGREED, That MF book paper shall be used as the paper on which all printing shall be done, and to be of standard book paper of Clipper or Vulcan grade.

The party of the second part further covenants and agrees, immediately upon the execution of this agreement, to deliver to party of the first part good and sufficient surety
bond in the manner and form, and with a surety acceptable to party of the first part, in the sum of $5,000.00, guaranteeing the satisfactory and faithful performance by the party of the second part of all the conditions and covenants of this contract.

IN WITNESS WHEREOF, the party of the second part has caused these presents to be executed by its proper official and the said party of the first part, by concurrent resolution, has caused these presents to be executed by its proper officials.

JOINT PRINTING COMMITTEE of the Senate Printing, Journal, Engrossed and Enrolled Bills Committee.
By: VINCENT A. NALLY, Chairman
House Printing and Legislative Expense Committee.
By: ELDRED LEE, Chairman
Party of the First Part

SYMS-YORK COMPANY
By: KARL W. BONHAM
Party of the Second Part

Passed by the House January 26, 1961.
Passed by the Senate January 27, 1961.

(H. C. R. No. 15)

A CONCURRENT RESOLUTION

PROVIDING FOR PRINTING SENATE AND HOUSE BILLS, AND FIXING A PRICE FOR PRINTING THE SAME.

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

WHEREAS, the Joint Committee on Printing, Journal, Engrossed and Enrolled Bills of the Senate and Printing and Legislative Expense of the House has, according to law, made provision for the printing of the House and Senate bills;

NOW, THEREFORE, in accordance with a written contract duly made and entered into by the Joint Committee on
Printing, Journal, Engrossed and Enrolled Bills of the Senate and Printing and Legislative Expense of the House,

BE IT RESOLVED By the House of Representatives, the Senate concurring, that the contract for printing the Senate and House bills, made and entered into according to law between the Joint Committee as party of the first part, and SYMS-YORK COMPANY, 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 12th day of January, 1961, by and between the Joint Printing Committee of the Senate Printing, Journal, Engrossed and Enrolled Bills Committee and the House Printing and Legislative Expense Committee of the Thirty-sixth Session of the Legislature of the State of Idaho, hereinafter mentioned as party of the first part, and SYMS-YORK COMPANY, 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 party of the second part, contract for legislative printing is hereby awarded to the said SYMS-YORK COMPANY, as follows:

SENATE AND HOUSE BILLS

400 copies ........................................ $5.50 per printed page
Additional copies .... $1.00 per hundred per printed page

No charge for proof-reading.

IT IS AGREED That MF book paper, 50 substance, shall be used as the paper on which Senate and House Bills shall be printed, and to be of standard book paper grade, and the size of such bills shall be 6¾" X 10". All other specifications contained in the specifications for Senate and House Bills of the first party shall be complied with as though set forth herein at length.

IT IS AGREED That all of said printing shall be done in the form and manner and upon such such suitable material as is now required by the statutes of the State of Idaho; where not otherwise provided, such statutes shall be controlling. It is understood and agreed that the Senate and
House Bills will be printed immediately upon receipt of copy and delivered to the Secretary of the Senate and Chief Clerk of the House, as the case may be, with the least possible delay.

The party of the second part further covenants and agrees, immediately upon the execution of this agreement, to deliver to the party of the first part good and sufficient surety bond in the manner and form, and with a surety acceptable to party of the first part, in the sum of $5,000.00, guaranteeing the satisfactory and faithful performance by the party of the second part of all the conditions and covenants of this contract.

IT WITNESS WHEREOF, The party of the second part has caused these presents to be executed by its proper official, and the party of the first part, by concurrent resolution, has caused these presents to be executed by its proper officials.

JOINT PRINTING COMMITTEE OF THE SENATE PRINTING, JOURNAL, ENGROSSED AND ENROLLED BILLS COMMITTEE
By VINCENT A. NALLY, Chairman

HOUSE PRINTING AND LEGISLATIVE EXPENSE COMMITTEE
By ELDRED LEE, Chairman

SYMS-YORK COMPANY
By KARL W. BONHAM

Passed by the House January 26, 1961.
Passed by the Senate January 27, 1961.

(H. C. R. No. 17)

A CONCURRENT RESOLUTION
EXPRESSING APPRECIATION TO TERRY'S APPLIANCE COMPANY FOR FURNISHING TELEVISION SETS TO THE STATE LEGISLATURE.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, on January 20, 1961, Terry’s Appliance Company of Boise, Idaho, kindly installed television sets in the Chambers of the House and the Senate to enable the members of the State Legislature to view the broadcast of the inaugural ceremony for President John F. Kennedy; and

WHEREAS, it is the desire of all members of the Legislature to express their appreciation for this accommodation:

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring therein, that we express our sincere appreciation to the management of Terry’s Appliance Company for their thoughtfulness and generosity in making it possible for the members of the Legislature to enjoy this television program which was of profound interest to every member of this body.

BE IT FURTHER RESOLVED that this resolution be spread upon the Journal of the House and the Journal of the Senate, and that the Chief Clerk of the House be, and he hereby is instructed to forward a copy thereof to Terry’s Appliance Company, Boise, Idaho.


Passed by the Senate January 28, 1961.

(H. C. R. No. 18)

A CONCURRENT RESOLUTION

PROVIDING FOR A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE FOR THE PURPOSE OF CONDUCTING A LINCOLN DAY MEMORIAL PROGRAM.

WHEREAS, it is fitting and proper that the Legislature of the State of Idaho, in respect to the Great Emancipator, hold proper memorial services to commemorate the birthday of Abraham Lincoln on February 12, 1809 now therefore,

BE IT RESOLVED by the House of Representatives of the Thirty-Sixth Session of the Legislature of the State of Idaho, the Senate concurring therein, that the House of Representatives and the Senate meet in Joint Session in the hall of the House of Representatives at the hour of 10:30 A. M., on February 11, 1961, for the purpose of holding memorial services in honor of the Great Emancipator, and
BE IT FURTHER RESOLVED that the Governor and other elective 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 previously appointed serve jointly with the Committee of the Senate previously appointed to arrange the program for such memorial services.


Passed by the Senate February 10, 1961.

(H. C. R. No. 20)

A CONCURRENT RESOLUTION


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

WHEREAS, the Lewiston Tribune, the Post-Register, the Idaho State Journal, and the Times News have made gratuitous copies of their newspapers available to all of the members throughout the Thirty-sixth Session of the Idaho Legislature,

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring therein, that the members of the Thirty-sixth Session of the Idaho Legislature now express their appreciation to the following persons and companies for making this service possible:

To the Lewiston Tribune, the Post-Register, the Idaho State Journal, the Times News, and to the owner and publisher of each of said newspapers, for making such copies available;
To the West Coast Air Lines for transporting these newspapers to Boise; and

To the Black and White Cab Company of Boise, for delivering these newspapers to the legislative chambers each morning.

BE IT FURTHER RESOLVED that the Secretary of State of the State of Idaho be, and he hereby is authorized and directed to forward copies of this resolution to the following newspapers and companies: the Lewiston Tribune, Lewiston, Idaho; the Post-Register, Idaho Falls, Idaho; the Idaho State Journal, Pocatello, Idaho; and the Times News, Twin Falls, Idaho; the West Coast Air Lines, 3201 Airport Way, Boise, Idaho; and the Black and White Cab Company, 808 Bannock, Boise, Idaho.

Passed by the House February 25, 1961.

Passed by the Senate February 27, 1961.

( H. C. R. No. 21)

A CONCURRENT RESOLUTION
PROVIDING FOR THE ADJOURNMENT OF THE 36TH SESSION OF THE IDAHO LEGISLATURE AND FIXING THE TIME FOR THE ADJOURNMENT SINE DIE.

BE IT RESOLVED by the House of Representatives of the 36th Session of the Legislature of the State of Idaho, the Senate concurring therein, that at the hour of 12:00 Noon, on March 2, 1961, the House of Representatives and the Senate of the 36th Session of the Legislature of the State of Idaho adjourn Sine Die.

Passed by the House February 27, 1961.

Passed by the Senate February 28, 1961.
SENATE JOINT MEMORIALS

(S. J. M. No. 2)

A JOINT MEMORIAL

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES, IN CONGRESS ASSEMBLED:

WE, your Memorialists, the members of the Senate and House of Representatives of the Legislature of the State of Idaho, assembled in the Thirty-Sixth session thereof, do respectfully represent that:

WHEREAS, thousands of acres of rich farm land are annually endangered by flood waters of the Kootenai River which completely inundate said lands or subject them to great percolation and seepage, and

WHEREAS, public buildings of Boundary County in the State of Idaho, and of the Village of Bonners Ferry, and of the United States, and of School District No. 101 of Boundary County, and major highways U.S. No. 95 and U.S. No. 2 and bridges thereon, having great economic and military importance to the people of the State of Idaho and of the United States, are each year endangered and damaged by flood waters of the Kootenai River, and

WHEREAS, places of commerce and service to the people of Boundary County and the State of Idaho are each spring endangered, damaged and interrupted by the rise of the Kootenai River, and

WHEREAS, all of the above has caused, and unless corrected, will continue to cause, damage to public and private property, loss of tax revenues and expenditures of public funds in battling against these flood waters amounting to millions of dollars, and

WHEREAS, this great loss can and would be averted by an upstream dam for flood control, which dam would also provide great electrical power generation both at site and downstream upon both the Kootenai and Columbia Rivers, and
WHEREAS, such a multi-purpose dam, commonly called "Libby Dam" has heretofore been recommended by the Corps of Engineers of the United States Army and authorized by the Congress of the United States, and

WHEREAS, the construction thereof has been long delayed pending agreement of the United States and Canada concerning management and regulation of the waters of the Kootenai and Columbia Rivers, which are international streams, and

WHEREAS, the International Joint Commission has announced that agreement upon these matters has been reached and which will require ratification of a treaty thereon between the United States and Canada,

NOW, THEREFORE, BE IT RESOLVED by the Thirty-Sixth session of the Legislature of the State of Idaho, now in session, the Senate and the House of Representatives concurring, that the Congress and President of the United States be respectfully petitioned to conclude and ratify a treaty between the United States and Canada providing for construction of Libby Dam upon the Kootenai River, and

BE IT FURTHER RESOLVED, that the Secretary of State of the State of Idaho be, and he hereby is, authorized and directed to forward certified copies of this Memorial to the President and Vice President of the United States, the Speaker of the House of Representatives of the Congress, and to the Senators and Representatives representing this state in the Congress of the United States.

Passed by the Senate January 13, 1961.

Passed by the House January 17, 1961.

(S. J. M. No. 3)

A JOINT MEMORIAL

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES, IN CONGRESS ASSEMBLED:

WE, your Memorialists, the members of the Senate and House of Representatives of the Legislature of the State of
Idaho, assembled in the Thirty-Sixth session thereof, do respectfully represent that:

WHEREAS, the freight rate situation is one of the two greatest contributions to the depressed lumbering industry in the Northwest — the other being Forest Service timber sales policies, and

WHEREAS, it is desirable that Congress take cognizance of the present freight rate situation, because of its inequities and adverse effects on the forest products from Idaho and the entire Northwest, and

WHEREAS, there is a pressing need for uniform motor freight rate regulations among the states, instead of the present hodgepodge of varying regulations, licensing, etc. to the end that lumber producers could turn to trucking their products to market if unable to obtain satisfactory and reasonable rail freight rates,

NOW, THEREFORE, BE IT RESOLVED by the Thirty-sixth session of the Legislature of the State of Idaho, now in session, the Senate and the House of Representatives concurring, that the Congress and President of the United States be respectfully petitioned to take cognizance of the present hodgepodge of varying regulations, licensing, etc., because of their inequities and adverse effects on the forest products and forest industries of Idaho and the entire Northwest, and

BE IT FURTHER RESOLVED, that Congress give attention to the present need for uniform motor freight rate regulations among the several states in the Northwest so that lumber producers could turn to trucking their products to market if unable to obtain satisfactory and reasonable rail freight rates, and

BE IT FURTHER RESOLVED, that the Secretary of State of the State of Idaho be, and he hereby is, authorized and directed to forward certified copies of this Memorial to the President and Vice President of the United States, to the Interstate Commerce Commission and to the Speaker of the House of Representatives of the Congress, and to the Senators and Representatives representing this state in the Congress of the United States.

Passed by the Senate January 13, 1961.

Passed by the House January 17, 1961.
TO THE HONORABLE SENATE AND HOUSE OF REPRESENTA-
TIVES OF THE UNITED STATES, IN CONGRESS ASSEM-
BLED:

WE, your Memorialists, the members of the Senate and
House of Representatives of the Legislature of the State of
Idaho, assembled in the Thirty-Sixth session thereof, do
respectfully represent that:

WHEREAS, American firms shipping lumber and wood
products to Canada for sale must pay approximately seven
times as much duty as Canadian firms exporting lumber and
wood products to the United States, it is evident that there
is great and pressing need for an equalization of United
States import duties with Canadian import duties on lumber
and wood products, and

WHEREAS, United States producers are further hurt
because Canadian mills (B. C. for example) obtain stumpage
at savings of $10.00 to $12.00 per thousand less than Idaho
mills and their wage rates will average about .50¢ per hour
less than ours in Idaho, and

WHEREAS, we currently pay 20% customs shipping
flake and particle board into Canada and charge on Canadian
products of a similar nature is understood to be much less;
a large particle board plant is now under construction in
Manitoba and news reports state that it plans to market
most of its products in the mid-western United States.

NOW, THEREFORE, BE IT RESOLVED by the Thirty-
Sixth session of the Legislature of the State of Idaho, now
in session, the Senate and the House of Representatives con-
curring, that the Congress and President of the United
States be respectfully petitioned to give immediate attention
to the problem of raising United States import duties on
lumber and wood products with those of Canada for the
same items to the end that United States producers may not
be put to disadvantage and loss by reason of the above men-
tioned conditions and that such action as may be appropri-
ate be taken immediately to protect United States producers
of lumber and wood products, and

BE IT FURTHER RESOLVED, that the Secretary of
State of the State of Idaho be, and he hereby is, authorized
A JOINT MEMORIAL

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES, IN CONGRESS ASSEMBLED:

WE, your Memorialists, the members of the Senate and House of Representatives of the Legislature of the State of Idaho, assembled in the Thirty-Sixth session thereof, most respectfully represent as follows:

WHEREAS, for many years the Army Engineers and the Bureau of Reclamation have been developing the lower Snake River and the Columbia Basin for the benefit of all the people, and

WHEREAS, it is time to build Little Goose, Lower Granite, and Lower Monumental Dams in order to supply needed power, recreation, and navigation from the Pacific Ocean to Lewiston, Idaho, and

WHEREAS, these three dams should be started and built simultaneously in order to obtain the benefits they would provide at the earliest possible future date,

NOW, THEREFORE, BE IT RESOLVED by the Senate of the Thirty-Sixth session of the Legislature of the State of Idaho, the House of Representatives concurring therein: That we urge that sufficient monies be appropriated by the Congress to start the three dams mentioned herein, and

BE IT FURTHER RESOLVED, that copies of this Memorial be sent to the United States Senate, the United States House of Representatives, and also to each member of the
A JOINT MEMORIAL

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES, IN CONGRESS ASSEMBLED:

WE, your Memorialists, the members of the Senate and House of Representatives of the Legislature of the State of Idaho, assembled in the Thirty-Sixth session thereof, do respectfully represent that:

WHEREAS, what is known as the Lower Teton Project, situated in the County of Fremont, State of Idaho, and included in the recent comprehensive study of the Snake River by the United States Bureau of Reclamation and the Corps of Army Engineers is highly essential to the uninterrupted growth and stability of Idaho Agriculture; the economic benefits thereby accumulating to this great state particularly and the United States generally being many times greater than the cost of this project, and

WHEREAS, the waters of the Teton River constitute a significant portion of the irrigation supplies available to Eastern Idaho and, indeed, all of the Snake River area and are, therefore an important part of the water resource which is the foundation of our economic and industrial strength, and

WHEREAS, if the irrigated farms of Idaho are to be maintained as secure units and survive in this technological age of specialized agriculture and its associated high operating costs, it is imperative that our present storage reservoirs be supplemented with new facilities to store the high water near its source, thereby further eliminating the danger of drought and its attendant hardships in all of the irrigated areas of the Snake River, and

WHEREAS, each succeeding Board of County Commis-
sioners has, since the creation of Madison and Fremont Counties, been confronted with the serious annual problem of the wild, ravaging Teton River, all of which conditions would be eliminated through the construction of said project, and

WHEREAS, even in years of mild snowfall in the watershed, the Teton River can be depended upon to provide at least several weeks of round-the-clock effort to protect private and public property from the flood water of the Teton. Madison County maintains eleven bridges across the Teton, two with steel spans, three re-inforced concrete and six lumber bridges. Many times, serious damage to these structures has resulted from the uncontrollable destructive force of the flooding Teton. The bridges blocked by ice jambs and the normal debris of high water become dams — forcing the flood waters out onto surrounding farming lands destroying its productive capacity for one, two or three years. The Idaho State Highway Department maintains four bridges across the Teton within the boundaries of Fremont and Madison Counties and the Union Pacific Railroad System has three. Each of these bridges has, in the past, been the source of serious trouble and great maintenance expense because of the uncontrolled flooding Teton, and

WHEREAS, each year, almost without exception, many square miles south and west of Teton City lie under water as a result of the Teton flooding, and frequently private homes and storage facilities are jeopardized. Because of the slow and meandering course of the Teton it is impossible to predict where it will strike next, and

WHEREAS, Eastern Idaho counties maintain hundreds of miles of oil road — not including State or Federal highways — the foundations become sponge-like under the saturation of flood waters so that even light loads break the mat into thousands of pieces making complete resurfacing necessary, and

WHEREAS, the benefits of flood control, irrigation and associated economic expansion has justified consideration by the Bureau of Reclamation and Corps of Army Engineers and our recommendation for construction of the Lower Teton Reservoir without delay.

NOW, THEREFORE, BE IT RESOLVED by the Thirty-Sixth session of the Legislature of the State of Idaho, now in session, the Senate and the House of Representatives concurring, that the Congress and President of the United
States be respectfully petitioned to give early consideration to and construction of the Lower Teton Reservoir with the least possible delay, and

BE IT FURTHER RESOLVED, that the Secretary of State of the State of Idaho be, and he hereby is, authorized and directed to forward certified copies of this Memorial to the President and Vice President of the United States, the Speaker of the House of Representatives of the Congress, the Department of the Interior, the United States Bureau of Reclamation, the Corps of Army Engineers and to the Senators and Representatives representing this state in the United States.

Passed by the Senate January 19, 1961.

Passed by the House January 20, 1961.

(S. J. M. No. 9)

A JOINT MEMORIAL

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES, IN CONGRESS ASSEMBLED:

WE, your Memorialists, the members of the Senate and House of Representatives of the Legislature of the State of Idaho, assembled in the Thirty-Sixth session thereof, do respectfully represent that:

WHEREAS, we believe that all monies which may in the future be paid by the federal government to the State of Idaho for the increase of teacher salaries should be disbursed under the State's educational or distribution formula, and

WHEREAS, we believe monies paid by the federal government for increases in teacher salaries should be in addition to monies provided by the State for the educational or distribution formula,

NOW, THEREFORE, BE IT RESOLVED by the Thirty-Sixth session of the Legislature of the State of Idaho, now in session, the Senate and the House of Representatives concurring, that the Congress and President of the United States be respectfully petitioned and the request made that
all monies paid by the federal government to the State of Idaho for the improvement of teachers' salaries, be paid to the Idaho State Treasurer and that such funds be deposited for distribution to public schools by using the educational or distribution formula in effect at the time such funds are received.

BE IT FURTHER RESOLVED, that the Secretary of State of the State of Idaho be, and he hereby is, authorized and directed to forward certified copies of this Memorial to the President and Vice President of the United States, the Speaker of the House of Representatives of the Congress, the United States Commissioner of Education, Washington, D. C., the State Superintendent of Public Instruction, Boise, Idaho, and to the Senators and Representatives representing this state in the Congress of the United States.

Passed by the Senate January 19, 1961.
Passed by the House February 1, 1961.

(S. J. M. No. 14)

A JOINT MEMORIAL

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES, IN CONGRESS ASSEMBLED:

We, your Memorialists, the Legislature of the State of Idaho, respectfully represent, that:

WHEREAS, the Army Corps of Engineer's 308 Review, properly denominated as House Document No. 531, Eighty-First Congress, Second Session, as the same as has been later amended and modified by Senate Document No. 51, Eighty-Fourth Congress, First Session and review of House Document No. 531, dated June, 1958 entitled Water Resource Development Columbia River Basin, clearly points out that the site of the proposed storage dam on the North Fork of the Clearwater River in Clearwater County, State of Idaho, known as Bruce's Eddy, is a great natural location for a multipurpose flood control and hydroelectric dam installation; and,

WHEREAS, Federal funds approaching $2,000,000 in
amount have been expended on studies, explorations, surveys, testing and planning of said project, the results of which have fully supported the original recommendation of the Army Corps of Engineers as contained in the above referenced documents, and,

WHEREAS, annual flood damage of considerable proportion exists on the Clearwater River, where a recurrence of the 1948 flood in the Clearwater valley, based on present conditions, but assuming protection of Lewiston by levees proposed as a part of the authorized Lower Granite Lock and Dam project on Snake River, would cause an estimated damage of $3,000,000, of which $1,500,000 would be downstream from the Bruce’s Eddy dam site; and,

WHEREAS, the potential for commercial and industrial development in the Clearwater Basin cannot be realized until substantial regulation of the flows of the Clearwater River for the prevention of flood control is effected; and,

WHEREAS, additional hydroelectric power will be required in the Columbia Basin by the years 1965 through 1970 to meet the increasing electric power demands forecasted for that period in Idaho and the Pacific Northwest; and,

WHEREAS, navigation and recreational benefits are important to the Clearwater area and to the State of Idaho; and,

WHEREAS, the Bruce’s Eddy project, as recommended by the Army Corps of Engineers, would be a multipurpose project, accomplishing the following, among other purposes:

1. *Flood Control.* Local flood damage in the Clearwater Basin would be reduced annually and major flood problems in the lower Columbia River would be importantly benefited by upstream storage as would be provided by this proposed project.

2. *Power.* A Bruce’s Eddy power plant would have, at site, an ultimate power installation in excess of 500,000 kilowatts. In addition, storage releases from Bruce’s Eddy reservoir would increase the energy generation at downstream power plants by 799,000,000 kilowatt hours annually. That the benefit to cost ratio of said project, as estimated in Senate Document 51, would be 2.14 to 1.

3. *Navigation.* The Bruce’s Eddy pool would provide important assistance in transportation of logs from the forests
to the mills which would yield an estimated benefit of $537,000 annually.

4. **Storage.** The reservoir at the project would provide about 2,000,000 acre feet of usable water storage.

5. **Recreation.** The reservoir would be about 50 miles long and will provide many and varied recreational benefits to the people of the State of Idaho;

NOW, THEREFORE, BE IT RESOLVED by the Senate of the State of Idaho, the House of Representatives concurring, that we most respectfully urge upon the Congress of the United States of America that Congress expedite such legislation as shall be required to the end that construction of the Bruce's Eddy Dam project on the North Fork of the Clearwater River in Idaho shall be authorized and construction be commenced at an early date.

BE IT FURTHER RESOLVED that the Secretary of the State of Idaho be authorized, and he hereby is directed, to immediately forward certified copies of this Memorial to the Senate and House of Representatives of the United States of America, to the Federal Power Commission, to the Secretary of Interior, and to the Senators and Representatives in Congress from this State and from the States of Montana, Washington and Oregon.

Passed by the Senate February 14, 1961.

Passed by the House February 16, 1961.

(S. J. M. No. 16)

**A JOINT MEMORIAL**

TO THE HONORABLE EARL WESTWOOD, MINISTER OF RECREATION AND CONSERVATION OF BRITISH COLUMBIA AND TO THE MEMBERS OF THE UNITED STATES DELEGATION TO THE INTERNATIONAL OLYMPIC COMMISSION:

WE, your memorialists, the members of the Senate and the House of Representatives of the State of Idaho, in legislative session assembled, most respectfully represent and petition as follows:

WHEREAS, the Province of British Columbia desires to
be the host for the X Olympic Winter Games to be conducted in 1968, and

WHEREAS, the mountains of the Pacific Northwest offer excellent opportunities for the conducting of international ski competition, and

WHEREAS, there are, in the state of Idaho, a large number of experienced and competent officials and technicians, many of whom worked at Squaw Valley during the VIII Olympic Winter Games in 1960, who have expressed a desire to help conduct an Olympic Winter Games in the Pacific Northwest, and

WHEREAS, the hosting of an Olympic Winter event in the Pacific Northwest would focus international attention on the Pacific Northwest as a winter recreational area and as an outdoor vacation center, and

WHEREAS, if the European skiers were in the Northwest for the 1968 Olympics it would give Sun Valley an excellent field for the Harriman Cup race the following week and would bring many visitors to Idaho.

NOW, THEREFORE, your memorialists endorse and support the invitation of British Columbia to the International Olympic Commission and urge that the United States delegates to the International Olympic Commission give their support to the invitation of British Columbia, and

BE IT RESOLVED that the Secretary of the State of Idaho is hereby authorized and he is hereby directed to immediately forward copies of this memorial to the Minister of Recreation and Conservation of British Columbia and to the United States delegation to the International Olympic Commission.

Passed by the Senate February 23, 1961.

A JOINT MEMORIAL

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED:

We, your Memorialists, the Legislature of the State of Idaho, respectfully represent that:

WHEREAS, The Sugar Beet Industry is a vital and integral part of the economy of the State of Idaho and of the United States of America; and

WHEREAS, the production of sugar beets in the Continental United States, as well as in Idaho, is geared to the provisions of the 1948 Sugar Act, as amended, and particularly to the stabilization of prices and control of imports from foreign countries which are effected by its provisions relating to the processing tax and Sugar Act compliance payments; and

WHEREAS, unless its effectiveness is extended, the 1948 Sugar Act, as amended, will expire on March 31, 1961, thereby forthwith depriving the sugar industry and the consumers of the customary controls and supplies and necessitating drastic economic adjustments within the industry, the State of Idaho, and the nation;

NOW, THEREFORE, BE IT RESOLVED, by the Thirty-sixth Session of the Legislature of the State of Idaho, now in session, the Senate and House of Representatives concurring, that we most respectfully urge the Congress of the United States of America, in order to avoid any lapse in the effectiveness of the provisions of the 1948 Sugar Act, as amended, to proceed at the earliest possible date to enact legislation extending the effectiveness of this Act to and including the 31st day of December, 1961.

BE IT FURTHER RESOLVED, That the Secretary of State of the State of Idaho be, and he hereby is, authorized and directed to forward certified copies of this Memorial
to the President and Vice President of the United States, 
the Speaker of the House of Representatives of the Congress, 
and to the senators and representatives representing this 
state in the Congress of the United States.

Passed by the House January 6, 1961.
Passed by the Senate January 10, 1961.

(H. J. M. No. 2)

A JOINT MEMORIAL

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTA­
TIVES OF THE UNITED STATES IN CONGRESS ASSEM­
BLED:

We, your Memorialists, the Legislature of the State of 
Idaho, respectfully represent that:

WHEREAS, The multiple-purpose use of the water re­
sources of the Snake River has become the backbone of the 
economy of Idaho during the past more than 50 years, the 
Palisades Reservoir and power plant, which is located on the 
upper Snake River near the eastern boundary of Idaho, 
being the most recent addition to this multiple-purpose use; 
and:

WHEREAS, at the time of and ever since the planning of 
the Palisades project it was and has generally been recog­
nized by the Federal Power Commission and other govern­
ment departments, as well as by many persons and groups 
interested in the development of the resources of this state, 
that the maximum benefits to the nation and to the state of 
Idaho in terms of power production and water storage for 
irrigation purposes will be attainable from the Palisades 
project only through the construction of a re-regulating dam 
downstream to link irrigation storage releases with the 
power plant of the Palisades project, and the Burns Creek 
project was designed for intergration operationally and 
financially with the Palisades project in order to attain the 
maximum of complementary benefits from both projects; 
and,

WHEREAS, there is urgent need in the state of Idaho 
for greater power production and increased reservoir ca­
pacity for the storage of water for irrigation purposes; and
WHEREAS, the Burns Creek project was determined to be feasible by the Secretary of the Interior in his report, dated February 26, 1957, and both the Department of the Interior and the Bureau of the Budget reported favorably on legislation to authorize this project by letters directed to the chairman of the Senate Committee on Interior and Insular Affairs of the 85th Congress, which committee reported favorably on the bill (S.2757) in the 85th Congress which would have authorized the construction of the Burns Creek project, and recommended that it do pass;

NOW, THEREFORE, BE IT RESOLVED, by the Thirty-sixth Session of the Legislature of the state of Idaho, 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 with all due speed to enact legislation similar to Senate Bill 2757 of the 85th Congress authorizing the construction, operation and maintenance of a re-regulating reservoir and other works at the Burns Creek site in the upper Snake River Valley, Idaho, and to implement such authorization with necessary appropriations.

BE IT FURTHER RESOLVED, That the Secretary of State of the State of Idaho be, and he hereby is, authorized and directed to forward certified copies of this Memorial to the President and Vice-President of the United States, the Speaker of the House of Representatives of the Congress, and to the senators and representatives representing this state in the Congress of the United States.

Passed by the Senate January 26, 1961.

(H. J. M. No. 3)

A JOINT MEMORIAL
TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED:

We, your memorialists, the Legislature of the State of Idaho, respectfully represent that:
WHEREAS, the sharp decline in our nation's monetary reserves in recent years and the accelerated rate of that decline in recent months has invited world-wide scrutiny of U.S. monetary policies; and

WHEREAS, the continuing international drain on our gold supply, coupled with the recent increase in speculative buying in world markets, suggests a growing lack of confidence in the stability of the dollar both at home and abroad; and

WHEREAS, this loss of prestige of the dollar can be attributed in large measure to the erosion of its value during the past 25 years which has resulted from the virtual abandonment on a domestic basis of our traditional and time-tested hard-money policies in favor of managed paper currency supported internally by little more than confidence in the government; and

WHEREAS, the drop in gold reserves has been accompanied by a steady dissipation of Treasury "free" silver supplies through sales to industrial users of the metal at prices below those prevailing in world markets; and

WHEREAS, this policy of selling Treasury "free" silver has not only accentuated the problem of monetary solvency but also effectively maintained an artificial ceiling on the open market price to the disadvantage of domestic silver producers; and

WHEREAS, the world-wide responsibilities which this nation has assumed require that we adhere to sound hard-money policies and maintain a currency that is virtually impregnable to the continuing stresses and periodic shocks of international unrest and dissension;

NOW, THEREFORE, BE IT RESOLVED By the Thirty-sixth Session of the Legislature of the State of Idaho, now in session, the Senate and House of Representatives concurring, that we respectfully urge the Congress of the United States to reassert its constitutional control over our national monetary policies and restore the integrity of the dollar throughout the world by proceeding with all deliberate haste to enact legislation that will:

1. Reaffirm this nation's historical and traditional confidence in gold and silver as monetary metals by fixing the ratio at which the dollar and gold will be made fully convertible and establishing the procedures for orderly restoration of the gold standard.
2. Abolish all restrictions on the purchase, sale and ownership of gold by U. S. citizens.

3. Terminate immediately all sales of gold and silver to industrial users and require the Treasury to retain all monetary stock of both metals exclusively for monetary purposes.

4. Amend the Act of July 31, 1946, to eliminate the seigniorage charge of 30 per cent on purchases of silver and thus stimulate production of this metal to assure a continuing supply to our nation.

5. Take cognizance of the increased cost of producing gold in this country by raising the price paid to domestic producers for newly-mined gold.

6. Require the executive department, as part of its foreign policy, to encourage and assist other governments to restore gold and silver coinage and currencies convertible into gold as their circulating mediums and standards of value.

BE IT FURTHER RESOLVED, That the Secretary of State of the State of Idaho be, and he hereby is, authorized and directed to forward certified copies of this Memorial to the President and Vice-President of the United States, the Speaker of the House of Representatives of the Congress, and to the senators and representatives representing this state in the Congress of the United States.


Passed by the Senate February 6, 1961.

(H. J. M. No. 4)

A JOINT MEMORIAL

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED:

We, your memorialists, the Legislature of the State of Idaho, respectfully represent that:

WHEREAS, the development and utilization of Idaho’s abundant mineral resources has always been and must continue to be one of the principal bulwarks of the state’s economy, providing not only a source of employment and income
but also a sound base for tax revenues and substantial market outlet for agricultural and manufactured products in mining areas; and

WHEREAS, this basic and essential mining industry has for several years been confronted with adverse economic conditions so severe that many major metal mining enterprises in the state, involving the production of antimony, tungsten, cobalt and other strategic metals, have been forced out of business, and many others, including our large lead and zinc producers, are being reduced to the status of marginal operations; and

WHEREAS, the cause of this serious predicament of our mining industry can be traced to governmental policy which stimulates the development and exploitation of foreign mineral resources and permits relatively free access of this low-cost foreign production to U.S. markets; and

WHEREAS, this policy if continued will not only threaten the economic survival of Idaho's metal mining industry, but will also impose a serious handicap on our nation's capacity for providing from domestic sources the basic requirements for national defense; and

WHEREAS, the executive department of the federal government and both major political parties, as well as the Conference of Western Governors, have officially recognized the necessity for maintaining a domestic mining industry that is sufficiently progressive and vigorous to assure a minerals mobilization base adequate for national preparedness and security; and

WHEREAS, past efforts by the federal government to alleviate the depressed conditions which prevail in various segments of the domestic mining industry by means of short-range programs and temporary expedients such as stockpiling and quota limitations have proved ineffective and inadequate;

NOW, THEREFORE, BE IT RESOLVED, By the Thirty-sixth Session of the Legislature of the State of Idaho, now in session, the Senate and the House of Representatives concurring, that we respectfully urge the Congress of the United States and the executive department of the Federal Government to develop and adopt as soon as possible a national minerals policy that will guarantee a strong and healthy domestic mining industry by assuring domestic producers a fair and equitable share of domestic metal markets.
We recommend that this policy be implemented by more effective enforcement of the Anti-Dumping Laws, and by the imposition of adequate duties on metals and mineral imports to be applied only if and when the price of the metals fall below the peril point level that is required to maintain a sound and healthy domestic mining industry.

BE IT FURTHER RESOLVED, That the Secretary of State of the State of Idaho be, and he hereby is, authorized and directed to forward certified copies of this Memorial to the President and Vice-President of the United States, the Speaker of the House of Representatives of the Congress, and to the senators and representatives representing this state in the Congress of the United States.


Passed by the Senate February 6, 1961.

(H. J. M. No. 5)

A JOINT MEMORIAL

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED:

We, your Memorialists, the Legislature of the State of Idaho, respectfully represent that:

WHEREAS, The firm and consistent intent of the Congress of the United States to protect the livestock of this country from the introduction or dissemination of the contagion of any diseases of animals imported from foreign countries has been repeatedly declared through a series of congressional enactments commencing as early as the year 1890; and

WHEREAS, pursuant to these acts of Congress stringent regulations have necessarily been adopted by the Department of Agriculture of the United States, and ports of entry have been established at entry points along the international borders of the United States, where careful clinical and biological examinations are made, and animals showing evidence of the contagion of any diseases are sent back to the place of origin, destroyed, or quarantined pending the re-
sults of tests, thereby eliminating the principal danger of the exposure of livestock of the United States to such diseases; but

WHEREAS, shipments of cattle are regularly permitted to be shipped across the Canadian border into the United States from Canada, by rail, without such inspection, through the Eastport, Idaho, port of entry on the northern border of Idaho, through Boundary, Bonner and Kootenai Counties in the state of Idaho, and through Spokane County in the state of Washington, and into the stockyards at Spokane, Washington, approximately 150 miles from the Canadian border, before they are given a health inspection by the United States Department of Agriculture, thus unnecessarily and unjustifiably exposing to the contagion of diseases livestock in all of said portions of the states of Idaho and Washington, as well as livestock at the Spokane stockyards from which livestock are shipped daily to many points in the Midwest and other places in the United States, all of which is directly contrary to the frequently expressed intent of the Congress of the United States; and

WHEREAS, your memorialists have been informed, and believe, that this is the only place in the United States where such a flagrant deviation from the frequently expressed policy of the Congress of the United States has been unjustifiably tolerated, and where the Department of Agriculture has persisted in its failure and refusal to adhere to the intent and purpose of Congress to protect all domestic areas of the United States uniformly from the serious and continuous hazard and threat of contagion to livestock in the United States of diseases which may be imported by livestock shipped from other countries, despite repeated and urgent protests from the cattlemen's associations, Chambers of Commerce, and other interested people and groups in the states of Idaho and Washington;

NOW, THEREFORE, BE IT RESOLVED, by the Thirty-sixth Session of the Legislature of the State of Idaho, now in session, the Senate and House of Representatives concurring herein, that we most respectfully urge the President of the United States of America, the Secretary of the Department of Agriculture, and the Senators and Representatives representing the states of Idaho and Washington in the Congress of the United States to take prompt action to correct the injustice and hazards to which the people and livestock of the named counties of the states of Idaho and Washington, and other areas of the United States, are subjected
as a result of the discriminatory practices aforesaid, by
forthwith requiring that all livestock which are transported
from Canada into the United States by rail through the
Eastport, Idaho, port of entry, without exception, be sub­
jected at said port of entry, and before entry into the United
States is permitted, to the same thorough clinical and bio­
logical examinations required to be given all livestock im­
ported by other means through this port of entry and at all
other border points of entry throughout the United States
of America; and

BE IT FURTHER RESOLVED, that the Secretary of
State of the State of Idaho be, and he hereby is authorized
and directed to forward certified copies of this memorial to
the President of the United States, to the Secretary of the
Department of Agriculture of the United States, and to the
Senators and Representatives representing the states of
Idaho and Washington in the Congress of the United States.

Passed by the Senate January 28, 1961.

(H. J. M. No. 6)

A JOINT MEMORIAL

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTA­
TIVES OF THE UNITED STATES IN CONGRESS ASSElV[­
BLED:

We, your Memorialists, the Legislature of the State of
Idaho, respectfully represent that:

WHEREAS, the economy of the State of Idaho is based
upon its agriculture, lumber, mining, sheep and cattle indus­
tries, and the use of its waters for irrigation and hydro­
electric power; and

WHEREAS, approximately two-thirds of the land area
of the State of Idaho is Federally owned and contains ap­
proximately three million acres set aside for primitive and
wilderness areas; and

WHEREAS, these designations are restrictive to full util­
ization and deny to the natural resources industries of the
State of Idaho the right to wisely develop the natural re-
sources contained in these large primitive and wilderness areas of the State and further deny ready access to these areas to millions of American citizens, all to the detriment of said industries and to the people of the State of Idaho; and

WHEREAS, one of the great potential industries of the State of Idaho is its tourist trade and wild life attractions,

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, State of Idaho, the Senate concurring, that we are most respectfully opposed to the dedication of additional lands as primitive or wilderness areas in the State of Idaho and respectfully request that all primitive and wilderness areas in the State of Idaho be reviewed and studied with the view of eliminating all lands which have a higher or greater multiple use potential than that of single use dedication as primitive or wilderness; and

BE IT FURTHER RESOLVED, that we oppose Federal enactment of future wilderness legislation embodying the principle of locked-up areas for single purpose use which would deny to the natural resources industries the right to wisely develop such natural resources and would also be to the detriment of said industries and to the people of the State of Idaho; and

BE IT FURTHER RESOLVED, that the present agencies administering all Federal lands do so with the view of developing the full multiple use of the lands to further the general welfare and the economy of the State of Idaho.

BE IT FURTHER RESOLVED, that the Secretary of State of the State of Idaho be authorized and he is hereby directed to immediately forward certified copies of this memorial to the Senate and the House of Representatives of the United States of America, the Secretary of Interior, the Secretary of Agriculture, and to the Senators and Representatives in Congress from this state.

BE IT FURTHER RESOLVED, that the Secretary of State of the State of Idaho be authorized and he is hereby directed to immediately forward certified copies of this memorial to the Speaker of the House and to the President of the Senate of the following states: Washington, Oregon, California, Montana, Utah, Wyoming, Colorado, Nevada, Arizona, New Mexico, North Dakota and South Dakota, and
that these states are hereby urged to take similar action in their respective legislative bodies.


Passed by the Senate February 6, 1961.

(H. J. M. No. 7)

A JOINT MEMORIAL

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES, IN CONGRESS ASSEMBLED:

We, your Memorialists, the members of the Senate and House of Representatives of the Legislature of the State of Idaho, assembled in the Thirty-sixth Session thereof, do respectfully represent that:

WHEREAS, the Lewis & Clark Expedition traversed North Central Idaho on its way to the Pacific Coast on its famous overland journey from St. Louis in the fall of 1805 and traversed the same area on its return trip in the spring and summer of 1806, thereby laying claim to the Oregon Country for the United States of America; and

WHEREAS, the Lewis & Clark Expedition was encamped in the Clearwater Valley near the present city of Kamiah on their return journey from May 10 to June 10, 1806 while awaiting favorable weather conditions for the crossing of the mountains, during which time the expedition was greatly aided by the friendship and hospitality of the Nez Perce Indians encamped in that valley; and

WHEREAS, on Sunday, the 11th day of May, 1806, a great council was held by Lewis & Clark with the four principal chiefs of the Nez Perce Nation, representing most of the bands of these Indians, in which the intentions, purposes and attitudes of the people of the United States and of their government toward the Indian people were so satisfactorily explained, interpreted and understood, although expressed through the medium of five languages, namely, English, French, Minnatarea, Shoshone and Nez Perce, with such accuracy, sincerity and good will, both on the part of speakers and hearers, that the bands of the Nez Perce Nation
represented at the council remained ever faithful and loyal to the United States of America; and

WHEREAS, the period of this encampment by the Lewis & Clark Expedition in the Clearwater Valley in the heart of the Nez Perce Indian Country was the longest encampment by the members of the expedition between Winter Headquarters on the Missouri River and Fort Clatsop on the Pacific Coast; and

WHEREAS, a suitable permanent memorial of such encampment is considered to be proper, fitting and essential to the preservation and perpetuation of the significance of the Lewis & Clark Expedition in securing the Pacific Northwest as an integral part of the United States of America; and

WHEREAS, the portion of the Lewis & Clark Highway located within the State of Idaho will be completed in the fall of 1961 and suitable lands for such a memorial should be acquired in the near future at or near the site of their encampment at Kamiah;

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the Thirty-sixth Session of the Legislature of the State of Idaho, the Senate concurring therein, that we most respectfully urge upon the Congress of the United States of America that serious consideration be given to taking the necessary action to authorize the National Park Service of the United States to make a survey and study of the area, its historic background and possible sites in the Clearwater Valley to determine the advisability of such a memorial and monument; and

BE IT FURTHER RESOLVED, that the Secretary of the State of Idaho is hereby authorized and he is hereby directed to forward immediately certified copies of this Memorial to the Senate and the House of Representatives of the United States of America, to the Senators and Representatives in Congress from this state, and to The Honorable Robert E. Smylie, Governor of the State of Idaho and to each of the State Senators and Representatives from the counties of Lewis, Clearwater, Idaho, Latah and Nez Perce now attending the session of the Legislature of the State of Idaho at Boise, Idaho; and

BE IT FURTHER RESOLVED, that a copy of this reso-
A JOINT MEMORIAL

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED:

We, your Memorialists, the members of the House of Representatives and Senate of the State of Idaho, assembled in the Thirty-Sixth Session thereof, do respectfully represent that:

WHEREAS, the State of Idaho and other states of the United States of America, having within their borders large tracts of public lands, are confronted with difficult fiscal problems in connection with the operation of local governments; and

WHEREAS, this difficulty is to a great extent in states having large federal holdings caused by ever increasing cost of local government coupled with proportionately decreasing revenue received from the sale of products from federally owned lands; and

WHEREAS, distribution is now made only from the stumpage value of the timber in the sale of logs, ties, poles, cordwood, pulpwood and other forest products and not from the total amounts generating from the sale of such products. These amounts include many additional items such as Knudsen-Vandenberg funds, slash disposal funds, erosion control funds and others;

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives, State of Idaho, the Senate concurring, that we most respectfully urge the Congress of the United States of America to enact legislation directing that twenty-five per cent (25%) of all moneys received during any fiscal year from each national forest shall be paid, at the end of such year, by the Secretary of the Treasury to the State
Treasurer, to be distributed to the counties in which such national forest is situated, such funds to be distributed in lieu of taxes and expended for the benefit of public schools and public roads. When any national forest is in more than one State or county, the distributive share to each from the sale of logs, ties, poles, posts, cordwood, pulpwood, and other forest products, the amounts made available by this paragraph shall be based upon the total receipts in connection with such sales received from the purchasers.

BE IT FURTHER RESOLVED, that the Secretary of the State of Idaho is hereby authorized and he is hereby directed to immediately forward certified copies of this Memorial to the Senate and House of Representatives of the United States of America, to the Senators and Representatives in Congress from this state, and

BE IT FURTHER RESOLVED, that the State of Idaho respectfully requests that the Legislators of Washington, Oregon, California, Montana, Utah, Wyoming, Colorado, Nevada, Arizona, New Mexico, North Dakota, South Dakota, Alaska and Hawaii be informed of this action on the part of the Idaho Legislature and are hereby urged to take similar action in their state legislatures, such communication to be sent to the Speaker of the House and the President of the Senate of the above states along with a copy of this Memorial.

Passed by the House February 20, 1961.

Passed by the Senate February 24, 1961.

(H. J. M. No. 10)

A JOINT MEMORIAL

TO THE HONORABLE JOHN F. KENNEDY, PRESIDENT OF THE UNITED STATES, AND TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED:

We, your memorialists, the Legislature of the State of Idaho, respectfully represent that:

WHEREAS, the sheep industry of the United States has
for the past several years sought adequate protection from excessive imports from low wage foreign countries; and

WHEREAS, definite relief for the sheep industry was unanimously recommended by the National Wool Growers Association in accordance with the "escape clause" provisions of the Trade Agreements Act, which recommendation was preceded by a thorough investigation made by the United States Department of Agriculture upon the request of the industry, the Congress and the Administrative Officials; and

WHEREAS, the sheep industry situation is simply an example of the serious difficulty which any domestic industry might experience under the present Trade Agreements Act or extension thereof; and

WHEREAS, the policies and practices in the field of international trade, which have resulted in such harm to the domestic sheep industry and to the domestic economy, present a threat to all domestic industry involved in international trade; and

WHEREAS, imports of wool cloth and wool clothing are of such quantities they are depressing our markets and causing serious unemployment in cloth and clothing manufacturing areas; and

WHEREAS, imports of wool cloth and wool clothing and lamb and mutton, both frozen and live, from foreign countries with low-living standards have demoralized our domestic markets to the extent that we cannot compete with these countries; and

WHEREAS, if these excessive imports continue, our domestic sheep industry faces complete destruction; and

WHEREAS, these excessive imports forced upon the sheep and wool-growers of Idaho during this past calendar year, have meant a net loss from three to five dollars per head in a State which has over one million sheep; and

WHEREAS, economic conditions in the sheep industry appear worse for this calendar year than they were the last calendar year; and

WHEREAS, the sheep industry is experiencing the lowest prices for lamb, mutton and wool since prior to World War II; and

WHEREAS, the New Zealand Development Company
from New Zealand alone plans to ship into the United States at least sixteen million pounds of dressed lamb in the year 1961 and plans to increase this figure to twenty-five million pounds in the year 1962; and

WHEREAS, New Zealand alone is currently shipping into the United States around forty-five million pounds of dressed mutton and when added to the planned increase in imports for the year 1962, a total of seventy million pounds of lamb and mutton is computed for New Zealand alone, which is about ten per cent of the entire United States domestic production; and

WHEREAS, added to the New Zealand imports, the imports from Australia, Iceland and other foreign countries, all with low costs of production, will dump into the United States poundage of lamb and mutton measured in near astronomical figures which will completely destroy our domestic sheep industry; and

WHEREAS, Japan is the largest purchaser of wool from Australia and is manufacturing this wool into cloth and then shipping it into the United States after developing its textiles manufacturing industry through the aid of United States' money, has led to the closing of our domestic wool clothing manufacturing mills to such an extent that much unemployment has been caused; and

WHEREAS, because of excessive imports of manufactured cloth and clothing causing serious unemployment conditions, some textile workers have refused to sew clothes made from imported foreign cloth.

NOW, THEREFORE, BE IT RESOLVED By the Thirty-Sixth Session of the Legislature of the State of Idaho, now in session, the Senate, the House and the Governor concurring, that we respectfully urge upon the Congress of the United States that drastic and immediate action be taken for the relief from the vast and ever increasing quantities of meat and meat products, hides, wool, woolens and any such other related products as have flooded our domestic markets to the point of ruin to our own sheep raising, processing and wool manufacturing industries.

BE IT FURTHER RESOLVED, By the Thirty-Sixth Session of the legislature of the State of Idaho, now in session, the Senate, the House and the Governor concurring, that we believe that it is fitting and proper for citizens of this State and of the United States to exercise the right of petition,
if and when injury to their persons or property is actual or imminent. We, therefore, respectfully petition the High Office of the President of the United States for drastic and immediate relief from the vast and ever increasing quantities of meat and meat products, hides, wool, woolens and any such other related products as have flooded our domestic markets to the point of ruin to our own sheep raising industry. As a means to this end, we pray you, Mr. President, to act at once under the terms of the escape or peril point clause to the Trade Agreements Act. We further recommend that the Trade Agreements Act of 1934 be permitted to expire.

BE IT FURTHER RESOLVED, That quotas on imports of dressed and live animals, as well as wool, woolens and other meat animal products, be enacted until domestic prices are at an economic level. Such quotas would permit the domestic livestock industry to: Maintain adequate numbers for national security; Compete with foreign imports produced in low wage foreign countries; Return to its former status of employment and production; Retain its skilled livestock producing personnel; And engage in the development work vitally necessary to future availability of food and fiber.

BE IT FURTHER RESOLVED, That the Secretary of State of the State of Idaho be, and he is hereby authorized and directed to send copies of this Joint Memorial to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives of the Congress, the Committee of Ways and Means of the House of Representatives of the Congress, the Finance Committee of the Senate of the Congress, the Honorable Secretary of Agriculture of the United States and to the senators and representatives representing this State in the Congress of the United States.

Passed by the House February 25, 1961.

Passed by the Senate February 27, 1961.
CERTIFICATE OF SECRETARY OF STATE

UNITED STATES OF AMERICA,  
STATE OF IDAHO

I, ARNOLD WILLIAMS, Secretary of State 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 Legislature of the State of Idaho at the Thirty-sixth Session thereof, which convened January 2, 1961, and adjourned March 2, 1961, 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 4th day of April, 1961.

Arnold Williams  
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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(Compiled by Attorney for the House)

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STATE ELECTIVE OFFICIALS
TERM 1959-1963

Governor .................................... Robert E. Smylie (R) ...................... Boise
Lieutenant Governor ............... W. H. (Bill) Drevlow (D) .......... Craigmont
Attorney General ................. Frank L. Benson (D) .................. Pocatello
Secretary of State ............. Arnold Williams (D) .............. Idaho Falls
State Treasurer ...................... Rulon Swenson (R) .......... Boise
Supt. Public Instruction ...... D. F. Engelking (D) ....... Blackfoot
Inspector of Mines ............... George D. Fletcher (D) .......... Mullan

STATE LEGISLATIVE OFFICERS

President Pro-tem of Senate .. A. W. Naegle (R) ...................... Ucon
Speaker of the House .......... W. D. (Bill) Eberle (R) .............. Boise
Secretary of the Senate .......... Arthur Wilson (R) ........... Cambridge
Chief Clerk and
Parliamentarian ................. Robert H. Remaklus (R) .......... Cascade

SUPREME COURT OF IDAHO

CHIEF JUSTICE
C. J. Taylor, Idaho Falls

JUSTICES
E. B. Smith, Boise  Henry F. McQuade, Pocatello
E. T. Knudson, Coeur d'Alene  Joseph J. McFadden, Hailey

CLERK OF THE COURT — L. J. Bideganeta, Boise

CONGRESSIONAL DELEGATION

U. S. Senator ....................... Frank Church (D) ................... Boise
U. S. Senator ...................... Henry C. Dworshak (R) .......... Burley
Representative (1st District) .. Gracie Pfost (D) ............... Nampa
Representative (2nd District) Ralph R. Harding (D) .......... Blackfoot
## MEMBERS OF THE STATE LEGISLATURE
### IDAHO STATE SENATORS
(Thirty-Sixth Session)

**ELECTED Nov. 8, 1960 — TERM OF OFFICE: DEC. 1, 1960 TO DEC. 1, 1962**

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# Members of the State Legislature

**Idaho State Representatives**

*(Thirty-Sixth Session)*


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